

DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, D.C. 20511

JUN 21 2013

The Honorable Dianne Feinstein
Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Madam Chairman:

Because of the charged rhetoric and heated controversy prompted by my response to a question Senator Ron Wyden asked me last March 12th during an unclassified threat assessment hearing before the Senate Select Committee on Intelligence, I am using this direct means of communication with you to set the record straight.

Near the end of the hearing, Senator Wyden asked the following question:

And this is for you, Director Clapper, again on the surveillance front. And I hope we can do this in just a yes or no answer because I know Senator Feinstein wants to move on.

Last summer, the NSA director was at a conference, and he was asked a question about the NSA surveillance of Americans. He replied, and I quote here, "The story that we have millions or hundreds of millions of dossiers on people is completely false."

The reason I'm asking the question is, having served on the committee now for a dozen years, I don't really know what a dossier is in this context. So what I wanted to see is if you could give me a yes or no answer to the question, does the NSA collect any type of data at all on millions or hundreds of millions of Americans?

I have thought long and hard to re-create what went through my mind at the time. In light of Senator Wyden's reference to "dossiers" and faced with the challenge of trying to give an unclassified answer about our intelligence collection activities, many of which are classified, I simply didn't think of Section 215 of the Patriot Act. Instead, my answer addressed collection of the content of communications. I focused in particular on Section 702 of FISA, because we had just been through a year-long campaign to seek reauthorization of this provision and had had many classified discussions about it, including with Senator Wyden. That is why I added a comment about "inadvertent" collection of U.S. person information, because that is what happens under Section 702 even though it is targeted at foreigners.

That said, I realized later that Senator Wyden was asking about Section 215 metadata collection, rather than content collection. Thus, my response was clearly erroneous—for which I apologize. While my staff acknowledged the error to Senator Wyden's staff soon after the hearing, I can now openly correct it because the existence of the metadata collection program has been declassified.

Next month will mark for me 50 years of service to this country, virtually all of it in intelligence. In the last 20 of those years, I have appeared before Congressional hearings and briefings dozens of times, and have answered thousands of questions, either orally or in writing. I take all such appearances seriously and prepare rigorously for them. But mistakes will happen, and when I make one, I correct it.

I am sending originals of this letter to the other leaders of the intelligence oversight committees. If you have any questions regarding this matter, please contact me.

Respectfully -
Jim
James R. Clapper