

October 21, 2013

President Barack Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear President Obama:

On behalf of citizens who support an open and accountable government, we are writing to urge you to pledge as part of the US's new round of Open Government Partnership commitments to curb the secret law that enabled the National Security Agency's surveillance programs to become much broader and more invasive than it was believed the law allowed.

Secret legal interpretations by the Justice Department's Office of Legal Counsel (OLC) and the Foreign Intelligence Surveillance Court allowed the NSA's surveillance programs to grow in ways that raise serious concerns about what the government is doing in our name and the extent of violations of American's privacy and civil liberties. Documents released to the media about the NSA's programs further raise critical questions about the scope of the US's activities abroad, leading the President of Brazil and others to question whether the US's programs breach international law.

This is not the first time that abuses of power have occurred when a government program operates in a bubble of secrecy with only limited oversight: similarly, Americans were outraged to learn that memos authored by the OLC during the Bush Administration approved interrogation methods that many equate to torture. Your release of these memos demonstrated a respect for the public's right to know how the government interprets the law. Making a concrete commitment to the public's right to legal interpretations on issues including the intelligence community's surveillance programs and other controversial policies like targeted killing through the use of drones or other means would make this respect part of the administration's legacy. While the government has an obligation to protect properly and appropriately classified information, democracy does not thrive when our national security programs and the intelligence community's actions are shrouded in secrecy. The public must, at the very least, have a shared understanding of the bounds and limits of the laws of our land and be able to have an informed debate about our policies.

During the meeting of the Open Government Partnership in London, you have a unique opportunity to address this issue head-on on an international stage. By committing to give the public access to documents that significantly interpret laws, including – but not limited to—the Department of Justice's legal interpretations and opinions by the Foreign Intelligence Surveillance Court (FISC), you can both address domestic concerns about our surveillance programs, and begin to rebuild trust with our international partners.

Thank you in advance for your attention to this issue of critical importance to transparent and accountable government. To discuss these issues in greater detail, please contact Patrice McDermott, Executive Director of OpenTheGovernment.org, at pmcdermott@openthegovernment.org or 202-332-6736.

Sincerely,

American Booksellers Foundation for Free Expression

American Civil Liberties Union

American Library Association

American Society of News Editors

Arab American Institute

ARTICLE 19

Bill of Rights Defense Committee

Brechner Center for Freedom of Information

Californians Aware

Center for Democracy and Technology

Center for Effective Government

Center for Media and Democracy

Citizens for Responsibility and Ethics in Washington – CREW

The Constitution Project

Council on American-Islamic Relations – CAIR

Electronic Frontier Foundation

Electronic Privacy Information Center – EPIC

Essential Information

Federation of American Scientists

First Amendment Foundation

Government Accountability Project – GAP

Human Right Watch

iSolon.org

James Madison Project

Just Foreign Policy

Liberty Coalition

National Coalition Against Censorship

National Freedom of Information Coalition

National Security Archive

No More Guantanamos

OpenTheGovernment.org

PolitiHacks

Project On Government Oversight – POGO

Public Citizen

Public Knowledge

Reporters Committee for Freedom of the Press

Reporters Without Borders

Society of Professional Journalists

Sunlight Foundation

Tully Center for Free Speech at Syracuse University

Understanding Government

Vermont Coalition for Open Government

Vermont Press Association

Washington Civil Rights Council

Win Without War