

ADMINISTRATION'S OWN WHITE PAPER BACKS CLAIM MIKE ROGERS DID NOT SHARE DRAGNET NOTICE

I already made this point when I was the first person to point out that the House Intelligence Committee apparently did not share the 2011 notice provided by DOJ with members outside of the House Intelligence Committee.

But no one besides me appears to have noticed it. Here's what the Section 215 dragnet White Paper says happened to the 2009 notice provided to Silvestre Reyes and Dianne Feinstein.

In December 2009, DOJ worked with the Intelligence Community to provide a classified briefing paper to the House and Senate Intelligence Committees that could be made available to all Members of Congress regarding the telephony metadata collection program. A letter accompanying the briefing paper sent to the House Intelligence Committee specifically stated that "it is important that all Members of Congress have access to information about this program" and that "making this document available to all members of Congress is an effective way to inform the legislative debate about reauthorization of Section 215." See Letter from Assistant Attorney General Ronald Weich to the Honorable Silvestre Reyes, Chairman, House Permanent Select Committee on Intelligence (Dec. 14, 2009). **Both Intelligence Committees made this document available to all Members of Congress prior to the February 2010 reauthorization of Section 215. See Letter from Sen. Diane Feinstein and**

Sen. Christopher S. Bond to Colleagues (Feb. 23, 2010); Letter from Rep. Silvestre Reyes to Colleagues (Feb. 24, 2010); [my emphasis]

Here's what it says happened to the 2011 notice provided to Mike Rogers and Dianne Feinstein.

An updated version of the briefing paper, also recently released in redacted form to the public, was provided to the Senate and House Intelligence Committees again in February 2011 in connection with the reauthorization that occurred later that year. See Letter from Assistant Attorney General Ronald Weich to the Honorable Dianne Feinstein and the Honorable Saxby Chambliss, Chairman and Vice Chairman, Senate Select Committee on Intelligence (Feb. 2, 2011); Letter from Assistant Attorney General Ronald Weich to the Honorable Mike Rogers and the Honorable C.A. Dutch Ruppersberger, Chairman and Ranking Minority Member, House Permanent Select Committee on Intelligence (Feb. 2, 2011). **The Senate Intelligence Committee made this updated paper available to all Senators later that month. See Letter from Sen. Diane Feinstein and Sen. Saxby Chambliss to Colleagues (Feb. 8, 2011).** [my emphasis]

See that word "both" when describing what the intelligence committees did in 2009? See the description of the "Senate Intelligence Committee" followed by a period in describing what the intelligence committees did in 2011, with no mention of "both" or the House Intelligence Committee whatsoever?

The White Paper is as clear as any document spewing disingenuous claims can be (there are several even in these two passages). In 2009, both intelligence committees sent a letter to their respective colleagues letting them know

the notice was available. In 2011, just the Senate Intelligence Committee did.

That means at 65 of the people who voted to reauthorize the PATRIOT Act in 2011 had no way of knowing they were reauthorizing the ongoing creation of a database of the phone-based relationships of every American. At least in theory, those 65 members were more than enough to make a difference in the vote.