

January 30, 2006

The Honorable F. James Sensenbrenner, Jr.  
Chairman  
Committee on the Judiciary  
United States House of Representatives  
Washington, D.C. 20515

The Honorable John Conyers, Jr.  
Ranking Member  
Committee on the Judiciary  
United States House of Representatives  
Washington, DC 20515

Dear Chairman Sensenbrenner and Ranking Member Conyers:

We represent organizations from across the political spectrum that share a commitment to ensuring our nation's security in a manner consistent with the Bill of Rights and the rule of law.

We are very concerned about the recent reports that the National Security Agency has been engaged in secret electronic surveillance, without court order, of the international communications of Americans.

We urge that you undertake a thorough and comprehensive inquiry by the Committee on the Judiciary into domestic surveillance program(s).

Such an inquiry is urgently needed to determine: (a) the number of programs that exist or existed and the nature and scope of each program; (b) how the decision was made to undertake the program(s) and what basis or bases were advanced for its legality (when it was initiated and as it evolved); (c) what were the criteria and triggers for collection or analysis and how they differed from those in effect prior to 9/11; (d) whether the Congress was informed of the program in accordance with law; (e) whether, as we believe, laws were violated and, if so, who bears responsibility for such violations; and (f) what information was obtained, whether it was shared with other agencies, and once obtained, how the information was used and stored, whether by the NSA or other agencies.

Specifically, we urge the House Judiciary Committee to:

- (1) Conduct thorough and comprehensive hearings into these matters, with all such hearings open to the public and the press except where closure is essential to enable the committee to hear testimony regarding classified information or to prevent disclosure of such information;

- (2) Direct its staff to conduct a thorough and comprehensive investigation into the legal and factual circumstances of the surveillance program(s), using all the investigative tools available to the Committee;
- (3) Seek, and where necessary, compel, the disclosure, sufficiently far in advance of the hearings to enable review by Members and committee staff, of all executive branch orders, directives, memoranda and other documents that are relevant to their inquiries, with such documents to be made available to the public and the press except to the extent necessary to prevent disclosure of classified information; and
- (4) Adopt procedures to enable government witnesses to testify without fear of retaliation.

We believe it is essential that the Judiciary Committee exercise its jurisdiction over foreign intelligence surveillance activities by undertaking this inquiry. Such an inquiry will do much to restore the confidence of the American people in those entrusted with the care of our democracy.

Sincerely,

American-Arab Anti-Discrimination Committee  
American Civil Liberties Union  
American Friends Service Committee  
American Progress Action Fund  
Amnesty International USA  
Arab Community Center for Economic and Social Services  
Bill of Rights Defense Committee  
Center for Democracy and Technology  
Center for Financial Privacy and Human Rights  
Center for National Security Studies  
Common Cause  
Constitution Project  
Darfur Alert Coalition  
Democrats.com  
Electronic Frontier Foundation  
Electronic Privacy Information Center  
Fairfax County Privacy Council  
First Amendment Fund  
Federation of American Scientists  
Friends Committee on National Legislation  
Hate Free Zone Washington  
League of United Latin American Citizens  
Liberty Coalition  
MoveOn.org Political Action  
Muslim Advocates

Muslim Public Affairs Council  
National Association of Criminal Defense Lawyers  
National Committee Against Repressive Legislation  
National Lawyers Guild – National Office  
National Network for Arab American Communities  
National Security Whistleblowers Coalition  
Open Society Policy Center  
Patriots to Restore Checks and Balances  
People for the American Way  
Privacy Activism  
Republican Liberty Caucus  
Rutherford Institute  
United for Peace and Justice  
U.S. Bill of Rights Foundation  
The Multiracial Activist  
World Privacy Forum