

November 26, 2012

Majority Leader Harry Reid
United States Senate
U.S. Capitol Building, Room: S-221
Washington, DC 20510

Minority Leader Mitch McConnell
United States Senate
U.S. Capitol Building, Room: S-230
Washington, DC 20510

Dear Leaders Reid and McConnell,

The undersigned organizations, concerned with government openness and accountability, are writing to thank you for delaying floor action on the Intelligence Authorization Bill for Fiscal Year (FY) 2013.

We share Senator Ron Wyden's (D-Ore) concerns about provisions included in the package intended to address the leaks of highly classified information (Title V), and support his effort to see that the bill is not passed without thoughtful debate and amendment. While we recognize the need to prevent leaks of appropriately and properly classified information, the American public also requires access to some information about government conduct in order to foster an informed and meaningful national discussion. As drafted, Title 5 would reduce access to information that the public has a right to know and threaten free speech rights.

As many of us have expressed in open letters to the Senate and in communications with the leadership of the House and Senate Intelligence Committees, we are particularly concerned about Section 511 of the bill, which grants the Director of National Intelligence (DNI) and intelligence agency heads extraordinary authority to penalize federal employees in the intelligence community, including depriving them their pensions, without proper oversight or appellate review. This provision could deny the due process rights of intelligence community employees and potentially be used to retaliate against whistleblowers.

We have also asked that Congress preserve the existing statutory requirement for the Intelligence Community to prepare an annual report to Congress regarding security clearances. Section 308(a)(3) deletes the requirement, which was created by the FY 2010 Intelligence Authorization Bill. In the two years that the report has been produced, it has dramatically altered our conception of the size and scale of the personnel security clearance system, and has been of great public interest.

In addition to these two issues, many of us and our allies have raised other concerns with the effect other provisions in the bill would have on freedom of speech and the ability of the public to have an understanding of and informed debate about our government's actions. We continue to oppose the sections in Title V as drafted. We urge Congress to give careful consideration to a number of delicate issues that any effort to reduce leaks should address, including ensuring that classified systems are not clogged with information that does not need rigorous protection. Any legislation to address leaks of highly classified information would be improved by widest possible input from the public and experts in the field.

We thank you, again, for delaying action on the bill until the concerns raised by Senator Wyden and our organizations can be fully and thoughtfully addressed.

Sincerely,

American Association of Law Libraries	DownsizeDC.org, Inc.
American Association of University Professors	Electronic Frontier Foundation – EFF
American Civil Liberties Union – ACLU	Essential Information
American Library Association	Freedom of Information Center at the Missouri School of Journalism
American Booksellers Foundation for Free Expression	Government Accountability Project – GAP
Article 19	iSolon.org
Association of American Publishers	Liberty Coalition
Association of Research Libraries	National Coalition Against Censorship
Bill of Rights Defense Committee	National Freedom of Information Coalition
Brennan Center for Justice	OMB Watch
Center for Democracy & Technology – CDT	OpenTheGovernment.org
Center for Media and Democracy	Project On Government Oversight – POGO
The Constitution Project	Society of American Archivists
Defending Dissent Foundation	Tully Center for Free Speech, Syracuse University

cc: Chairman Diane Feinstein, Senate Select Committee on Intelligence
Vice Chairman Saxby Chambliss, Senate Select Committee on Intelligence
Senator John D. Rockefeller IV, Senate Select Committee on Intelligence
Senator Olympia Snowe, Senate Select Committee on Intelligence
Senator Ron Wyden, Senate Select Committee on Intelligence
Senator Richard Burr, Senate Select Committee on Intelligence
Senator Barbara Mikulski, Senate Select Committee on Intelligence
Senator James Risch, Senate Select Committee on Intelligence
Senator Bill Nelson, Senate Select Committee on Intelligence
Senator Daniel Coats, Senate Select Committee on Intelligence
Senator Kent Conrad, Senate Select Committee on Intelligence
Senator Roy Blunt, Senate Select Committee on Intelligence
Senator Mark Udall, Senate Select Committee on Intelligence
Senator Marco Rubio, Senate Select Committee on Intelligence
Senator Mark Warner, Senate Select Committee on Intelligence
Senator Carl Levin, Senate Select Committee on Intelligence
Senator John McCain, Senate Select Committee on Intelligence