October 9, 2013

The Honorable Mike Thompson
US House of Representatives
231 Cannon House Office Building
Washington, DC  20515

Dear Representative Thompson,

On behalf of the undersigned organizations committed to openness and accountability, we are writing to thank you for your interest in improving oversight of the National Security Agency’s (NSA) surveillance programs, and to urge you to strengthen H.R. 3103, the Intelligence Oversight and Accountability Act of 2013, by making sure the public understands how the government is interpreting the law.

H.R. 3103 improves Congressional oversight by requiring the Attorney General (AG) to share with the Senate Select Committee on Intelligence, the House Permanent Select Committee on Intelligence, and the House and Senate Judiciary Committees all Foreign Intelligence Surveillance Court (FISC) decisions, orders or opinions that include a denial of an Intelligence Community (IC) IC request, a modification of an IC request, or results in a change to any legal interpretation of the Foreign Intelligence Surveillance Act (FISA). This change will eliminate the AG’s discretion regarding whether a FISC opinion includes a “significant construction or interpretation of the law” and therefore must be shared with the Congress.

We urge you to amend H.R.3103 to require that the AG make publicly available copies of all Foreign Intelligence Surveillance Court FISC decisions and opinions in a timely fashion, with redactions for appropriately classified material as needed. If redacted versions of the opinions cannot be made available, the AG should be required to prepare and make available summaries of the opinions. Revelations regarding the NSA’s surveillance programs point to operations that are much broader and invasive that thought to be allowed under the law and add to the growing concern that applying secret interpretations of the law have undermined American’s privacy and civil liberties. In order to improve understanding and help make sure these programs sufficiently protect fundamental liberties, the public also must know how the FISC is interpreting the law.

Thanks you in advance for your consideration of our request. To discuss this issue in greater detail, please contact Patrice McDermott, Executive Director of OpenTheGovernment.org at 202-332-6736 or pmcdermott@openthegovernment.org.

Sincerely,

American Association of Law Libraries
American Library Association
Californians Aware
Center for Democracy and Technology
Center for Media and Democracy

Citizens for Responsibility and Ethics in Washington – CREW
The Constitution Project
Council on American-Islamic Relations – CAIR
Defending Dissent Foundation
Essential Information

Government Accountability Project – GAP
James Madison Project
National Coalition Against Censorship
National Security Counselors

OpenTheGovernment.org
Progressive Librarians Guild
Project On Government Oversight – POGO
Society of American Archivists
Society of Professional Journalists

cc: Chairman Mike Rodgers
  Ranking Member Dutch Ruppersberger
  Representative Frank LoBiondo
  Representative Luis Gutierrez
  Representative J. Randy Forbes
  Representative Mac Thornberry
  Representative Jeff Miller
  Representative Mike Conaway
  Representative Peter King
  Representative Devin Nunes
  Representative Lynn Westmoreland
  Representative Michele Bachmann
  Representative Thomas J Rooney
  Representative Joe Heck
  Representative Mike Pompeo
  Representative Jan Schakowsky
  Representative Jim Langevin
  Representative Adam Schiff
  Representative Ed Pastor
  Representative Jim Himes
  Representative Terri Sewell