



March 15, 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

RE: 65 Organizations Release Statement in Opposition to Surveillance of Palestine Protests and Reauthorization of Section 702 Without Comprehensive Privacy Protections

Dear Majority Leader Schumer and Minority Leader Jeffries:

Our organizations represent movement groups, civil rights groups, and Black, Arab, Middle Eastern, Muslim, and South Asian (BAMEMSA) communities that work on a range of grassroots, civil rights, and community issues. **We call on you to protect your constituents from warrantless surveillance by shutting the backdoor search and data broker loopholes before considering any reauthorization of Section 702 of the Foreign Intelligence Surveillance Act (FISA).**

According to a disturbing report from [Wired](#), House Intelligence Committee Chairman Mike Turner pointed to ceasefire protesters outside Majority Leader Chuck Schumer's house as a basis for keeping open the backdoor search loophole within Section 702 of FISA ([slides from his presentation here](#)). Instead of reining in intelligence agencies for rampant, warrantless surveillance of people in the U.S., Chairman Turner is falsely scapegoating protestors to push through 702 reauthorization, undermine reform, and further entrench mass surveillance. These exact narratives have been used repeatedly by the federal government to spy on racial justice protests, broader social justice movements, and civil rights leaders such as Dr. Martin Luther King, Jr.

We strongly reject the use of anti-Palestinian, anti-Arab, and anti-Muslim racism by congressional members to justify keeping the backdoor-search loophole in Section 702 of FISA. We reject the continued use of mass surveillance, which utilizes racist and Islamophobic logics against all of our collective communities. We also reject any “must pass” legislation that reauthorizes FISA and allows for spying on the millions of protestors who have joined marches calling for a permanent ceasefire and an end to the genocide of Palestinians.

People of conscience across the country have publicly demanded an immediate and permanent ceasefire in Palestine. People exercising their First Amendment right to speak out have done so despite overwhelming attempts to silence, de-legitimize and punish them, including through disciplinary action, employer retaliation, doxxing, and [police violence](#). Protestors confronting this backlash are asking their elected officials to show only some of the principled courage they have, by standing up against these blatant attempts to criminalize dissent by enacting meaningful privacy reforms.

Section 702 and related surveillance authorities have been exploited to surveil people nationwide, particularly targeting immigrant and/or BAMEMSA communities. This section of FISA permits intelligence agencies to conduct warrantless surveillance on foreign individuals, but it has been persistently abused to monitor people in the U.S. since its enactment.¹ It has been used to spy on [hundreds of thousands of people in the U.S.](#) and continues to erode public trust in government institutions. However, Congress has a pivotal opportunity to establish robust privacy protections for people in the United States: over [100 organizations](#) from across the political spectrum have rallied around critical surveillance reforms,² and the House Judiciary Committee overwhelmingly passed a bipartisan bill containing many of those reforms in December—the Protect Liberty and End Warrantless Surveillance Act (“Protect Liberty Act”).

During a Senate hearing last November, the Director of the National Counterterrorism Center, Christine Abizaid, invoked Hamas in a talking point to advocate for the reauthorization of Section 702, perpetuating troubling rhetoric that implicitly links terrorism threats to Muslim, Arab, and Palestinian communities domestically.³ BAMEMSA communities face a distressing cycle where political occurrences such as the current moment are used to cast BAMEMSA identity as presumptively threatening in order to justify the unchecked expansion of mass surveillance policies without any oversight, government transparency, or accountability, resulting in harm for all communities. This same cycle enabled the passage of Section 702 and other policies to vastly expand government spying on our communities after 9/11, including the New York Police Department’s notorious Muslim mapping program, NSA and FBI spying on prominent American Muslim activists, and FBI informants sent to embed themselves in mosques and entrap Muslims across the country.⁴ We are outraged to see House Intelligence Committee Chairman Mike Turner seize on otherwise protected political dissent in the current moment as a pretext to rehash the same racist and Islamophobic narrative.

¹ Apr 21 2022 FISC Opinion at 49, available at https://www.intelligence.gov/assets/documents/702%20Documents/decclassified/21/2021_FISC_Certification_Opinion.pdf.

² Demand Progress et al., Submission for the Record to the Senate Committee on the Judiciary on Behalf of 30 Organizations Regarding Section 702 of the Foreign Intelligence Surveillance Act and Related Surveillance Authorities, June 13, 2023, https://s3.amazonaws.com/demandprogress/letters/2023-06-13_SJC_Sec_702_and_related_authorities_hearing_Demand_Progress.pdf.

³ Daniel Boguslaw, “Counterterror Director Used Hamas Attack to Justify Mass Surveillance Program Renewal,” available at <https://theintercept.com/2023/11/06/hamas-counterterrorism-mass-surveillance-section-702/>.

⁴ Sumayyah Waheed (Muslim Advocates), “The government is surveilling American Muslims by buying their data. It’s time to close the loophole,” September 6, 2023, available at <https://thehill.com/opinion/congress-blog/4190774-the-government-is-surveilling-american-muslims-by-buying-their-data-its-time-to-close-the-loophole/>.

Declassified court opinions and government audits have revealed that agencies consistently violate the parameters of Section 702 in searching for communications of people in the U.S. These include searches for the communications of community and religious leaders, victims of state violence, members of Congress, and more than [130 participants in racial justice protests](#) during the summer of 2020. Searches were also motivated by racial bias: one search was conducted based on a witness's report that two men of "Middle Eastern descent" were loading cleaning supplies into a truck.⁵ In another instance, a government audit found that an analyst deliberately mislabeled searches for information about people and places in the United States — including searches for local businesses and mosques.⁶

Amidst the current environment where social movements supporting Palestinian lives and liberation are being targeted and repressed at an alarming scale, we urge Congress to **oppose any reauthorization of Section 702 without comprehensive privacy safeguards. Our organizations demand Congress:**

- **Close the Backdoor Search Loophole:** require a warrant to search for Americans' communications and other Fourth Amendment-protected information.
- **Close the Data Broker Loophole:** ensure the government cannot continue using [data brokers](#) to buy its way around the Fourth Amendment.
- **Reject any rhetoric or narrative linking Muslim, Arab, and Palestinian communities to national security threats and fueling mass surveillance policies.**

BAMEMSA communities have been irreparably harmed by mass surveillance policies that have been expanded over the past 22 years since 9/11 as part of the "War on Terror." Failure to rein in this apparatus perpetuates an unjust system that harms all communities. We urge you and the rest of Congress to support privacy protections that ensure fairness, accountability, and justice for all of us.

Signed,

Muslims for Just Futures
Muslim Advocates
Lucy Parsons Labs
18 MILLION RISING
40th Ward Workers United
ACCESS of WNY
Afghans For A Better Tomorrow
American Muslim Bar Association
Anti Police-Terror project
Arab American Civic Council
Asian American Legal Defense and Education Fund (AALDEF)

⁵ 24th Joint Assessment at 61, available at <https://www.intel.gov/assets/documents/702%20Documents/declassified/24th-Joint-Assessment-of-FISA-702-Compliance.pdf>.

⁶ Apr 21 2022 FISC Opinion at 48, available at https://www.intelligence.gov/assets/documents/702%20Documents/declassified/21/2021_FISC_Certification_Opinion.pdf.

Asian Americans Advancing Justice - Asian Law Caucus
Asian Americans Advancing Justice — AAJC
Blasian March
Brighton Park Neighborhood Council
Center for Constitutional Rights
Chicago Alliance Against Racist and Political Repression
Chicago for Abortion Rights
Chicago United Solidarity Project (CUSP)
Chicago Votes Action Fund
Demand Progress
Defending Rights & Dissent
Detention Watch Network
Detroit Justice Center
DRUM
Fight for the Future
Healing our Homeland
HEART
Hindus for Human Rights
Houston Abolitionist Collective
Indian American Muslim Council
InterReligious Task Force on Central America
Make the Road Nevada
Make the Road New York
Movement for Black Lives
MPower Change Action Fund
Muslim Justice League
Muslim Women For
National Immigration Project
National Iranian American Council
No Separate Justice
OPAWL - Building AAPI Feminist Leadership
Our Medicine is Resistance
PARCEO
Partnership for the Advancement of New Americans
Progressive Technology Project
Project ANAR
Public Accountability Initiative / LittleSis
Queens Defenders
Queer Crescent
ReproJobs

Sakhi for South Asian Women
Savage Daughters
Shoulder to Shoulder Campaign
Surveillance Technology Oversight Project
United We Dream
US Campaign for Palestinian Rights Action (USCPR Action)
Vigilant Love
Vital Arts
We Are All America (WAAA)
WESPAC Foundation, Inc.
We Testify
Women Watch Afrika
Woori Juntos
Xicanx Institute for Teaching & Organizing
Xīn Shēng | 心声 Project