

It became very clear after September 11 [_____

_____]]. In testimony before the Joint Inquiry, the NSA Director acknowledged that “little was known prior to 11 September of how al-Qa’ida used [_____] communications. . . . We continue to attack key gaps that remain in our . . . [_____] exploitation capabilities.”

Similarly, NSA has long had a program to use [_____
_____]], but again little was known about al-Qa’ida targets and few such operations were mounted before September 11. After September 11, this changed and the NSA Director was able to testify that: “[_____
_____]].”

The inability to bring technical collection capabilities to bear in the counterterrorism area was particularly apparent in regard to signals intelligence that could have shed greater light on the potential for terrorist activity within the domestic United States. Both the NSA and the FBI have the authority, in certain circumstances, to intercept international communications, to include communications that have one communicant in the United States and one in a foreign country, for foreign intelligence purposes. While those authorities were intended to insure a seamless transition between U.S. foreign and domestic intelligence capabilities, significant gaps between those two spheres of intelligence coverage persisted and impeded domestic counterterrorist efforts.

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Before September 11, it was NSA policy not to target terrorists in the United States, even though it could have obtained a Foreign Intelligence Surveillance Court order authorizing such collection. NSA Director Hayden testified that it was more appropriate for the FBI to conduct such surveillance because NSA does not want to be