

United States Senate

WASHINGTON, DC 20510

February 9, 2006

Edward E. Whitacre, Jr.
Chairman and Chief Executive Officer
AT&T Inc.
175 E. Houston
Room 1308
San Antonio, TX 78205

Gary D. Forsee
President and Chief Executive Officer
Sprint Nextel Corp.
2001 Edmund Halley Drive
Reston, VA 20191

Ivan G. Seidenberg
Chairman and Chief Executive Officer
Verizon Communications Inc.
140 West Street
Floor 29
New York, NY 10007

Dear Mr. Whitacre, Mr. Forsee, and Mr. Seidenberg:

On February 6, 2006, *USA Today* published an article entitled "Telecoms let NSA spy on calls." According to this article, the National Security Agency (NSA) has secured the cooperation of AT&T, MCI and Sprint in eavesdropping on certain calls between the United States and foreign countries without a warrant. As you know, wiretap orders under the Wiretap Act or the Foreign Intelligence Surveillance Act (FISA) are usually required before the government may intercept the domestic or international calls of individuals in the United States. Providers of telecommunications and Internet service are permitted to assist the government in the implementation of such wiretaps if they have been provided with either a court order, or a written certification from a high-ranking Justice Department official that no court order is required, that all statutory requirements have been met, and that the assistance is required. The *USA Today* article, however, states that your companies' cooperation is "on the basis of oral requests from senior government officials."

We believe that understanding your company's participation in the NSA's domestic surveillance program is critical to congressional oversight efforts. Please provide all relevant information and records on the following topics for the period September 11, 2001, to the present:

1. Have government officials requested your company's cooperation, either in writing or orally, in conducting surveillance of communications in the United States without a court order under the Wiretap Act or FISA, other than requests explicitly stating that they were authorized under the emergency provisions of those Acts? If so, what are the names of those government officials? Please provide the dates of all such requests and subsequent contacts. If any requests have been made in writing, please provide copies of those written requests. If the requests were made orally, please provide a detailed description of the requests.
2. In each of these instances, did any government official provide you with "a certification in writing ... that no warrant or court order is required by law, that all statutory requirements have been met, and that the specified assistance is required," as set forth in 18 U.S.C. § 2511(2)(a)(ii)?
3. If anyone from or on behalf of the federal government informed you that it was not necessary to meet the requirements of that section, please provide a detailed description of any such communication, including all persons involved and all documents reflecting or describing such communication.
4. What was the response of your company to these requests? If the response was in writing, please provide copies of all relevant documents. If the response was oral, please provide the dates on which the response was made, the identity of those in your company responding to government requests, and a full description of the response.
5. How many communications and individuals were intercepted, covered, monitored or otherwise subjected to any form of surveillance in response to these requests? Please provide the dates on which these actions were taken.
6. Is cooperation with government officials with regard to this matter ongoing?
7. Were you asked to perform or permit any actions that conflict with your tariffs, your customer agreements, or any provisions of federal or state law, or would so conflict if your own employees did so? Please provide a detailed description of any such requests, including all persons involved and all documents reflecting or describing such requests.

If you believe there are legal restrictions that prohibit you from answering any of these questions, please provide a detailed explanation of such restrictions, including the names and positions of any government officials or agents who may have informed you of such restrictions. We will work with you to ensure that the confidentiality of any sensitive information is preserved.

As you may know, the Senate Judiciary Committee will be continuing with hearings on the NSA's surveillance program later this month. Accordingly, we would appreciate a reply no later than Friday, February 17, 2006. We look forward to your prompt reply.

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Sincerely,



Russell D. Feingold
United States Senator



Edward M. Kennedy
United States Senator

cc: James W. Cicconi, Senior Executive Vice President - External and Legislative Affairs, AT&T Inc.
Robert S. Foosaner, Senior Vice President, Government Affairs and Chief Regulatory Officer, Sprint Nextel Corp.
Thomas J. Tauke, Executive VP, Public Affairs, Policy, and Communications, Verizon Communications, Inc.