

# DETAILS ON CHENEY'S FISA DOCUMENTS

It appears that Dan Eggen has gotten a copy of the letter from Dick's office, detailing which documents he has that respond to FISA subpoenas. **Among other things, Eggen's report appears to suggest that the warrantless wiretap program operated illegally for 9 days (and possibly as many as 22 days) before it was amended to satisfy DOJ;** previously, we had only known it had operated illegally for one day.

Here're the relevant details:

Nonetheless, Coffin identified by date a series of memos and orders that "may be responsive" to the Senate committee's demands. They include **43 separate authorizations from President Bush for the program, which had to be renewed approximately every 45 days beginning on Oct. 4, 2001.**

The letter also lists dates, from October 2001 through February 2005, for 10 legal memoranda from the Justice Department. **Although Cheney's office has copies of the memos, none of them "was rendered to the Office of the Vice President," Coffin wrote.**

The disclosure of the existence of the documents and their dates sheds new light on some events surrounding the NSA program, including a now-famous legal dispute in March 2004. A half-dozen senior Justice officials threatened to resign if the White House did not agree to change parts of the program that Justice lawyers had determined were illegal. Coffin's letter indicates that Bush signed memos amending the program on March 19 and April 2 of that year. The details of the dispute have never been revealed publicly. [my emphasis]

By my very rough estimate, there should have been about 47 reauthorizations of the program—so 43 is at least close, if the documents cover up until today (though they shouldn't—they should only cover up until January 10, 2007, since that's when the authorization of the program changed). But very important: **Eggen doesn't say whether or not those reauthorizations include the March 10, 2004 one that would prove—presuming it bears Bush's signature—that Bush reauthorized the program after DOJ told him it was illegal.** This was the document Sheldon Whitehouse was seeking when Gonzales was last before the Senate.

The line "Cheney's office has copies of the memos, none of them "was rendered to the Office of the Vice President" may well be the dodge mentioned earlier—that Cheney is once again claiming that OVP (as distinct from the Vice President himself), is independent of Executive Office of the President. If that's what this line is about, it suggests the dodge they're trying to pull is to pretend none of this is in OVP, so it's all safely ensconced in EOP in some kind of faerie vault where they keep all the evidence of criminal wrong-doing.

And then there are details showing Bush signed memos **amending** the program on March 19 and April 2. Here's how that fits into the chronology from Robert Mueller: