



AMERICANS *for* TAX REFORM

Grover G. Norquist
President

September 16, 2015

Dear Senate Judiciary Members,

As you listen to testimony regarding reforms to the Electronic Communications Privacy Act, we urge you to carefully consider American's Forth Amendment protection against warrantless search and seizure.

The Fourth Amendment explicitly states the right to be "secure in our persons, houses, papers and effects." The ECPA attempted to adhere to these standards in 1986. The impossibility of predicting how quickly the Internet would transform modernity left unintended loopholes. It is now a tool the government can use to unjustly acquire private information of the citizens it swears to protect.

By going to a third party email provider with a subpoena rather than a warrant, the FBI, DEA, IRS, SEC, FTC and other government agencies are free to look into citizen's information stored on the Internet without judicial oversight. It is impossible to say with a straight face that there is a difference between the searchability of US postal mail and email, or to claim that cloud storage looks different from a file cabinet.

Law enforcement must be able to effectively protect Americans. This legislation does not hinder their efforts. The emergency exceptions currently in law remain unchanged, and are more than sufficient for criminal investigations.

ECPA reform has widespread support among the public, advocacy groups and the business communities as evidenced by the many constituent meetings, phone calls, and emails you have received. About a quarter of the Senate supports S. 356 and over 290 Congressmen support companion legislation. Suggested changes that would exempt civil investigations from the warrant requirement would actually create an even larger opportunity for government abuse than the 1986 law.

Thank you for considering our comments. If you should have any questions or comments, please contact Katie McAuliffe by email, kmcauliffe@atr.org, or phone, 202-785-0266.

Onward,

Grover Norquist

722 12th Street N.W.

Fourth Floor

Washington, D.C.

20005

T:(202)785-0266

F:(202)785-0261

www.atr.org