

The Honorable Bob Goodlatte
Chairman
House Committee on the Judiciary

The Honorable John Conyers
Ranking Member
House Committee on the Judiciary

October 31, 2017

Dear Chairman Goodlatte, Ranking Member Conyers, and Members of the House Judiciary Committee:

We, the 27 undersigned civil liberties, civil rights, and transparency organizations, respectfully urge members of the House Judiciary Committee to oppose the USA LIBERTY Act when it is marked up by committee unless it closes the so-called “backdoor search loophole” through which the government searches—without first obtaining a court-issued warrant based on probable cause—for information about U.S. persons or persons inside the U.S.

As former Senate Intelligence Committee Chair Dianne Feinstein said this past week concerning her amendment to close the loophole: “The Supreme Court has consistently ruled that a warrant is required prior to accessing the content of an American’s phone calls or emails.”¹ “It’s important that before law enforcement accesses these private emails, they first get a warrant as required under the 4th Amendment of the Constitution.”² The House Judiciary Committee should report legislation that exceeds the low bar set by Sen. Feinstein.

To protect our liberty and respect our constitutional rights, any legislation reported by committee should close the backdoor search loophole. The USA RIGHTS Act, which 42 organizations endorsed,³ provides a model (and legislative language) for how this can be accomplished.

¹ “Intelligence Committee Votes Down Section 702 Warrant Requirement Amendment,” Press Release, Sen. Dianne Feinstein (October 24, 2017), available at <https://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=C4A6499F-F3F6-4980-9778-8C5CE8C4B9A9>.

² Id.

³ Letter to the Senate endorsing the USA RIGHTS Act (October 24, 2017), available at https://s3.amazonaws.com/demandprogress/letters/Letter_from_42_Orgs_in_Support_of_USA_RIGHTS_Act_2017-10-24.pdf.

Sincerely yours,

Advocacy for Principled Action in Government
American Library Association
American-Arab Anti-Discrimination Committee
Association of Research Libraries
Campaign for Liberty
Center for Human Rights and Privacy
Color Of Change
Constitutional Alliance
CREDO Action
Demand Progress Action
Essential Information
FirstAmendment.com
Free Press Action Fund
Government Accountability Project
Government Information Watch
Media Alliance
National Center for Transgender Equality
National Coalition Against Censorship
Oakland Privacy
OpenTheGovernment
People for the American Way
Restore The Fourth
RootsAction.org
Sunlight Foundation
The Center for Popular Democracy
X-Lab
Yemen Peace Project