

NANCY PELOSI: HOW DARE THE ADMINISTRATION SAY THEY WOULD VETO INTELLIGENCE REFORM?

In an interview with me on intelligence reform on Saturday, Speaker Pelosi suggested that the White House should either accept real reform of the oversight function—including some version of House amendments on GAO review of intelligence programs and expanded intelligence briefing beyond the Gang of Four—or accept full responsibility if anything goes wrong with its intelligence programs, because the intelligence committee (or at least the House intelligence committee) cannot exercise effective oversight under the current rules.

Recent coverage on the intelligence reform routinely points out that Speaker Pelosi refuses to budge on these two issues. But it rarely explains why Pelosi is so adamant about these reforms. In our interview, Pelosi (and Jan Schakowsky, who was in the room) laid out some of the reasons: Pelosi discussed the times when Gang of Four members were briefed but could not tell others (including an oblique discussion of the games CIA played with their briefings of her on torture). Schakowsky reminded Pelosi that Congress did not know the intelligence “justifying” the Iraq War. The Speaker also described a time when expanding numbers of House staffers were read into a topic only briefed to the Gang of Four, even while the members of the committee were not briefed. Pelosi mentioned the investigation Schakowsky’s subcommittee did, which concluded that CIA had failed to inform the Intelligence Committee of five major incidents. Schakowsky described the resource and expertise limitations on the committee and explained how GAO could alleviate that. Pelosi

described an unevenness between the way the White House treats non-compartmented intelligence requests from the Senate and the House—including deciding to prevent specific members from seeing particular intelligence.

And both women described the absurdity by which a quarter-million contractors can get Top Secret clearance but the members of Congress selected to conduct oversight over Executive Branch intelligence activities (including, in an ideal world, over those very same contractors) couldn't get access to the same information the contractors got.

Pelosi and Schakowsky seemed thoroughly frustrated with the joke that has become of intelligence oversight, particularly since the Bush Administration found a bunch of new ways to game the system and now the Obama Administration has threatened to veto House efforts to eliminate the ways Bush succeeded in gaming the system.

And of course, we discussed all these complaints in the context of last week's WaPo series and what Pelosi calls the "Leviathan" of the intelligence contracting world, in which, right now, Congress can't conduct cost analysis of contractors or measure the efficacy of the outsourced programs.

Now, I'm pretty sympathetic with the frustration with the arrogance of Administrations that refuse to share information.

Nancy Pelosi: Now, not having to do with the difference between ranking and regular members, when I became Ranking Member, I was in the room all the time and this and that oh my god and then you can't and members are taking votes and you're thinking, 'You don't even know what you're voting on.'

[snip]

So but if you're a Senator—and this is why the Senate doesn't mind that much—if

you're a Senator and you want to go and get any information on intelligence—I'm not talking about highly compartmented—

Marcy Wheeler: Wiretapping and interrogation...

Pelosi: Well, it just depends on what they might be at any given time. I'm just talking about intelligence information. Intelligence. You're a Senator [knocks on table] Here it is. You're a House member, you have to have a vote of the Committee.

Schakowsky: Yes you do.

Pelosi: ... to get it. Which you may or may not get. **And which the Administration may or may not approve, depending on who it is and the rest of that.** So they have a little bit of a more relaxed attitude toward oversight. Cause any one of them—of the hundred of them—can just mosey on in at any given time. And it's an act of the committee and perhaps the involvement of the Administration as to whether a House member.

So there's not an evenness. So when I say this to the White House they say 'well, that's your rules.' I say 'you want us to change our rules so everybody has it?' 'Oh, no no no no no.' I say 'no, it's your rules that you have said Senators can have whatever they want.' So when it's time for us to be fighting for more information for oversight, certainly the Senate's gonna have a little bit of a different position than we have. **But I have to look out for the members in the House who are deputized by the full Congress to serve on Intelligence with special clearances so that they can get information, but if they're not getting it, and something goes wrong, 'why didn't you do that?'**

'Well, I didn't know.' **'Well, why didn't you know?'** **'They didn't tell--'** **You know.**

So in any event, I think we have to get in front of that. And if they don't want to do that then it has to be very clear. I think the Administration does not make, I think it's not right to deprive the members of Congress of information with the idea that we're going to jeopardize the national security of our country. Of course we are not. And every safeguard is built into what we have in our legislation, sources and methods, you know what the list would be.

So I think in the next little bit—because the people we're dealing with are always, General Jones is in Pakistan, okay he's back, now he's in wherever, so hopefully this week we can resolve or at least come to a place where we understand each other and **we can just say, if the Administration wants to take full responsibility for anything that happens.** But that's not right. Because we passed these bills. And we should be able to pass a bill that gives us the the right—**how dare the Administration say they would veto the bill?**

Schakowsky: Can I just say one thing about the GAO? The capacity of this small committee made up of members who are involved in many other activities with a small staff, to even approach doing an adequate job is just not there. And to have the ability to bring in additional resources, to me is so obvious, that why there would ever be any objection to that. That is our mission. That's our mandate. **And as the Speaker said if we can't do oversight. If members aren't given the information and then even when we are, we don't have the capacity to analyze it, to ask the**

**right questions, then what's the point
of having oversight committees?**

By asking, "what's the point," Pelosi and Schakowsky are calling out the kabuki of oversight as it currently exists. As I've shown happened with the interrogation briefings, the Executive Branch really does seem to treat oversight as just a fig leaf to give illegal actions some kind of appearance of sanction (even if they have to manipulate the documentation to create that appearance). If the oversight committees do no more than give our security state the illusion of democracy, then why engage in the kabuki?

And why should the Administration be asking for Congress to continue playing that kabuki?

That said, this is the fruit of demanding anything less than full accountability for Bush's crimes. Bush gamed the system of Congressional oversight and yet Congress refused to call actions conducted without sanction illegal. With Congress having done that, why should Obama treat Congress as anything but more kabuki?