

United States Senate

WASHINGTON, DC 20510

October 10, 2012

General Keith Alexander
Director
National Security Agency
Fort Meade, MD 20755

Dear General Alexander:

You spoke recently at a technology convention in Nevada, at which you were asked a question about NSA collection of information about American citizens. In your response, you focused in particular on section 702 of the FISA Amendments Act of 2008, which the Senate will debate later this year. In describing the NSA's collection of communications under the FISA Amendments Act, you discussed rules for handling the communications of US persons. Specifically, you said:

We may, incidentally, in targeting a bad guy hit on somebody from a good guy, because there's a discussion there. We have requirements from the FISA Court and the Attorney General to minimize that, which means nobody else can see it unless there's a crime that's been committed.

We believe that this statement incorrectly characterized the minimization requirements that apply to the NSA's FISA Amendments Act collection, and portrayed privacy protections for Americans' communications as being stronger than they actually are. We urge you to correct this statement, so that Congress and the public can have a debate over the renewal of this law that is informed by at least some accurate information about the impact it has had on Americans' privacy.

You also stated, in response to the same question, that "...the story that we have millions or hundreds of millions of dossiers on people is absolutely false." We are not entirely clear what the term "dossier" means in this context, so we would appreciate it if you would clarify this remark. Specifically, we ask that you please answer the following questions:

- The intelligence community has stated repeatedly that it is not possible to provide even a rough estimate of how many American communications have been collected under the FISA Amendments Act, and has even declined to estimate the scale of this collection. Are you certain that the number of American communications collected is not "millions or hundreds of millions"? If so, then clearly you must have some ability to estimate the scale of this number, or at least some range in which you believe it falls. If this is the case, how large could this number possibly be? How small could it possibly be?
- Does the NSA collect any type of data at all on "millions or hundreds of millions of Americans"?

Since you made your remarks in an unclassified forum, we would appreciate an unclassified response to these questions, so that your remarks can be properly understood by Congress and the public, and not interpreted in a misleading way. Additionally, since the Senate will debate this issue during the November/December 2012 session, please provide your response by November 13.

If you have any questions concerning this request, please have your staff contact John Dickas of Senator Wyden's staff, or Jennifer Barrett of Senator Udall's staff at (202) 224-1700. We appreciate your attention to this matter and look forward to your prompt response.

Sincerely,

Ron Wyden

Mark Udall