

United States Senate  
WASHINGTON, DC 20510-1502

September 16, 2013

Mr. Ralph Prunty  
2525 Hiawatha Rd  
Cedar Falls, IA 50613-1016

Dear Ralph:

Thank you for contacting me to express your views regarding the privacy of your personal communications. I share your concerns that, according to recent news reports, government surveillance activities are being carried out via secret court order and with no public transparency.

It was recently reported that, pursuant to a FISA (Foreign Intelligence Surveillance Act) court order, the National Security Agency (NSA) has collected information regarding calls made and received by wireless telephone customers, as well as the time the call was made and its duration.

It was also reported that the government has been secretly collecting information on foreigners overseas from Internet companies including Google, Facebook and Apple in search of national security threats. The program collecting this information, known as PRISM, has been operational since 2007 and is authorized by the Patriot Act. Unlike the collection of call records, this surveillance can include the content of communications and not just the metadata.

I am not a member of the Intelligence Committee, which has been privy to considerable detail on these activities. As a result, I do not know the details of the PRISM program, about which only certain details have been released more broadly. Similarly, the FISA court order is classified. However, based on publicly available information, I have some concerns.

If reports are correct, the PRISM program allows the NSA to obtain targeted communications without having to request them from the service providers and without having to obtain individual court orders. With this program, the NSA is able to reach directly into the servers of the participating companies and obtain both stored communications as well as perform real-time collection on targeted

users.

While, under the law, the primary aim of these activities is obtaining foreign intelligence from foreign targets, it appears that US communications that are inadvertently collected as part of this process can still be collected, retained, and used. This troubles me greatly. I believe that American citizens who have done nothing wrong rightfully expect that information relating to their phones call or emails cannot and should not be accessed and stored by the government. Indeed, the potential breadth of what the government could obtain is one reason I voted against the FISA Amendments Act in 2008.

While the Administration has stated that there are procedures in place to ensure that the data collected is only accessible if there is a reasonable suspicion of a terrorist act, conspiracy, or planning, it is critical to me that these checks are meaningful and that they are absolutely followed. Furthermore, I strongly believe that there should be considerably more transparency pertaining to these government activities. If these activities are vital to the security of our citizens, then the Administration should, within the confines of national security, explain to the American public what the activities are and why they are so critical. Nothing is more important to me than the security of our country and I take the responsibility to protect our country very seriously. However, ensuring the national defense must be done without violating the rights of American citizens who have done nothing wrong and who have a reasonable expectation of privacy. Again, thank you for contacting me. Please do not hesitate to let me know how you feel on any issue that concerns you.

Sincerely,

Tom Harkin  
United States Senator