

## Congressman Wally Herger

### *"NSA Terrorist Surveillance Program"* (January 20, 2006)

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As debate rages regarding the National Security Agency intercepts of international communications of known or suspected terrorists with individuals in the United States, misinformation and criticism has abounded. The President has been accused of breaking the law. I disagree, and stand firmly in support of him.

In the four years since the deadly terrorist attacks on America, al Qaeda has been severely weakened, but not destroyed. Bin Laden's most recent threats reveal a terrorist network that, while hobbled by setbacks, still plots to murder innocent Americans. Due to the efforts of our military and improved intelligence gathering, there have been profound victories in the War on Terrorism in recent years, and we have almost certainly thwarted attacks. But make no mistake, we are still a nation at war, and still face the very real threat of another devastating terrorist attack.

That is why I believe it is entirely appropriate and wise for President Bush to continue the NSA surveillance program aimed at intercepting the communications of suspected terrorists. In order to learn about possible threats before it's too late, we must have the capability to monitor the international communications of suspected terrorists, including those that involve American citizens or residents. Unless you are speed dialing a suspicious number in Pakistan, you need not be concerned about the NSA monitoring your calls.

Federal courts have held that presidents have expansive powers to collect foreign intelligence, even without obtaining a judicial warrant. While the president is not above the law, and safeguarding the constitutional rights of Americans shouldn't be an afterthought during a time of war, I firmly believe President Bush is right to have instituted the limited NSA program. And, according to many legal experts, he is acting within his authority. John Schmidt, former associate attorney general under President Clinton, nicely summarizes: "President Bush's post-Sept. 11, 2001, authorization to the NSA to carry out electronic surveillance into private phone calls and e-mails is consistent with court decisions and with the positions of the Justice Department under prior presidents."

Recent reports indicate that the NSA program has played a role in preventing a missile launcher from being smuggled into the United States, and a fertilizer bomb from blowing up in London. In simple terms, the NSA program has helped save lives.

Al Qaeda and its allies are listening to criticism of our nation's policies, hoping to find that the American people are losing the will to do what is needed to defend our nation. We must take every lawful action to listen to their communications, with the hope of bringing them to justice and protecting Americans.