

January 30, 2006

The Honorable Arlen Specter
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Patrick Leahy
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senators Specter and Leahy:

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.

As you know, recent reports have revealed that the National Security Agency has been engaged in secret electronic surveillance, without court order, of the international communications of Americans.

We share the "grave doubts" that Senator Specter has expressed about the legality of the surveillance program(s), and we thank you for convening an initial hearing into this matter. It is our hope that this hearing will mark the beginning of 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 Senate 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. The Committee has a strong tradition of bipartisan staff investigations, including the inquiry into FISA implementation failures which you conducted in cooperation with Senator Grassley, and the exemplary investigation carried out under your leadership in connection with the tragic events at Ruby Ridge.

We respectfully request that you undertake a comparable inquiry into the NSA surveillance programs. 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