

Transcript of Attorney General Interview on CNN's "American Morning" with Soledad O'Brien

CNN: Alberto Gonzales is the U.S. Attorney general and he joins us from the white house this morning. Nice to see you, sir. Thank you for talking with us.

AG: Good morning.

CNN: Did you advise the president that it was within his rights to go ahead and approve these wire taps without a court order, sir?

AG: There were many lawyers within the administration who advised the president that he had an inherent authority as commander of chief under the constitution to engage in this kind of intelligence of our enemy. We also believe the authorization to use force which was passed by the congress in the days following the attacks of September 11th constituted additional authorization for the president to engage in this kind of signals intelligence.

CNN: You're saying the congress's vote to use force was essentially an okay as well to wire tap people in the United States?

AG: The foreign intelligence surveillance act provides that you must get a court order to engage in surveillance the type the president talked about on Saturday, except as otherwise authorized by congress. We believe that other authorization by congress exists in the authorization to use military force that was passed by the congress in the days following the attacks of September 11th.

CNN: You mentioned that FISA or the federal intelligence security act and the other option getting a warrant. Why not go either of those two routes if you want the secret court go the first way and if you want to get a warrant, get a warrant?

AG: As I've indicated, we're only required to get a court order to engage in this kind of surveillance if we're not otherwise authorized by congress. We think we were given permission under the authority to use military force. But in terms of why not use the authorities under the foreign intelligence surveillance act, we continue to use those authorities, they're very important in the war on terror. But the foreign intelligence surveillance act was passed in 1978 and there have been tremendous changes in technology since then. And what the folks at the NSA tell me is that we do not have the speed and the agility in all cases to deal with this new kind of threat under the foreign intelligence surveillance act and that is why we believe and the president believes these authorities are necessary in order to effectively defend this country against another attack by al Qaeda.

CNN: Two points then. You think the foreign intelligence service act does not go far enough? It's not fast enough, a secret court?

AG: I'm told by the operational folks at the national security agency we do not have the speed and the agility in all cases, in ev to deal with this new kind of threat. As I've said before, the foreign intelligence surveillance act is a very important tool where we continue to utilize it when we continue to deal with this new kind of threat and this new kind of war.

CNN: I'm sure you recognize there are plenty of congressmen and women and senators who say they had no intention when they authorized the use of force to go ahead and authorize of wiretapping by the president without going through the courts or going through this other act as you mentioned. What would you say to them?

AG: Well, what I would say to them is that the authority by the congress was the authority to use all necessary and appropriate force. And a very aspect of engaging in war against the enemy is to engage in signal intelligence. Signal intelligence means that we have to know what our enemy is doing. We can't go into a war blindly. We've engaged in signal intelligence beginning with the civil war and through all of the conflicts since then. This is a very important aspect of engaging in the war. We do believe that that would constitute the authority by the congress to engage in this kind of surveillance.

CNN: Whether or not signal intelligence is necessary. More of a question whether the president has the authority to work around the courts and sort of as some would see it, unilaterally make the decision without getting any court approval. In 1972, as I'm well aware, you know, the Supreme Court ruled that president Nixon could not do the same thing, go ahead and wire tap by virtue of the fact that he's the president. How is this case different than that?

AG: Well, one key difference is that the statute itself, the foreign intelligence surveillance act statute, requires we can do so without a court order, engage in this kind of electronic surveillance if otherwise approved by congress through another statute and we believe that congress has done so and this particular case. We also, quite frankly, Soledad, we continue to believe that the president has the inherent authority, under the constitution's commander of chief, engage in this kind of conduct but that's a secondary argument. We believe the congress has authorized this kind of conduct and we understand the concern that have been raised by certain members of congress as the president indicated on Saturday, we have reached certain key members of congress from the beginning of this program about what we're doing and the justice risks of what we're doing and we didn't brief other members of congress because of the importance of keeping this program classified as much as possible. We will, in the days to come, sit down with members of congress and try to provide information to reassure them that the president of the United States is utilizing these tools in a lawful manner, in a way that ensures that the civil liberties of all Americans are protected.

CNN: You'd be fine with hearing as some of the democratic leadership is calling for to investigate this fully?

AG: We want to provide information to the congress about what we're doing to reassure

them what we're doing is lawful but also do it in a way that doesn't compromise this program. The president did acknowledge the existence of the program but many operational aspects of the program remain highly classified and it remains a valuable tool. Harmful to the United States if we lost this tool entirely. We need to do so in a way that ~~does not compromise this very valuable tool in the war against terrorism~~

CNN: ~~Alberto Gonzales is the U.S. Attorney general. Thank you for talking with us, sir~~