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**Central Intelligence Agency
Office of General Counsel
Washington, D.C. 20505**

Date: 10/18/04

**To: Chris Wray
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THE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE
WASHINGTON, D.C. 20505

18 October 2004

The Honorable Christopher Wray
Assistant Attorney General
Criminal Division
Department of Justice
Washington, D.C. 20530

Dear Mr. Wray:

I understand that there may be some question or concern about what action the Central Intelligence Agency (CIA) would take in the event that the Department of Justice (DOJ) closes its criminal investigation of any Agency employee involved in the Peru air interdiction investigation. Quite simply, regardless of what decision Justice Department may reach in a given case, there will be serious consequences for any CIA employee determined to have lied or made knowingly misleading statements, whether those statements were to Congress, DOJ, the NSC or Office of Inspector General (OIG) investigators, or by an employee to his or her superiors. If the facts demonstrate such intentional deception, this Agency will take significant disciplinary action to reinforce our "zero tolerance" policy for such conduct by Agency personnel. Indeed, in investigations over the past ten years, the Agency has convened a number of accountability boards to make factual findings and issue recommendations for administrative penalties to personnel found to have engaged in this type of misconduct.

[Redacted]

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The Honorable Christopher Wray



As the above and other cases in recent years demonstrate, the Agency is not reluctant to impose substantial administrative sanctions when officers have misled intentionally or concealed critical information from Agency management, the Congress, the NSC, or outside investigators.

With respect to the Peru investigation, regardless of what action DOJ ultimately decides to take with respect to its investigation, CIA's Executive Director will be directed at the appropriate time to convene an accountability board composed of experienced individuals from within or outside the Agency, but which will in any case include people not serving in the Directorate of Operations. As provided for in Agency internal regulations, employees will have an opportunity to respond to any charges or findings made by our OIG. Once the board has reviewed the facts and made its determinations, it will then make recommendations to the DCI or the DDCI with respect to individual accountability. The DCI or the DDCI will make the final decision on each recommendation and report such determinations to our oversight committees.

I appreciate the opportunity the Department has afforded the Agency to express our views on this subject. If you have any questions or require any additional information, please do not hesitate to contact me or Acting General Counsel John Rizzo.

Sincerely,



John E. McLaughlin
Deputy Director of Central Intelligence

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