VS. Department of Justice

Office of Legal Counsel

Office of the Deputy Aisisurit Attorney Casual Waskingtoa, D.0 20530 •

November 2, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

JObn C. Yoo
Deputy Assistant Attorney General
b1, b3, b5

b1, b3, b5

bl, b3, b5

TraWSEGRgel • b3feNCMGOINMONVP1

TAP-SECRET/b1 ' b3/SUOKONR4OFORN bl, b3, b5

b3, b5

. „PISA en,typrovides a safe harbor

• • OW

for electronic surveillance, and.cannot testrict thePresident's abilit3ita engage insvanrantless searches that protect the national security..

bl, b3, b5

TOP,SECRET/ "' "411ORGONMOVORI4 FISA purports to be the exclusive statutory Means for conducting electronic surveillance for farpion intellivenne bl, b3, b5

. Such a readintofFISAwouki be an unconstitutional infringe:meet on the President'. s Article

•Itauthesities: 7 bl b3, b5

b3, b5 •

9

TOP-SEGRET

bi, b3,

b3, b5

statementin.FISA to restrict
the national tterawitv area - which tt

r4berlirser

Thtis, unless Conitressmade a clear
0 •./ilk • ••• 7,4 1_ It '1,1', searches in
— then the statute must be construed to avoid such a

bl, b3, b5

bl, b3, b5

12

TOP-SEC:MT/ bl ' "STIORCONINOPORN
b3, b5

We do not befteve:tbet estan*Testrict the Presicient'sinherent
• eonsilMtional powers. which allow him to:gather intelligence necessary to'efend the nation from difiretzttitelt.

intaigehce sing in direct suPpoit of military operations does not trigger
constitutional tights against illegal searches and seizures, bl, b3, b5

17

TGIL,SEGRE-17 131 ' b33vetteetimefem
bl , b3, b5

governmental interest is more.compellizig thantbe security of the Nation." Haig v. Agee, 453 U.S. 280.307 (1981).

bl, b3, b5

b1, b3, b5

21