

**TOP SECRET**

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**U.S. HOUSE OF REPRESENTATIVES  
PERMANENT SELECT COMMITTEE  
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October 11, 2001

Lieutenant General Michael V. Hayden, USAF  
Director  
National Security Agency  
Fort George G. Mead, Maryland 20755  
Washington, D.C. 20340-1001

Dear General Hayden:

During your appearance before the committee on October 1, you indicated that you had been operating since the September 11 attacks with an expansive view of your authorities with respect to the conduct of electronic surveillance under the Foreign Intelligence Surveillance Act and related statutes, orders, regulations, and guidelines. You seemed to be inviting expressions of concern from us, if there were any, and, after the briefing was over and I had a chance to reflect on what you said, I instructed staff to get more information on this matter for me. For several reasons, including what I consider to be an overly broad interpretation of President Bush's directive of October 5 on sharing with Congress "classified or sensitive law enforcement information" it has not been possible to get answers to my questions.

Without those answers, the concerns I have about what you said on the 1st can not be resolved, and I wanted to bring them to your attention directly. You indicated that you were treating, as a matter of first impression,

being of foreign intelligence interest. As a result, you were forwarding the intercepts, and any information receiving a request for that identifying information, to the Federal Bureau of Investigation. Although I may be persuaded by the strength of your analysis I believe you have a much more difficult case to make. Therefore, I am concerned whether, and to what extent, the National Security Agency has received specific presidential authorization for the operations you are conducting. Until I understand better the legal analysis regarding the sufficiency of the authority which underlies your decision on the appropriate way to proceed on this matter, I will continue to be concerned.

Sincerely,

*Nancy Pelosi*  
NANCY PELOSI  
Ranking Democrat

General Hayden - Thank you for your attention to my request  
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*Nancy*

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