



## Interview on NBC Meet the Press With Tim Russert

**Secretary Condoleezza Rice**

Washington, DC

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**QUESTION:** First, with us now, the Secretary of State, Condoleezza Rice. Welcome back.

**SECRETARY RICE:** Thank you, Tim.

**QUESTION:** Before I get to Iraq, let me turn to the issue on the front page of all the papers, and that is the domestic spying, and refer you and our viewers to an article in Friday's *New York Times* to give us some context:

*"Bush Lets U.S. Spy on Callers Without Courts. Months after the September 11th attacks, President Bush secretly authorized the National Security Agency to eavesdrop on Americans and others inside the United States in search for evidence of terrorist activity without the court-approved warrants ordinarily required for domestic spying, according to government officials. 'Under a presidential order signed in 2002, the intelligence agency has monitored the international telephone calls and international e-mail messages of hundreds, perhaps thousands, of people inside the United States without warrants over the last three years in an effort to track down possible dirty numbers linked to al-Qaida,' the officials said.*

*"The previously undisclosed decision to permit some eavesdropping inside the country without court approval was a major shift in American intelligence gathering practices, particularly for the National Security Agency, whose mission is to spy on communications abroad. As a result, some officials familiar with the continuing operation have questioned whether the surveillance has stretched, if not crossed, constitutional limits on legal searches. 'This is really a sea change,' said a former senior official who specializes in national security law. 'It's almost a mainstay of this country that the NSA only does foreign searches.'"*

The President yesterday confirmed that this operation was underway for the last several years. What is the legal authority, what is the constitutional authority, for the President to eavesdrop on American citizens without getting court approval?

**SECRETARY RICE:** Tim, first of all, the President has authorized -- and it's important to talk about what he's actually authorized -- he's authorized the National Security Agency to collect information about the activities of a limited number of people with ties to al-Qaida so that there is not a seam between the territory of the United States and the territory abroad. One of the most compelling outcomes of the 9/11 Commission was that a seam had developed. Our intelligence agencies looked out, our law enforcement agencies looked in, and people could -- terrorists could -- exploit the seam between them.

So the President is determined that he will have the ability to make certain that that seam is not there, that the communications between people, a limited number of people, with al-Qaida links here and conversations with terrorist activities outside will be understood so that we can detect and thereby prevent terrorist attacks.

The President is acting under his constitutional authority, under statutory authority. I'm not a lawyer but the President has gone to great lengths to make certain that he is both living under his obligations to protect Americans from another attack but also to protect their civil liberties. And that's why this program is very carefully controlled. It has to be reauthorized every 45 days. People are specially trained to participate in it and it has been briefed to the leadership of the Congress and including the leadership of the intelligence committees.

So in a time when the war on terrorism is not just one in which people carry on activities outside the country, but also activities inside the country, the President is drawing on his constitutional authorities to protect the country.

**QUESTION:** The law is very clear that a person is guilty of an offense unless they get a court order before seeking to wiretap an American citizen. Why did the President not get a court order?

**SECRETARY RICE:** The FISA is indeed an important source of that authority and, in fact, the Administration actively uses FISA. But FISA is a --

**QUESTION:** The Foreign Intelligence Surveillance Act.

**SECRETARY RICE:** The Foreign Intelligence Surveillance Act. Exactly. FISA, which came out of 1978, at a time when the principal concern was, frankly, the activities of people on behalf of foreign governments, a rather stable target, very different from the kind of urgency of detection and thereby protection of the country that is needed today. And so the President has drawn on additional authorities that he has under the Constitution and under other statutes.

**QUESTION:** What are the other authorities?

**SECRETARY RICE:** Tim, again, I'm not a lawyer. But the President has constitutional authority and he has statutory authority.

**QUESTION:** But no one has explained that. No one has said what his --

**SECRETARY RICE:** Tim --

**QUESTION:** In fact, in 1972, President Nixon tried to wiretap American citizens and the Supreme Court ruled he violated the Fourth Amendment rights of Americans.

**SECRETARY RICE:** Tim, let's remember that we are talking about the ability to collect information on the geographic territory that is the United States. Some people are American citizens. Others are not. What the President wants to prevent is the use of American territory as a safe haven for communications between terrorists operating here or people with terrorist links operating here and people operating outside the country.

You know, I sat through the 9/11 Commission and in the 9/11 Commission one of the biggest and most compelling concerns was that we had to understand the link between what terrorists were doing abroad and what terrorists were doing here. Prior to September 11th, there were people sitting inside the United States -- the President talked about two of them, Mihdhar and Hamzi, who were operating inside the United States, communicating outside of the United States. That's a seam that you cannot allow to exist in a time when if somebody now commits a crime, where this is not law enforcement of the kind where people commit a crime, you then investigate that crime and bring them to justice. This is a case where if people commit the crime then thousands die. And that's what we learned on September 11th and

so the President, under his authorities -- he is Commander-in-Chief, he needs to protect this country -- has authorized this program.

But he is also very concerned about civil liberties and it is why there are so many safeguards attached to this program and why, frankly, several members of Congress were briefed.

**QUESTION:** The courts very, very seldom turn down a request. You could have gone to a court to make sure that constitutional rights were protected for all American citizens.

**SECRETARY RICE:** Tim, the circumstances of FISA relate to rather more stable targets, people who are principally acting on behalf of governments. These are stateless networks of people who communicate and communicate in much more fluid ways and where the urgency of detecting, where the importance of not letting it happen, is far greater than I think anything that would have been envisioned before 1978 -- in 1978, before we saw the Twin Towers and the Pentagon go down.

**QUESTION:** Arlen Specter, a Republican, the Chairman of the Judiciary Committee, said this on Friday: "It's inexcusable to have spying on people in the United States without court surveillance in violation of our law, beyond any question."

Senator Specter then said, "I want to know precisely what they did, how the NSA utilized their technical equipment, whose conversations they overheard, how many conversations they overheard, what they did with the material, what purported justification there was."

Is Senator Specter entitled to that information?

**SECRETARY RICE:** Well, I will have to leave it to the President to work with his advisors to determine how to answer the questions that are going to be asked. And I am sure questions will be asked and answered. But let me just repeat, we got into very deep trouble on September 11th because we had a gap, a gulf really, between the territory of the United States and what was going on on the territory of the United States, from which the attack came, and the territory of -- foreign territory where attacks were being planned and operationalized.

The ability of the United States to not let the territory of the United States be treated as safe haven for communications, where people can communicate freely to -- people with terrorist links can communicate freely to people outside the country, is something that the President felt he had to address.

**QUESTION:** You were the National Security Advisor when the President made this decision. Were you aware of it?

**SECRETARY RICE:** Yes.

**QUESTION:** Will you go before Congress to testify, if called?

**SECRETARY RICE:** Tim, I was aware of it and I'm not going to talk about my role as National Security Advisor, which of course is not a constitutionally confirmed role. And I'm sure that there will be issues there, but my concerns were the President's concerns at this time, that he be able to use his authorities to detect and verify, protect the country from a terrorist attack. We have to remember that the President looks every morning at many, many, many pieces of intelligence about coming attacks -- frankly, almost none of them specific enough to act on. And so it is the President's obligation, within the law and within his constitutional authority, to get the information that he needs to detect an attack and to act against it before thousands of people die.

**QUESTION:** Senator Feingold, the Democrat from Wisconsin, said, "I think President Bush probably did break the law and I think almost every senator of both parties thinks he probably did. The President doesn't get to decide to make up the laws to start wiretapping people just because he thinks it's a good idea. I think he may have broken the law."

And what Democrats and Republicans in Congress are asking, Madame Secretary, is what is the authority that you keep citing? What law, what statute? Where in the Constitution does it say the President can eavesdrop, wiretap American citizens, without a court order?

**SECRETARY RICE:** Tim, the President has authorities under FISA, which we are using and using actively. He also has constitutional authorities that derive from his role as Commander-in-Chief and his need to protect the country. He has acted within his constitutional authority and within statutory authority.

Now, I am not a lawyer and I'm quite certain that the Attorney General will address a lot of these questions. But the fact is that the President has an obligation. He took an oath to protect and defend the Constitution of the United States. That means both to protect and defend Americans physically from the kind of attack that we experienced on September 11th and to protect their civil rights and civil liberties, and he is doing both.

But I want to remind people that we are in a different kind of war. We are in a war where if we allow people to commit the crime, then thousands die. And so the ability to detect, the ability to disrupt -- this is a war where intelligence is the long pole in the tent because we can do everything we can to protect our ports, to make our borders more secure, to try and disrupt terrorists abroad, but if in fact people operate within the country, as they were doing on September 11th, then we're not going to be able to protect the country.

**QUESTION:** Do you expect this to go to the Supreme Court?

**SECRETARY RICE:** I don't know, Tim. This is not my call.

**QUESTION:** Because Republicans as well as Democrats are quite upset.

**SECRETARY RICE:** Tim, I think that everyone should listen to what the President said yesterday. He made a compelling case for why he felt it necessary to use these authorities. He made a compelling case for the kind of war in which we are. And again, we need to think back to what the analysis of what happened to us on September 11th told us, and it told us that there was a gap, a gulf, between our intelligence agencies which looked outward as their threats were only on the outside, and our law enforcement agencies which looked inward. The notion that you would not want to somehow use your capabilities to connect the dots between what is going on inside the country with terrorist activities and outside the country, I don't frankly understand. And I want to just remind people --

**QUESTION:** Well, that's why the --

**SECRETARY RICE:** -- it's a limited number of people --

**QUESTION:** Madame Secretary, that's an important point because the reason the law was created, to create a court to expedite this, was to adjudicate the delicate balance between civil liberties and national security, and the President decided to circumvent that.

**SECRETARY RICE:** This is a program that is very thoroughly controlled and reviewed and it has been reviewed not just by the White House counsel but by the lawyers of the Justice Department and by the lawyers of the NSA, the National Security Agency, and by the Inspector General of the National Security Agency, and it has to be reauthorized every 45 days. And the Congress, congressional leaders, including --

**QUESTION:** But those are Administration lawyers --

**SECRETARY RICE:** Including of the --

**QUESTION:** Why not go to an objective court?

**SECRETARY RICE:** The Congress, including -- congressional leaders, including leaders of the relevant oversight intelligence committees, have been briefed on this.

**QUESTION:** The Democratic leader, Nancy Pelosi, said that she expressed reservations.

**SECRETARY RICE:** I am not going to comment on specific conversations with congressional leaders, but I will say that the President went out of his way to make certain that people were -- that these leaders were briefed on the program and the activities that were being undertaken -- were being taken under this program. This is a very limited program. There have to be ties to al-Qaida for the people who -- on whom you're collecting information. And it was the President's belief -- and I agree -- that without the ability to know what was going on between people with terrorist links inside the country and people -- terrorists -- outside the country, that we were going to leave the country vulnerable to attack again the way that we were vulnerable to attack on September 11th.

**QUESTION:** Let me turn to Iraq. The elections on Thursday. Eleven million Iraqis voted. George Casey, our commander on the ground, said this in September: "We've looked for the constitution to be a national compact and the perception now is that it's not, particularly among the Sunni."

Will the Bush Administration urge the Iraqis to modify, to amend the constitution, to be more inclusive of the Sunni community, to be more inclusive and understanding of women's rights?

**SECRETARY RICE:** Clearly, we believe that the Iraqis now are going to engage in a process which gives them a real chance for a representative, broadly representative, government. And Zai Khalilzad has wonderful contacts and he's pressing --

**QUESTION:** Our Ambassador.

**SECRETARY RICE:** Our Ambassador. He has wonderful contacts. He's pressing this case.

It is an Iraqi process. But all the Iraqis with whom you talk seem to understand that this is their real chance to build a unified Iraq in which everybody has a part. Women are going to have 25 percent of the legislature, by statute. They will have to now go out and build their links and use the tools that are given to them to assure equal rights. But the constitution, of course, gives those equal rights to women.

I think, Tim, that this is a remarkable couple of days for the Iraqi people. They went out and they voted in huge numbers. There were pictures of little children dipping their fingers in ink and blind people going to vote. They understood what the vote meant. The vote meant a democratic future and a chance to control their lives. Now they will have representatives, broad representation. And while I think government formation is not going to be easy, I have heard a number of leaders -- Sunni, Shia and Kurd -- say that their goal is to find people across lines with whom they can work.

**QUESTION:** On November 15th, 79 United States senators -- Democrats and Republicans -- voted for the following: "The Administration should tell the leaders of all groups and political parties in Iraq they need to make the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq within the schedule they set for themselves."

Will you, as Secretary of State, will the President, say to the Iraqis you have to fix this constitution, you have to amend this constitution to make sure the Sunnis, Shiites, Kurds all feel involved?

**SECRETARY RICE:** Tim, it was because of the efforts of our Ambassador and the British Ambassador and the UN and others that the ability to amend the constitution is there. We worked with the Iraqis to put in place that ability to amend the constitution.

**QUESTION:** Will you encourage --

**SECRETARY RICE:** It should be -- yes, there should be a process now by which the concerns of those who were perhaps not fully represented at the time of the writing of the constitution -- what really happened was because the Sunnis didn't vote in the January election they had to in a sense be grandfathered into the constitutional process. Now they will have truly elected representatives. So that's why the amendment process is there and it ought to be used.

**QUESTION:** The President said something on Wednesday about weapons of mass destruction. Let's listen: "It is true that much of the intelligence turned out to be wrong."

"Much of the intelligence turned out to be wrong." Colin Powell, back in September of '02, said, "The President has said repeatedly that the purpose of this is to disarm. If Saddam does that to the satisfaction of the international community, then there will be no war."

If the primary rationale was to disarm Saddam and he had no weapons of mass destruction, we've now found out, understanding that, do you believe that if the President went before Congress in March of '03 and said, "Ladies and gentlemen, we do not have any information that Saddam has weapons of mass destruction but we still believe we should go into Iraq and topple him," do you think Congress would've supported that?"

**SECRETARY RICE:** Tim, I don't -- I can't possibly know the answer to that. I do know this: What happens today can affect what happens tomorrow but not what happened yesterday. And the fact of the matter is at the time of the war resolution, we believed, other intelligence agencies around the world believed, the UN Security Council apparently believed with its multiple resolutions telling him to disarm, that Saddam Hussein had weapons of mass destruction and was continuing to pursue those programs. That is the reason that there were some of the toughest sanctions ever placed on Saddam Hussein. And he didn't answer the just demands of the international community that he come clean about his programs.

Now yes, much of the intelligence was wrong. But that Saddam Hussein was a threat I think is incontrovertible because even as someone who had used weapons of mass destruction before against his own people and against his neighbors, in whom we were still in a kind of suspended state of war flying no-fly zones to the north and the south, him shooting at our aircraft, his continued threat to the region and to his neighbors, and this horrible dictator who was filling mass graves, sitting in the world's most volatile region, a region out of which this ideology of hatred that we experienced on September 11th had come -- and by the way, paying suicide bombers to go and commit atrocities in Israel as well -- he was a threat.

After 17-plus resolutions, after 12 years, it was time to take care of Saddam Hussein. And the effect is now that with what the Iraqi people are doing we have an opportunity to see an Iraq that will be a friend of peace, a friend of a stable -- truly stable Middle East, and democratic, as a pillar of a different kind of Middle East. And everybody knows that we need a different kind of Middle East than the one that currently exists.

**QUESTION:** Do you have any regrets that you may have misled the American people by talking about aluminum tubes that could have been used for nuclear

development, which our own State Department and Department of Energy said was not the case, or talking about a mushroom cloud when, in fact, there's no evidence that Saddam had a nuclear program underway?

**SECRETARY RICE:** Tim, we talked about the uncertainties associated with nuclear weapons programs and I have -- I believe that we gave the American people at the time our best estimate -- and by the way, the best estimate of the intelligence community -- of what his activities were. Let's remember that the key judgments which have, in fact, been declassified included a judgment that left unchecked Saddam Hussein would have a nuclear weapon within ten years, that he had an active program on the biological and chemical side and, in fact, had those weapons available.

**QUESTION:** But that's proven to be inaccurate.

**SECRETARY RICE:** But Tim, you know what you know at the time.

**QUESTION:** But it is now considered inaccurate.

**SECRETARY RICE:** But you know what you know at the time. And the President at the time was relying on the best intelligence that we and others had. But that does not cloud the fact that what happened in Iraq a few days ago is that the Iraqi people who had suffered under this brutal tyrant, many of whom had lost family members to mass graves, went out and voted 11 million strong for the first constitutional parliamentary democracy in the Arab world. That is going to make the United States of America safer.

Yes, it has come at sacrifice and we mourn the sacrifice of every American or coalition soldier that has been lost. We have a lot of people who are operating under dangerous circumstances. But we know, too, that when American values and American power are married, as they were after World War II, we know now that when you have democracies that are friends of the United States we know that the possibilities for peace, for permanent peace, for truly stable peace, are enhanced. And that's what the removal of Saddam Hussein has made possible.

**QUESTION:** To be continued. Merry Christmas.

**SECRETARY RICE:** Merry Christmas to you, too.

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