

# AFTER 7 YEARS OF REFUSING ANY PUBLIC DEBATE, EXECUTIVE DECRIES CONGRESS FOR NOT BEING “OPEN”

Here's what the Administration thinks about the Amash-Conyers amendment (which it calls the Amash Amendment, perhaps not wanting to name a Democrat who has been involved in historic fights against out-of-control executive power in the past), which would defund dragnet Section 215 collection.

In light of the recent unauthorized disclosures, the President has said that he welcomes a debate about how best to simultaneously safeguard both our national security and the privacy of our citizens. The Administration has taken various proactive steps to advance this debate including the President's meeting with the Privacy and Civil Liberties Oversight Board, his public statements on the disclosed programs, the Office of the Director of National Intelligence's release of its own public statements, ODNI General Counsel Bob Litt's speech at Brookings, and ODNI's decision to declassify and disclose publicly that the Administration filed an application with the Foreign Intelligence Surveillance Court. We look forward to continuing to discuss these critical issues with the American people and the Congress.

However, we oppose the current effort in the House to hastily dismantle one of our Intelligence Community's counterterrorism tools. This blunt approach is not the product of an informed, open, or deliberative process.

We urge the House to reject the Amash Amendment, and instead move forward with an approach that appropriately takes into account the need for a reasoned review of what tools can best secure the nation.

I find it interesting, first of all, that they sent this after Keith Alexander had his shot to lobby Congress in a Top Secret/SCI briefing. I guess they didn't come away with a high degree of confidence Amash-Conyers was going to fail.

Then consider the head-spinning logic:

- Unauthorized disclosures led to a Presidential claim he welcomes a “debate”
- It lists several examples in which Executive Branch figures tell the public details about this surveillance (note the White House didn't mention the NSA documents, which had to be withdrawn for inaccuracies); it calls these “proactive” in spite of the fact that they are all clear *reactions* to that unauthorized disclosure
- It reiterates that it considers these one-way communications discuss[ions]
- After saying one-way communication is discussion, the Administration says, “this blunt approach is not the product of an informed, open, or deliberative

process”

- Having made this ridiculous argument, the White House says it wants a “reasoned review”

Hell, if I were a self-respecting member of Congress, I’d support Amash-Conyers even if I weren’t already predisposed to, if only because this is such a crazy bat-shit claim to reason and openness.

The Executive Branch has had 7 years to have an open debate. It chose not to have that open debate. Now that one has been brought to it by Congress, it pretends Congress is the one at fault for the lack of informed or open process.