

Congress of the United States

Washington, DC 20515

September 11, 2026

The President
Investigatory Powers Tribunal
PO Box 3322
London SW1H 9ZQ
United Kingdom

Dear Judge:

We write to request that the Investigatory Powers Tribunal (IPT) permit greater transparency into the challenge reportedly filed by Apple concerning a surveillance directive from the U.K. government under the Investigatory Powers Act. The U.K. government's unprecedented demands for secrecy in this matter undermine democratic governance in both the United States and the U.K., and needlessly strain the relationship between our two nations.

Apple recently informed Congress that it is challenging the U.K. government's authority to issue surveillance directives. Apple sought permission from the U.K. government to discuss this issue in more detail with both the executive and legislative branches of the U.S. government. Apple further informed Congress that the U.K. government granted Apple permission to brief the Attorney General, the Vice President, and their staff, while explicitly prohibiting the company from discussing the issue in further detail with the U.S. Congress.

It is wholly inappropriate for a foreign executive body to attempt to dictate the distribution of powers within the U.S. government, nor should it be permitted to use secrecy directives under the Investigatory Powers Act to frustrate Article I powers under the U.S. Constitution. Under our system, Congress is not only a co-equal branch of government, it is the First Branch of the U.S. government.

Both of our legal traditions recognize that effective self-governance relies on unhindered legislative scrutiny. In 1742, William Pitt the Elder famously described Parliament as the "grand inquest of the nation," declaring it the duty of representatives "to inquire into every step of public management." This principle profoundly influenced America's founding fathers; indeed, the exact description of Congress as the "grand inquest of the nation" even appeared in early drafts of the U.S. Constitution.

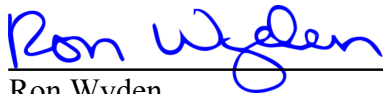
From Walter Bagehot's analysis of Parliament's "informing function" to A.V. Dicey's exposition on legislative authority over executive officers, the British tradition has long maintained that no administration can place its demands beyond the reach of legislative inquiry. The U.K. government cannot champion legislative oversight at home while using administrative gag orders to kneecap the constitutional authority of the U.S. Congress.

This attempt to bypass legislative scrutiny has profound real-world consequences. Then-Director of National Intelligence Tulsi Gabbard criticized reports of a prior surveillance demand of Apple by the U.K. government to weaken Americans' encryption, stating that it "would be a 'clear and egregious violation of Americans' privacy and civil liberties.'" Weakening encryption in consumer software introduces critical vulnerabilities that can be exploited by hostile foreign actors. Congress cannot fulfill its constitutional duty to evaluate and mitigate these national security threats if foreign non-disclosure orders are weaponized to prevent U.S. technology companies from answering inquiries from duly elected lawmakers.

Accordingly, we urge the IPT to consider the profound constitutional and intergovernmental implications of these orders. We also reiterate our call from last year requesting that the Tribunal facilitate open justice in these proceedings and allow independent cybersecurity experts and affected stakeholders to evaluate the technical demands in question. Furthermore, the Tribunal should ensure that no surveillance demand issued under U.K. law is permitted to restrict U.S. companies from fully informing and engaging with the United States Congress.

Thank you for your attention to this important matter.

Sincerely,



Ron Wyden
United States Senator



Warren Davidson
Member of Congress