

United States Senate

WASHINGTON, DC 20510

May 17, 2018

The Honorable Jefferson B. Sessions III
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue Northwest
Washington, D.C. 20530

Dear Attorney General Sessions:

We are writing to ask that you clear for public release portions of your January 22, 2018 response to our request for information on cell-site simulators.

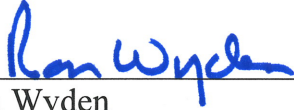
On August 1, 2017, we wrote to the Department of Justice (DOJ) seeking information on cell-site simulator interference with commercial mobile devices and 9-1-1 service as well as any steps the DOJ had taken to test for and mitigate that potential interference.

While we appreciate your response to our letter, a single paragraph of your response was marked “Law Enforcement Sensitive (LES)” and “NOFORN.” This paragraph contains all the information provided by the DOJ in response to our questions about DOJ testing and minimization procedures for cell-site simulators. In this instance, the designations limit the public’s access to critical information about how innocent Americans may be adversely impacted by domestic surveillance practices. Americans have a right to understand how technology used by the government may disrupt the communications of innocent bystanders not subject to investigation.

The Department has repeatedly acknowledged in federal court filings that cell-site simulators do, in fact, have the potential to interfere with mobile devices in the vicinity of a targeted device. However, DOJ has also claimed that any interference with those devices is minimal. The public has a right to know how DOJ arrived at those conclusions and to examine their veracity. Likewise, if the DOJ cannot substantiate its claims in federal court, the Department has an obligation to say so. Our concerns about these claims are redoubled after receiving public confirmation from the Department of Homeland Security that it has not conducted or financed any testing of its own cell-site simulators to determine if they interfere with emergency calls to 9-1-1.

Therefore, we urge you to remove the LES and NOFORN markings from your letter and clear the entirety of the Department's January 22, 2018 letter for public release.

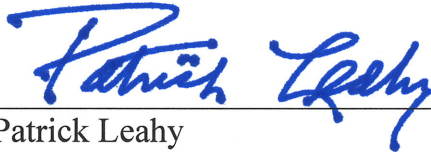
Sincerely,



Ron Wyden
United States Senator



Mike Lee
United States Senator



Patrick Leahy
United States Senator