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NSA Spying Part of Broader Effort

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Intelligence Chief Says Bush Authorized Secret Activities Under One Order

By Dan Eggen
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The Bush administration's chief intelligence official said yesterday that [President Bush](#) authorized a series of secret surveillance activities under a single executive order in late 2001. The disclosure makes clear that a controversial [National Security Agency](#) program was part of a much broader operation than the president previously described.

The disclosure by [Mike McConnell](#), the director of national intelligence, appears to be the first time that the administration has publicly acknowledged that Bush's order included undisclosed activities beyond the warrantless surveillance of e-mails and phone calls that Bush confirmed in December 2005.

In a letter to [Sen. Arlen Specter](#) (R-Pa.), McConnell wrote that the executive order following the Sept. 11, 2001, attacks included "a number of . . . intelligence activities" and that a name routinely used by the administration -- the Terrorist Surveillance Program -- applied only to "one particular aspect of these activities, and nothing more."

"This is the only aspect of the NSA activities that can be discussed publicly, because it is the only aspect of those various activities whose existence has been officially acknowledged," McConnell said.

The program that Bush announced was put under a court's supervision in January, but the administration now wants congressional approval to do much of the same surveillance without a court order.

McConnell's letter was aimed at defending [Attorney General Alberto R. Gonzales](#) from allegations by Democrats that he may have committed perjury by telling Congress that no legal objections were raised about the TSP. Gonzales said a legal fight in early 2004 was focused on "other intelligence activities" than those confirmed by Bush, but he never connected those to Bush's executive order.

But in doing so, McConnell's letter also underscored that the full scope of the NSA's surveillance program under Bush's order has not been revealed. The TSP described by Bush and his aides allowed the interception of communication between the United States and other countries where one party is believed to be tied to [al-Qaeda](#), so other types of communication or data are presumably being collected under the parts of the wider NSA program that remain hidden.

News reports over the past 20 months have detailed a range of activities linked to the program, including the use of data mining to identify surveillance targets and the participation of telecommunication companies in turning over millions of phone records. The administration has not publicly confirmed such reports.

A spokesman for McConnell declined to elaborate on the letter. The [Justice Department](#) also declined to comment.

Specter was noncommittal yesterday on whether McConnell's explanation resolved his questions about the accuracy of Gonzales's previous testimony to the [Senate Judiciary Committee](#), where Specter is the ranking Republican. Specter said he was waiting for a separate letter from the attorney general to provide additional clarification.

"If he doesn't have a plausible explanation, then he hasn't leveled with the committee," Specter said on [CNN](#). Justice spokesman [Brian Roehrkasse](#) said that "the department will continue to work with Senator Specter to address his concerns" but declined to comment further.

McConnell's letter leaves maneuvering room for both sides in the political fracas over whether Gonzales has been truthful in his testimony. On the one hand, the NSA was clearly engaged in activities that were distinct enough to require different "legal bases" authorizing their use, according to McConnell's account.

"If you think about it technically, it is pretty clear that the NSA desk that does communications intercepts is separate from the desk that does data mining of call records," said Kim Taipale, executive director of the Center for Advanced Studies in Science and Technology Policy, a [New York](#)-based nonprofit group. "Those are separate processes, and to think of them as separate programs is not a stretch."

On the other hand, the activities were authorized under a single presidential order and were all part of an NSA effort to gather communications about suspected terrorists after the Sept. 11 attacks. That helps explain why many Democratic lawmakers and administration officials -- including FBI Director Robert S. Mueller III -- viewed the wiretapping as part of a larger NSA program, rather than a separate effort, as Gonzales's testimony has suggested.

"Both sides have a legitimate case, if you want to be legalist about it," Taipale said.

The 45-day reauthorization of a single presidential order was probably a "bureaucratic convenience" that eliminated the need to issue multiple authorizations, he added.

Kate Martin, executive director of the Center for National Security Studies, said the new disclosures show that Gonzales and other administration officials have "repeatedly misled the Congress and the American public" about the extent of NSA surveillance efforts.

"They have repeatedly tried to give the false impression that the surveillance was narrow and justified," Martin said. "Why did it take accusations of perjury before the DNI disclosed that there is indeed other, presumably broader and more questionable, surveillance?"



[Charles E. Schumer](#) (N.Y.), who was among a group of four Democratic senators who called last week for a perjury investigation of Gonzales, said: "The question of whether Attorney General Gonzales perjured himself looms as large now as it did before this letter.

"This letter is no vindication of the attorney general," he said.

Staff writer Joby Warrick and staff researcher Madonna Lebling contributed to this report.

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