



June 19, 2013

The recent revelations about the breadth of electronic surveillance by the National Security Agency (NSA) raise troubling questions about Americans' privacy, civil liberties, and the protection secured by the Bill of Rights. While no concrete examples of illegal activity or constitutional violations have emerged to this point, we remain deeply concerned about the potential for abuse that exists, especially given the secrecy in which these activities are shrouded. This is cause for concern for all Americans, but for obvious reasons, it is of special relevance to the Arab American community. When programs like these operate without public scrutiny or accountability, the risk of profiling, harassment, or other methods of arbitrary or discriminatory enforcement is troubling.

To that end, AAI is pleased to hear that the Privacy and Civil Liberties Oversight Board (PCLOB) is convening to discuss these programs and their impact on constitutional liberties. We have signed onto [an open letter](#) to the Board expressing these concerns and highlighting proposals we think will help address them. In particular, AAI believes that the asserted legal justification for these activities should not remain secret. Reports indicate that these programs are justified under Section 215 of the USA PATRIOT Act, 50 U.S.C. § 1861, and Section 702 of the FISA Amendments Act of 2008, 50 U.S.C. § 1881a, and apparently are authorized by warrants from the Foreign Intelligence Surveillance Court (FISC). We believe the Administration should release its legal arguments interpreting these provisions, and that opinions from FISC should be made public on a more regular basis. Since other federal courts frequently issue opinions dealing with sensitive topics without revealing classified information, we are fully confident that these general legal arguments and conclusions can be released to the public while avoiding the harmful disclosure of specific information. This would not only inform the public about the scope of government activities, but also allow us to assess whether they are effective in stopping terrorism.

The fundamental principles of democratic government require that these conversations be had out in the open. The process of determining proper balance between privacy, liberty, and security in the twenty-first century is best decided through open, informed public debate. At AAI, we hope the PCLOB recommends measures that facilitate this goal.