

[_____] [NSA Director Hayden testified before the Joint Inquiry that the collection of communications between the United States and foreign countries will most likely contain information about [—] domestic activities and, thus, [_____] is the responsibility of the FBI, not NSA. General Hayden contrasted the foreign intelligence value of such intercepts and their domestic security value. If the former is at stake, he asserted, NSA should intercept the communications; if the latter, the FBI].

General Hayden, senior NSA managers, NSA legal staff, and NSA analysts made clear in Joint Inquiry testimony and interviews that they do not want to be perceived as focusing NSA capabilities against “U.S. persons” in the United States. The Director and his staff were unanimous that lessons NSA learned as a result of Congressional investigations during the 1970s should not be forgotten.

[Whatever the merits of this position, it was incumbent on NSA and the FBI to coordinate so that the full range of intelligence collection weapons in the arsenal of the Intelligence Community could have been deployed against the terrorist threat. NSA routinely gave the FBI intelligence reporting, and that reporting contained leads about foreign terrorist-related communications. In addition, NSA responded to requests from the FBI for such information [_____]. The FBI used NSA-supplied information to advance its investigative interests. However, there was no inter-agency procedure in effect to ensure that the FBI made an informed decision to cover communications that NSA was not covering [_____].

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