Dear Rep. Lofgren:

We the undersigned whistleblowers, who were persecuted for using official channels to protest unconstitutional government acts, applaud your and others' efforts to improve a very weak NSA reform bill. It does not deserve the name "USA Freedom Act" any more than the "PATRIOT Act" merits its moniker.

We appreciate and encourage your persistence and fortitude in the face of unreasonable pressure to back off.

We strongly agree, for example, that probable cause of crime is the proper constitutional standard for obtaining an individual -- never a group -- court warrant.

Likewise, your effort to prevent use of the 702 provision as a means to collect domestic phone calls is on target; NSA knows the origin and destination of almost all phone calls because the
communications otherwise could not be delivered, and the telephone number clearly identifies the phone's country of origin. Because the term "relevant" -- and other terms -- have been so badly abused, it is also necessary to be very specific about definitions when outlining circumstances under which NSA may "collect" or "store" information, distinguishing these terms from retrieval, analysis, viewing/listening, etc.

Further, it should be stated in law that no such activities are permitted under any non-FISA authorities, including but not limited to the President's Article II wartime powers as commander in chief invoking the Authorization for Use of Military Force (AUMF), or under Executive Order 12333.

Your proposal that the US be banned from undermining commercial encryption or failing to notify US companies of CyberSecurity weaknesses will enormously benefit both our CyberSecurity and the reputations of the US and relevant commercial entities.

It should also be mandated that NSA within three months must re-activate existing code that automatically encrypts any identifying information about a US person pending a warrant based on probable cause, as well as code that automatically tracks any analyst or other access to databases or their equivalent that contain US person information.

This would provide a far more reliable and less labor-intensive means of verifying that NSA is adhering to the legal standards above. Indeed, the deactivation of these civil liberty protections in 2001 was a highly suspicious development.

Defenders have argued strongly that NSA has stringent rules for access to databases and these procedures protect Americans' civil rights. Therefore, the same protections, including those proposed above, should be applied to copies of NSA databases maintained elsewhere, or to other intelligence-related databases that amalgamate information on Americans, including but not limited to those at the FBI, CIA and DHS.

Former FBI Director Mueller testified on March 30, 2011 when questioned before the Senate Judiciary Committee that the FBI maintains a historical and ongoing email database at regional centers, and this was also evident during the Petraeus investigation. See http://www.fbi.gov/news/testimony/oversight-of-the-federal-bureau-of-investigation-1. Also see, for example: http://online.wsj.com/news/articles/SB10001424127887324478304578171623040640006

Another amendment that logically should garner considerable support is outlawing the use under section 213 of the PATRIOT Act of un-notified surreptitious searches, and requiring notice within 7 days unless the court grants an extension in unusual circumstances (the normal prior legal standard). The Department of Justice assured former Speaker Dennis Hastert in writing that the seemingly permissive language of the law would not be exploited to perform un-notified searches, but we have personal experience that law enforcement engages in this practice. See the considerable prior House support for such action: http://www.cnn.com/2003/ALLPOLITICS/07/26/tipoff.amendment/index.html.

We are troubled by the apparent strategy to lull the American people into believing that a focus on section 702 and on phone metadata tackles the primary privacy issues afflicting US citizens. In fact, these are but the tip of the iceberg. It is very obvious, for example, that ultimately the AUMF, the PATRIOT Act and the FISA Amendment of 2008 must be revoked and that the Privacy and Electronic Communications Protection Acts must be modernized. Please see our general views at http://www.usatoday.com/story/opinion/2014/01/15/nsa-protection-snowden-spying-column/4499793/.

Much legislation has been exploited and interpreted by the administration as permitting activities that Congress never intended. Most of the undersigned reside locally and have the expertise to assist you in overcoming such traps, at any time you want help. All of us were featured May 13 on PBS Frontline's "United States of Security."

You also have our permission to use this letter publicly to support your efforts.

Sincerely yours,

J Kirk Wiebe Edward Loomis Thomas Drake William Binney Diane Roark