President Backs Off Wiretap Secrecy

The White House will brief more members of Congress on the program, a move meant to boost the chances of CIA nominee Hayden.

By Greg Miller and Joseph Menn, Times Staff Writers
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WASHINGTON — Reversing a position it has held for months, the White House on Tuesday agreed to brief all members of the House and Senate intelligence committees on a controversial domestic wiretapping operation — just as the architect of the program is facing a contentious confirmation hearing on Capitol Hill.

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Bush addressed the controversy again Tuesday, defending the program as necessary to fight terrorism, but also repeating his earlier statements that the government does not listen to domestic phone calls without court approval.

White House spokeswoman Dana Perino said the decision to expand the briefings reflects frustration within the administration with how the domestic surveillance programs have been portrayed.

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operation. "Dispelling those myths can help us as a nation to keep the program intact."

The impetus for including more lawmakers, she added, "was broader than Gen. Hayden."

The White House has said that Bush, in his role as commander in chief, had the authority to allow the NSA to bypass laws passed in the late 1970s requiring the government to secure permission from a special court before placing U.S. residents under electronic surveillance for intelligence purposes.

Bush launched the program after the Sept. 11 attacks, and the White House has said it is limited to international calls between U.S. residents and individuals overseas suspected of having ties to Al Qaeda. But critics have called the program illegal, and also have argued that the White House was required by the 1947 National Security Act to provide a full briefing on all aspects of the program to the full House and Senate Intelligence committees.

The first of the expanded briefings is to take place this afternoon, when Lt. Gen. Keith B. Alexander, who succeeded Hayden as director of the NSA, is scheduled to discuss the operation in closed session with all 15 members of the Senate Intelligence Committee. The House panel will get a similar briefing at a later date, officials said.

Hayden's first confirmation hearing before the Senate Intelligence Committee is scheduled for Thursday morning.

Republican lawmakers cited ancillary benefits to the expanded briefings. The White House had previously expressed concerns that details of the program might leak out if more lawmakers were briefed on it. But senior congressional aides said that because of the rules of handling classified information, members who are briefed will likely have to be more circumspect in their public discussions of it, blunting their ability to criticize it. The aides spoke on condition of anonymity, citing a lack of authority to address the press.

"When they know about it, they are obligated to be quiet," said one senior Republican Senate aide.

The White House and Hayden also face risks in disclosing information to more members. Lawmakers who previously would have had a limited understanding of the program now may learn enough from their briefing today to pose more detailed and difficult questions to Hayden.

"It could defuse the ability of the Democrats to complain about White House stonewalling," a senior Democratic aide said. "But it could ignite a line of questioning [in closed session] that would otherwise not have been part of the confirmation hearing."

The domestic eavesdropping program is one of two NSA operations that have been the subject of political debate in recent weeks. The other involves the effort, reported last week by USA Today, to collect millions of customer telephone records.

Verizon on Tuesday denied having turned over its records, including what numbers its customers dialed and when. Verizon, which acquired long-distance carrier MCI Inc. in a deal that became final in January, didn't deny that MCI had provided such data. Long-distance records are generally of more interest to intelligence agencies.

USA Today spokesman Steve Anderson said the newspaper "will look closely into the issues raised by BellSouth's and Verizon's statements." The paper relied mainly on unnamed sources for its assertions that the NSA had compiled databases of domestic calls, but the government hasn't denied the claims.

"We will continue to investigate and pursue the story," Anderson said in a statement. "We're confident in our coverage of the phone database story."

In BellSouth's statement Monday, the company didn't rule out the possibility that its records found their way to the NSA indirectly.

AT&T, the country's largest long-distance company, has not denied involvement. AT&T is now owned by the former SBC Communications, another regional phone service firm.

The former chief executive at the one company said to have refused an NSA request, Qwest Communications International Inc., has confirmed the newspaper's account of his role.

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Miller reported from Washington and Menn from San Francisco.
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