

MIKE ROGERS CONTINUES TO THWART FULLY INFORMED REPRESENTATIVE GOVERNMENT

Garance Franke-Ruta transcribes Justin Amash telling a remarkable story about another Mike Rogers' attempt, back in August, to prevent elected representatives of American citizens from learning about details of the dragnet. After multiple tries, one of Amash's colleagues finally won a game of 20 Questions with intelligence briefers.

And to show you how silly this whole thing gets, I had a colleague, one of my – I won't say his name here, but he went to a number of classified briefings. And he asked a question and he never got a satisfactory answer. So he would just revise the question from briefing to briefing. By the time he got to the third or fourth briefing he asked it in just the right way. He had figured out how to ask it in exactly the right way to get the answer he needed and of course, then they said, "Oh, you caught us. Yeah, we *do* do that." Then we said, "Can you provide us with some more information?" and they said, "We'll check, we'll see if we can provide you with more information. We'll see if we can provide you with a document" about this thing that he discovered.

And so we left that briefing and we said, "OK, we're going to see something very interesting here."

So when the Intelligence Community passed on this document to Intelligence Committee Chair Rogers to share with the victor of this

particular game of 20 Questions and others, here's how he distributed it. On August 3, he announced it would be available for 3 hours on August 4, on a Friday (when many members would already have left). He announced it on what Amash describes as a kind of spam folder.

They sent it through the "Dear Colleague" system. This is a system that, it's almost like a spam folder, frankly. Not everyone in Congress is signed up to it. And basically it's a system where you send letters to your colleagues – will you cosponsor my bill, will you sign my [unclear], that kind of thing. Normally if you're getting information about an upcoming briefing or an upcoming document that's going to be available to members of Congress, you would get an email. An email, a normal email would come to you, to all members of Congress saying, "Hey there's a document that's going to be available, come stop by." But no, we got it through the "Dear Colleague" system. And the only reasons we noticed is because one of my staffers is silly enough to have this damn folder and look through it and she helped find it and she alerted me, "Hey we've got this document that's going to be available tomorrow, and it's going to be available between 9 a.m. and noon." And it's available between 9 a.m. and noon on the day when members of Congress are leaving to go back to their districts.

Amash and the few colleagues he alerted were the only ones who viewed the document and they all had to sign nondisclosures preventing them from telling their colleagues.

This is the second of these instances that have become public (though it appears Rogers also may not have distributed a 2012 notice on Section 702). This one happened 6 days before the Administration's White Paper, reflecting an

awareness that Rogers had not sent on its 2011 Section 215 notice, was published. At some point soon, we'll have to assume this is happening not just because Mike Rogers hates democracy, but because the Administration does too.