

United States Senate

WASHINGTON, DC 20510

December 1, 2005

Robert S. Mueller, III
Director, Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

Dear Director Mueller:

In light of a recent research paper documenting serious security flaws in the wiretapping technology used by law enforcement, I write to urge you to conduct immediately a thorough top-to-bottom review of those technologies. These revelations about outmoded and deficient technology are particularly troubling, of course, coming on the heels of the Bureau's squandering of \$170 million on a failed attempt to build the Virtual Case File system.

According to the researchers, whose paper appears in the November/December issue of the journal Security and Privacy, targeted criminals can easily employ "devastating countermeasures" to defeat surveillance. Most troubling to me, exploiting these security flaws does "not require cooperation with the called party, elaborate equipment, or special skill."

Moreover, an FBI spokeswoman was quoted yesterday simultaneously acknowledging the possibility that law enforcement wiretapping could be foiled and dismissing the significance of that fact because it existed in only 10 percent of state and federal wiretaps. In my view, such a high level of vulnerability is unacceptable and should be unacceptable to the Bureau, the premier law enforcement agency in the world.

In order to keep Americans safe from terrorism, organized crime, and other threats to our safety, law enforcement should not be using flawed tools.

Therefore, in view of these documented vulnerabilities, I urge you to conduct a thorough review and report your findings to Congress. In particular, I request that you advise Congress at the earliest possible time about the following, among other things:

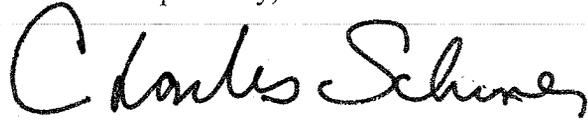
- The precise scope and seriousness of the alleged security flaws;
- The specific steps being taken to update outmoded surveillance technology;
- The plans in place to determine whether such countermeasures have ever been employed in any prior or ongoing investigations;
- Whether prior or ongoing investigations have been compromised or undermined due to such security flaws;
- Whether budget cuts have played any role in the persistence of these

vulnerabilities;

- What security deficiencies – other than those described in the research paper – exist today and what is being done to address them.

I appreciate your prompt attention to this matter and look forward to hearing from you soon.

Respectfully,

A handwritten signature in black ink that reads "Charles E. Schumer". The signature is written in a cursive style with a large, prominent initial "C".

Charles E. Schumer