

# MIKE ROGERS' EXCUSES FOR WITHHOLDING DRAGNET NOTICE GET STUPIDER

Congratulations to the WaPo which is catching up to what I first reported here, that Mike Rogers didn't tell House Members about a notice of the PATRIOT Act dragnet programs before the vote.

(Note: WaPo makes an error when it claims Congress got the previous notice in 2009; Silvestre Reyes and Dianne Feinstein sat on that letter for 2 months after they got it.)

Sadly for Mike Rogers, his excuses are getting stupider.

Admittedly, his past excuses were pretty stupid. In that version, the House Intelligence Committee suggested that having four briefings (for Republicans! only?!) in the last several months made up for not providing notice back in 2011.

The House Intelligence Committee makes it a top priority to inform Members about the intelligence issues on which Members must vote. This process is always conducted consistent with the Committee's legal obligation to carefully protect the sensitive intelligence sources and methods our intelligence agencies use to do their important work. Prior to voting on the PATRIOT Act reauthorization and the FAA reauthorization, Chairman Rogers hosted classified briefings to which all Members were invited to have their questions about these authorities answered. Additionally, over the past two months, Chairman Rogers has hosted four classified briefings, with officials from the NSA and other agencies, on the Section 215 and Section

702 programs and has invited all Republican Members to attend and receive additional classified briefings on the use of these tools from Committee staff.

The Committee has provided many opportunities for Members to have their questions answered by both the HPSCI and the NSA. And Chairman Rogers has encouraged members to attend those classified briefings to better understand how the authorities are used to protect the country.

But in this version, House Intelligence Committee spokesperson Susan Phalen claims providing notice of the need to be informed is a side issue.

A spokeswoman for the House committee, Susan Phalen, declined to say whether the panel had voted to withhold the letter or if the decision was made by Chairman Mike Rogers (R-Mich.).

“Because the letter by itself did not fully explain the programs, the Committee offered classified briefings, open to all Members of Congress, that not only covered all of the material in the letter but also provided much more detail in an interactive format with briefers available to fully answer any Members’ questions,” Phalen wrote in an e-mail. “The discussion of the letter not being distributed is a side issue intended to give the false impression that Congress was denied information. That is not the case.” [my emphasis]

Remember, what (according to the White Paper) Rogers did not do was write a letter telling Members of Congress there was an issue they might want to learn about. Dianne Feinstein sent a letter, dated February 8, 2011, telling colleagues they could come read the letter from the Administration, dated February 2, 2011.

According to the White Paper, Mike Rogers sent no such letter – not to tell Congressmen there was a letter, not to tell them what the briefings they held instead were about. So the briefings were pointless, because without notice of them, no one would attend.

That's not a "side issue." That goes to the central issue of whether 65 of the yes votes for the PATRIOT Act had had adequate notice what they were voting for.

At this point, the House Intelligence Committee is not even trying to deny that. The only question remaining is whether Rogers provided no notice on his own, with the consent of the committee, or at the behest of the Administration that gave them the letter in the first place.