

April 28, 2014

President Barack H. Obama
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Re: Email Privacy and Reform of the Electronic Communications Privacy Act (ECPA)

Dear Mr. President:

We write today to urge you to support reform of the Electronic Communications Privacy Act (ECPA) to guarantee that every American has full constitutional and statutory protections for the emails, photos, text messages, and other documents that they send and share online.

Among many other protections, ECPA regulates how the government can access the contents of electronic communications. Unfortunately, the law governing electronic communications has not been substantially updated since 1986. Under the statute, e-mail, documents stored in the cloud, and other private communications like photos and text messages do not receive the protection of the requirement of a search warrant approved by a judge. A warrant based on the probable cause standard is required for searches of U.S. mail, searches of a home, or even electronic communications that are not stored with companies like Google or Yahoo.

There is bipartisan legislation in the Senate and the House, S. 607 and H.R. 1852, which would make a simple fix to the law, by assuring that, regardless of where individuals store their communications, those communications searches will meet the constitutional probable cause standard and be safe from unjust government intrusion.

Updating our electronic privacy laws has enormous popular and political support. 100,000 Americans signed a petition in November 2013 urging your support for ECPA reform. That petition has still not received a response. More than 200 members of the House of Representatives have cosponsored H.R. 1852. The Senate Judiciary Committee has voted S. 607 out of committee on a voice vote. More than 100 privacy and consumer groups, companies, and trade associations have joined a coalition to reform ECPA. Civil rights, media justice, and privacy groups have recently endorsed civil rights principles for big data that call for updating constitutional protections like ECPA when addressing new technologies.

Seemingly, the only major impediment to passage is an objection by administrative agencies like the Securities and Exchange Commission, which would like to gut the legislation as a way to expand their investigative authorities. Such an agency carve out would be a major blow to reform efforts, allowing increased government access to our communications during the many civil investigations conducted by federal and state agencies. Support from the Administration for strong ECPA legislation without an administrative loophole would be an important step toward removing this roadblock.

You have a rare opportunity to work with Congress to pass legislation that would advance the rights of almost every American. Please act now to support meaningful privacy reform. Thank you.

Sincerely

ACT | The App Association
Advocacy for Principled Action in Government
American Association of Law Libraries
American Booksellers Foundation for Free Expression (ABFFE)
American Civil Liberties Union
American Library Association
Asian American Legal Defense and Education Fund
Asian Americans Advancing Justice | AAJC
Asian Americans Advancing Justice | Asian Law Caucus
Asian Law Alliance
Association of Research Libraries
Autonet Mobile
Bill of Rights Defense Committee
Center for APA Women
Center for Democracy and Technology
Center for Digital Democracy
Center for Financial Privacy and Human Rights
Center for Media Justice
Center for National Security Studies
Colorado Common Cause
Common Cause
Common Cause / New York
Common Cause Oregon
Competitive Enterprise Institute
Computer & Communications Industry Association
The Constitution Project
Consumer Action
Consumer Federation of America
Consumer Watchdog
Consumers Union
Council for Citizens Against Government Waste
CREDO Action
Defending Dissent Foundation
Demand Progress
Direct Marketing Association (DMA)
Discovery Institute
Distributed Computing Industry Association (DCIA)
Electronic Frontier Foundation
Engine Advocacy
Fight for the Future
First Amendment Coalition
Foursquare
FreedomWorks
Future of Privacy Forum
Generation Opportunity
Home School Legal Defense Association

I2Coalition
The Internet Association
Jefferson Project of the American Legislative Exchange Council
The Leadership Conference on Civil and Human Rights
Less Government
Liberty Coalition
Meetup
Media Literacy Project
Muslim Legal Fund of America (MLFA)
National Association of Criminal Defense Lawyers
National Consumers League
National Network to End Domestic Violence
National Organization for Women
New America Foundation's Open Technology Institute
Newspaper Association of America
Open MIC (Open Media and Information Companies Initiative)
Patient Privacy Rights
The People's Press Project
Personal
Privacy Rights Clearinghouse
Privacy Times
Public Knowledge
R Street Institute
reddit
RootsAction.org
SpiderOak
Sonic.net
Taxpayers Protection Alliance
TechFreedom
TechNet
Tumblr
United Church of Christ, OC Inc.
U.S. Chamber of Commerce
U.S. PIRG
World Privacy Forum