

August 12, 2014

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

via email

Dear President Obama:

We are writing to express our grave concern about recently confirmed actions by CIA employees under the leadership of Director of Central Intelligence John Brennan, and to urge you to request Mr. Brennan's resignation.

The CIA Office of the Inspector General has confirmed, as Senator Dianne Feinstein alleged and Director Brennan publicly denied in March, that CIA employees:

- “improperly accessed or caused access to” confidential Senate computer files
- conducted keyword searches of and read Senate staffers' emails
- filed a criminal referral of Senate staff to the Department of Justice that “was not supported” and was based on “inaccurate information” from CIA employees
- “demonstrated a lack of candor” in interviews with the Office of the Inspector General.¹

These are certainly grave violations of separation of powers, and quite possibly violations of criminal statutes. Director Brennan's belated, private apology and his referral of the matter to an internal CIA “accountability board” are not an adequate response.

The CIA has not publicly released the Inspector General's report, only a one-page summary. It has not answered crucial questions from the Senate Select Committee on Intelligence about the incident, including about Director Brennan's personal role in authorizing the searches of Senate files and the criminal referral of Senate staff. Mr. Brennan has not explained the disparity between his recent apology and his statements in March that Senator Feinstein's charges about unlawful CIA actions were “beyond the scope of reason”,² and accusing other Senators of “outbursts” of “spurious allegations about CIA actions that are wholly unsupported by the facts.”³

Mr. Brennan's role in the searches of the Senate network remains unknown. When he learned of them, however, he not only refused for months to acknowledge that it was inappropriate for the CIA to conduct surveillance on its overseers, but also apparently approved a criminal referral of Senate staff for conducting oversight.

¹ <http://www.nytimes.com/interactive/2014/08/01/world/01cia-inspector-general-summary.html>

² <http://www.cfr.org/intelligence/cia-director-brennan-denies-hacking-allegations/p32553>

³ <http://blogs.rollcall.com/wgdb/mark-udall-cia-tried-to-intimidate-the-intelligence-committee/>

Moreover, this is not an isolated incident. It is part of a long series of CIA attempts to conceal and obstruct oversight of its use of torture after September 11. Director Brennan did not begin this pattern, but he has continued and reinforced it. The ongoing misconduct of the CIA, both prior to Mr. Brennan and under his leadership, sends a message to CIA employees, and creates an impression in the public, that it is an agency without limits. This is a disservice not only to the public, but to the majority of CIA employees who have no involvement in illegal activities or interference with democratic oversight.

The search of Senate computers occurred after Senators began asking questions about documents the CIA thought it had hidden from its overseers: the “Panetta Review,” the agency’s own analysis of what its documents showed about the black site program.⁴ According to Senator Feinstein, this draft internal review “clearly acknowledged” many of the program’s worst abuses and failures.⁵ In contrast, reporters have described the CIA’s official response to the Senate study, prepared under Mr. Brennan, as “the most detailed defense that the CIA has assembled to date” of its interrogation program.⁶

We also urge you to reject the agency’s ongoing attempts to hide crucial information about the black site program through classification. The Agency takes the position that, although you ordered declassification of the Office of Legal Counsel opinions authorizing the use of brutal “enhanced interrogation techniques,” virtually all the details of how it actually treated individual detainees at black sites remain classified. As a result, eleven reports by the CIA Office of the Inspector General about the agency’s treatment of detainees have been classified in their entirety—literally every word.⁷ Guantanamo detainees’ descriptions of their own torture are censored, in violation of U.S. treaty obligations, on grounds that their memories of what happened to them constitute “intelligence sources and methods.”⁸

We hoped that your pledge in March to declassify the Senate Intelligence Committee’s interrogation study would end this cover-up. But, according to Senator Martin Heinrich, the CIA and Office of the Director of National Intelligence’s proposed redactions of the report’s executive summary go far beyond “anything that could compromise sources and methods,” and “undermine the source material so that it is impossible to understand.”⁹

On your first full day in office, you signed an Executive Order closing the CIA black site program and ending “enhanced interrogation,” and pledged that yours would be “the most transparent administration in history.” The CIA’s attempts to censor the history of its torture program and surveil its oversight committee threaten to undermine those actions and promises. We ask you to request Mr. Brennan’s resignation, declassify the CIA Inspector General’s

⁴ <http://www.feinstein.senate.gov/public/index.cfm/2014/3/feinstein-statement-on-intelligence-committee-s-cia-detention-interrogation-report>

⁵ *Id.*

⁶ http://www.washingtonpost.com/world/national-security/cia-report-refutes-senate-panels-criticism-of-agencys-harsh-interrogation-methods/2013/06/26/ed53a908-de8b-11e2-b2d4-ea6d8f477a01_story.html

⁷ <https://www.aclu.org/blog/human-rights-national-security/internal-investigations-abuse-cia-doesnt-want-anyone-see>

⁸ E.g. <http://www.miamiherald.com/2013/10/23/3706509/guantanamo-war-court-hearing-torture.html>.

⁹ <http://www.heinrich.senate.gov/newsroom/statements-and-speeches/heinrich-statement-on-cias-redactions-in-interrogation-study>

investigation into spying on Congress, and reject the agency's ongoing attempts to redact crucial information from the Senate report's executive summary so that the committee may release it as soon as possible. We also ask you to order prompt declassification of the full Senate report.

Thank you for your consideration.

Sincerely yours,

Advocacy for Principled Action in Government
Appeal for Justice
Bill of Rights Defense Committee (BORDC)
Center for Media and Democracy
Citizens for Responsibility and Ethics in Washington
Constitutional Alliance
Defending Dissent Foundation
Demand Progress
Freedom of the Press Foundation
Government Accountability Project
Just Foreign Policy
Liberty Coalition
Media Freedom Foundation/Project Censored
National Commission on Intelligence and Foreign Wars
OpenTheGovernment.org
PEN American Center
Public Citizen
Project on Government Oversight (POGO)
Reprieve
Sunlight Foundation