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United States Senate

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Dear Colleague:

Last week, the Senate Select Committee on Intelligence voted 13-2 in support of the FISA Amendments Act of 2007. This legislation includes a provision giving retroactive immunity to telecommunications companies who cooperated with the Administration's warrantless wiretapping policy by turning over the private records of a large number of their customers to US authorities. I strongly oppose the inclusion of this provision in the FISA Amendments Act of 2007, and have written to the Senate Majority Leader placing a hold on the bill.

It would set a dangerous precedent for the Senate to retroactively immunize telecommunications companies for actions that may have been illegal. I believe that it is extremely important that we allow the judicial branch to perform its vital role in determining whether or not any of these companies should be held criminally or civilly liable for their actions. If we acquiesce to the Administration's demands, we will be complicit in the President's attempt to circumvent the rule of law and the Administration's continuing efforts to keep Americans in the dark. As Louis Fisher, a specialist in Constitutional Law with the Law Library of the Library of Congress explained to the *Washington Post* this morning, "It's particularly unusual in the case of the telecoms because you don't really know what you're immunizing. You don't know what you're cleaning up." We should not eliminate the right of our fellow citizens to have their day in court, nor should we grant immunity when we do not have a full understanding of the implications of doing so.

I write to ask you to join with me in urging members of the Senate Judiciary Committee to support efforts in that Committee to strip this provision from the FISA Amendments Act when it comes before them for consideration in the near future. Should the Judiciary Committee fail in that effort, I further urge that you join with me in urging the Majority Leader not to bring this measure before the full Senate for consideration. Finally, should this measure be brought to the floor in its current form, I ask that you join me in using all parliamentary tools at our disposal to prevent Senate passage of this profoundly flawed and harmful provision.

Thank you in advance for your support in this important endeavor.

Sincerely,



Christopher J. Dodd
United States Senator