



NATIONAL FRATERNAL ORDER OF POLICE

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6 December 2023

The Honorable James D. Jordan
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Jerrold L. Nadler
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman and Representative Nadler,

I am writing to advise you of our strong opposition to the inclusion of H.R. 4639, the "Fourth Amendment Is Not For Sale Act," into H.R. 6570, the "Protect Liberty and End Warrantless Surveillance Act," which was considered and favorably reported by the committee today.

This provision would have a profoundly negative effect on public safety and on the ability of law enforcement to conduct investigations into violent crimes like murder, kidnapping, terrorism, and other serious threats. The bill would cut off access to vital investigative tools routinely used by law enforcement agencies every day—tools that generate leads into crucial and often complex cases. Investigators do this by selectively using third-party data, which is widely available for use for a variety of purposes that have nothing to do with public safety. If Congress acts to impose a probable cause standard for this type of information, routine investigations will become arduous and time consuming—delaying justice for victims. Investigations in which time is a factor—like kidnappings or human trafficking—will become impossible to solve, and lives could be lost.

The data accessed by law enforcement that this legislation would restrict is critical because it allows investigators to identify and pursue leads which in turn are used to gather evidence and establish probable cause for an arrest and prosecution. Without access to this type of data, investigators will not be able to "connect the dots"—to see patterns and establish links between the crime and the perpetrator. By prohibiting access to this commercially available data, Congress would not just be tying the hands of law enforcement, it would be denying swift justice for victims.

On behalf of the more than 373,000 members of the Fraternal Order of Police, we urge the committee to strike Sections 18 through 22 in H.R. 6570 before the House considers the bill on the floor, and we further ask that the committee work with the Fraternal Order of Police to address genuine privacy concerns surrounding the availability of this information without removing this vital tool from our law enforcement agencies. Please do not hesitate to contact me or Executive Director Jim Pasco in our Washington, D.C. office if we can work together on this important issue.

Sincerely,

Patrick Yoes
National President

cc: Gary Wolske, President, Ohio State Lodge
Mike Essig, President, New York State Lodge