



Click to Print
this document 

[Privacy Policy](#)

**Alberto
Gonzales**
Attorney General
[Biography](#)

Welcome to "Ask the White House" -- an online interactive forum where you can submit questions to Administration officials and friends of the White House. [Visit the "Ask the White House" archives](#) to read other discussions with White House officials.

January 25, 2006

Alberto Gonzales

Good afternoon, everyone. This is a critical time for two different institutions that both play vital roles in the life of our nation: the Supreme Court, which interprets the Constitution and laws, and our intelligence agencies, which strive to protect us from terrorists and other threats to our national security. The Court is in transition as the Senate considers Judge Alito's nomination to be an Associate Justice, and our nation's dedicated intelligence professionals are watching closely the debates over reauthorization of the USA PATRIOT Act and over the National Security Agency's terrorist surveillance program. These topics are of course very important to me, and so I look forward to your questions.

Laura, from Rocky River, OH writes:

Attorney General Gonzales, Can you explain how the Patriot Act protects our nation from terrorist threats?

Thank you.

Alberto Gonzales

I'm happy to do so, Laura. The USA PATRIOT Act helps us protect Americans from terrorist attacks in several ways. First and foremost, the Act helped break down the so-called "wall" that prevented our national security investigators and law enforcement personnel from working together to "connect the dots" to prevent further terrorist attacks. Second, the Act updated some of our laws to reflect changes in technology. And third, the Act provided national security investigators - who pursue terrorists and spies - more of the same tools that were already available for criminal investigators - who pursue drug dealers and mobsters. It has been my experience in the more than four years since the horrific attacks of September 11 that the USA PATRIOT Act has been critical to our efforts to prevent another attack.

Gregory, from Los Angeles writes:

Mr. Attorney General, is the patriot act, in any way, in violation of the laws and liberties we are ensured in this country?

Alberto Gonzales

Gregory, I appreciate the opportunity to answer that question, which is crucial to the debate over the USA PATRIOT Act. We at the Department of Justice must be fully comfortable that the answer is "no," or we could not in good conscience support the Act. When I became the Attorney General, I took an oath to defend the Constitution, and it is an oath that I take very seriously. I believe that the USA PATRIOT Act is fully consistent with the Constitution and laws, helping us protect both Americans and the values that we cherish. In my view, many of the concerns about the USA PATRIOT Act are based on either misunderstandings or misinformation. When you look at the Act, you can see that there is extensive judicial and congressional oversight of the tools provided by the Act - not to mention the rigorous protections provided by the Justice Department's own binding procedures and policies. Over the past year, the Act has been the subject of more oversight and debate than any bill in recent memory - and all of the hearings, testimony, briefings, and meetings demonstrated that there has not been a single verified abuse of any of the provisions. That's a record that I'm proud of.

<http://www.whitehouse.gov/ask/print/20060125.html>

3/6/2006

Exhibit G to Goldberg
Declaration

Dockets.Justia.com

monitored?

Alberto Gonzales

That's an important question, Marc. As I explained in responding to Sean in Michigan, the terrorist surveillance program described by the President is focused on international communications into or out of the United States where there is reason to believe that at least one party to the communication is a member or agent of al Qaeda or an affiliated terrorist group. This is not about intercepting communications between people in America, it's about the "hot pursuit" of international communications involving someone we reasonably believe is associated with al Qaeda, where one of the parties to the communication is already in the United States. The NSA has processes in place to make sure that only these types of communication are picked up by the program. If the NSA were to discover that a domestic-to-domestic communication inadvertently had been picked up, it would be destroyed as quickly as possible. We are vigilant in ensuring that Americans' civil liberties are protected. My Department - the Department of Justice - has carefully reviewed this program for legality, and approximately every 45 days the President determines whether to reauthorize the program. In addition, the Inspector General and General Counsel of the NSA review the program to make sure that it complies with law and that your civil liberties are protected. In short, there are a lot of safeguards in place to protect the rights of ordinary Americans.

Jim, from Valentine, NE writes:

I know the NSA has to stay super secret, and even its oversight has to be limited in some ways. What kinds of oversight does the congress have over the NSA? Thanks

Alberto Gonzales

A very good question, Jim. As the President has frequently mentioned, the Administration has conducted over a dozen briefings on the operational details of the NSA's terrorist surveillance program with Congressional members from both sides of the aisle. Our decision to restrict these briefings to a select group of members of Congress is in keeping with longstanding tradition when dealing with matters of extreme sensitivity such as the terrorist surveillance program - and it's perfectly legal. We believe it is an important obligation of ours to keep Congress informed of the status of this program and will therefore continue to conduct Congressional briefings in a manner that is appropriate and consistent with the law.

Daniel, from Los Angeles writes:

Dear Attorney general Gonzales, the only thing about this issue that remains unclear to me is why the current FISA system of approval of wire taps is too slow. You are able to wire tap instantly, and deal with clearance or approval or warrants later, right? So, again, what is too slow? I really want to know the answer to this.

Thanks, Daniel

Alberto Gonzales

I appreciate your question, Daniel, as you raise an important point that I would like to clarify. You are referring to a widely discussed and often misunderstood provision in FISA that allows for so-called "emergency authorizations" of surveillance for 72 hours without a court order. But in order to initiate surveillance even under a FISA emergency authorization, it is not enough to rely on the best judgment of our intelligence officers alone. Those intelligence officers have to get the sign-off of lawyers at the NSA that all provisions of FISA have been satisfied, then lawyers in the Department of Justice would have to be similarly satisfied, and finally as Attorney General I have to be satisfied that the search meets FISA's requirements. All of this must happen before I can authorize even an emergency wiretap under FISA. And then we would have to be prepared to follow up with a full FISA application within the 72 hours - a cumbersome task. As you can see, FISA emergency applications are not so easily secured as some have implied: even for emergency applications, this extensive review process takes precious time. In order to fight the war on terror effectively, sometimes we must be able to take instantaneous action. I want to end by pointing out that although the NSA program may be faster, the FISA system has been a very important and useful tool in the war on terror particularly with respect to long term surveillance.
