

April 2, 2024

The Honorable Charles Schumer  
Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Hakeem Jeffries  
Minority Leader  
United States House of Representatives  
Washington, DC 20515

Dear Majority Leader Schumer and Democratic Leader Jeffries:

**The undersigned civil liberties, free speech, and New York organizations urge you to protect protesters in the United States by opposing any reauthorization of Section 702 of the Foreign Intelligence Surveillance Act (FISA) that does not close the backdoor search and data broker loopholes.**

Two weeks ago, [Wired](#) revealed disturbing details about how Rep. Mike Turner, Chairman of the House Permanent Select Committee on Intelligence (HPSCI), has been privately urging his Republican colleagues to reauthorize Section 702 without warrant protections for people in the United States. Specifically, Turner used Americans engaged in a peaceful protest at Majority Leader Schumer's residence as an example of people who can and should be subject to "U.S. person queries," or backdoor searches. In support of this, he pointed only to a tweet from a former Republican Congressional candidate that baselessly alleged a connection between an unrelated international organization, which maintains an index of all ceasefire protests (including the one at Mr. Schumer's residence), and Hamas.

Backdoor searches are extremely controversial because they allow law enforcement and intelligence agencies to search through vast troves of international communications obtained without a warrant specifically for information about people in the United States, who may not otherwise be "targeted" under Section 702. The CIA, NCTC, and NSA conduct thousands of these searches each year. The FBI conducted [204,090 backdoor searches in 2022](#) alone, the most recent figure available.

As you're aware, backdoor searches of Section 702 have been abused to spy on political activists from across the ideological spectrum, including at least 141 people engaged in protests after the murder of George Floyd. The Privacy and Civil Liberties Oversight Board [noted](#) that there were "tens of thousands" of baseless searches "related to civil unrest" over a one-year period. The government's purchase of sensitive information from data brokers is an additional threat to protesters, because it lets law enforcement and intelligence agencies buy lists of people who engage in Constitutionally protected activity and run facial recognition and other analytical processes on protesters.

The real-world impact of such surveillance on protest and dissent is profound and undeniable. When people understand that their involvement in First-Amendment protected demonstrations could subject them to unwarranted government spying, they inevitably think twice about — and may be deterred from

— exercising their constitutional rights. This erosion of democratic participation undermines the bedrock principles of free speech, assembly, and petition upon which this nation was founded.

The House and Senate are expected to consider legislation ahead of Section 702's expiration on April 19, which provides a critical opportunity for Congress to enact protections against the kind of abuses we have seen throughout Section 702's existence and the politically motivated spying we now know Chairman Turner is marketing to his colleagues. Such reforms enjoy broad bipartisan support, not just in Congress but among the American people: 76% of Americans want a warrant requirement before agencies conduct backdoor searches, and 80% want the data broker loophole closed.

This is a critical moment for members of Congress to stand up for the right of their constituents to engage in peaceful political protest without the chilling effects of surveillance. With Rep. Turner having placed your own constituents in the crosshairs, your leadership is urgently needed.

We urge you to join us in publicly calling for a warrant requirement for backdoor searches and a prohibition on the government using data brokers to buy its way around constitutional and statutory privacy protections. We also urge you to oppose any efforts to reauthorize Section 702 that fail to include these basic protections for Americans' civil liberties.

Sincerely,

Access Humboldt  
Access Now  
American Civil Liberties Union (ACLU)  
Advocacy for Principled Action in Government  
American-Arab Anti-Discrimination Committee  
(ADC)  
Arab American Institute (AAI)  
Asian Americans Advancing Justice – AAJC  
Brennan Center for Justice at NYU School of  
Law  
Center for Democracy & Technology  
Center for Popular Democracy  
Common Cause  
Common Cause NY  
Defending Rights & Dissent  
Demand Progress  
Empire State Indivisible  
Fight for the Future  
Free Press Action

Indivisible Brooklyn  
Indivisible Harlem  
Jewish Voice for Peace Action  
Libertas Institute  
Lucy Parsons Labs  
Mekong NYC  
New York Civil Liberties Union  
New York Working Families Party  
Organization for Identity & Cultural Development  
(OICD.net)  
PEN America  
Restore The Fourth  
Rise and Resist  
S.T.O.P. - Surveillance Technology Oversight  
Project  
SMART Legislation  
Southeast Asian Defense Project  
X-Lab