

March 17, 2014

Dear Congress, Mr. President, and the American public,

In 1975, the public learned that the National Security Agency (NSA) had been collecting and analyzing international telegrams of American citizens since the 1940s under secret agreements with all the major telegram companies. Years later, the NSA instituted another "Watch List" program to intercept the international communications of key figures in the civil rights and anti-Vietnam War movements among other prominent citizens. Innocent Americans were targeted by their government. These actions were only uncovered—and stopped—because of a special Senate investigative committee known as the United States Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, commonly known as the Church Committee.

We are former members and staff of the committee and write today as witnesses to history and as citizens with decades of collective experience in Congress, the federal courts, the executive branch, and the intelligence community. We write today to encourage Congress to create a Church Committee for the 21st Century—a special investigatory committee to undertake a thorough, and public, examination of current intelligence community practices affecting the rights of Americans and to make specific recommendations for future oversight and reform. Such a committee would work in good faith with the president, hold public and private hearings, and be empowered to obtain documents. Such congressional action is urgently needed to restore the faith of citizens in the intelligence community and, indeed, in our federal government.

The actions uncovered by the Church Committee in the 1970s bear striking similarities to the actions we've learned about over the past year. In the early 1970s, allegations of impropriety and illegal activity concerning the intelligence community spurred Congress to create committees to investigate those allegations. Our committee, chaired by Senator Frank Church, was charged with investigating illegal and unethical conduct of the intelligence community and with making legislative recommendations to govern the intelligence community's conduct. The bipartisan committee's reports remain one of the most searching reviews of intelligence agency practices in our nation's history.

Our findings were startling. Broadly speaking, we determined that sweeping domestic surveillance programs, conducted under the guise of foreign intelligence collection, had repeatedly undermined the privacy rights of US citizens. A number of reforms were implemented as a result, including the creation of permanent intelligence oversight committees in Congress and the passage of the Foreign Intelligence Surveillance Act.

Even though our work was over 30 years ago, our conclusions seem eerily prescient today. For example, our final report noted:

We have seen a consistent pattern in which programs initiated with limited goals, such as preventing criminal violence or identifying foreign spies, were expanded to what witnesses characterized as "vacuum cleaners,"

sweeping in information about lawful activities of American citizens. The tendency of intelligence activities to expand beyond their initial scope is a theme, which runs through every aspect of our investigative findings.

The need for another thorough, independent, and public congressional investigation of intelligence activity practices that affect the rights of Americans is apparent. There is a crisis of public confidence. Misleading statements by agency officials to Congress, the courts, and the public have undermined public trust in the intelligence community and in the capacity for the branches of government to provide meaningful oversight.

The scale of domestic communications surveillance the NSA engages in today dwarfs the programs revealed by the Church Committee. Indeed, 30 years ago, the NSA's surveillance practices raised similar concerns as those today. For instance, Senator Church explained:

In the case of the NSA, which is of particular concern to us today, the rapid development of technology in this area of electronic surveillance has seriously aggravated present ambiguities in the law. The broad sweep of communications interception by NSA takes us far beyond the previous Fourth Amendment controversies where particular individuals and specific telephone lines were the target.

As former members and staff of the Church Committee we can authoritatively say: the erosion of public trust currently facing our intelligence community is not novel, nor is its solution. A Church Committee for the 21st Century—a special congressional investigatory committee that undertakes a significant and public reexamination of intelligence community practices that affect the rights of Americans and the laws governing those actions—is urgently needed. Nothing less than the confidence of the American public in our intelligence agencies and, indeed, the federal government, is at stake.

Sincerely,

Counsel, advisers, and professional staff members of the Church Committee including Chief Counsel Frederick A.O. Schwarz Jr.; Loch Johnson; John T. Elliff; Burt Wides; Jim Dick; Frederick Baron; Joseph Dennin; Peter Fenn; Anne Karalekas; Michael Madigan; Elliot Maxwell; Gordon Rhea; Eric Richard; Athan Theoharis; Christopher Pyle