

June 4, 2002

Chairman Patrick J. Leahy
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Senator Orrin Hatch
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy and Senator Hatch:

We write to you on behalf of a broad range of organizations across the country about the decision of the Attorney General to loosen the guidelines that restrict the surveillance of religious and political organizations in the United States. This decision raises matters of Constitutional authority that require immediate Congressional attention. We do not believe that the Attorney General has the legal authority to pursue domestic spying. Your hearing this week provides a critical opportunity to assess the impact of the Attorney General's new guidelines.

We are particularly concerned about elements of the guidelines that appear to give the FBI the authority to search through electronic databases without satisfying any legal standard or requiring any judicial review. Such an approach to police authority in the United States is directly contrary to the First and Fourth Amendment and the system of checks and balances established by our form of government.

We are also concerned that the changes authorize unchecked surveillance of lawful religious and political activity, and that such surveillance will be targeted against Arab-Americans, Muslims and immigrants among others.

We urge you to consider the following issues at your hearing this week:

- How will the changes proposed by the Attorney General impact the First Amendment freedoms of political and religious organizations in the United States?
- What is the legal basis for the Attorney General's decision and how does this decision compare with his current authority?
- What means of Congressional oversight will be created to prevent abuse and what means of public reporting will be established to ensure that the public is fully informed about these activities?

- For what period of time does the Attorney General anticipate the FBI will operate with this authority?

We would be pleased to work with you and your staff on this important matter.

Sincerely,

Marc Rotenberg
Executive Director
Electronic Privacy Information Center

Nan Aron
President
Alliance for Justice

Kareem Shora
Legal Advisor
American-Arab Anti-Discrimination Committee (ADC)

Laura W. Murphy
Director Washington Office
American Civil Liberties Union

Paula Johnson
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Emily Sheketoff, Executive Director
American Library Association Washington Office

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Executive Director
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Privacy Rights Clearinghouse

Manjit Singh
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[through June 4, 2002]