

EXHIBIT 1

OPINION • Editorial

The FBI's lawless spying on America



Department of Justice Inspector General Michael Horowitz arrives for a Senate Judiciary Committee hearing on the Inspector General's report on alleged abuses of the Foreign Intelligence Surveillance Act, Wednesday, Dec. 11, 2019, on Capitol Hill in Washington. (AP Photo/Andrew Harnik)

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In the aftermath of the 9/11 attacks, President George W. Bush secretly ordered a warrantless wiretapping program that was against the law. The program that was code-named Stellarwind violated the Foreign Intelligence Surveillance Act of 1978 by allowing phone calls and electronic communications to or from a targeted foreign person to be scooped up by United States government agencies and retained in a database, without a warrant, even if a U.S. person's communications were incidentally collected.

Congress decided in 2008 to formally legalize the illegal practice by amending the Foreign Intelligence Surveillance Act. What is now known as Section 702 has been reauthorized periodically and next expires on Dec. 31 of this year.

Serious abuses and errors under Section 702 have been documented in multiple reports by Justice Department Inspector General Michael Horowitz, and in December, a required semiannual assessment of the government's compliance with Section 702's procedures and guidelines was released by the Office of the Director of National Intelligence.

The ODNI report stated that in 2021, FBI personnel conducted nearly 3.4 million U.S. persons queries of the surveillance database, and that many of these searches were made in error. The report characterized these violations of the rights of innocent Americans as "misunderstandings."

During an April 27 hearing held by the House Judiciary Committee, Inspector General Horowitz testified that the FBI conducted more than 1 million secret database searches erroneously in 2021, an error rate of about 30 percent.

Both Republican committee chairman Rep. Jim Jordan and Democratic ranking member Rep. Jerrold Nadler agreed that Americans' communications needed to be better protected from government spying.

Congress could pass a new law adding safeguards such as requiring probable cause for searches, or it could just let Section 702 expire. President Biden is



But Section 702 should not be renewed. The Fourth Amendment to the Constitution reads, “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

That’s the law, and it’s time the government started obeying it.

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