

ANOTHER SECRET SELF- INVESTIGATION OF COUNTER-TERRORISM ABUSES

At a hearing on the 9/11 anniversary yesterday, David Petraeus revealed that the CIA's Inspector General had launched an investigation into its role in the NYPD's spy program.

During his first Congressional testimony as the C.I.A. director, David H. Petraeus said Tuesday that the agency's inspector general had begun to investigate its work with the Police Department "to make sure we are doing the right thing." Mr. Petraeus said the inquiry began last month, but gave few details about its scope.

There are several things of note here.

First, the wrong agency appears to be doing the investigation. The NYPD program is, by all appearances, a massive ethnic profiling operation that hasn't been all that effective at finding potential terrorists. DOJ ought to be conducting this investigation as a potential civil rights violation.

But instead, CIA will conduct the investigation, meaning the chances the public will know the result are slimmer even than if DOJ conducted it.

Consider, too, the timing. Petraeus says this investigation started last month. The initial AP story was published on August 24th, with a follow-up on August 31. That basically means the story came out and the CIA launched an investigation within days—pretty impressive turnaround.

So is CIA particularly worried? Both James Clapper and the CIA flack appear to be narrowly parsing the potential problem: whether or not there are CIA officers on the streets of NY,

whether they are investigating domestically as opposed to overseas (remember, the NYPD is sticking its nose into overseas investigations, too).

James R. Clapper, the director of national intelligence, said during the same Congressional hearing on Tuesday that while there were no C.I.A. officers out on the streets of New York collecting intelligence, he thought it was “not a good optic to have C.I.A. involved in any city-level police department.”

[snip]

Marie E. Harf, a spokeswoman for the agency, said that its cooperation with American police forces in the past decade “should not be a surprise to anyone,” and that its work with the department in New York “is exactly what the American people deserve and have come to expect following 9/11.”

“The agency’s operational focus, however, is overseas and none of the support we have provided to N.Y.P.D. can be rightly characterized as ‘domestic spying’ by the C.I.A.,” Ms. Harf said. [my emphasis]

(Note, given that the CIA has its own office in NYC, I find Clapper’s construction particularly amusing.)

Which is why it might be worth looking more closely at what the AP described the CIA’s role to be.

There was the way retired CIA officer, David Cohen, set up the organization and perhaps more notably, the way he and Tenet dual-hatted Larry Sanchez to set up the organization.

Among Cohen’s earliest moves at the NYPD was making a request of his old colleagues at CIA headquarters in Langley, Va. He needed someone to help build this new operation, someone with experience and clout and, most important, someone who had access to the

latest intelligence so the NYPD wouldn't have to rely on the FBI to dole out information.

CIA Director George Tenet responded by tapping Larry Sanchez, a respected veteran who had served as a CIA official inside the United Nations. Often, when the CIA places someone on temporary assignment, the other agency picks up the tab. In this case, three former intelligence officials said, Tenet kept Sanchez on the CIA payroll.

When he arrived in New York in March 2002, Sanchez had offices at both the NYPD and the CIA's station in New York, one former official said. Sanchez interviewed police officers for newly defined intelligence jobs. He guided and mentored officers, schooling them in the art of gathering information. He also directed their efforts, another said.

There had never been an arrangement like it, and some senior CIA officials soon began questioning whether Tenet was allowing Sanchez to operate on both sides of the wall that's supposed to keep the CIA out of the domestic intelligence business.

Then there was the reverse move—a NYPD detective, Steve Pinkall, going through CIA training at the Farm—though given the mention of Robert Mueller making a stink, I presume this was high on everyone's radar at the time.

The CIA just sent another, high level dual hat to the NYPD, but again, that seems to have gotten enough attention that it would not surprise anyone.

And perhaps most damning is the report that NYPD and CIA were sharing information collected by the former using unofficial channels.

Intelligence gathered by the NYPD, with CIA officer Sanchez overseeing collection, was often passed to the CIA in informal conversations and through unofficial

channels, a former official involved in that process said.

Notably, the FBI has refused to share some of the information NYPD has been collecting (this reminds me of FBI refusing to participate in CIA's torture sessions).

"If you're sending an informant into a mosque when there is no evidence of wrongdoing, that's a very high-risk thing to do," Caproni said. "You're running right up against core constitutional rights. You're talking about freedom of religion."

That's why senior FBI officials in New York ordered their own agents not to accept any reports from the NYPD's mosque crawlers, two retired agents said.

As I noted in my first post on this, one of the most interesting characteristics of the program is that its officers have diversity the CIA lacks.

Particularly given the persistent dual-hatting and the back channel exchange of information that even the FBI refuses to accept, it is conceivable that the CIA has been so cooperative with the NYPD because it gives it back door access—both culturally and bureaucratically—into the NYC community.

I'm just interested whether CIA's Inspector General will find that dual-hatting so as to better share information collected in ways the FBI, much less the CIA, wouldn't be able to use does, in fact, amount to domestic spying.