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May 31, 2007

The Honorable Mike McConnell
 Director of National Intelligence
 Office of the Director of National Intelligence
 Washington, DC 20511

The Honorable Alberto Gonzales
 Attorney General of the United States
 U.S. Department of Justice
 950 Pennsylvania Avenue, NW
 Washington, DC 20530

Dear Director McConnell and General Gonzales,

The House Permanent Select Committee on Intelligence is conducting a review of electronic surveillance activities by U.S. intelligence agencies and legal authorities governing electronic surveillance, particularly the Foreign Intelligence Surveillance Act (FISA).

This letter follows previous letters sent by the Committee as well as several requests made by Members and Staff for documents relating to the NSA Surveillance Program, described by the President as the "Terrorist Surveillance Program," (hereinafter, the Program).

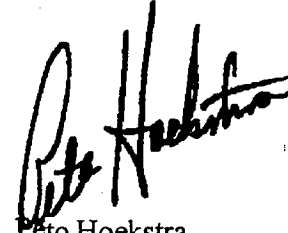
To assist the Committee in evaluating arguments about the need to alter FISA, we request that you provide the following documents to the Committee no later than June 8, 2007.

- 1) All documents that reflect the President's authorization and reauthorization of the Program, including any predecessor or successor programs, from 2001 to present;
- 2) Any policy decision memorandum - or like document - that details the policy rationale for the President's authorization of the original Program. If such memoranda cannot be provided, a written statement, signed by competent authority, detailing the need for the TSP authorization in 2001 will suffice;
- 3) All documents, including memoranda, that contain analysis or opinions from the Department of Justice, the National Security Agency, the Department of Defense, the White House, or any other entity within the Executive Branch on the legality or legal basis for the Program, including documents that describe why the necessary surveillance could or could not take place under FISA, from 2001 to present;
- 4) Any memorandum within the control of the Executive Branch that details the civil liberties safeguards (including minimization procedures) for American citizens built into Program from 2001 on, also any memorandum that explains the efficacy of such civil liberties safeguards. If such memoranda cannot be provided, a written statement, signed by competent authority, explaining these safeguards and their efficacy will suffice;
- 5) A written assessment of the efficacy of the Program from 2001 on. Such assessment should explain what kind of information was gained by the Program, how effective the Program was in gaining such information, what that information was used for and the relative value of continuing the Program in its current form;
- 6) All documents that reflect communications with the Foreign Intelligence Surveillance Court about the Program or types of surveillance that were conducted as part of that Program, that contain legal analysis, arguments, or decisions concerning any interpretation of FISA, the Fourth Amendment, the Authorization to Use Military Force or the President's authority under Article II of the Constitution, from 2001 to the present;
- 7) A written assessment of the effects of the unauthorized public disclosure of the Program in December 2005. Such assessment should include a statement of the impacts of the unauthorized disclosure in terms of fiscal costs, continued access to intelligence information, cooperation of third parties and overall harm to U.S. national security;
- 8) All documents that reflect communications with any telecommunications company relating to the authorization, legal authority, or legal justification for the Program, from 2001 to present."

The Committee cannot begin a serious evaluation of legislative proposals to alter the FISA system unless we have facts regarding the adequacy of existing legal authorities. We trust that you will comply with this request so that our evaluation of legislation may begin promptly.

Sincerely,

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Chairman



Peto Hoekstra
Ranking Republican Member