

Wyden, Udall Statement on Reports of Compliance Violations Made Under NSA Collection Programs

Friday, August 16, 2013

Washington, D.C. – U.S. Senators Ron Wyden (D-Ore.) and Mark Udall (D-Colo.) issued the following statement regarding reports that the NSA has violated rules intended to protect Americans' privacy thousands of times each year. Wyden and Udall are both members of the Senate Intelligence Committee.

"The executive branch has now confirmed that the rules, regulations and court-imposed standards for protecting the privacy of Americans' have been violated thousands of times each year. We have previously said that the violations of these laws and rules were more serious than had been acknowledged, and we believe Americans should know that this confirmation is just the tip of a larger iceberg.

While Senate rules prohibit us from confirming or denying some of the details in today's press reports, the American people have a right to know more details about of these violations. We hope that the executive branch will take steps to publicly provide more information as part of the honest, public debate of surveillance authorities that the Administration has said it is interested in having.

In particular, we believe the public deserves to know more about the violations of the secret court orders that have authorized the bulk collection of Americans' phone and email records under the USA PATRIOT Act. The public should also be told more about why the Foreign Intelligence Surveillance Court has said that the executive branch's implementation of section 702 of the Foreign Intelligence Surveillance Act has circumvented the spirit of the law, particularly since the executive branch has declined to address this concern.

We appreciate the candor of the Chief Judge of the Foreign Intelligence Surveillance Court regarding the Court's inability to independently verify statements made by the executive branch. We believe that the Court is not currently structured in a way that makes it an effective check on the power of the executive branch. This highlights the need for a robust and well-staffed public advocate who could participate in significant cases before the Court and evaluate and counter government assertions. Without such an advocate on the court, and without greater transparency regarding the Court's rulings, the checks and balances on executive branch authority enshrined in the Constitution cannot be adequately upheld."



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