

United States Senate

WASHINGTON, DC 20510

September 6, 2006

The Honorable Arlen Specter
Chairman
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Specter:

We write to urge you to hold additional hearings in the Senate Judiciary Committee about the Foreign Intelligence Surveillance Act (FISA); the warrantless wiretapping program conducted by the National Security Agency (NSA); and the newest version of your bill, S. 2453, the National Security Surveillance Act.

As you know, we are the original sponsor and cosponsors of the Security and Freedom Enhancement (SAFE) Act, a bill we introduced to protect the constitutional rights of Americans while preserving the investigative powers the government needs to fight terrorism. While we have not always agreed on every issue, we have appreciated working with you in recent years on the SAFE Act and on the Patriot Act reauthorization process.

Similarly, we appreciate your commitment to conducting oversight of the NSA program, and your efforts to ensure judicial review of the program. You have strongly argued that Congress has not done enough to oversee this program and that courts should have the ability to review it, and we agree.

However, we believe that additional information is necessary before the Senate can responsibly consider legislation that would dramatically alter FISA and significantly expand the surveillance authority of the executive branch. We appreciate that you are seeking to guarantee judicial review of the NSA program in the FISA court, but last month's federal court decision suggests that the courts will have the opportunity to review the program without legislation. We are concerned by provisions in the newest version of your bill that suggest that the executive branch could conduct wiretaps and physical searches without the court orders currently required by FISA, and that would amend FISA to authorize "program warrants." In addition, we believe that Congress needs far more information about the newest section of your bill, which contains numerous complex amendments to FISA that appear to rewrite that law significantly. If Congress is to consider these changes, we should have detailed information about the effects of those provisions.

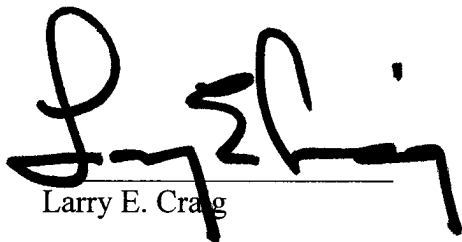
In sum, we believe that additional Committee-level hearings would be extremely helpful to the Senate's consideration of the NSA program and more specifically of your bill. This is particularly true given that members of the Senate Select Committee on Intelligence are the only Senators who have been briefed on the NSA program.

September 6, 2006

Page 2

Again, we commend your commitment to congressional oversight and judicial review of executive branch surveillance authorities, and look forward to working with you on these issues in the coming weeks, months and years.

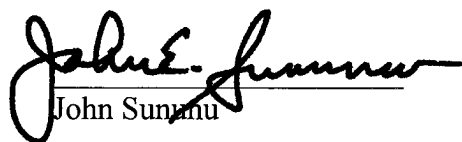
Sincerely,



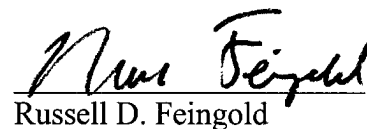
Larry E. Craig



Richard J. Durbin



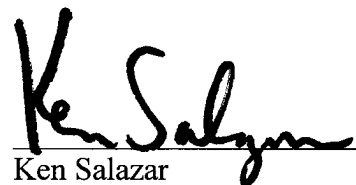
John Sununu



Russell D. Feingold



Lisa Murkowski



Ken Salazar