

**Transcript of Attorney General Interview on Fox News' "Fox and Friends"
with Steve Doocy**

Steve: Some lawmakers on Capitol Hill upset over President Bush allowing domestic wiretaps without court approval. About the president overstep his authority? Let's talk to attorney general Alberto Gonzales, who joins us from the white house, where even though it's chilly, thanks to a portable space heater, his feet are warm.

AG: Good morning.

Steve: good morning. Nice to have you here. Members of both parties have said over the weekend, sir, that perhaps some hearings are needed to look into what exactly has happened. Condoleezza rice was on television yesterday explaining that the president does have the authority to order these particular wire -- domestic wiretaps. Where does he get the authority?

AG: We believe the president has inherit authority as commander-in-chief to engage in signal intelligence of our enemies, but he also has statutory intelligence. The act does require that we get an order. Except as provided otherwise by statute and we believe that congress has provided otherwise by statute in the authorization to use force, which the congress passed in the days following the attacks of September 11. The president is very, very supportive of course and a strong defender of civil liberties and we're not going to engage if any conduct that is not otherwise lawful.

Steve: so are you saying that you're using a little bit of the FISA, foreign intelligence surveillance act and a little bit of the authority granted to him by congress?

AG: He will, well the foreign intelligence surveillance act was passed in 1978. We continue to use the authorities granted under FISA, however the changes in technology that have occurred since then have been tremendous and sometimes those authorities under the foreign intelligence surveillance act don't provide us the speed and agility that we need to deal with the new kind of enemy and the new kind of war and therefore the president is using the authorities that we believe were granted to him by the congress in the authorization to use force as well as the authorities that he has as commander-in-chief under the constitution.

Steve: but it seems like the way this FISA rule is written, there is plenty of speed there, because you can go ahead and wiretap somebody just so long as you talk to a judge within 72 hours. Why are you going around the judge part?

AG: Well, again, the act, the foreign intelligence surveillance act, allows us to engage in this kind of action, without a court order, if otherwise provided by statute. And we believe congress has given us that authority. The folks that are operating this program tell me that we do not have the speed and agility that we necessarily need when we use the authorities under FISA to deal with this new kind of enemy.



Steve: how many times has this happened?

AG: Well, Steve, what I can say is that the authorities -- the number of times that we've used the authorities is a highly classified matter. I can reassure the American people; this is not a situation where we're engaged in surveillance, calls made solely within the United States. This is a situation where one party to the call has to be outside the you statutes and we have to have a -- outside the united states and we have to have a reason to conclude that one of the parties involved is affiliated with al Qaeda or affiliated with an organization supportive of al Qaeda.

Steve: I'll let you put your ear piece back if his ear in just a minute. We're speaking live with the attorney general Alberto Gonzales live from the front lawn of the white house. A number of democrats have said they're surprised at this, and yet eight top congressional leaders have been briefed on this all along, right?

AG: We have had numerous briefings with certain key members of the congress. This is a highly classified program. And the president has believed it important to limit the number of people that have had access to this program. We understand the concerns that have been raised by certain members of congress about this program, and we intend to engage in a very constructive dialogue to inform the congress about the very careful limits that the president has placed upon the program so that we do engage in this program if a way that's protective of civil liberties of Americans.

Steve: and sir, if a round of hearings is held up on Capitol Hill, what would the reaction from the white house be to hearings?

AG: Well, again, we want to engage in a constructive dialogue with the congress. We believe that obviously congress has the right to know about these -- this program, and that's why we've engaged in briefings to the congress from the very outset of this program, we obviously are concerned about divulging to the enemy more classified information about the operations of this program, that we will work with congress to provide the information that it believes it needs in a way that's consistent with the needs of this country.

Steve: sir, we thank you very much for joining us from the north lawn of the white house to explain this morning, attorney general Alberto Gonzales.