

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