

# CONFIRMED: INTELLIGENCE COMMUNITY CLAIMED CREDIT AND TOP SECRET STATUS FOR OPEN SOURCE INTELLIGENCE

Back when the beltway first declared that Hillary Clinton's emails (by which they meant, but often didn't specify, emails received by Hillary) included two Top Secret emails, I warned about being snookered by CIA claims their drone program was secret.

*This is CIA claiming secrecy for its drone operations!!! The ongoing FOIAs about CIA's acknowledged role in the drone war are evidence that even independent appellate judges don't buy CIA's claims that their drone activities are secret. Just yesterday, in fact, DC Judge Amit Mehta ordered DOJ to provide Jason Leopold more information about its legal analysis on CIA drone-killing Anwar al-Awlaki, information the CIA had claimed was classified. Indeed, Martha Lutz, the woman who likely reviewed the emails turned over, is fairly notorious for claiming things are classified that pretty obviously aren't. It's her job!*

*I'm all in favor of doing something to ensure all people in power don't hide their official business on hidden email servers – right now, almost all people in power do do that.*

*But those who take CIA's claims of drone secrecy seriously should be mocked,*

On Friday, Josh Gerstein confirmed I was right to warn against taking such claims seriously.

Intelligence Community Inspector General I. Charles McCullough III made the claim that two of the emails contained top-secret information; the State Department publicly stated its disagreement and asked Clapper's office to referee the dispute. Now, that disagreement has been resolved in State's favor, said the source, who spoke on condition of anonymity.

Intelligence officials claimed one email in Clinton's account was classified because it contained information from a top-secret intelligence community "product" or report, but a further review determined that the report was not issued until several days after the email in question was written, the source said.

"The initial determination was based on a flawed process," the source said.

"There was an intelligence product people thought [one of the emails] was based on, but that actually postdated the email in question."

[snip]

In an Aug. 11 memo to 17 lawmakers, McCullough said the two emails "include information classified up to TOP SECRET//SI/TK/NOFORN." The subject of the emails has never been publicly confirmed, but published reports have said one refers to North Korea's nuclear program and another to U.S. drone operations. The acronym "SI" in the classification marking refers to "signals intelligence," and a footnote in McCullough's memo references the work of the National Geospatial Intelligence Agency, which oversees U.S. spy satellites. [link to memo added]

Here's the AP's earlier description of the two

emails, which seems to indicate the drone information was commonly known, whereas the email to Hillary included information on North Korea that preceded by days the Top Secret report providing the same information.

The drone exchange, the officials said, begins with a copy of a news article about the CIA drone program that targets terrorists in Pakistan and elsewhere. While that program is technically top secret, it is well-known and often reported on. Former CIA director Leon Panetta and Sen. Dianne Feinstein of California, the top Democrat on the Senate Intelligence Committee, have openly discussed it.

The copy makes reference to classified information, and a Clinton adviser follows up by dancing around a top secret in a way that could possibly be inferred as confirmation, the officials said. Several people, however, described this claim as tenuous.

But a second email reviewed by Charles McCullough, the intelligence community inspector general, appears more problematic, officials said. Nothing in the message is “lifted” from classified documents, they said, though they differed on where the information in it was sourced. Some said it improperly points back to highly classified material, while others countered that it was a classic case of what the government calls “parallel reporting” – receiving information the government considers secret through “open source” channels.

While (as Steven Aftergood argues in Gerstein’s article), the implications of this admission for Hillary’s campaign are significant, consider what it also means about the intelligence our spooks claim to Top Secret: it’s often readily

available from alternate (unclassified, at least in the case of the CIA's drones) sources.

What then, is the value of the ~\$70 billion a year we spend on intelligence if some of the purportedly most secret intelligence can be gleaned from the press? And to what degree is all this secrecy about hiding that fact?

The intelligence community *does* have secrets worth keeping. But all too frequently, it has secret shortcomings protected by a classification system it controls.