

January 23, 2006

Dear Friend:

Since reports of the National Security Agency's spying on Americans came to light, the President has continued to tout the program, saying it is instrumental to national security. However, I still find this program to be extremely concerning.

While the President continues to assert that the program is legal, citing his power under Article II of the Constitution and the resolution passed by Congress after the September 11, 2001 terrorist attacks, there are still legitimate questions about its legality. Last week, the Administration released a lengthy legal analysis defending the program, stating that "the NSA activities are supported by the President's well-recognized inherent constitutional authority...to conduct warrantless surveillance of enemy forces for intelligence purposes to detect and disrupt armed attacks on the United States." However, the Congressional Research Service (CRS), the nonpartisan analytical research and reference arm of Congress, released a report on January 5, 2006, concluding that the Administration's arguments for the legality of the warrantless spying are weak. This report states that "the Administration's legal justification...does not seem to be as well-grounded."

To view the entire CRS Memo, please visit

<http://www.tomudall.house.gov/display2.cfm?id=5800&type=Issues>.

While I believe that the President must have the best intelligence to protect our nation, I still believe that intelligence gathering can be done without eroding our liberties. As I wrote to the Chairman of the House Intelligence Committee last month, Congress should hold oversight investigations and hearings on this controversial program as soon as we return. Unfortunately, in recent years the House majority has repeatedly ignored its oversight responsibility, and on this particular issue, thus far appears to be following the established pattern and has not yet scheduled any hearings on this important issue. On January 20, 2006, the Judiciary Committee minority had to take the drastic step of holding its own hearing to investigate the actions of the President. This hearing, which included testimony from various witnesses, including Bruce Fein, the Associate Deputy Attorney General under President Ronald Reagan, sought information on the surveillance program and how it may have encroached on our civil liberties.

Thank you for taking the time to read this newsletter. I hope you have found the information useful. Please watch your inbox for future updates.