

## **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.

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