

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

January 25, 2006

Senator Arlen Specter
Chairman
Committee on the Judiciary

Dear Senator Specter:

We applaud your decision to hold hearings in the Senate Judiciary Committee in light of recent revelations about the National Security Agency's domestic spying program. The American people deserve to understand the legal authority relied on to wiretap Americans within the United States, and whether any laws were violated. We very much appreciate your leadership in scheduling the first congressional hearing on this program. In particular, we are heartened that Attorney General Alberto Gonzales has agreed to testify at those hearings.

In light of news accounts that there was significant concern about the legality of the program even at the very highest levels of the Department of Justice, we also believe that it is critical for other relevant Administration officials to make themselves available at any hearings.

Because of the importance of their testimony, every effort should be made to bring these witnesses before the Committee, and we appreciate that your staff has reached out to several of them already. If these witnesses are unavailable for the currently scheduled hearing on February 6th, we urge you to schedule additional hearing dates as necessary to accommodate these and any other witnesses who can shed light on the nature and legality of the NSA program.

Among other people, we believe the witnesses should include at least the following high-ranking Administration officials, who were reportedly involved in creating, approving, and evaluating the NSA program:

- Former Attorney General John Ashcroft, who appears to have personally approved the program;
- Former Deputy Attorney General James B. Comey, who apparently expressed grave reservations about the program;
- Former Deputy Attorney General Larry Thompson, who for at least some period of time was kept in the dark about the program; and

- White House Chief of Staff Andrew Card.

In addition, we hope you will join us in urging the Administration to allow these witnesses to waive any executive privilege in connection with that testimony. Only if we can obtain frank and forthright testimony from these officials – without resort to hiding behind the guise of executive privilege -- can the Senate and the American people understand whether or not the law and the Constitution were inappropriately circumvented.

Sincerely,



