



Office of the Attorney General

Washington, D.C.

January 19, 2006

The Honorable William H. Frist
Majority Leader
United States Senate
Washington, D.C. 20510

Dear Mr. Leader:

As the President recently described, in response to the attacks of September 11th, he has authorized the National Security Agency (NSA) to intercept international communications into or out of the United States of persons linked to al Qaeda or an affiliated terrorist organization. The attached paper has been prepared by the Department of Justice to provide a detailed analysis of the legal basis for those NSA activities described by the President.

As I have previously explained, these NSA activities are lawful in all respects. They represent a vital effort by the President to ensure that we have in place an early warning system to detect and prevent another catastrophic terrorist attack on America. In the ongoing armed conflict with al Qaeda and its allies, the President has the primary duty under the Constitution to protect the American people. The Constitution gives the President the full authority necessary to carry out that solemn duty, and he has made clear that he will use all authority available to him, consistent with the law, to protect the Nation. The President's authority to approve these NSA activities is confirmed and supplemented by Congress in the Authorization for Use of Military Force (AUMF), enacted on September 18, 2001. As discussed in depth in the attached paper, the President's use of his constitutional authority, as supplemented by statute in the AUMF, is consistent with the Foreign Intelligence Surveillance Act and is also fully protective of the civil liberties guaranteed by the Fourth Amendment.

It is my hope that this paper will prove helpful to your understanding of the legal authorities underlying the NSA activities described by the President.

Sincerely,

Alberto R. Gonzales
Attorney General

Enclosure

cc: The Honorable Harry Reid
Minority Leader