



October 24, 2007

Hon. Patrick J. Leahy, Chairman
Hon. Arlen Specter, Ranking Minority Member
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510-6275

Dear Chairman Leahy and Ranking Minority Member Specter:

We would like to voice our opposition to any form of immunity for telecommunications companies alleged to have assisted intelligence agencies.

The Senate Judiciary Committee will soon be considering the FISA Amendments Act of 2007 (FAA), as reported by the Senate Intelligence Committee. Before the committee takes action on this bill, we ask that a public hearing be held to fully consider the implications of this highly complex and important bill. OMB Watch joined the Oct. 23, 2007 letter to the committee in support of public hearings on FAA. We are writing separately to underscore our concern about the immunity provisions of FAA.

If the committee moves forward on FAA without public hearings, we would ask that the language regarding immunity for telecommunications companies be removed. Blindly granting immunity severely impedes the necessary role of the judiciary in conducting oversight and holding the private sector accountable to the laws of the land. Congress should trust the judiciary to uncover the truth and resolve these issues fairly without preempting and unnecessarily short-circuiting due process of law.

OMB Watch is particularly concerned about the immunity provisions for two reasons. First, we are committed to protecting the rights of nonprofits. The Terrorist Surveillance Program has had a chilling effect upon the free speech of nonprofits and, especially, nonprofits' ability to communicate with those overseas. Preempting lawsuits against telecommunications companies for unlawfully violating the privacy and free speech rights of nonprofits will reduce the effectiveness of the nonprofit community to serve the interests of those who are underrepresented both internationally and domestically.

Second, OMB Watch is committed to an open and transparent process in which the government and the private sector are held publicly accountable. A fundamental aspect of a well-functioning democracy is freedom of information. Providing immunity to telecommunications companies will

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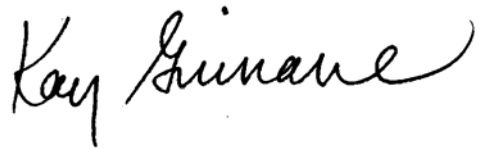


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severely curtail public information regarding allegedly illegal activity and will leave the American public's rights under-protected.

We appreciate the opportunity to voice our concerns. Should you wish to follow-up on this letter, please contact Kay Guinane or Sean Moulton at 202-234-8494.

Sincerely,



Kay Guinane
Director, Nonprofit Advocacy Program



Sean Moulton
Director, Federal Information Policy

cc: Members of the Senate Judiciary Committee