

US Judge Resigns From Special Security Court

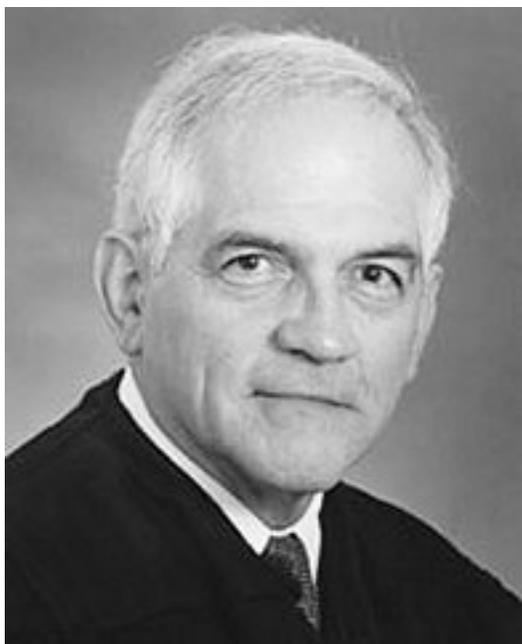
Washington

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The Bush administration found itself on the defensive again Wednesday over the issue of domestic spying as part of the war on terrorism. A federal judge resigned from a special security court, apparently to protest President Bush's decision to authorize surveillance of Americans suspected of ties to terrorists.



James Robertson

use of domestic spying to track suspected terrorists.

The *Washington Post* reported that the resignation of federal Judge James Robertson apparently stemmed from concerns over the legality of the president's domestic spying program.

Judge Robertson was one of 11 members of the Foreign Intelligence Surveillance Court (FISA), a special court set up to hear government requests to monitor telephone and e-mail communications of American citizens and others inside the United States.

Administration officials said there was no official explanation from Judge Robertson as to why he resigned.

Attorney General Alberto Gonzales was asked about the matter at a news conference and defended the president's



Alberto Gonzales

"I do not know the reason and I am not going to speculate why a judge would step down from the FISA court," he said. "We believe the president has both the statutory authority and the constitutional authority to engage in signals intelligence during a time of war with our enemy."

Opposition Democrats seized on the judge's resignation as yet another indication that Congress

needs to investigate whether the president overstepped his authority in ordering the wiretaps of hundreds, if not thousands, of people who may have engaged in suspicious international communications.

Senator Patrick Leahy, a Democrat from Vermont, is among those demanding congressional hearings early in the New Year.

"We can write laws that can be followed, but no one is above the law," he said. "The president is not above the law, members of the Senate are not above the law, nobody is."

Legal experts are divided on the issue of whether the president overstepped his authority in directing the National Security Agency to monitor domestic targets as part of the war on terror.

Harvard University Law Professor Lawrence Tribe says Judge Robertson's decision to resign from the special surveillance court appears to be unusual.

"It would not surprise me if his resignation reflected some concern about the circumvention of the FISA court and the shadow over its legitimacy and significance," he said.

While the revelation of domestic spying has sparked outrage among civil liberties activists, the reaction from the American public appears somewhat more muted so far.

Andrew Kohut is a pollster with the Pew Research Center for the People and the Press in Washington. He told NBC television that Americans have shown a tendency to compromise on some civil liberties when they feel under terrorist threat.

"Poll after poll show that the public is willing to see the rules bent somewhat to deal with terrorism," he said.

Bush administration officials contend the president has the authority to circumvent the normal process of first obtaining a warrant from the special surveillance court as part of an aggressive stance in the war on terror.

Critics argue that Congress did not explicitly give the president the right to bypass the 1978 law that severely restricts the government from spying on Americans.