

Elwood, Courtney

From: David.Kris@timewarner.com
Sent: Thursday, December 22, 2005 12:37 PM
To: Elwood, Courtney
Subject: Re: NSA talkers

Thanks, Courtney, these are very helpful and interesting. From a quick read on my BB, it looks like you guys are leading with Article II and using the AUMF as support, rather than leading with the AUMF interpreted broadly in light of constitutional avoidance doctrine, and then falling back to Article II. If I'm reading it right, that's an interesting choice -- maybe it reflects the VP's philosophy that the best defense is a good offense (I don't expect you to comment on that :-)). Thanks again for sharing these and I hope you have a nice holiday. I'll be in Texas (BB and cell: [REDACTED] until next Tuesday.

← FOIA EXEMPTION *b7c*

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-----Original Message-----

From: Courtney.Elwood@usdoj.gov
To: Kris, David
Sent: Thu Dec 22 12:05:26 2005
Subject: NSA talkers

FYI.

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Goodling, Monica

From: Matthew_T_McDonald@who.eop.gov
Sent: Tuesday, January 17, 2006 10:49 AM
To: Goodling, Monica
Subject: IN CASE YOU MISSED IT: Attorney General Alberto Gonzales On CNN's "Larry King Live"

Importance: Low

Attachments: tmp.htm



tmp.htm (13 KB)

In Case You Missed It ...

Attorney General Alberto Gonzales On CNN's "Larry King Live"

CNN'S LARRY KING: "General, Al Gore said today that President Bush repeatedly and persistently broke the law with the NSA domestic spying program and he wants a special counsel named to investigate. What are your thoughts?"

ATTORNEY GENERAL ALBERTO GONZALES: "Well, I didn't see the speech of the former vice president. What I can say is that this program from its inception has been carefully reviewed by lawyers throughout the administration, people who are experienced in this area of the law, experienced regarding this technology and we believe the president does have legal authorities to authorize this program.

"I would say that with respect to comments by the former vice president it's my understanding that during the Clinton administration there was activity regarding the physical searches without warrants, Aldrich Ames as an example.

"I can also say that it's my understanding that the deputy attorney general testified before Congress that the president does have the inherent authority under the Constitution to engage in physical searches without a warrant and so those would certainly seem to be inconsistent with what the former vice president was saying today."

KING: "General, doesn't the idea of spying run against the grain of Americans?"

ATTORNEY GENERAL GONZALES: "I think, Larry, people need to understand that this is a very targeted and limited program that the president has authorized. We have to put this in context. Of course, we're talking about the most horrific attack on our soil in the history of this

country, 3,000 lives lost on September 11th.

"The president pledged to the American people that he would do whatever he could within the Constitution to protect this country. It has always been the case since we've had electronic communications that in a time of war this country engages in electronic surveillance in order to get information about the enemy.

"We need to know who the enemy is. We need to know what the enemy is thinking. We need to know where the enemy is thinking about striking us again. And so absolutely, this president is going to utilize all the tools that are available to him to protect this country and I think the American people expect that of the president of the United States, who is the only public official charged, not only with the authority with the duty of protecting all Americans.*