



May 28, 2008

Hon. Patrick J. Leahy, Chairman
Sen. Arlen Specter, Ranking Member
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Hon. John Conyers, Jr., Chairman
Hon. Lamar Smith, Ranking Member
Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

Hon. Henry A. Waxman, Chairman
Hon. Thomas Davis, Ranking Member
Committee on Oversight and Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Honorable Chairmen and Ranking Members:

On May 22, 2008, the San Diego Union-Tribune reported on a major security breach at the Strategic Technical Operations Center at Camp Pendleton, in which staff at the Center — including its chief — operated a ring that, for years, stole surveillance files to give to local law enforcement and perhaps to private defense contractors for financial gain.¹

Based on transcripts of court martial proceedings and reports from the FBI, the Union-Tribune indicates that “a massive number of files were taken from Camp Pendleton, including those . . . [classified] Top Secret, Special Compartmentalized information.” The report also revealed previously unconfirmed programs of surveillance of mosques in San Diego and Los Angeles. Some of the stolen records concern a San Diego mosque, the Islamic Center of San Diego, that was “monitored by a federal surveillance program targeting Muslim groups.” According to previous articles, members of the theft ring

¹ See Rick Rogers, *Records Detail Security Failure in Base File Theft*, SAN DIEGO UNION-TRIBUNE (May 22, 2008), available at <http://www.signonsandiego.com/news/military/20080522-9999-1n22theft.html>.

included officers with both the Los Angeles County Sheriff's Department and the Los Angeles Police Department.²

The revelations in these articles not only demonstrate the perils of mass data-collection programs, but raise immediate concerns for the hundreds of thousands of members of the Southern California Muslim community, including the following:

- Whether and to what extent is surveillance being conducted and information compiled on law-abiding Muslim residents and citizens of Southern California, based solely on their choice of religion? Who authorized this surveillance of Southern California Muslim community and why?
- To what extent has information on residents' lawful activities or unverified suspicions about residents been collected without any indication of criminal activity, in violation of federal law, and unlawfully shared between government agencies or with private contractors? How is such unlawfully obtained surveillance being used in ways that affect law-abiding residents and citizens?
- To what extent has local law enforcement engaged in unlawful surveillance or unlawfully obtained access to classified files held by the United States?
- What risks do mass-surveillance programs pose to citizens, and what procedures and protections can be implemented to prevent future security breaches like those at Camp Pendleton from undermining national security and threatening the safety of residents and citizens unlawfully monitored?
- Whether and to what extent have United States military forces participated in domestic surveillance operations in violation of the Posse Comitatus Act, 18 U.S.C. §1385?

We call on your committees to answer these questions by holding public hearings on the San Diego security breach.

The fight against terrorism will have failed at its outset if we sacrifice the essential freedoms, such as religious liberty and limits on government intrusion, on which our nation was founded. The United States is home to 7 to 10 million American Muslims who are law-abiding citizens and who daily contribute to our country's progress. Holding the entire American Muslim community suspect not only threatens civil liberties and raises the specter of unconstitutional religious profiling, but undermines public safety by eroding that community's trust in law enforcement. The San Diego breach revealed not

² See Rick Rogers, *Marine Took Files as Part of Spy Ring*, SAN DIEGO UNION-TRIBUNE (Oct. 6, 2007), available at <http://www.signonsandiego.com/news/military/20071006-9999-1n6spies.html>; Richard Winton, Tony Perry, and Andrew Blankstein, *Inquiry Opens Into Passing of Secret Files*, LOS ANGELES TIMES (Oct. 12, 2007).

only flawed security, but unchecked surveillance and monitoring programs that must be subjected to Congressional oversight.

Respectfully,



Hussam Ayloush
Executive Director
Council on American-Islamic Relations,
Greater Los Angeles Area



Caroline Fredrickson
Director
ACLU Washington Legislative Office



Edgar Hopida
Public Relations Director
Council on American-Islamic Relations,
San Diego



Ramona Ripston
Executive Director
ACLU of Southern California



Shakeel Syed
Executive Director
Islamic Shura Council of
Southern California



Kevin Keenan
Executive Director
ACLU of San Diego & Imperial
Counties