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August 18, 2026

The Honorable Mike Johnson
Speaker of the House
521 Cannon House Office Building
Washington, DC 20515

The Honorable Hakeem Jeffries
House Minority Leader
2267 Rayburn House Office Building
Washington, DC 20515

The Honorable John Thune
Senate Majority Leader
United States Senate SD-511
Washington, DC 20510

The Honorable Chuck Schumer
Senate Minority Leader
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Leader Thune, Speaker Johnson, Leader Schumer, and Leader Jeffries,

We write as a coalition of advocates for civil rights and marginalized communities to urge Congress to ensure that any reauthorization of Section 702 of the Foreign Intelligence Surveillance Act includes meaningful reforms to protect the civil rights and privacy of the American people—both citizens and residents, including the requirement of a warrant to access Americans' communications and the closure of the data broker loophole.

From the civil rights era to today's racial justice protests, leaders, organizers, churches, students, communities of color, and marginalized people have been surveilled by the very institutions that should have protected their rights.

As artificial intelligence tools are integrated into surveillance systems, they risk expanding the government's ability to collect, search, and analyze Americans' personal information in ways that could disproportionately harm Black, Brown, immigrant, and other marginalized communities. Time and again, federal surveillance laws and programs have been used to target civil rights leaders¹ and racial justice protesters.²

With Congress debating FISA reauthorization, it has an opportunity to prevent these tools from supercharging existing surveillance loopholes.

¹ The Martin Luther King, Jr. Research and Education Institute. *Federal Bureau of Investigation (FBI)*.
<https://kinginstitute.stanford.edu/federal-bureau-investigation-fbi>

² Dyson, Ivey, José Guillermo Gutiérrez, and Brennan Center for Justice. 2024. "Records Show DC and Federal Law Enforcement Sharing Surveillance Info on Racial Justice Protests."
<https://www.brennancenter.org/our-work/analysis-opinion/records-show-dc-and-federal-law-enforcement-sharing-surveillance-info>.

While Americans cannot be targeted by Section 702 collection, their communications are often incidentally collected. The communications of immigrant Americans are disproportionately swept into Section 702 databases, given their likelihood of communication with friends and family abroad. The harms of this program were evident in the prosecution of Dr. Xiaoxing Xi, an Asian-American academic whose communications were allegedly searched in the Section 702 database.³ Arrested by the FBI at his home, with his wife and daughters detained at gunpoint, Dr. Xi was interrogated for hours and was subjected to intrusive bodily searches. The Justice Department eventually dismissed his case, but not before years of litigation and trauma for him and his family.

Dr. Xi's experience is not an isolated example.

Through the data broker loophole, the Department of Defense purchased location data to track the geolocation of users on Muslim prayer and dating apps.⁴ The FBI has used the backdoor search loophole to surveil the communication content of Black Lives Matter protesters.⁵ And ICE is using a variety of surveillance tools to monitor and intimidate people marked for deportation and U.S. citizens critical of their policies.⁶ All of these practices continue despite the Supreme Court's reinforcement in *Chatrue v. United States* that individuals retain a reasonable expectation of privacy even when the data is collected by a third party.

These invasive searches are occurring in lockstep with federal agencies' procurement of advanced AI surveillance tools.

Just this year, U.S. Customs and Border Protection signed a contract with Clearview AI, a facial recognition company that has a database of more than 50 billion facial images. The Department of Homeland Security has also procured AI tools developed by *Palantir* and *Babel Street* for immigration enforcement operations.⁷ These AI tools combine online monitoring and visa status information to generate threat assessments of foreign individuals on visas.

³ Asian Americans Against Warrantless Surveillance. n.d. "The Impact of Section 702 on Asian Americans." www.advancingjustice-aajc.org/sites/default/files/2026-03/AAPJ%20Joint%20Fact%20Sheet%20on%20FISA%20702%20%282026%29.pdf
<https://www.brookings.edu/articles/police-surveillance-and-facial-recognition-why-data-privacy-is-an-imperative-for-communities-of-color/>.

⁴ Cox, Joseph. "How the U.S. Military Buys Location Data from Ordinary Apps." *Vice*, November 16, 2020. <https://www.vice.com/en/article/us-military-location-data-xmode-locate-x/>.

⁵ Privacy and Civil Liberties Oversight Board, *Report on the Surveillance Program Operated Pursuant to Section 702 of the Foreign Intelligence Surveillance Act* (September 28, 2023), [https://documents.pclob.gov/prod/Documents/OversightReport/e9e72454-4156-49b9-961a-855706216063/2023%20PCLOB%20702%20Report%20\(002\).pdf](https://documents.pclob.gov/prod/Documents/OversightReport/e9e72454-4156-49b9-961a-855706216063/2023%20PCLOB%20702%20Report%20(002).pdf)

⁶ Turner Lee, Nicole, and Caitlin Chin-Rothmann. 2024. "Police surveillance and facial recognition: Why data privacy is imperative for communities of color." Brookings. <https://www.brookings.edu/articles/police-surveillance-and-facial-recognition-why-data-privacy-is-an-imperative-for-communities-of-color/>.

⁷ Amnesty International. "USA/Global: Tech Made by Palantir and Babel Street Pose Surveillance Threats to Pro-Palestine Student Protestors & Migrants." August 21, 2025. <https://www.amnesty.org/en/latest/news/2025/08/usa-global-tech-made-by-palantir-and-babel-street-pose-surveillance-threats-to-pro-palestine-student-protestors-migrants/>.

The reforms needed are straightforward: Congress should require a warrant before government agencies access Americans' communications content collected by Section 702, and should close the loophole that allows those same agencies to purchase the data they could not otherwise legally obtain. These are commonsense safeguards that preserve the government's ability to pursue legitimate national security interests while ensuring that AI-powered surveillance cannot be turned against the very communities it is supposed to protect.

American history has taught us that advancements in surveillance technology often create disproportionate harms for communities of color and marginalized people. We urge you to champion privacy reforms and to ensure that any FISA reauthorization package reflects the values of accountability, transparency, and equal protection under the law.

Sincerely,

The Leadership Conference on Civil and Human Rights

Access Now

Advocacy for Principled Action in Government

American Civil Liberties Union

Asian Americans Advancing Justice | AAJC

Center for Democracy & Technology

Color Of Change

Common Cause

Defending Rights & Dissent

Demand Progress

Electronic Privacy Information Center (EPIC)

Hispanic Federation

HTTP - Hispanic Tech & Telecom Partnerships

Lawyers' Committee for Civil Rights Under Law

League of United Latin American Citizens (LULAC)

Multicultural Media Telecom and Internet Council

Muslim Advocates

OCA-Asian Pacific American Advocates

Project On Government Oversight

Sikh American Legal Defense and Education Fund (SALDEF)