

STATEMENT OF FORMER GOVERNMENT OFFICIALS

February 8, 2006

As former government officials with substantial experience in national security matters, we believe that it is essential that our career intelligence officers have all the tools they need to act quickly and effectively against spies and terrorists who threaten our nation's security. We also believe that domestic surveillance must be undertaken in a manner that reassures American citizens that their privacy is protected and that surveillance is being conducted in a prudent and supervised manner.

The Foreign Intelligence Surveillance Act (FISA), enacted in 1978 and updated periodically since then, established special procedures for achieving both of these objectives. FISA established a special judicial procedure that authorizes government surveillance of American citizens and non-citizens residing in the United States. In essence, FISA ensures that this crucial security function is conducted consistent with the transcendent American values embodied in the rule of law.

The FISA statute has been amended on several occasions, most recently after the terrorist attacks on 9/11. The statute has been revised as American security organizations struggle to stay ahead of emerging technologies such as cell phones and internet connections. We believe that the statute may again need reassessment and potential amendment to ensure that these judicial proceedings might be adapted to reflect changing technical conditions.

We strongly believe that our security is enhanced if clandestine surveillance is undertaken within a legal framework that reflects a broad consensus in American society. America's law enforcement and intelligence officers want and need the widespread support of American citizens. The FISA process, amended if necessary, ensures that America's constitutional principles and the rule of law can be preserved while we still undertake crucial surveillance.

It has been four years since 9/11. It is time to act. Congress must, on a bipartisan basis, undertake an in-depth inquiry to obtain the critical facts needed to determine whether amendments to FISA might be necessary and appropriate to strengthen our capacity to monitor dangerous activity while ensuring effective oversight.

Kenneth C. Bass, III
Former Counsel for Intelligence Policy, Department of Justice

Mary DeRosa
Former Special Assistant to the President
Former Legal Advisor, National Security Counsel

John Deutch
Former Director, Central Intelligence Agency
Former Deputy Secretary, Defense of Defense

John Hamre
Former Deputy Secretary, Department of Defense

Philip Heymann
Former Deputy Attorney General

David Kay
Former Head of the Iraq Survey Group and Special Advisor on the Search for Iraqi Weapons of Mass Destruction to the Director of Central Intelligence

Juliette Kayyem
Former Member, National Commission on Terrorism (The Bremer Commission)
Former Legal Advisor to the Attorney General, Department of Justice

James Lewis
Former Diplomat and Intelligence Advisor to the United States Military

N. John MacGaffin III
Former Deputy Director for Operations, Central Intelligence Agency
Former Senior Advisor to the Director, Federal Bureau of Investigation

Thurgood Marshall, Jr.
Former Cabinet Secretary and White House Liaison to Continuity of Government Program

Elizabeth Rindskopf Parker
Former General Counsel, National Security Agency
Former General Counsel, Central Intelligence Agency

William S. Sessions
Former Chief United States District Judge for the Western District of Texas
Former Director, Federal Bureau of Investigation

Michael A. Smith
Former Assistant General Counsel, National Security Agency

Suzanne E. Spaulding
Former Assistant General Counsel, Central Intelligence Agency
Former Chief Counsel, House and Senate Intelligence Committees

Michael A. Vatis
Former Director, National Infrastructure Protection Center, Federal Bureau of Investigation
Former Associate Deputy Attorney General, Department of Justice

Michael J. Woods
Former Chief, National Security Law Unit in the Office of General Counsel, Federal Bureau of Investigation