

Eli Lake and Josh Rogin: Patriot Act's new friend in Congress is Devin Nunes

By Eli Lake and Josh Rogin

Rep. Devin Nunes may not be well known outside of his California congressional district in the San Joaquin Valley or the Washington beltway, but he is about to become one of the most important figures in U.S. national security.

As the new chairman of the House Permanent Select Committee on Intelligence, Nunes is one of “gang of eight” members of Congress who will be briefed on the U.S. government’s most classified military and intelligence programs. When the president orders a hostage rescue, or when the FBI unmask an important foreign spy, Nunes will be one of the few people without a formal security clearance to know about it.

In response to our written questions, Nunes sketched out his agenda for the committee in the new Congress. On some issues, such as nuclear negotiations with Iran and closing the prison at Guantanamo Bay, Cuba, don’t expect big changes from the approach of outgoing chairman Mike Rogers. But unlike Rogers, Nunes said he was not satisfied with the committee’s report on the Sept. 11, 2012, attack on U.S. facilities at Benghazi, Libya, and still believed key witnesses need to be interviewed. He also rejected the idea of potentially reforming the legal structure behind America’s vast surveillance state.

Specifically, Nunes told us he was going to be looking to persuade his colleagues to reauthorize the provisions of the Patriot Act and the Foreign Intelligence Surveillance Act that allow the federal government to collect and store troves of telephone records. He also said he didn’t intend to support reforms to the secret court that approves FBI and NSA wiretapping of suspected spies and terrorists.

Nunes said the conclusions of a 2007 National Intelligence Estimate — which found Iran had halted its program to develop technology to miniaturize components for an atomic explosion suitable for a weapon — were no longer relevant. He noted that many members of Congress did not think Iran was negotiating in good faith.

Nunes also said the intelligence community had warned the Obama administration about the spread of Islamist fighters across Iraq and Syria since the outbreak of the Syrian civil war, but didn’t say whether the Obama administration’s plan to train and arm a new Syrian rebel army was likely to work — or whether the administration should have armed the rebels years ago, as top intelligence officials including then-CIA Director David Petraeus argued for at the time.

On North Korea, Nunes said that many in Washington have underestimated the young leader Kim Jong Un, and that Pyongyang’s nuclear-stockpile building was the major concern: “I think he’s proven as capable — and potentially more dangerous — than his father.”

The incoming chairman had some very specific criticisms of President Barack Obama, as the White House re-engages in a global war on terrorism the president in 2013 said he intended to wind down. Nunes said he opposed Obama’s efforts to close Guantanamo Bay prison in Cuba; thought it was a mistake for Obama to call the CIA’s interrogation of suspected al-Qaeda leaders “torture”; and described Obama’s Syria policy as “strategic incoherence.”

Nunes was particularly critical of Obama’s emphasis on America’s defeat of “core” al-Qaida, or the group’s senior leaders in Afghanistan and Pakistan: It “gives the American public the impression that we are somehow safer today than we were after 9/11. That is simply not the case.”

These views make Nunes a conservative on national security. And if there was any doubt about his general right-wing credentials, consider that he has been singled out by environmental groups for his efforts to reform laws such as the Endangered Species Act.

Yet Nunes has also worked closely with his colleagues across the aisle. When he was the chairman of the Ways and Means subcommittee dealing with trade policy, he crafted bipartisan bills with Rep. Charles Rangel, the liberal Democrat from New York.

Nunes is conservative, but not a part of the insurgent faction of Republicans in Congress. Nunes was appointed to his job by House Speaker John Boehner, who is reviled by the tea party and prominent conservative talk-radio hosts such as Mark Levin and Rush Limbaugh. Nunes has been a loyal ally to Boehner and helped run his campaign for House leadership.

In early December, Washington Post columnist David Ignatius wrote that Boehner's selection of Nunes was a sop to right-wing members of his own party because of the Californian's efforts to investigate Benghazi attacks. In late 2013, Nunes disclosed a letter he wrote to Boehner raising several unanswered questions about the administration's timeline for the terrorist attack.

Nunes told us that he did not end up endorsing the intelligence committee's report on Benghazi released late last year because key witnesses — who were at the scene of the attack — were not interviewed. Nonetheless, Nunes said the intelligence committee would not be conducting a new investigation of Benghazi, but would support the work of the select committee on Benghazi that Boehner formed last year.

Rep. Mac Thornberry, the new Republican chairman of the House Armed Services Committee who served with Nunes on the intelligence committee, said he believed his colleague's concerns about Benghazi were reasonable: "He was in touch with some folks who had information about what happened and felt strongly that that view not only needed to be probed, but also should be a basis for getting more information."

Nunes praised Rogers, a Michigan Republican who retired, and told us he would seek his advice. That said, Nunes said he did not intend to emulate his predecessor when it came to television appearances. Rogers, when he was chairman of the committee, became a fixture of the major cable news outlets and Sunday shows in Washington. Nunes said he would be taking a much lower profile, saying his predecessor was "much better looking and more telegenic than I am."

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