



July 31, 2017

## **Support the Email Privacy Act, S. 1654**

On behalf of our activist community, I urge you to contact your senators and them to support the Email Privacy Act, S. 1654, introduced by Sens. Mike Lee (R-Utah) and Patrick Leahy (D-Vt.). The bill would greatly increase individual privacy by adding warrant requirements for authorities before they can acquire electronic content that is held by technology companies.

The 1986 Electronic Communications Protect Act (ECPA) currently holds that there are no warrant requirements for electronic information that is older than 180 days. The bill, however, was originally written well over thirty years ago before email and other electronic communications became commonplace or in some cases even existed. ECPA is woefully out of date and does not reflect the digital world in which we operate. In commenting on the bill, Sen. Lee noted “Americans now expect that their email communications will have the same privacy protections as their written communications. This bill would provide that common sense protection.”

Unfortunately, the original ECPA puts the law at odds with the Fourth Amendment, which holds that “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Warrantless searches of electronic communications clearly raises constitutional questions. Fortunately, the Email Privacy Act would restore our Fourth Amendment protections and put the ECPA in line with the Constitution.

The bill would require law enforcement to acquire a warrant from a judge before it can collect an individual’s emails, photos, or texts. The reforms would defend our privacy from unconstitutional search and seizure while protecting due process In a world where more and more people and businesses are using electronic equipment to communicate, engage in commerce, and live their day to day lives. As the scope of the digital world expands, our fourth amendment rights must be protected.

The Email Privacy Act, which the House passed earlier this year by voice vote, is vital legislation that updates a tragically outdated law. This bill would reinstate privacy protections and restore personal liberty. For these reasons, I urge you to contact your senators to support the Email Privacy Act, S.1654.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Brandon', with a stylized, flowing script.

Adam Brandon  
President, FreedomWorks