

President Donald J. Trump

ID: LFG-2017-0004

The White House

1600 Pennsylvania Ave NW,

Washington, DC 20500

Sent via: Mail

May 20th, 2017

Re: Reject S.J.Res. 34 and any other proposal aimed as to repealing the broadband privacy rules of the Federal Communication Commission

President Donald J. Trump,

I am sending you this letter out of serious concern as to members of Congress approving S.J.Res. 34. I hope that you are aware that S.J.Res. 34 will repeal the Federal Communications Commission's broadband privacy protections that individuals residing in the United States of America have. Now that the House of Representatives voted to repeal the broadband privacy protections that individuals residing in the United States of America have and are supposed to have, the broadband data of individuals can and will be easily exploited through abuse.

Warrantless searches and seizures

I hope that you are aware that S.J. Res. 34 is a threat to the privacy rights that individuals residing in the United States of America have. For instance, S.J. Res. 34 would allow broadband service providers to sell the broadband data that they have on their customers to other entities that are interested as to obtaining this data. This will be able to be done without the consent or the approval of the customer. Customers will now not have any say as to this issue even if their data is sensitive.

This soon to be new policy, if agreed by you, and hopefully not, would theoretically allow domestic law enforcement agencies and even domestic intelligence agencies¹ to obtain the broadband data that they have on people without a warrant if they buy the data from broadband service providers. This would basically allow the government to buy data or to make financial deals with broadband providers without obtaining a warrant as to a targeted individual. Specifically this would theoretically approve and endorse warrantless searches and seizures of individuals' broadband data. Now domestic law enforcement agencies and domestic intelligence agencies would not have to obtain a warrant when they are trying to conduct electronic surveillance as to a targeted individual.

By giving government officials, government agencies and contracted individuals with the government the power to obtain the broadband data of an individual without a warrant is extremely concerning, dangerous and that type of activity does open the door for privacy invasions and unlawful searches and seizures to occur. I hope that you are aware that with respect as to the issue as with police officials aspiring to search the data on a cell phone of an individual, that police official must obtain a warrant. See *Riley v. California*, 134 S.Ct. 2473, 2493 (2014). I hope that you also understand that even if

¹ This would include but is not necessarily limited to the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Administration, local, state and even other federal agencies.

you do decide to approve S.J. Res. 34 or to make it into official policy, that government officials in which are in law enforcement must first obtain a warrant prior to them searching the broadband data of a person without that person's consent. That is because a warrant in our country has a primary purpose. The purpose of a warrant is to give a judge, not the police, the discretion to determine what places can be searched and which items can be taken. See *Marron v. United States*, 275 U.S. 192, 196 (1927). Warrants specifically have the purpose as to stating what government officials are allowed to search and what they are allowed to seize. See *Andresen v. Maryland*, 427 U.S. 463, 480 (1976). Government officials and even contracted individuals with the government that fail to do so with respect to the broadband privacy restrictions of the Federal Communication Commission being repealed would be violating the privacy rights of the targeted individual. If the broadband data was or is being used as part as to an official investigation and the government did not obtain a warrant but just bought the data from broadband service providers, then I would strongly consider that conduct to be violating the procedural due process rights of the targeted individual.

Allowing government officials to buy broadband data of a person without obtaining a warrant would negate the purpose of a warrant and would prevent a judicial official from being able to use fair and just discretionary power as to making sure that searches and seizures are lawful and that they are not abused by the government. The bottom line is that if the government wants to begin electronic surveillance on a person, they need to get a warrant. See *United States v. U.S. District Court*, 407 U.S. 297 (1972).

Espionage committed against the United States of America

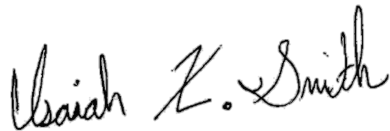
Foreign governments commit espionage against entities inside of the United States and against the United States of America through standard business practices with entities (corporations), such as mergers and acquisitions, strategic alliances, licensed agreements and well as through hackings or any other type of unauthorized server access. When espionage is suspected as to being committed by a foreign government, the Central Intelligence Agency notifies the Federal Bureau of Investigation and other appropriate government agencies as to the situation that is or that has occurred. With regards to the Central Intelligence Agency, officials with the Central Intelligence Agency have been known to brief corporate officials directly concerning the threats of foreign intelligence services.

Even though it has been well known that foreign intelligence agencies commit espionage against the United States of America and against entities and individuals that are inside of the United States of America, rolling back the privacy protections of broadband data would further aid foreign intelligence services as to their quest as to committing espionage against entities in the United States. Foreign intelligence services often target corporations that are of some interest as to them for whatever reason. Now those entities will include those that "will soon be able to" buy data of people without that person's consent in which will be collected and assembled by that entity. If one of those entities such as a corporation is hacked or is a victim as to an unauthorized access as to their data, a foreign intelligence service will be able to obtain the data that they have on individuals residing inside of the United States. A foreign intelligence service could also pose as a legitimate entity domestically or in a foreign country and could buy the data that a broadband service provider has on people without necessarily the broadband service provider being aware that a foreign intelligence service is buying the data in which is in their possession.

Conclusion:

I surely hope that you reject S.J. Res. 34 or any other proposals that are seeking to repeal the broadband privacy rules of the Federal Communication Commission. As I have stated in my letter to you above, the repeal of the broadband privacy rules of the Federal Communication Commission would allow broadband service providers to sell the broadband data that they have on people to other individuals, entities, government official, contracted individuals of the government, without the consent of the customer. Not only that but allowing this to occur would give foreign intelligence services an opportunity to obtain more data on individuals and even of entities from entities that buy and collect this soon to be data of an individual without their consent.

I urge you to reject S.J. Res. 34 and any other proposal that is aimed as to reversing the broadband privacy rules of the Federal Communication Commission. Some of us are too handsome as to having to deal with this.

A handwritten signature in black ink that reads "Isaiah X. Smith". The signature is written in a cursive style with a large, stylized 'I' and 'S'.

Respectfully,

Isaiah X. Smith

Isaiah Smith Campaign

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