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April 3, 2015

Director James Comey
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Dear Director Comey:

I am writing to urge you to ensure that the Federal Bureau of Investigation (FBI) respond swiftly and appropriately to reports of nonconsensual disclosure of sexually explicit images and videos. The digital age has brought many benefits for free speech, commercial activity, and the sharing of information, but new technologies can pose significant threats if bad actors are not held accountable to our nation's laws. As technologies rapidly advance, it is our responsibility to ensure that our nation's laws keep pace with those technologies. But it is also our responsibility to ensure that existing laws are strictly enforced.

I am deeply concerned by reports of individuals, mostly women, having explicit images of themselves posted on websites when they did not consent to their disclosure. These images are often accompanied by personal information, including names, addresses, phone numbers, and employers. The individuals who are victims of such disclosure are not only traumatized by having their private images made publicly available without their consent, but they also frequently contend with subsequent loss of employment, harassment and stalking at the hands of strangers motivated by the posts, and in some cases, assault and murder.

Technology companies have recently been paying increased attention to this issue, which is a very good development. Popular platforms, including Twitter and Reddit, have recently made clear that nonconsensual disclosure of sexually explicit content is unacceptable on their platforms. I was also encouraged by the successful conviction of Hunter Moore, who made a business of this appalling exploitation of people's most intimate moments. Moore was convicted of conspiring to hack into victims' accounts and subsequent identity theft. The FBI's diligent work on this case is an important victory for victims. I am hopeful that these recent developments and the increased public attention to the problem will lead to a more concentrated federal effort to combat this growing threat to Americans' privacy and safety.

It is critical that when victims report these images to federal law enforcement they receive expeditious assistance and are treated with sensitivity. Victims' suffering should not be prolonged as pending investigations result in their images remaining online, with the risk of continued harassment. In light of these concerns, I request that you provide information on all legal authorities available to the FBI to investigate cases involving the nonconsensual disclosure of sexually explicit images and any statistics on how your authorities, including federal hacking

and identity theft laws, have been used to combat conduct of this nature. Furthermore, I ask that you provide information on any limitations in current law that you have identified that may have prevented the FBI from conducting investigations and making arrests in cases of nonconsensual disclosure of sexually explicit images.

I would appreciate a response to these inquiries by May 8, 2015, and I also ask that you provide a briefing on the issue for my office as follow up. Thank you for your attention to this urgent matter, and please do not hesitate to contact me, or Leslie Hylton on my staff at (202) 224-5641. I look forward to working with you to ensure the privacy and safety of all Americans.

Sincerely,

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

Senator Al Franken
Ranking Member, Subcommittee on Privacy,
Technology, and the Law