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

Ron Wyden

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

Jeff Merkley

Mark Udall