



NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

10 January 2014

The Honorable Bernard Sanders
United States Senate
332 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Sanders:

Thank you for your letter of 3 January 2014. I take seriously your interest in confirming that NSA is conducting its activities in a lawful manner. I want to assure you of NSA's unwavering commitment to conducting its mission in a manner consistent with the Constitution and laws. As a military officer with almost 40 years of service, I am acutely aware of my obligation to support and defend the Constitution and our laws.

Nothing NSA does can fairly be characterized as "spying on Members of Congress or other American elected officials." I would note that the final report of the President's Review Group specifically found "no evidence of illegality or other abuse of authority for the purpose of targeting domestic political activity." Moreover, NSA has held personnel accountable in those rare instances when individual employees have misused the system with respect to any American or foreign citizen, and NSA has always faithfully reported its mistakes to the Foreign Intelligence Surveillance Court, Congress, and the Administration as appropriate.

As Congress is aware, NSA's foreign intelligence mission is governed by legal authorities set forth in statute and Executive Order, and is strictly overseen by all three branches of Government. NSA may not target any American for foreign intelligence collection without a finding of probable cause that the proposed target of collection is a foreign power or an agent of a foreign power. Moreover, as you are aware, whenever an NSA activity results in the incidental collection of information about Americans, that information is handled pursuant to very robust procedures designed to protect privacy interests – procedures that must be approved by the Attorney General or the Foreign Intelligence Surveillance Court, as appropriate. All those protections apply to members of Congress, as they do to all Americans.

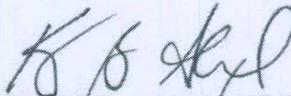
Your letter focuses on NSA's acquisition of telephone metadata, and quotes from the preliminary decision of one Federal district court. We firmly believe, consistent with the recent holdings of the United States District Courts for the Southern District of New York and Southern District of California, as well as the findings of fifteen judges of the Foreign Intelligence Surveillance Court on thirty-six separate occasions over the past 7 years, that the telephony metadata collection program is lawful. The Department of Justice has filed an appeal of the lone contrary decision to which you cite, issued by the United States District Court for the District of Columbia.

Moreover, this telephone metadata program incorporates extraordinary controls to protect Americans' privacy interests. Among those protections is the condition that NSA can query the

metadata only based on phone numbers reasonably suspected to be associated with specific foreign terrorist groups. For that reason, NSA cannot lawfully search to determine if any records NSA has received under the program have included metadata of the phone calls of any member of Congress, other American elected officials, or any other American without that predicate.

NSA has provided multiple briefings to Congress on these matters since last June, and we provide indepth information on all aspects of NSA's work to the Senate Select Committee on Intelligence. We are committed to continuing to provide Congress with the information it needs to understand how we conduct our operations lawfully and would welcome the opportunity to meet with you to discuss these programs further.

VR


KEITH B. ALEXANDER
General, U.S. Army
Director, NSA

Copies Furnished:

The Honorable Dianne Feinstein
Chairman, Senate Select Committee on Intelligence

The Honorable Saxby Chambliss
Vice Chairman, Senate Select Committee on Intelligence

The Honorable Michael Rogers
Chairman, House Permanent Select Committee on Intelligence

The Honorable C.A. Dutch Ruppersberger
Ranking Member, House Permanent Select Committee on Intelligence