

23 October 2017

The Honorable Mitch McConnell
The Honorable Charles Schumer
The Honorable Richard Burr
The Honorable Mark Warner
The Honorable Chuck Grassley
The Honorable Dianne Feinstein

The Honorable Paul D. Ryan
The Honorable Nancy Pelosi
The Honorable Devin Nunes
The Honorable Adam Schiff
The Honorable Bob Goodlatte
The Honorable John Conyers

The United States faces a dangerous, unstable world. Real and potential threats to our nation and its allies exist all around us – from North Korea and Iran, to Russia and China, to terrorism and destructive cyber attacks. Our intelligence agencies are the key to identifying these threats and providing our law enforcement, military forces, and policy makers the information they need to counter them. One of the most important capabilities for this work is found in the Foreign Intelligence Surveillance Act under Section 702 (hereafter Section 702). Section 702 establishes a system with careful oversight for U.S. Internet service providers to respond to government requests for information on foreign people believed to be located overseas, and who are associated with terrorism, proliferation of nuclear, chemical, or biological weapons, or other foreign intelligence topics.

There is no substitute for Section 702. It is the most effective mechanism to protect the U.S. from the very large number of real threats that use American email and Internet services. We either oversaw or used Section 702 and can personally attest to its usefulness, the safeguards around it, and the dedication and professionalism of those who implemented it. Section 702 has strong oversight and controls to ensure that the privacy and civil rights of Americans are protected. It has been evaluated by the independent and bipartisan Privacy and Civil Liberties Oversight Board, which noted that intelligence agency procedures “are reasonably designed and implemented to ward against exploitation of information acquired under Section 702 for illegitimate purposes. The Board has seen no trace of any such illegitimate activity associated with the program, or any attempt to intentionally circumvent legal limits.” It has been evaluated by all three branches of government. As Director of National Intelligence Dan Coats said on 7 June in a hearing before the Senate Select Committee on Intelligence, “These evaluations universally concluded that the Intelligence Community is properly using this authority to conduct foreign intelligence collection; no review has identified a single intentional violation of the law.”

Section 702 is extraordinarily effective in providing foreign intelligence that protects the U.S. and its allies. It has helped save lives, in the U.S. and abroad, by providing information to law enforcement that was used to interdict planned terrorist operations. It has helped save U.S. and allied military lives by providing warning of impending attacks, ambushes, and suicide bombers. Section 702 has provided information that steered U.S. policy makers during international crises and on some of the most fraught situations this country has experienced.

We have seen first-hand how important Section 702 is to keeping Americans safe. We have personally reported to our Presidents – Republican and Democratic - and to the Congress details of plots disrupted based on information from Section 702. There is no more important national security legislation in 2017. We strongly urge the Congress to reauthorize the program and continue allowing the intelligence community to protect our country.

/signed (in alphabetical order)/

GEN Keith B. Alexander (Retired), former Director, National Security Agency (DIRNSA)
ADM Dennis Blair (Retired), former Director of National Intelligence (DNI)
John Brennan, former Director, CIA and Assistant to the President for Homeland Security and Counterterrorism (APHSCT)
LTG Ron Burgess (Retired), former PDDNI
LtGen Jim Clapper (Retired), former DNI
David Cohen, former Deputy Director, CIA
David Gompert, former acting DNI and PDDNI
GEN Michael V. Hayden (Retired), former Principal Deputy Director of National Intelligence (PDDNI), Director, Central Intelligence Agency and DIRNSA
Chris Inglis, former Deputy Director, NSA
Sean Joyce, former Deputy Director, Federal Bureau of Investigation (FBI)
Rick Ledgett, former Deputy Director, NSA
Robert Litt, former DNI General Counsel
Mike McConnell (Retired), former DNI and DIRNSA
Michael B. Mukasey, former Attorney General
Matt Olsen, former Director, National Counterterrorism Center
Kenneth Wainstein, former APHSCT