

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

April 3, 2008

The Honorable Joseph I. Lieberman
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Chairman Lieberman:

I am writing to add the views of the Department of Homeland Security (DHS) to those of the Department of Justice, the Director of National Intelligence, and other agencies in strong opposition to S. 2035, the *Free Flow of Information Act of 2007*. DHS believes that S. 2035 will make the United States both less secure and less free by subverting the enforcement of criminal laws and the Federal Government's investigatory powers.

DHS is frequently involved in various investigations of crimes, terrorist activities, and other threats to our homeland. These investigations are integral to our mission, yet the sought-after information is often volatile and available only within a very limited timeframe. The proposed bill erects significant evidentiary burdens to obtaining critical information from anyone who can claim to be a journalist, including bloggers, and communications service providers, such as internet service providers. These roadblocks delay the collection of critical information and ensure that criminals have opportunities to avoid detection, continue their potentially dangerous operations, and further obfuscate their illegal activities.

The Department of Justice has already presented a thorough legal analysis of the problems and dangers of this bill and its companion measure in the U.S. House of Representatives. DHS fully concurs with these views and believes that S. 2035 would be disastrous to the Federal Government's ability to detect, investigate, and ultimately stop criminals, terrorists, and others who want to harm this Nation. Accordingly, I urge you to reject S. 2035, as currently drafted.

The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter. An identical letter has been sent to the Ranking Member of the Senate Committee on Homeland Security and Governmental Affairs, the Senate Majority and Minority leaders, and the Chairman and Ranking Member of the Senate Committee on the Judiciary.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Chertoff", written over a horizontal line.

Michael Chertoff

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

April 3, 2008

The Honorable Susan M. Collins
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Senator Collins:

I am writing to add the views of the Department of Homeland Security (DHS) to those of the Department of Justice, the Director of National Intelligence, and other agencies in strong opposition to S. 2035, the *Free Flow of Information Act of 2007*. DHS believes that S. 2035 will make the United States both less secure and less free by subverting the enforcement of criminal laws and the Federal Government's investigatory powers.

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Sincerely,

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Michael Chertoff

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



Homeland
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April 3, 2008

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510

Dear Senator Reid:

I am writing to add the views of the Department of Homeland Security (DHS) to those of the Department of Justice, the Director of National Intelligence, and other agencies in strong opposition to S. 2035, the *Free Flow of Information Act of 2007*. DHS believes that S. 2035 will make the United States both less secure and less free by subverting the enforcement of criminal laws and the Federal Government's investigatory powers.

DHS is frequently involved in various investigations of crimes, terrorist activities, and other threats to our homeland. These investigations are integral to our mission, yet the sought-after information is often volatile and available only within a very limited timeframe. The proposed bill erects significant evidentiary burdens to obtaining critical information from anyone who can claim to be a journalist, including bloggers, and communications service providers, such as internet service providers. These roadblocks delay the collection of critical information and ensure that criminals have opportunities to avoid detection, continue their potentially dangerous operations, and further obfuscate their illegal activities.

The Department of Justice has already presented a thorough legal analysis of the problems and dangers of this bill and its companion measure in the U.S. House of Representatives. DHS fully concurs with these views and believes that S. 2035 would be disastrous to the Federal Government's ability to detect, investigate, and ultimately stop criminals, terrorists, and others who want to harm this Nation. Accordingly, I urge you to reject S. 2035, as currently drafted.

The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter. An identical letter has been sent to the Minority leader, the Chairman and Ranking Member of the Senate Committee on Homeland Security and Governmental Affairs, and the Chairman and Ranking Member of the Senate Committee on the Judiciary.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Chertoff", with a long horizontal flourish extending to the right.

Michael Chertoff

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

April 3, 2008

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, D.C. 20510

Dear Senator McConnell:

I am writing to add the views of the Department of Homeland Security (DHS) to those of the Department of Justice, the Director of National Intelligence, and other agencies in strong opposition to S. 2035, the *Free Flow of Information Act of 2007*. DHS believes that S. 2035 will make the United States both less secure and less free by subverting the enforcement of criminal laws and the Federal Government's investigatory powers.

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The Department of Justice has already presented a thorough legal analysis of the problems and dangers of this bill and its companion measure in the U.S. House of Representatives. DHS fully concurs with these views and believes that S. 2035 would be disastrous to the Federal Government's ability to detect, investigate, and ultimately stop criminals, terrorists, and others who want to harm this Nation. Accordingly, I urge you to reject S. 2035, as currently drafted.

The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter. An identical letter has been sent to the Majority leader, the Chairman and Ranking Member of the Senate Committee on Homeland Security and Governmental Affairs, and the Chairman and Ranking Member of the Senate Committee on the Judiciary.

Sincerely,

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Michael Chertoff

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

April 3, 2008

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Leahy:

I am writing to add the views of the Department of Homeland Security (DHS) to those of the Department of Justice, the Director of National Intelligence, and other agencies in strong opposition to S. 2035, the *Free Flow of Information Act of 2007*. DHS believes that S. 2035 will make the United States both less secure and less free by subverting the enforcement of criminal laws and the Federal Government's investigatory powers.

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The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter. An identical letter has been sent to the Ranking Member of the Senate Committee on the Judiciary, the Senate Majority and Minority leaders, and the Chairman and Ranking Member of the Senate Committee Homeland Security and Governmental Affairs.

Sincerely,

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Michael Chertoff

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

April 3, 2008

The Honorable Arlen Specter
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Senator Specter:

I am writing to add the views of the Department of Homeland Security (DHS) to those of the Department of Justice, the Director of National Intelligence, and other agencies in strong opposition to S. 2035, the *Free Flow of Information Act of 2007*. DHS believes that S. 2035 will make the United States both less secure and less free by subverting the enforcement of criminal laws and the Federal Government's investigatory powers.

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Michael Chertoff