June 14, 2004

The Honorable Porter J. Goss  
Chair, House Permanent Select Committee on Intelligence  
H-405 Capitol Building  
Washington, DC  20515

Dear Chairman Goss:

I write on behalf of the Association of American Universities to express our grave concern about reports that the Select Committee on Intelligence is considering the inclusion of provisions of H.R. 3179, the Anti-Terrorism Intelligence Tools Improvement Act of 2003, in the FY 2005 Intelligence Authorization Act. We believe that significant additions to the Patriot Act should be considered carefully -- and publicly -- in the context of next year's planned review of the Act. We strongly urge you to defer action on any elements of H.R. 3179 this year, and to consider that bill as part of next year's review of the Patriot Act.

Universities recognize and support the need to develop effective, comprehensive methods to combat terrorism and strengthen homeland security. Indeed, our institutions are playing an essential role in these efforts, working with the Department of Homeland Security and other federal agencies to build new homeland security centers of excellence, expand research into methods for countering chemical and biological warfare, and train future generations of scientists and scholars in areas critical to homeland security.

We are concerned about the potential impact of H.R. 3179 on the quality and productivity of university programs. Some of the bill's provisions would place new demands on universities in their role as Internet service providers which could have unintended chilling effects on academic discourse. As you know, the quality and productivity of university research and education programs depend fundamentally on free and open discourse among faculty and students in this country and with the worldwide community of scientists, scholars, and students. The effect of these provisions on academic discourse needs to be considered fully and publicly.

Other provisions of H.R. 3179 would expand the authority for the undisclosed use of secret information—which now applies only in proceedings for alleged terrorists—to all immigration proceedings. This expansion, combined with related issues that are
already having an impact on international students and scholars, could further erode the ability of our universities to attract worldwide talent. The world leadership in science which has benefited the United States for decades has depended in significant measure on the ability of our universities to attract and retain exceptionally talented students and scholars from other countries. This, too, is a potential impact of H.R. 3179 that deserves full public consideration.

We believe it is essential that these potential harmful consequences be carefully examined by Congress.

Again, AAU shares the view that strong actions must be taken to combat terrorism and strengthen homeland security, and our universities are proudly participating in that effort. Nevertheless, amendments to the Patriot Act raise complicated issues that require careful public analysis. We believe it is essential that the potential consequences of H.R. 3179 outlined above be carefully examined by Congress as part of a broad assessment of the Patriot Act. Because these issues are so important and so consequential—for the security that we all seek and for potential unintended consequences that could undermine those objectives—we ask you to postpone any legislative consideration of H.R. 3179 this year, and deliberate it instead as part of next year’s assessment of the Patriot Act.

Thank you for your consideration of our request.

Respectfully,

John C. Vaughn
Executive Vice President

cc: Members of the House Permanent Select Committee on Intelligence