

United States Senate

WASHINGTON, DC 20510

October 26, 2026

The Honorable Jay Clayton
Director of National Intelligence
Washington, D.C. 20511

The Honorable Todd Blanche
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Director Clayton and Attorney General Blanche:

We write to demand the administration stop violating the law and finally release a declassified version of the Foreign Intelligence Surveillance Court (FISC) opinion and order, dated March 17, 2026. This opinion details serious abuses of Americans' rights under Section 702 of the Foreign Intelligence Surveillance Act (FISA) and, by law, should have been released before September 13. Yet this opinion remains hidden over a month later, suggesting that the administration hopes to secure a renewal of Section 702 while keeping Congress and the public in the dark. As Congress continues to debate the fate of this authority, lawmakers must be able to discuss these abuses openly. Otherwise, the American people will rightly question whether a government that so flagrantly violates basic legal requirements, like the statute requiring declassification, can ever be trusted to not abuse a powerful surveillance tool like Section 702.

This year, Congress has on multiple occasions debated whether to extend Section 702, and ultimately let it expire in June. Despite its expiration, the administration is still permitted to continue collection under Section 702 until March 2027. This is because the March 17, 2026 FISC opinion that detailed abuses of the program also permitted the administration to continue this surveillance for another year. As such, Congress will doubtlessly debate whether to revive Section 702 in the coming months.

We have long called for reforms to this program and other government surveillance. As you know, Congress continues to consider reforms to Section 702, including whether to require a warrant to search 702 collections for the communications of particular Americans, stopping the government from warrantlessly buying Americans' data from data brokers, and limiting the people and entities that the government can conscript into surveillance of Americans.

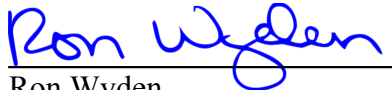
We and others have repeatedly called for the administration to release the March FISC opinion. In May, the Chair and Vice Chair of the Senate Intelligence Committee sent a letter to the administration stating their expectation that the opinion would be released by May 15 "in order to inform the Senate debate on section 702." The statute itself requires the administration to release a declassified version of the opinion within 180 days. In July, Attorney General Blanche told the Senate Judiciary Committee he expected that the public release would happen "in advance of the statutory deadline." Attorney General Blanche unequivocally committed to "declassifying the opinion by the statutory deadline of 180 days and complying with the law." Nevertheless, it is now a month past the statutory deadline and the opinion has still not been released.

Simply put, this is not acceptable, especially as this administration restarts its attempts to lobby Congress to renew Section 702 without reforms. The administration has now had over seven months to declassify and release this opinion. It is time to stop violating the law and finally release this opinion. And if this administration won't follow this simple statutory directive, it is unclear why Congress or the American people should trust this administration to follow any of the other legal limits to Section 702.

We demand that you release this opinion as soon as possible. We also request that you respond in writing by November 6, 2026, providing an explanation as to why the opinion was not released by the statutory deadline and identifying the officials that were responsible for withholding its timely release.

Thank you for your attention to this important matter.

Sincerely,



Ron Wyden
United States Senator



Adam B. Schiff
United States Senator