

Congress of the United States
Washington, DC 20515

March 16, 2015

Admiral Michael Rogers
Director, National Security Agency
9800 Savage Road, Suite 6282
Fort Meade, Maryland 20755

Dear Admiral Rogers:

As veterans who served on active duty, we respect the men and women of the National Security Agency who help keep Americans safe. However, as Members of the National Security Subcommittee of the House Oversight & Government Reform Committee, we are deeply concerned about allegations that the NSA is violating the Constitutional rights of Americans on a massive basis.

A recent lawsuit filed in a federal court in Maryland by a number of plaintiffs, including both conservative and liberal organizations, charges the NSA with “upstream” collection, or tapping into the backbone of the internet to seize and then search virtually every email sent by any American to an overseas address. If true, this internet bulk collection program likely violates the United States Constitution.

The Fourth Amendment to the Constitution is clear: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Under the Fourth Amendment, the only constitutionally permissible way for the NSA to seize en masse the private internet communications of Americans is if the NSA has particularized warrants on each American describing the place to be searched and the things to be seized.

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We want to know if, in fact, the scope of the NSA program is as described in the lawsuit. To that end, we would like the NSA to answer the following questions. We believe these questions are general enough such that they can be answered in an unclassified manner. However, if the NSA strongly believes otherwise, we request a classified briefing to answer our questions.

1. Does the NSA seize private internet communications from Americans who send such communications overseas?
2. If the answer to the first question is yes, does the NSA have particularized warrants on each American that allows it to seize the internet communications?
3. What is the legal authority upon which the NSA relies to justify its internet bulk collection program?
4. Are internet providers informed of this internet bulk collection program?

Thank you for your attention to this serious matter. The highest duty of federal employees—including those in the intelligence field—is to protect and defend the Constitution of the United States. We want to work with you to ensure that NSA programs operate in line with this principle.

Sincerely,



Ted W. Lieu
Member of Congress



Steve Russell
Member of Congress

cc:

- Rep. Jason Chaffetz, Chairman, House Oversight and Government Reform Committee
- Rep. Elijah Cummings, Ranking Member, House Oversight and Government Reform Committee
- Rep. Ron DeSantis, Chairman, National Security Subcommittee, House Oversight and Government Reform Committee
- Rep. Stephen Lynch, Ranking Member, National Security Subcommittee, House Oversight and Government Reform Committee
- Rep. Devin Nunes, Chairman, House Permanent Select Committee on Intelligence
- Rep. Adam Schiff, Ranking Member, House Permanent Select Committee on Intelligence