



February 3, 2017

Key Vote YES on the Email Privacy Act, H.R. 387

On behalf of FreedomWorks' activist community, I urge you to contact your representative and urge him or her to vote YES on the Email Privacy Act, H.R. 387, introduced by Rep. Kevin Yoder (R-Kan.). The legislation seeks to protect emails, data, and digital communications by requiring authorities to obtain a search warrant before gaining access to such forms of communication.

Currently, federal law dictating this subject area falls under the Electronic Communications Privacy Act (ECPA) of 1986. This outdated understanding of electronic communications allows federal agencies to obtain such data without judicial approval in the form of a warrant. Under ECPA, federal agencies can obtain Americans' messages without a warrant if said messages are older than 180 days.

Given the advancements and dependency in technology by the average American today, ECPA is in serious need of an update. The expectation of privacy and due process, rights protected under the Fourth and Fifth Amendments are violated under the current version of the ECPA.

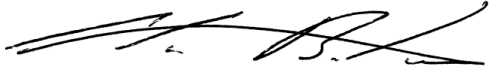
The Email Privacy Act addresses the ECPA's deficiencies. The bill would also codify and apply nationwide the Sixth Circuit Court of Appeals' June 2010 ruling in *United States v. Warshak*, in which the court determined that emails are subject to Fourth Amendment protections, meaning that law enforcement is required to obtain a warrant based on probable cause to search them.

In previous years, support for the Email Privacy Act has been significant. In the 114th Congress (2015-16), the bill had acquired more than 300 cosponsors and was passed unanimously in the House.

The Email Privacy Act is one of the more vitally important bills this year with regard to the protection of Americans' privacy rights. Please contact your representatives and ask that they vote YES on the Email Privacy Act, H.R. 387.

FreedomWorks will count this bill when calculating our Scorecard for 2017 and reserves the right to score any related votes. The scorecard is used to determine eligibility for the FreedomFighter Award, which recognizes Members of the House and Senate who consistently vote to support economic freedom and individual liberty.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Brandon', with a stylized flourish at the end.

Adam Brandon
President and CEO, FreedomWorks