

# TELECOMMUNICATIONS TIMEWARP

When I beat up on Jason Leopold for some confusion in an article on domestic spying, I keyed on one detail. He was claiming Bush set up the program Risen and Lichtblau had revealed before 9/11.

Still, one thing that appears to be indisputable is that the NSA surveillance began well before 9/11 and months before President Bush claims Congress gave him the power to use military force against terrorist threats, which Bush says is why he believed he had the legal right to bypass the judicial process.

But he based that claim on two things. (He also quoted former NSA encryption specialists who appeared to be referring to a different kind of surveillance.) A Slate article that quoted telecom executives saying the NSA started collecting call data before 9/11.

A former telecom executive told us that efforts to obtain call details go back to early 2001, predating the 9/11 attacks and the president's now celebrated secret executive order.

And a Transitions 2001 document, **dated December 2000**, saying that NSA had to "live on the network."

The volumes and routing of data make finding and processing nuggets of intelligence information more difficult. To perform both its offensive and defensive missions, NSA must "live on the network."

I was particularly confused how a December 2000 document—from before Bush was President was

evidence that Bush ordered domestic surveillance before 9/11.

I raise these details because I had a bit of deja vu when reading the Bloomberg article reporting a plaintiff's lawyer stating:

"The Bush Administration asserted this became necessary after 9/11," plaintiff's lawyer Carl Mayer said in a telephone interview. "This undermines that assertion."