



**U.S. Department of Justice**

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January 17, 2007

**BY EMAIL AND FEDEX**

Mr. Leonard Green  
Clerk, United States Court of Appeals  
for the Sixth Circuit  
100 East Fifth Street, Room 532  
Potter Stewart U.S. Courthouse  
Cincinnati, OH 45202-3988  
Telephone: (513)564-7000

Re: American Civil Liberties Union, et al. v. National Security Agency, et al.,  
Nos. 06-2095, 06-2140 (6th Cir.)

Dear Mr. Green:

Please find enclosed for filing in the above-captioned matter an original and three copies of this letter and an attached letter dated today, January 17, 2007, from the Attorney General to Senators Leahy and Specter.

By this letter, we are publicly advising the Court that, as the Attorney General informed members of Congress today, a Judge of the Foreign Intelligence Surveillance Court has 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, and that, as a result of these orders, any electronic surveillance that was occurring as part of the TSP will now be conducted subject to the approval of the Foreign Intelligence Surveillance Court. In light of these circumstances, the President has determined not to reauthorize the Terrorist Surveillance Program when the current authorization expires.

The Government plans to file promptly papers (both public and classified) addressing the implications of this development on the litigation.

We respectfully request that the enclosed copies be distributed immediately to the panel assigned to this case.

We very much appreciate your cooperation in this matter.

Respectfully submitted,

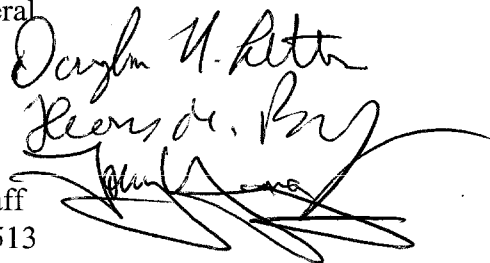
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cc: Ms. Ann Beeson, Esq.  
Mr. Jameel Jaffer, Esq.



**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

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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,



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