



November 30, 2022

Re: **Letter in Support of the Fourth Amendment is Not For Sale Act S.1265/H.R.2738**

Dear Chairwoman Jayapal, and members the Congressional Progressive Caucus:

WA People's Privacy, as well as the undersigned, are writing to urge your sponsorship and passage of the Fourth Amendment is Not For Sale Act. This bill would help [reign in the unwarranted surveillance](#) of U.S. citizens and residents and the increasingly frequent and dangerous overreaches of law enforcement into people's private data and lives. This problem continues to grow exponentially given the availability of all kinds of data about people via data brokers and tech businesses.

Everyone needs and deserves due process. The Fourth Amendment is Not for Sale Act would disallow the purchase of [bulk data from data brokers](#) by government agencies, requiring law enforcement and their service providers, and persons acting on behalf of government agencies to seek a court-issued warrant in order to access people's data. While FANFSA does not solve all data privacy problems, it's a very important step!

We face a reality, post-overturn of Roe, in which [we're needing to confront a myriad of threats](#) to speech and civil liberties. So many of us who are organizing on the front lines of a polarized nation for our most basic rights and freedoms [are doing so at great personal and political risk](#). In Dobbs, we have seen a long-standing legal precedent for privacy and autonomy overturned by our highest court. Now is the time to secure the basic right to privacy for all.

Without privacy protections from unwarranted spying on our activities, we face the danger of being profiled, harmed and even locked out of rights and services via the constant access to our data by government actors, law enforcement and companies/people acting on their behalf. These actors may now, or at some point in the future, even be [hostile to democratic activities](#). And, the [threat of unwarranted surveillance is far greater](#) for those of us who are poor, immigrant, black, brown, Indigenous and LGBTQ2SIA+.

We are concerned about the [lobbying power of big tech in Congress](#). We are also clear that the American Data Privacy Protection Act (ADPPA) would *not* provide the [urgent protections needed](#) by poor, immigrant, black and brown people, unfavored groups, and people seeking abortions and gender-affirming care. While it would do some really helpful things, like clarify data collection processes and define roles for businesses and service providers, it would mainly protect the privacy of those individuals and groups in the U.S. who *already* enjoy the least risk of data privacy harms, and it [needs many improvements](#) in order to protect everyone.

The Fourth Amendment is Not for Sale Act, however, which has [strong bipartisan support](#), **would protect everyone**. By centering and prioritizing the need to protect the individuals and groups who face disproportionate threats of big data harms at the hands of government actors and law enforcement, we can begin to secure everyone's privacy.

As written, the Fourth Amendment is Not for Sale Act addresses some of the harms that the American Data Privacy Protection Act (ADPPA) simply does not, and it creates a very strong and necessary piece of the federal floor we need on privacy. We can pass that *without* rushing through a preemptive consumer law that would limit cities' and state's abilities to flexibly and quickly address emerging technologies and the threats to privacy they will present.

Among the developing threats ahead to privacy are increased efforts to utilize biometric data collection, AI, and algorithms to shape and determine our lived realities. Many current and upcoming harms and threats have been identified in the Biden Administration's recently released [Blueprint for an AI Bill of Rights](#).

We urge our lawmakers to support The Fourth Amendment is Not for Sale Act, and to pass it expeditiously, in the strongest form possible, ***ensuring that it protects all people living in the U.S., regardless of their immigrant status.***

Signed,

WA People's Privacy  
American Muslim Empowerment Network (AMEN)  
Coalition of Seattle Indian Americans  
East African Community Services( EACS)  
Fight for the Future  
Indivisible Plus Washington  
Indivisible Bainbridge Island  
Indivisible Bellingham  
Indivisible Eastside  
Indivisible Skagit  
Indivisible South Puget Sound  
Indivisible Tacoma  
Indivisible Washington's 8th District  
Indivisible Whidbey Island  
Lower Columbia Indivisible  
Olympia Indivisible  
PDX Privacy  
Seattle Indivisible  
Snohomish County Indivisible  
Wallingford Indivisible  
Washington Poor People's Campaign  
Whatcom Human Rights Task Force