

# WHEN OVERSEERS BECOME TALKING HEADS

The entire Benghazi pseudo-scandal can reportedly be traced back to House Intelligence Committee Ranking Member Dutch Ruppersberger's request for talking points he could use to respond to journalists.

Three days after the lethal attack on the American Mission in Benghazi, Libya, Representative C. A. Dutch Ruppersberger of Maryland, the top Democrat on the House Intelligence Committee, asked intelligence agencies to write up some unclassified talking points on the episode. Reporters were besieging him and other legislators for comment, and he did not want to misstate facts or disclose classified information.

More than 10 weeks later, the four pallid sentences that intelligence analysts cautiously delivered are the unlikely center of a quintessential Washington drama, in which a genuine tragedy has been fed into the meat grinder of election-year politics.

Before I get too far, remember that Ruppersberger (D-NSA) is one of the geniuses who believe the way to stem leaks is to prevent intelligence professionals from giving background briefings. Remember, too, that the talking points that have caused so much trouble were almost certainly tweaked to protect the intercepts Ruppersberger's constituent, the NSA, had collected. Nevertheless, this guy, who presumably supports the principle of not telling militants we've got their phone tapped, and who thinks people with a more developed understanding of sensitivities around intelligence should not be able to brief the

press directly, had to have his talking points so he could talk to the press himself.

Ruppersberger's inconsistency on this point reminded me that after the super secret drone killing of some American citizens last year, the Gang of Four all weighed in to assure Americans that Anwar al-Awlaki's death was "legitimate" because there had been "a process." The Gang's loquacity contrasted sharply with the Administration's silence on the very same issue, one reiterated since in the Administration's Glomar claims about topics the Gang of Four feels welcome to discuss. That contrast is all the more troubling given that Ruppersberger admitted that the Gang of Four does not know who is on the Kill List (and therefore didn't really know whether the killing of Samir Khan was "legitimate").

It's all very neat. Not only does the Gang of Four enjoy immunity from prosecution under the Speech or Debate Clause. But they were—and presumably are—serving as journalistic sources on topics about which they aren't (though legally should be) fully informed.

Last week Julian Sanchez and Mike Masnick rehashed an earlier version of this, when the Bush Administration armed the Intelligence Committees with talking points that would reinforce their lies that the Terrorist Surveillance Program constituted the entirety of the illegal wiretap program.

Note what that does to the whole question of "legitimacy." The Gang of Four only knows what Administration and agency officials tell them. Yet, even in spite of potential and real limits to their knowledge of a program (and a history of deliberately misleading briefings on such topics), they will weigh in and declare something "legitimate."

We have a problem in this country with the way our intelligence community communicates publicly (see Dan Drezner and Nada Bakos addressing different aspects of this problem.)

But the solution clearly is not the one the national security establishment increasingly appears to be adopting: to turn the four men and women who purportedly exercise the only oversight of the most sensitive programs into talking heads. That process almost certainly ensures incomplete briefing of these "overseers." Worse, still, it guarantees a kind of complicity that makes the overseers-turned-talking-heads useless for oversight.

With their push to limit background briefings, the Gang of Four have raised their own stock as journalistic sources. But they've also further gutted the inadequate oversight we've got over intelligence.