

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

January 27, 2006

The Honorable Alberto Gonzales
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Gonzales:

We are pleased that you have agreed to testify at the Judiciary Committee's hearing on Monday, February 6, 2006, in connection with the legal justifications of the recently revealed NSA surveillance programs. To enable us to prepare for the hearing, we request that you provide the following information without delay and in advance of that hearing:

- (1) Please provide all letters, memoranda, notes, e-mails or other documents that are or reflect communications from the Administration to Congress during the time period September 11 through September 14, 2001, of proposals for, or draft language to be included in what came to be the Authorization for Use of Military Force.
- (2) Please provide all letters, memoranda, notes, e-mails or other documents that are or reflect communications from the Administration to Congress during the time period September 11 through September 14, 2001, of the Administration's understanding of the meaning of the language being considered for inclusion in what came to be the Authorization for Use of Military Force.
- (3) Please provide all documents that are or reflect internal Administration communications during the time period September 11 through September 18, 2001, regarding the meaning of the language being considered for inclusion in what came to be the Authorization for Use of Military Force.
- (4) The Authorization for Use of Military Force makes no mention of domestic surveillance. What specific language does the Administration assert grants authority to the President to conduct domestic surveillance without seeking warrants from the Foreign Intelligence Surveillance Court?
- (5) Please provide copies of all memoranda and legal opinions rendered by the Department of Justice during the past 30 years that address the constitutionality of government practices and procedures with respect to electronic surveillance.

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- (6) Please provide any documents by which the President has, prior to and after September 11, 2001, authorized the NSA surveillance programs, including all underlying legal opinions authored by the White House.

We would appreciate your prompt cooperation with these requests for underlying background information relevant to the hearing.

Sincerely,

Patrick Leahy

John Feinstein

Joe Biden

Bob Kennedy

Herb Kohl

Norman D. Feingold

CLK Schumer

Debbie Stabenow