

# TIA AND TSP TIMING

Commenter **joejoejoe** sent me a superb timeline to show the chronology of Congress' building opposition to the Total Information Awareness program as it relates to the NSA's domestic wiretap program (how cool is that? I, the chronology weenie, am getting timelines out of the blue! Better than Christmas!!), which appears at the bottom of this post.

I'd like to pull out just a few salient dates and add four (in bold italics) to what **joejoejoe** did. I think the time line lends support for the argument that one of the problems—a big problem—with the domestic wiretap program is that it violated clear instructions from Congress.

2/20/03- President Bush signed reconciled House Senate version of above law with provision that terminates funding to TIA in 90 days and requires a Congressional update. (Consolidated Appropriations Resolution, 2003, No. 1087, Division M, §111(b) [signed Feb. 20, 2003])

5/20/03 - 90 days later, Pentagon changes name of TIA from Total Information Awareness to Terrorist Information Awareness and calls it new program. Problem solved!

*7/17/03 – Briefing for Intelligence Committee leadership (Pat Roberts, Jay Rockefeller, Porter Goss, and Jane Harman) on domestic wiretap program. This would be the last briefing before the crisis March 10 meeting.*

7/17/03 – After his SECOND briefing on the program, Jay Rockefeller writes his CYA memo to Cheney, which states (thanks to Ann for the reminder on the date):

I am writing to reiterate my concerns regarding the sensitive

intelligence issues we discussed today with the DCI, DIRNSA, Chairman Roberts and our House Intelligence counterparts.

[snip]

As I reflected on the meeting today, and the future we face, **John Poindexter's TIA project sprung to mind, exacerbating my concern regarding the direction the Administration is moving with regard to security, technology, and surveillance.**

[snip]

I am retaining a copy of this letter in a sealed envelope in the secure spaces of the Senate Intelligence Committee to ensure that I have a record of this communication.

7/18/03 – Senate votes unanimously to block funding for the Total Information Awareness program. According to the Defense Department appropriations, no funding "may be obligated or expended on research and development on the Terrorism Information Awareness program." -- over Bush admin. objections. Department of Defense Appropriations Act, 2004, Pub. L. No. 108-87, § 8131, 117 Stat. 1054, 1102 (2003)

9/26/03 – Congress eliminates funding for TIA save some military and foreign surveillance exceptions – see Sec. 8131 (see signing statement below)

9/30-10/1/03 – Bush signs '04 Defense budget with **signing statement**,

**1/04 – Given the pattern established in the prior three years twenty-seven months, there should have been a briefing of Congress in January 2004,**

*but it did not occur.*

2/11/04 – Senate Intelligence Committee hearing: "one of TIA's strongest critics questioned whether intelligence officials knew that some of its programs had been moved to other agencies. Sen. **Ron Wyden**, D-Ore., asked Director of National Intelligence John Negroponte and FBI Director Robert Mueller whether it was "correct that when [TIA] was closed, that several ... projects were removed to various intelligence agencies.... I and others on this panelled the effort to close [TIA]; we want to know if Mr. Poindexter's programs are going on somewhere else."

Negroponte and Mueller said they didn't know. But Negroponte's deputy, Gen. **Michael V. Hayden**, who until recently was director of the NSA, said, "I'd like to answer in closed session." Asked for comment, Wyden's spokeswoman referred to his hearing statements." (via the *National Journal*, 2/23/04)

3/04/04 (est.) – Comey and Ashcroft agree, "We had concerns as to our ability to certify its legality, which was our obligation for the program to be renewed." Ashcroft taken ill. (see *Marty Lederman* on Comey's testimony at *Balkanization*)

**3/10/04 – Congressional briefing on domestic wiretap program**

3/10/04 – Gonzales hospital visit.

**2/3/05 – First briefing of Intelligence Committee leadership after the hospital confrontation, eleven months earlier**