

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

FOR IMMEDIATE RELEASE - July 10, 2017

Broad Coalition Calls for Section 702 Reforms

WASHINGTON, D.C. -- A broad coalition of over two dozen civil rights and civil liberties groups, led by [The Constitution Project](#) (TCP), sent a letter today to the House Judiciary Committee calling for numerous reforms to prevent Section 702 of the Foreign Intelligence Surveillance Act (FISA) from being improperly co-opted for domestic law enforcement purposes. In particular, the letter cautions that loopholes in the law allow for law enforcement to conduct warrantless surveillance of communities of color, religious minorities, and activists.

[Read the letter on risks of law enforcement use of FISA Section 702 here.](#)

"Under Section 702, the FBI could search for every member of a mosque, or attendees at a Black Lives Matter protest, and read their communications without any suspicion of wrongdoing or judicial approval - this is unacceptable. Section 702 was enacted for foreign intelligence uses. It's time to end the loopholes that have warped it into a domestic law enforcement tool to access private communications without a warrant or any suspicion of wrongdoing," said Jake Laperruque, TCP Senior Counsel on privacy and security issues. "Section 702 lets the FBI deliberately seek out individuals' communications without a warrant. The FBI can then use this private information for

investigations completely unrelated to foreign intelligence. The system is unaccountable, lacks oversight, and creates huge risk of abuse. That's why a range of civil rights and civil liberties groups are calling on Congress to reform Section 702," Laperruque added.

Currently, the only restriction on FBI queries for domestic communications collected without a warrant via Section 702 is that the search be for "foreign intelligence" or "law enforcement purposes." No suspicion of wrongdoing is required, creating opportunity for abuse. These private communications could then be used in the investigation of any federal crime, including minor crimes completely unrelated to foreign intelligence.

Over two dozen groups signed the letter, which highlights the potential for Section 702 to be co-opted by law enforcement as a tool for unchecked surveillance, and calls for reforms to end these problems. The letter asks the House Judiciary Committee to close the "backdoor search loophole" whereby the government engages in warrantless queries for individuals' communications, limit law enforcement use of Section 702 data to foreign intelligence, and narrow the range of potential Section 702 targets, among other measures.

For additional information please contact Jake Laperruque, Senior Counsel, at jlaperruque@constitutionproject.org .

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[About The Constitution Project ®](#)

Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.