

Plaintiff's Exhibit A

Electronic Frontier Foundation v. Department of Justice, C.A. No. 07-0403 (TFH)

Plaintiff's Opposition to Defendant's Motion for Summary Judgment
and Cross-Motion for *In Camera* Review

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

BRUCE A. COHEN, *Chief Counsel and Staff Director*
MICHAEL O'NEILL, *Republican Chief Counsel and Staff Director*

January 17, 2007

The Honorable Colleen Kollar-Kotelly
Presiding Judge
U.S. Foreign Intelligence Surveillance Court
DOJ Building, Room 6725
10th & Constitution Avenue, N.W.
Washington, D.C. 20530

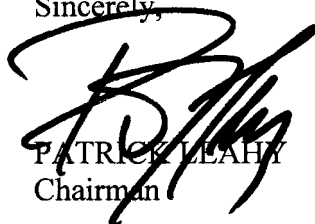
Dear Judge Kollar-Kotelly:

Attorney General Gonzales revealed today that the Foreign Intelligence Surveillance Court issued orders on January 10, 2007 authorizing the government to engage in electronic surveillance of communications into or out of the United States by terrorism suspects, subject to approval of the Court. I enclose a copy of the letter he sent to us and also note that the Department of Justice briefed the media on these matters at 2:30 this afternoon.

On behalf of the Senate Judiciary Committee, we ask that you provide the Committee with copies of the orders and opinions. We also request that you make the Court's decision public to the extent possible.

These are matters of significant interest to the Judiciary Committee and the Congress and to the American people, as well. We all have an interest in ensuring that the government is performing surveillance necessary to prevent acts of terrorism and that it is doing so in ways that protect the basic rights of all Americans, including the right to privacy.

Sincerely,


PATRICK LEAHY
Chairman


ARLEN SPECTER
Ranking Member

Encl.



The Attorney General
Washington, D.C.

January 17, 2007

The Honorable Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Arlen Specter
Ranking Minority Member
Committee of the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Leahy and Senator Specter:

I am writing to inform you that on January 10, 2007, a Judge of the Foreign Intelligence Surveillance Court issued orders authorizing the Government to target for collection international communications into or out of the United States where there is probable cause to believe that one of the communicants is a member or agent of al Qaeda or an associated terrorist organization. As a result of these orders, any electronic surveillance that was occurring as part of the Terrorist Surveillance Program will now be conducted subject to the approval of the Foreign Intelligence Surveillance Court.

In the spring of 2005—well before the first press account disclosing the existence of the Terrorist Surveillance Program—the Administration began exploring options for seeking such FISA Court approval. Any court authorization had to ensure that the Intelligence Community would have the speed and agility necessary to protect the Nation from al Qaeda—the very speed and agility that was offered by the Terrorist Surveillance Program. These orders are innovative, they are complex, and it took considerable time and work for the Government to develop the approach that was proposed to the Court and for the Judge on the FISC to consider and approve these orders.

The President is committed to using all lawful tools to protect our Nation from the terrorist threat, including making maximum use of the authorities provided by FISA and taking full advantage of developments in the law. Although, as we have previously explained, the Terrorist Surveillance Program fully complies with the law, the orders the Government has obtained will allow the necessary speed and agility while providing substantial advantages. Accordingly, under these circumstances, the President has

Letter to Chairman Leahy and Senator Specter
January 17, 2007
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determined not to reauthorize the Terrorist Surveillance Program when the current authorization expires.

The Intelligence Committees have been briefed on the highly classified details of these orders. In addition, I have directed Steve Bradbury, Acting Assistant Attorney General for the Office of Legal Counsel, and Ken Wainstein, Assistant Attorney General for National Security, to provide a classified briefing to you on the details of these orders.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Gonzales", written in a cursive style.

Alberto R. Gonzales
Attorney General

cc: The Honorable John D. Rockefeller, IV
The Honorable Christopher Bond
The Honorable Sylvester Reyes
The Honorable Peter Hoekstra
The Honorable John Conyers, Jr.
The Honorable Lamar S. Smith