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March 13, 2014

The Honorable Deputy Attorney General James Cole
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, D.C. 20530

Dear Deputy Attorney General Cole:

On February 11, I sent a letter, cosigned by my colleagues, Congressmen Darrell Issa and Jerrold Nadler, asking you to clarify statements you made before the House Judiciary Committee. At the House Judiciary Committee hearing on February 4, Congressman Issa asked whether the National Security Agency (NSA) collected information on call records from Congressional offices. You responded, "We probably do, Mr. Congressman, but we're not allowed to look at any of those, however, unless we have reasonable, articulable suspicion that those numbers are related to a known terrorist threat."¹

Our letter identified a situation when the NSA would collect information on call records from Congressional offices (and Americans more generally) even without any reasonable articulable suspicion at all.² It has been over a month and my colleagues and I have not received a response. This issue is even more pressing given recent statements from Senate Intelligence Chairman Dianne Feinstein.

In remarks on the Senate floor, Senator Feinstein accused the Central Intelligence Agency (CIA) of secretly searching computers and removing documents from computers used by committee staff members. According to press reports, the CIA's acting general counsel also filed a criminal report with the Department of Justice concerning the committee staff's actions.

Even in the context of recent revelations, Senator Feinstein's allegations are shocking. As you know, the CIA is legally barred from any domestic searches or surveillance.³ Additionally, tapping into computers used by members of Congress and attempts to use the Justice Department to intimidate Congressional staff is a gross violation of the Constitutional principles of separation of powers. It paints an almost-Nixonian picture of an Administration that believes it can act with impunity behind a veil of secrecy.

I am therefore writing to expedite your response to our February 11 letter. I remind you that the inquiry in the letter was broader than Chairman Issa's original inquiry and requested disclosure of all of the ways in which the government conducts, or may possibly conduct surveillance on Members of

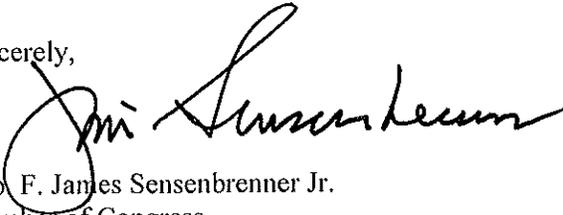
¹ Testimony of Deputy Attorney General James Cole, House Judiciary Committee (February 4, 2014).

² The standard "reasonable, articulable suspicion" is apparently one of the NSA's creation as it does not appear anywhere in Section 215 of the Patriot Act from which the NSA's authority derives.

³ (50 U.S.C. 403-3(d)(1))

Congress. This would include the CIA's invasion of the Senate Intelligence Committee's computers as well as any unknown instances of monitoring, spying on, or otherwise conducting surveillance over Members of Congress and their staff. I request a response no later than March 28, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "F. James Sensenbrenner Jr.", written in a cursive style. The signature is positioned to the right of the word "Sincerely," and partially overlaps the typed name below.

Rep. F. James Sensenbrenner Jr.
Member of Congress