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FRONTLINE'S SEASON PREMIERE INVESTIGATES CHENEY'S EFFORTS TO EXPAND THE POWER OF THE PRESIDENCY

FRONTLINE presents

CHENEY'S LAW

Tuesday, October 16, 2007, at 9 P.M. ET on PBS

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For three decades Vice President Dick Cheney conducted a secretive, behind-closed-doors campaign to give the president virtually unlimited wartime power. Finally, in the aftermath of 9/11, the Justice Department and the White House made a number of controversial legal decisions. Orchestrated by Cheney and his lawyer David Addington, the department interpreted executive power in an expansive and extraordinary way, granting President George W. Bush the power to detain, interrogate, torture, wiretap and spy — without congressional approval or judicial review.

Now, as the White House appears ready to ignore subpoenas in the wiretapping and U.S. attorneys' cases, FRONTLINE's season premiere, *Cheney's Law*, airing Oct. 16, 2007, at 9 P.M. ET on PBS (check local listings), examines the battle over the power of the presidency and Cheney's way of looking at the Constitution.

"The vice president believes that Congress has very few powers to actually constrain the president and the executive branch," former Justice Department attorney Marty Lederman tells FRONTLINE. "He believes the president should have the final word, indeed the only word on all matters within the executive branch."

After Sept. 11, Cheney and Addington were determined to implement their vision—in secret. The vice president and his counsel found an ally in John Yoo, a lawyer at the Justice Department's extraordinarily powerful Office of Legal Counsel. In concert with Addington, Yoo wrote memoranda authorizing the president to act with unparalleled authority.

"Through interviews with key administration figures, *Cheney's Law* documents the bruising bureaucratic battles between a group of conservative Justice Department lawyers and the Office of the Vice President over the legal foundation for the most closely guarded programs in the war on terror," says FRONTLINE producer/director/writer Michael Kirk. This is Kirk's tenth documentary about the Bush

administration's policies since 9/11 (*Rumsfeld's War, The Torture Question, The Dark Side, The Lost Year in Iraq, Endgame*).

In his most extensive television interview since leaving the Justice Department, former Assistant Attorney General Jack L. Goldsmith describes his initial days at the Department of Justice in the fall of 2003 as he learned about the government's most secret and controversial covert operations. Goldsmith was shocked by the administration's secret assertion of unlimited power.

"There were extravagant and unnecessary claims of presidential power that were wildly overbroad to the tasks at hand," Goldsmith says. "I had a whole flurry of emotions. My first one was disbelief that programs of this importance could be supported by legal opinions that were this flawed. My second was the realization that I would have a very, very hard time standing by these opinions if pressed. My third was the sinking feeling—what was I going to do if I was pressed about reaffirming these opinions?"

As Goldsmith began to question his colleagues' claims that the administration could ignore domestic laws and international treaties, he began to clash with Cheney's office. According to Goldsmith, Addington warned him, "If you rule that way, the blood of the 100,000 people who die in the next attack will be on your hands."

Goldsmith's battles with Cheney culminated in a now-famous hospital-room confrontation at Attorney General John Ashcroft's bedside. Goldsmith watched as White House Counsel Alberto Gonzales and Chief of Staff Andy Card pleaded with Ashcroft to overrule the department's finding that a domestic surveillance program was illegal. Ashcroft rebuffed the White House, and as many as 30 department lawyers threatened to resign. The president relented.

But Goldsmith's victory was temporary, and *Cheney's Law* continues the story after the famous hospital-room standoff. At the Justice Department, White House Counsel Gonzales was named attorney general and tasked with reasserting White House control. On Capitol Hill, Cheney lobbied Congress for broad authorizations for the eavesdropping program and for approval of the administration's system for trying suspected terrorists by military tribunals.

As the White House and Congress continue to face off over executive privilege, the Terrorist Surveillance Program, and the firing of U.S. attorneys, FRONTLINE tells the story of the man behind what some view as the most ambitious project to reshape the power of the president in American history.

Following the broadcast, *Cheney's Law* will be available to view on FRONTLINE's Web site, www.pbs.org/frontline/cheney.

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