



AMERICAN CIVIL LIBERTIES UNION OF UTAH FOUNDATION, INC
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March 18, 2010

Governor Gary R. Herbert
Utah State Capitol Complex
350 North State Street, Suite 200
PO Box 142220
Salt Lake City, Utah 84114-2220
Fax: 801-538-1528

**Re: First Substitute H.B. 150, "Administrative Subpoena
Amendments"**

Dear Governor Herbert,

On behalf of the American Civil Liberties Union of Utah, we urge you to veto First Substitute, HB 150, "Administrative Subpoena Amendments."

First substitute H.B. 150 would allow law enforcement to seize detailed personal information ***without a warrant*** and replicates the civil rights violations that occurred in the extensive and illegal use of National Security Letters by the Federal Government.

The ACLU of Utah opposes first substitute H.B. 150, as we believe warrants are the appropriate requirement for law enforcement to obtain detailed private information about individuals, including their phone records. This bill would **require** that electronic communication service providers (ISPs, telephone companies, etc.) release detailed private data on their customers – ***including, without limitation, any identifying data***, without the opportunity to request that law enforcement obtain a warrant.

We believe that such expansion of government power – made famous by abuses of the federal government's National Security Letters – is incredibly dangerous for our civil liberties and creates perverse incentives for government to engage in fishing expeditions against individuals where there is no probable cause. Particularly when such private communications are at issue, a court's limited oversight in the form of a warrant is critical to the checks and balances so central to our democracy and the Fourth Amendment. As such, the government should be required to request a warrant – usually a quick and easy task –

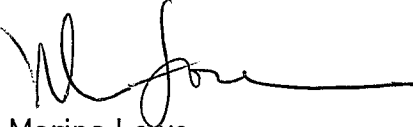
whenever there is probable cause to investigate someone's private phone or other electronic communication data.

Utah has a long tradition of protecting individual rights, and we believe this is precisely the wrong area in which to emulate the federal government's widespread and abusive seizures of private data without a warrant.

Sincere Regards,

A handwritten signature in cursive script that reads "Karen McCreary". The signature is fluid and extends to the right, overlapping with the signature of Marina Lowe.

Karen McCreary
Executive Director

A handwritten signature in cursive script that reads "Marina Lowe". The signature is fluid and extends to the right.

Marina Lowe
Legislative & Policy Counsel

cc: John Pearce, Esq.