

IS CIA'S ADMISSION OF SPYING AN EFFORT TO UNDERCUT WHISTLEBLOWERS?

The CIA spied on Congress! The headlines yesterday read.

By the end of the day, the CIA shared the unclassified summary of Inspector General David Buckley's conclusions.

But the conclusions are a muddle:

Agency Access to Files on the SSCI RDINet:

Five Agency employees, two attorneys and three information technology (IT) staff members, improperly accessed or caused access to the SSCI Majority staff shared drives on the RDINet.

Agency Crimes Report on Alleged Misconduct by SSCI Staff:

The Agency filed a crimes report with the DOJ, as required by Executive Order 12333 and the 1995 Crimes Reporting Memorandum between the DOJ and the Intelligence Community, reporting that SSCI staff members may have improperly accessed Agency information on the RDINet. However, the factual basis for the referral was not supported, as the author of the referral had been provided inaccurate information on which the letter was based. After review, the DOJ declined to open a criminal investigation of the matter alleged in the crimes report.

Office of Security Review of SSCI Staff Activity:

Subsequent to directive by the D/CIA to

halt the Agency review of SSCI staff access to the RDINet, and unaware of the D/CIA's direction, the Office of Security conducted a limited investigation of SSCI activities on the RDINet. That effort included a keyword search of all and a review of some of the emails of SSCI Majority staff members on the RDINet system.

Lack of Candor:

The three IT staff members demonstrated a lack of candor about their activities during interviews by the OIG.

Compare the suggested chronology of these bullets with some of the details Dianne Feinstein provided in March.

[0]n January 15, 2014, CIA Director Brennan requested an emergency meeting to inform me and Vice Chairman Chambliss that without prior notification or approval, CIA personnel had conducted a "search"—that was John Brennan's word—of the committee computers at the offsite facility. This search involved not only a search of documents provided to the committee by the CIA, but also a search of the "stand alone" and "walled-off" committee network drive containing the committee's own internal work product and communications.

According to Brennan, the computer search was conducted in response to indications that some members of the committee staff might already have had access to the Internal Panetta Review. The CIA did not ask the committee or its staff if the committee had access to the Internal Review, or how we obtained it.

Instead, the CIA just went and searched the committee's computers.

[snip]

Days after the meeting with Director Brennan, the CIA inspector general, David Buckley, learned of the CIA search and began an investigation into CIA's activities. I have been informed that Mr. Buckley has referred the matter to the Department of Justice given the possibility of a criminal violation by CIA personnel.

[snip]

Weeks later, I was also told that after the inspector general referred the CIA's activities to the Department of Justice, the acting general counsel of the CIA filed a crimes report with the Department of Justice concerning the committee staff's actions.

According to DiFi, CIA had already accessed the servers by January 15. Buckley says that at least some of the searches – the ones by the Office of Security – happened *after* that point, after Brennan ordered them to stop.

This limited hangout is not just an admission that CIA spied on SSCI, but that they spied and continued spying.

Buckley also appears to be saying that what DiFi described as his *own* referral (though he doesn't refer to it as such) – made sometime before March – was based off erroneous information. The implication is DOJ didn't pursue charges because they were told the original allegations – which Buckley passed on, according to DiFi – were incorrect.

That's all very fishy, particularly when you recall this story, about the CIA spying on its own whistleblower in the matter.

The CIA obtained a confidential email to Congress about alleged whistleblower retaliation related to the Senate's classified report on the agency's harsh interrogation program, triggering fears

that the CIA has been intercepting the communications of officials who handle whistleblower cases.

[snip]

Buckley obtained the email, which was written by Daniel Meyer, the intelligence community's top official for whistleblower cases, to the office of Sen. Chuck Grassley, R-Iowa, a leading whistleblower-protection advocate. The Senate Intelligence Committee also learned of the matter, said the knowledgeable people.

After obtaining the email, Buckley approached Meyer's boss, I. Charles McCullough III, the inspector general for the 17-agency U.S. intelligence community, in what may have constituted a violation of the confidentiality of the whistleblowing process, they said.

[snip]

Meyer's email concerned allegations that Buckley failed to thoroughly investigate a whistleblower retaliation claim, McClatchy has learned. The retaliation allegedly involved delays by the CIA in paying the legal fees of CIA officials who cooperated with the Senate committee. An indemnification agreement required the agency to cover those costs – which it eventually did – as long as the officers weren't found to have committed any wrongdoing.

We know David Buckley has been treating whistleblowers inappropriately. Yet he's the guy who apparently reneged on his claims that CIA illegally spied. Even though they spied after the time John Brennan told them (heh) to stop.