

SENATOR TOM UDALL: DEFENDING OUR CIVIL LIBERTIES AND CIVIL RIGHTS

Tom has defended Americans' Constitutional civil liberties throughout his career in Congress, casting his vote against the PATRIOT Act and continuing to fight against warrantless surveillance

Tom Udall has defended Constitutional civil liberties and civil rights for all Americans throughout his career in Congress. Tom has stood up to defend the fundamental privacy rights that are enshrined in the United States Constitution. Tom has also worked to tackle longstanding racial injustices that are embedded in the justice system, and that exclude people of color from systems of government and access to equal economic opportunity.

Protecting Constitutional Privacy Rights

*"National security does not require the federal government intruding upon the private lives of Americans – without probable cause and a search warrant. Our liberties and freedoms define us as a nation. We don't need to sacrifice them for an illusion of security." –U.S. Senator
Tom Udall*

Tom was one of only 66 Members of Congress to vote against the USA PATRIOT Act in 2001, hastily developed legislation that has since led to an unprecedented expansion of warrantless foreign and domestic surveillance programs. Tom has repeatedly raised concerns that the law is now being abused beyond its original stated counterterrorism purposes. Tom has since led major pushes to reform the PATRIOT Act to balance national security with Americans' right to privacy.

Tom believes that every American should have confidence in their Fourth Amendment right to privacy. Beginning in his first year in the Senate, Tom has introduced comprehensive reforms to the Patriot Act to protect Americans' civil liberties, including:

- The **JUSTICE Act**, to **add** reasonable safeguards for the FBI's use of National Security Letters, which require the disclosure of sensitive personal information by banks, credit card companies, and telephone and Internet service providers without judicial approval.
- Legislation that would **reform the Foreign Intelligence Surveillance Act (FISA) courts** in charge of reviewing surveillance requests. Udall's legislation introduced changes that would install an advocate for the American people's privacy rights to the one-sided, secret court and mandate that judges selected for the FISA courts are geographically and ideologically diverse and better reflect the full diversity of perspectives on questions of national security, privacy, and liberty.
 - ◆ Tom also voted against a six-year renewal of the FISA Section 702 because it was not reformed to protect Americans from warrantless spying.
- Bipartisan legislation that would **prohibit bulk collection of Americans' phone and email records** and establish subpoena power for the Privacy and Civil Liberties Oversight Board. Similar legislation passed the Senate in 2015.

Holding Government Accountable for Warrantless Surveillance

Even before Americans learned the scale of warrantless surveillance tapping their phone records, Tom led efforts in the Senate to demand answers and accountability from government intelligence agencies about the scope of warrantless surveillance conducted by the U.S. government. Tom has been one of Congress's most consistent and effective voices to protect American civil liberties by empowering intelligence watchdogs.

- Udall led a bipartisan push for an **investigation** into the National Security Agency's (NSA) phone records and data collection programs by a key privacy and civil liberties panel. As then-chair of the Senate Appropriations Subcommittee on General Government Services, Udall won significant **budget increases** for the Privacy and Civil Liberties Oversight Board to fund the investigation and greater civil liberties protection.

Protecting Passenger Privacy

After the Transportation Security Administration (TSA) began using full-body X-Ray machines for airport security screenings, Tom added a provision to detect threats without resorting to invasive "digital strip-search" imaging.

- In 2013, Tom included a provision to an aviation law to **protect airport security while upholding passenger privacy** by requiring a software update to full-body X-Ray machines. The provision prevented TSA from collecting "digital strip search" imaging while still detecting possible threats.

Advancing Racial Justice Legislation

Tom is an original cosponsor of legislation to tackle systemic racism in the United States. Tom believes that Black Lives Matter, and that we must confront the difficult truths about systemic injustice and racism head on to work for real reforms. Tom has cosponsored legislation to end the excessive use of force by law enforcement, bring real accountability and transparency into the justice system, and build trust between law enforcement and the communities they serve. Tom has also supported bipartisan efforts to begin dismantling the system of mass incarceration that disproportionately targets Black Americans and people of color in the United States.

- Tom is an original cosponsor of the **Justice in Policing Act**, legislation that takes key steps to end police violence that has disproportionately targeted Black Americans and other communities of color in the United States. This legislation will:
 - ◆ Reform the current law of "qualified immunity" that often makes it difficult to hold police officers accountable and work to end racial and religious profiling,
 - ◆ Save lives by banning chokeholds and no-knock warrants,
 - ◆ Limit military equipment on American streets,
 - ◆ Require body cameras and further enable investigation into police misconduct,
 - ◆ Empower communities to reimagine public safety in an equitable and just way,
 - ◆ Change the culture of law enforcement with training to build integrity and trust and improve transparency by collecting data on police misconduct and use-of-force, and
 - ◆ Designate lynching as a federal crime.

→ Tom also believes that meaningful criminal justice reform is crucial, cosponsoring the bipartisan **FIRST STEP Act** and voting it into law. The FIRST STEP Act tackles the issue of unnecessarily harsh prison sentences that worsen racial disparities. More than two-thirds of federal prisoners serving a life sentence or a virtual life sentence have been convicted of non-violent crimes. The FIRST STEP Act also shortens mandatory minimum sentences for nonviolent drug offenses and eases a federal “three strikes” rule – which currently imposes a life sentence for three or more convictions – and issues a 25-year sentence instead.