

March 8, 2007

Honorable Silvestre Reyes
Chairman
House Permanent Select Committee on Intelligence
United States House of Representatives
H-405 Capitol Building
Washington, D.C. 20515

Honorable Pete Hoekstra
Ranking Member
House Permanent Select Committee on Intelligence
H-405 Capitol Building
Washington, D.C. 20515

Dear Chairman Reyes and Ranking Member Hoekstra,

We the undersigned organizations urge you not to include section 310 from the Senate Intelligence Authorization Act (S 372) in the Intelligence Authorization bill. Section 310 would amend the Privacy Act in a way that would dramatically expand Pentagon data-mining operations against American citizens. No public record has been established concerning the need for any such amendment and the Congress has not considered the threat to Americans' privacy that would be posed by the provision. .

Section 310 would exempt all 15 agencies of the Intelligence Community – including the DoD and the CIA – from the provision of the Privacy Act that generally prohibits government agencies from obtaining records on Americans from other federal agencies without their consent. It would also prevent individuals from learning what information the Intelligence Community has obtained about them and from correcting that information.

Section 310 would eliminate key legal restrictions meant to ensure that Americans' privacy is not threatened by Pentagon domestic intelligence activities. It would permit the Defense Department (and the CIA) to secretly access vast troves of personal information on Americans collected by the FBI or other agencies. The provision is particularly troubling in light of recent revelations about the widespread use of national security letters by the FBI to collect sensitive records on thousands of innocent Americans. Section 310 would permit the wholesale transfer of all such records to Defense intelligence and CIA databases. Section 310 would thereby allow the building of computerized dossiers on millions of Americans.

There are serious privacy and civil liberties issues raised by allowing the Defense Department and CIA wholesale access to databases of sensitive information on Americans, issues far beyond the concerns raised by FBI access. While counter-terrorism information may need to be shared between the FBI and Defense and the CIA, this change to the Privacy Act, with its low “relevance” standard, does not require focused necessary sharing, but simply facilitates the building of giant databases to be data-mined.

The Pentagon should not be given access to records on the domestic activities of Americans before the Congress has examined the need for such powers or the implications of such new authorities on the right to privacy. The three-year sunset and reporting requirements are not adequate privacy protections as the harm will have occurred during that time and will not easily be undone.

The Congress must pause and evaluate these extraordinary changes before adopting them. For that reason, we urge you not to include any such provision in the Intelligence Authorization bill.

Sincerely,

Center for National Security Studies

Council on American-Islamic Relations

U.S. Bill of Rights Foundation

Bill of Rights Defense Committee

Electronic Frontier Foundation

American Civil Liberties Union

Center for Democracy and Technology

Privacy Activism

People For the American Way

Friends Committee on National Legislation

DownsizeDC.org

Open Society Policy Center

American-Arab Anti-Discrimination Committee (ADC)

Disciples Justice Action Network

National Association of Criminal Defense Lawyers

League of Women Voters of the United States

Unitarian Universalist Association of Congregations

Unitarian Universalist Service Committee (UUSC)

Defending Dissent Foundation

Liberty Coalition