

NSA Call-Tracking Program Sparks Alarm

Bush Insists That Citizens' Privacy is 'Fiercely Protected'

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President Bush, responding to a newspaper report on a previously undisclosed program to track the phone call patterns of millions of Americans, insisted today that U.S. intelligence activities he has authorized are lawful and aimed strictly at the al-Qaeda terrorist network.

In a hastily arranged appearance before reporters at the White House, Bush reacted to a USA Today report that says the National Security Agency has been secretly using records provided by the three largest American telephone companies to build a massive database of foreign and domestic phone calls. The program was launched shortly after the Sept. 11, 2001, terrorist attacks with the aim of analyzing calling patterns to detect terrorist activity, the paper reported. The effort involves collecting phone numbers but does not entail recording or eavesdropping on phone conversations, it said.

The NSA declined comment, saying only that it "operates within the law."

In his statement, Bush denied that the government listens to domestic phone calls without court approval and maintained that "the privacy of ordinary Americans is fiercely protected in all our

activities."

"We are not mining or trolling through the personal lives of millions of innocent Americans," Bush said. "Our efforts are focused on links to al-Qaeda and their known affiliates."

After his brief remarks at the White House, Bush left the room without taking any questions from reporters.

Earlier, the Republican chairman of the Senate Judiciary Committee said the panel will demand answers from America's leading telephone companies on the reported NSA program.

Sen. Arlen Specter (R-Pa.) vowed to haul the companies before his committee in response to the USA Today report saying that AT&T, Verizon and BellSouth turned over data to the NSA on phone calls made by their 200 million customers. The paper said the three were "working under contract with the NSA" on the program. It said another major telecommunications company, Qwest, refused to participate because it was uneasy about the legal implications of giving the government customer information without warrants.

The report drew alarmed reactions from congressional Democrats, who accused the Bush administration of violating Americans' civil liberties in its zeal to combat international terrorism. Another secret NSA program -- involving eavesdropping without warrants on calls between people in the United States and suspected terrorists abroad -- sparked strong controversy when it was revealed late last year. President Bush confirmed the eavesdropping program, insisting that it targeted only international calls and was vital to U.S. efforts to ferret out terrorist plots.

Specter told a Judiciary Committee executive meeting today that in addition to hearings on the eavesdropping program, "the committee will have an additional hearing" on the reported phone call database.

"We will be calling upon AT&T, Verizon, and BellSouth as well as others to see some of the underlying facts," he said. "When we can't find out from the Department of Justice or other administration officials, we're going to call on those telephone companies to provide information

to try to figure out exactly what is going on."

Specter said that testimony from telephone company executives was a key element in committee hearings that led to the 1978 Foreign Intelligence Surveillance Act. The act, known as FISA, regulates domestic eavesdropping on the communications of foreign agents.

An NSA spokesman, Don Weber, said in a statement, "Given the nature of the work we do, it would be irresponsible to comment on actual or alleged operational issues; therefore, we have no information to provide. However, it is important to note that NSA takes its legal responsibilities seriously and operates within the law."

Bush said today he had promised Americans after Sept. 11 "that our government would do everything within the law to protect them against another terrorist attack." He said he authorized the NSA to intercept the international communications of al-Qaeda operatives and that if such people are making calls into or out of the United States, "we want to know what they're saying."

"Today, there are new claims about other ways we are tracking down al-Qaeda to prevent attacks on America," Bush said. He did not explicitly confirm or deny the call-tracking program but said U.S. intelligence efforts "strictly target al-Qaeda and their known affiliates." Bush said, "Al-Qaeda is our enemy, and we want to know their plans."

He said the intelligence activities he has authorized "are lawful and have been briefed to appropriate members of Congress, both Republican and Democrat."

Bush suggested that disclosure of the database program was harmful to national security.

"As a general matter, every time sensitive intelligence is leaked, it hurts our ability to defeat this enemy," he said. "Our most important job is to protect the American people from another attack, and we will do so within the laws of our country."

Senate Democrats reacted sharply to the latest revelation.

Sen. Patrick J. Leahy (D-Vt.), the top Democrat on the Senate Judiciary Committee, held up a copy of USA Today's front-page story during the panel's meeting and said, "Shame on us for being so far behind and being so willing to rubber-stamp anything this administration does."

He said that if lawmakers are unwilling to demand answers from the administration, "then this Congress, this Republican leadership, ought to admit they have failed in their responsibility to the American government."

The Senate minority leader, Harry M. Reid (D-Nev.), said that while the U.S. government "must have every effective and legal tool needed to fight terrorism," Americans are losing confidence that the Bush "has an effective strategy" for waging that fight or is being candid about its actions.

Reid said the USA Today report illustrates a need for congressional oversight, adding that Hayden's confirmation hearings on his nomination to be CIA director "present the Senate with an opportunity to explore this and other vital issues regarding the effectiveness of our intelligence community."

Sen. Dianne Feinstein (D-Calif.) said she believes "we are on our way to a major constitutional confrontation on Fourth Amendment guarantees on unreasonable search and seizure." She said the disclosure of the database program constitutes "a growing impediment to the confirmation" of Air Force Gen. Michael V. Hayden to be the next director of the CIA. Hayden was nominated by Bush to replacing outgoing CIA chief Porter J. Goss, who announced his resignation last week.

Hayden, who was director of the NSA from March 1999 to April 2005, headed the agency when the call-tracking program reportedly was launched. He left the NSA to serve as deputy director of national intelligence under John D. Negroponte, who was put in overall charge of the U.S. intelligence community last year.

In a brief encounter with reporters as he met with senators on Capitol Hill ahead of his confirmation hearings, Hayden ducked a question about the legal authority under which the NSA call-tracking program was carried out.

"All I would want to say is that everything that NSA does is lawful and very carefully done, and that the appropriate members of the Congress -- House and Senate -- are briefed on all NSA activities, and I think I'd just leave it at that," he said. He then turned and walked away.

In the House, Democrats on the Energy and Commerce Committee circulated a letter demanding a hearing on the program. "We are very concerned about this practice and the privacy questions it raises," said the letter, which was drafted by Rep. Jan Schakowsky (D-Ill.) and addressed to the committee chairman, Rep. Joe Barton (R-Tex.).

The letter also questioned why the Prevention of Fraudulent Access to Phone Records Act, which the committee recently passed unanimously, was pulled from a scheduled floor vote on May 2. The bill, intended to prevent telecommunications companies from sharing consumers' phone records without their consent, was yanked "because of undisclosed concerns of the House Intelligence Committee," the letter said.

In a commencement speech today at American University, Sen. John F. Kerry (D-Mass.) called for a "full and vigorous debate" on Hayden's nomination as CIA director in view of the latest disclosures.

Saying that "the NSA isn't just listening to international calls but is collecting the phone call records of tens of millions of Americans who aren't suspected of wrongdoing," Kerry asked, "How many times will government secrecy shield decision-makers from any kind of accountability?"

He added, "Enough is enough. It is long overdue for this Congress to end the days of roll-over and rubber stamp and finally assert its power of advise and consent" before Hayden becomes CIA chief.

But White House spokeswoman Dana Perino, traveling with Bush on a flight to Mississippi, rejected the idea that the database story was impeding the Hayden nomination.

"The feedback has been positive and we're full steam ahead on his nomination," she told reporters.

Without confirming or denying the USA Today story, Perino said, "The government has no interest in knowing what innocent Americans are talking about on their domestic phone calls. So if you are calling to make reservations at a restaurant, and if you are calling your daughter at college, or if you are calling to plan your wedding, the government has no interest in knowing about those calls. The government is interested in finding out if al-Qaeda is planning an attack in America -- you can bet that we want to make sure that we get ahead of that to prevent that and to save lives."

She refused to comment when asked if there had been any effort to persuade USA Today not to publish the story.

At today's Judiciary Committee meeting, a leading Republican member, Sen. John Cornyn of Texas, cautioned against overreacting to the report on the database program and offered a general defense of the administration.

"This is not somewhere where the president or the intelligence community is running like a rogue elephant . . . trampling our civil liberties," he said. "I think we ought to lower our language and our rhetoric a little bit and be conscious of what's at stake, and what's at stake is the safety and security of the American people."

The telephone companies today declined comment on the USA Today story, saying they would not get into national security matters. The companies would say only that they are assisting government agencies in accordance with the law, the Associated Press reported.

"We have been in full compliance with the law and we are committed to our customers' privacy," said Bob Varettoni, a spokesman for Verizon.

USA Today, citing sources who refused to be identified, said the NSA program "reaches into homes and businesses across the nation by amassing information about the calls of ordinary Americans -- most of whom aren't suspected of any crime." It quoted one source as saying the NSA's aim was "to create a database of every call ever made" in the United States and that the result was "the largest database ever assembled in the world."

The paper said the phone companies are not turning over the names, street addresses and other personal information of customers, but that the phone numbers being collected enable the NSA to obtain such information easily by cross-checking with other databases.

The data collection, intended to help the NSA analyze terrorist networks, has been conducted in the past, but never on such a large scale, USA Today quoted a U.S. intelligence official as saying.