

United States Senate

WASHINGTON, DC 20510-4502

February 17, 2006

The Honorable Donald Rumsfeld
Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Rumsfeld:

A member of your office recently replied to my letter dated December 21, 2005, about surveillance activities conducted by the Department of Defense. The response from the Office of the Under Secretary of Defense for Intelligence does not answer several of the very basic questions posed in my original letter. What information I did gather from the letter paints a troubling picture of a program that has gone well beyond a reasonable effort to protect the Department's installations and personnel.

In my December 21 letter, I asked for a description of the Department's efforts to collect information in the State of Vermont. I asked for specifics about the dates of collection, the individuals or groups that were targets of collections, and the basis for determining that such targets posed threats to Defense Department installations and personnel. Protests against the war in Iraq by such peaceful groups as the Quakers were apparently included in the Department of Defense's threat database known as Threat and Local Observation Notice (TALON), which is maintained by the recently established Counterintelligence Field Activity (CIFA). It is a logical and usual practice for a senator to request and obtain updates about the federal government's activities in his or her home state. Accordingly, I was disappointed to see that the January 27, 2006, response from the office of the Under Secretary of Defense for Intelligence did not include a single mention of Vermont, let alone include the more general information that I requested.

I am also troubled by the fact that the letter I received provides no information about how the broader information gathering process actually works. In 2002, the Congress reacted negatively to a program that appears to be similar to TALON. That was the Terrorism Information and Prevention System, called TIPS. It was a citizen-reporting program that threatened to turn neighbors into spies and to discredit valuable neighborhood watch programs. The plan as it was structured was strongly criticized by Republicans and Democrats alike. I strongly support neighborhood watch efforts, but TIPS had the great potential to bombard law enforcement offices with countless leads, diverting agencies from tracking criminal and terrorist activity. The TIPS program was abandoned.

I am equally concerned about the privacy of innocent Americans who may be placed on these lists, and who, once included, are not removed under the Pentagon's routine

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purging of information after 90 days. Recent press reports suggest that one of every 100 reports of suspicious activity reported to CIFA were kept on the lists for more than 90 days despite the fact that a listed name was not verified as representing a threat. Reportedly, some names remained on the lists even though, as a Pentagon review found, "they should not have been included in the first place." [Walter Pincus, "Unverified Reports of Terror Threats Linger," *Washington Post*, January 31, 2006.] Thus far, the Pentagon has been unwilling to report how many names have been improperly placed and kept on lists. The press has also reported that names on these lists are shared with other government agencies inside and outside the Pentagon.

The Department's response to my letter suggests that there have been problems with the TALON program and that efforts are underway to monitor and regulate the program more closely. To admit those facts is a start, but the Department of Defense must be more forthcoming with information about specific problems, including how many innocent names were listed, and how many of those names that were inappropriately included were not purged from the lists in the 90 day review process.

I renew my request for answers to the two questions I posed in my December 21 letter. This information is important for Congress to determine the effectiveness and advisability of this program.

I also ask that you answer the following questions, which are raised by the January 27 response to my original letter:

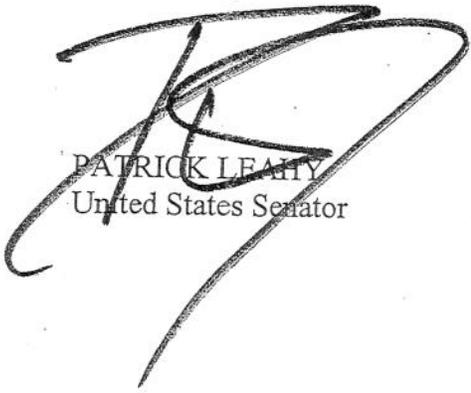
- (1) What rules regarding collection and retention of information were being followed, and when? When did the Undersecretary of Defense or another Pentagon official realize that staff were following multiple rules? When will guidance be issued to standardize practices? Will you share this guidance with the Armed Services and Defense Appropriations Committees of the U.S. Senate?
- (2) When will policy documents be prepared regarding the collection and retention of data regarding U.S. persons? The January 27 letter indicates that these documents will include a standard to be applied to the TALON database, and will include oversight procedures. Will you share these standards and oversight procedures with the Armed Services and Defense Appropriations Committees of the U.S. Senate?
- (3) Have you completed a review of the TALON database to ensure that it does not include names that have no connection to terrorism? If so, how many such names were identified? Were any of those named persons residents of Vermont? Have those names been purged?

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(4) How many names have been improperly added to the TALON database since it was created? Have all of these names been purged? Were any of these names shared with other government agencies? If so, which agencies?

I ask that you respond to my inquiry by letter no later than March 15th. I appreciate your personal attention to this important matter.

Sincerely,



PATRICK LEAHY
United States Senator