

ACCORDING TO DOD INSPECTOR GENERAL DEFINITION, BRADLEY MANNING DID NOT “LEAK”

The unclassified version of the DOD Inspector General report on leaks within DOD over the last three years (that is, during the Obama Administration) defines “leak” this way.

Unauthorized disclosure of SCI [Secure Compartmented Information] to the public which is defined as: “A communication or physical transfer of [SCI]information to an unauthorized recipient.” DoDD 5210.50, Section 3.2, “Unauthorized Disclosure of Classified Information to the Public,” dated July 22, 2005.
[second bracket original]

A leak is a leak of Secure Compartmented Information, not just classified information.

To be sure, the report’s own insertion of that second bracket makes it clear this definition applies to this report. Congress focused on SCI information when it ordered the IG to do the report in a classified annex of this fiscal year’s Defense Appropriation:

The investigation shall contain the following: an inventory of the leaks of SCI data including those attributed to a “senior administration official” from the past three calendar years; the actions taken to investigation each of the events; which of the investigations were referred to the Department of Justice; and what additional actions were taken after the Department of Justice investigation.

The House Appropriations Committee didn't require the IG to inventory all classified leaks, just the SCI ones.

Nevertheless, as defined, Bradley Manning's alleged leaks are classified, not SCI.

Whereas this report shows that people from Obama's Administration, including at least one senior administration official, have been leaking SCI.

We confirmed with DoD components that some unauthorized disclosures of SCI to the public did occur within DoD between December 23, 2008 and December 23, 2011. Among the unauthorized SCI disclosures to the public reported, a DoD Senior Official was directly attributed as a source of unauthorized SCI disclosures to the public. DoD components also reported that they followed established DoD guidance and procedures for forwarding unauthorized disclosure cases to the Department of Justice for action when appropriate.

Now, again, this report is the unclassified version; I'm sure the report provided more detail in the classified version sent to the Chair and Ranking Member of 10 different committees and subcommittees.

But note what this results paragraph doesn't say. While it confirms at least one of the leaks from a senior administration official was unauthorized, it only cataloged the **unauthorized** leaks, suggesting there may be more SCI leaks that were authorized (consider, for example, the leaks of a range of compartment names to Bob Woodward, which John Rizzo suggested were part of "one big authorized disclosure," or reported cooperation between DOD and CIA and Hollywood on the movie about Osama bin Laden's killing, itself the subject of a different investigation).

Further, while Congress mandated the IG do so,

this unclassified report does not explain what happened to these SCI leak referrals at DOJ. Has DOJ been pursuing the SCI leaks by senior administration officials as diligently as it has pursued people like Thomas Drake, who was charged with *retaining* information, much of it of disputed classification?

One thing's clear: whether to make political hay or out of genuine concern about the Administration leaks, Congress is honing in on how many of these leaks were authorized and whether DOJ investigated the unauthorized ones. Granted, the most interesting results here remain classified (let's see whether the 10 committees and subcommittees can withstand the temptation of leaking a classified report on leaking).

But it does begin to show that the Administration that has accused more leakers of "espionage" than all others combined itself leaks far more sensitive information.

(h/t Steven Aftergood who first reported on the IG Report)