

United States Senate

WASHINGTON, DC 20510

SSCI# 2013-0670

February 13, 2013

The Honorable John D. Bates
Presiding Judge
Foreign Intelligence Surveillance Court
Washington, DC 20001

Dear Judge Bates:

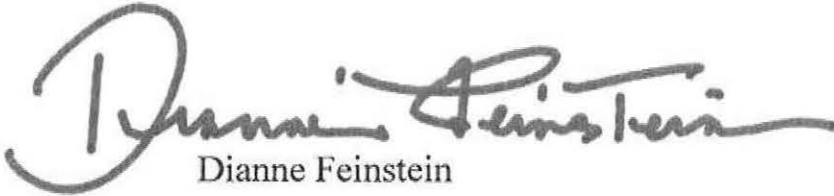
The Foreign Intelligence Surveillance Court (FISC) plays an indispensable role in construing the Foreign Intelligence Surveillance Act (FISA). We believe that the decisions of the Court contain important rulings of law that, if declassified, would inform public debate over FISA, including provisions of the law that are subject to sunset in 2015 and 2017.

It is our understanding that in 2010 the Office of the Director of National Intelligence and the Department of Justice established a process, in coordination with the FISC, to declassify opinions of the Court that are assessed to contain a significant interpretation of the law. Nonetheless, no opinions have been declassified since then.

We therefore request that the Court consider writing summaries of its significant interpretations of the law in a manner that separates the classified facts of the application under review from the legal analysis, so as to enable declassification. We believe that the Court, rather than the Executive Branch or the Congress, is best suited to summarizing its opinions.

We appreciate your consideration of this request and look forward to discussing this proposal with you further.

Sincerely,


Dianne Feinstein


Jeff Merkley


Ron Wyden


Mark Udall

cc: The Honorable James Clapper
Director of National Intelligence

The Honorable Eric Holder
Attorney General

The Honorable Morris S. Arnold
Presiding Judge, Foreign Intelligence Surveillance Court of Review

The Honorable Reggie B. Walton
Judge, Foreign Intelligence Surveillance Court