

# DOJ'S LEAKY SCIF DOUBLE STANDARDS

McClatchy's latest in the CIA-Seante Intelligence Committee fight reports that FBI is now investigating Senate Intelligence Committee staffers for unauthorized removal of classified information from CIA's SCIF.

The FBI is investigating the alleged unauthorized removal of classified documents from a secret CIA facility by Senate Intelligence Committee staff who prepared a study of the agency's use of harsh interrogation techniques on suspected terrorists in secret overseas detention centers, McClatchy has learned.

[snip]

The FBI investigation stemmed from a request to the Justice Department by the CIA general counsel's office for a criminal investigation into the removal last fall of classified documents by committee staff from a high-security electronic reading room that they were required to use to review top-secret emails and other materials, people familiar with issue told McClatchy. The existence of the referral was first reported online Thursday afternoon by Time magazine.

[snip]

The investigation request by the CIA general counsel's office is one of two criminal referrals sent to the Justice Department in connection with the committee's 6,300-page report, which remains unreleased nearly 15 months after the panel voted to approve its final draft, according to those familiar with the case.

The second was made by CIA Inspector General David Buckley, they said. It relates to the monitoring by the agency of computers that the committee staff used to review millions of classified documents in the electronic reading room set up inside a secret CIA facility in Northern Virginia, they said.

Wow. This removal of a document from a SCIF containing torture documents sure escalated quickly.

Which is particularly remarkable given DOJ's **past** response when torture documents walk out of a SCIF, even their own one.

Recall that sometime between 2005 and 2009, at least 10 and possibly as many as 31 documents critical to discussions over the legality of torture disappeared from the Office of Legal Counsel's very own SCIF.

Some of the documents that went into the production of the torture memos—and should have been reviewed by OPR over the course of its investigation—disappeared some time in the last 5 years.

As I **reported** last September, after some delay in a FOIA response, Acting head of OLC, David Barron confessed that OLC could not find all of the documents that it had first listed on a 2006 FOIA response.

The problem, as Barron explained in his **declaration**, seems to stem from three things: CIA, not OLC, did the original FOIA search in 2005 and at that time did not make a copy of the documents responsive to FOIA; for long periods OPR had the documents, lumped in with a bunch of other torture documents, so it could work on its investigation; the documents got shuttled around for other purposes, as well, including other

investigations and one trip to the CIA for a 2007 update to the FOIA Vaughn Index. [Here's the 2007 Vaughn Index and here's the Vaughn Index that accompanied Barron's declaration last September.]

And, somewhere along the way, at least 10 documents originally identified in 2005 as responsive to the FOIA got lost.

Poof!

Not only did DOJ apparently do nothing about their own leaky SCIF, they took some time to even tell the ACLU about it. What's a few sensitive torture documents escaping from their SCIFs after all?

But now, when it's the CIA being compromised rather than the CIA doing the compromising, things quickly escalate to potentially criminal investigations.

DOJ seems to have a remarkably inconsistent standard response when torture documents disappear from SCIFs. I wonder why that is?