

CIA panel whitewashes spying on US Senate

By Thomas Gaist
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Wednesday saw the public release of a report produced by the CIA “accountability board” appointed by CIA Director John Brennan to review the agency’s spying on the staff of the Senate Select Committee on Intelligence (SSCI) as it prepared its report on the CIA torture program.

The board, headed by former Democratic Senator Evan Bayh and including a top Obama White House aide as well as three CIA agents hand-picked by Brennan, was established to investigate the spying operation. The board completed the report in December, but the document was not released until this week.

The “independent” board exonerated five CIA agents who spied on Senate staffers of any wrongdoing, and held that the agents were acting in “good faith” to defend national security. These conclusions contradicted the views of members of the Senate’s investigative team, who said during interviews with the board that they believed the CIA violated US law as well as a “common understanding” arrived at with the agency at the outset of the investigation.

CIA spying on the Senate was “reasonable” and the CIA officers who carried out the hacking and spying operation should not face any punishment, according to the review board’s report, officially titled the “Final Report of the Rendition, Detention, and Interrogation Network Agency Accountability Board.”

The board reported that during several days in January 2014, agents “searched the SSCI-side of RDINet and reviewed SSCI-related REDACTED,” taking three “looks” at the Senate-side of the RDINet system over a period of several days.

Beginning on January 9, 2014, agents searched the Senate side of the network for various words and acronyms in an effort to locate material related to internal CIA documents known as the “Panetta review,” prepared in 2009 for then-Director Leon

Panetta, the report states.

In what appear to be redacted references to Brennan and senior decision-makers within the CIA and executive branch, the report states that an unnamed top official believed that the agency had a “legal duty” to search the Senate’s torture research servers.

“REDACTED has maintained that the Agency’s obligations under the National Security Act created a legal duty to search the SSCI side of RDINet,” the report states.

“REDACTED in discussions with REDACTED made the decision to find out if SSCI staff had access to... documents that were deemed privileged.”

The agents involved “acted reasonably under the complex and unprecedented circumstances involved in investigating a potential security breach in the highly classified shared computer network,” the report found.

During one of the “looks,” agents enjoyed “inappropriate access to SSCI work product” and viewed several emails between Senate staffers, the report acknowledges. But it claims that the agency had a legitimate national security concern for its investigation and that it was overseen at the agency’s highest levels. The agents conducting the spying engaged in “regular dialogue with [CIA] leadership as events unfolded.”

Agents “improperly accessed” communications between Senate staff while searching through computer drives being used by the SSCI personnel to investigate the torture programs, the report acknowledged. The report claims that director Brennan did not intend for his carte blanche authorization to extend this far.

Any notion that the Senate research was guaranteed against CIA monitoring was erroneous, the review board claims. The CIA “routinely and without controversy searched the SSCI side of RDINet for CIA documents,” the report claims, as part of routine security procedures. Moreover, there was no “signed

agreement between the SSCI and Agency on the definition of work product.”

The report acknowledges that the CIA violated what it called an informal agreement with the Senate committee by spying on emails sent between the Senate research team members. Still, these actions were “reasonable” in light of the security threat posed by the acquisition of the Panetta report by the Senate staffers, the review board found.

In a concise expression of the authoritarian outlook guiding the intelligence bureaucracy, the CIA review board essentially claimed that there is no reliable standard to determine the legality or illegality of CIA operations.

“The [accountability] board noted the difficulty of identifying the most appropriate, reasonable, proper course of action for this security incident because nearly every such course is open to objection or question,” the CIA panel wrote, referring to its own deliberations.

In a paragraph in bold type stating the report’s “General Conclusion” on the matter, the accountability board found: “SSCI staffers were, or should have been aware of, CIA’s REDACTED monitoring of RDINet for security purposes.

“In fact, CIA had previously accessed REDACTED collected from the SSCi side of RDINet when security concerns arose,” the authors concluded.

The CIA has resisted and sought to hamper investigations of the spying operation in every possible manner, as evidence cited in the report illustrates. According to the report, three of the CIA officers “demonstrated a lack of candor during their first interviews with the OIG (Office of the Inspector General) because they did not disclose actions they took on behalf of the two OGC officers,” the board admits. These officers “failed to disclose” actions that they took under orders from the two senior CIA personnel overseeing the operation, the CIA board found.

The board fails to address the obvious question of why the CIA was so determined to suppress the Panetta review. The supposed purpose of RDINet was to provide the Senate Intelligence Committee with “full, un-redacted access to millions of the Agency’s most sensitive operational materials,” according to the CIA review board.

Why then was the crucial Panetta report “pulled” from the SSCI drive, out of millions of highly sensitive documents purportedly being made available? The likely explanation is that the report was pulled because it revealed aspects of the torture programs that are denied or covered up in the official CIA response to the Senate inquiry.

The review board also did not consider an earlier breach of Senate committee staff computers in May 2010, during which 926 documents were removed, supposedly because Brennan did not ask them to include that in its investigation.

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