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# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KRISTINE J. LUCIUS, *Chief Counsel and Staff Director*  
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November 18, 2014

The Honorable Eric H. Holder, Jr.  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Dear Attorney General Holder:

I am concerned by recent reports about the Department of Justice's collection of Americans' cellphone data from aircraft. The reports describe the Department's use of wireless surveillance systems, known as IMSI-catchers (e.g., Stingrays or DRTBoxes), that collect phone identifications, locations, and possibly communications content by impersonating cellular phone towers. While I understand that law enforcement agents need to be able to track down and catch dangerous suspects, this should not come at the expense of innocent Americans' privacy.

The reports, while alarming, lack critical details about the parameters of this program. Therefore, I request that you provide answers to the following questions:

1. Which federal agencies are currently using, or plan to use, this technology or similar technology?
2. Under what legal authority is the federal government acting? To the extent that the Department of Justice is seeking court approval, is this done on a case-by-case basis or on a wider scale? What are judges told about how the technology works, and the potential impact on innocent Americans? Please provide a representative sample of the applications for these court orders.
3. What is the frequency and duration of such flights? How many phones can be detected, tracked, and/or monitored during each flight?
4. What types of fugitives are targeted for surveillance under this technology?
5. What types of information (e.g., phone metadata, location, emails, files, and photos) are collected from phones?
6. What types of data are retained by the government using this program, both from phones of targets and innocent Americans?
7. What is the effectiveness of this program? Please be specific about the number of fugitives who have been detained as a direct result of this technology.

8. Reports indicate that the surveillance systems have the capability of blocking phone calls, including 911 and other emergency calls. What steps have been taken to ensure that phone calls of non-targeted civilians are not interrupted by this program?
9. What safeguards are in place to ensure that innocent Americans' privacy is protected to the fullest extent possible?

Thank you for your prompt attention to this important matter. If you have any questions, please contact Brent Beckert on my staff at (202) 224-1031.

Sincerely,

A handwritten signature in blue ink, appearing to read "Al Franken", with a long horizontal flourish extending to the right.

Senator Al Franken  
Chairman, Subcommittee on Privacy,  
Technology, and the Law