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From:

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on behalf of OPA Notice

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Sent:

Tuesday, March 11, 2014 4:13 PM

To:

[Redacted]

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Subject:

Message from the Director

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Classification: UNCLASSIFIED

Colleagues,

In light of public assertions made earlier this morning by Senate Select Committee on Intelligence (SSCI) Chairman Dianne Feinstein, I feel compelled to share with you some information as well as my thoughts surrounding CIA's interaction with the SSCI in relation to the now-defunct Rendition, Detention and Interrogation (RDI) program. Attached is a letter I sent to Chairman Feinstein, Vice Chairman Chambliss, and the full SSCI Committee on 27 January 2014.

As I said earlier today in my remarks at the Council on Foreign Relations, CIA believes strongly in the necessity of effective, strong, and bipartisan Congressional oversight. We are a far better organization because of Congressional oversight, and as long as I am the Director of CIA, I will do whatever I can to be responsive to the elected representatives of the American people. To that end, CIA and the SSCI have been working for many months to resolve issues related to the Committee's RDI report.

CIA has more than enough current challenges on its plate, which is why, far more than any other institution of government, the CIA wants to put the rendition, detention, and interrogation chapter of its history behind it. The Agency's detention facilities have long been closed. President Obama officially ended the program five years ago, by which time the CIA had ceased its interrogation activities. Over the past decade, there have been numerous internal and external reviews of the program, and CIA has taken steps to address the shortcomings, problems, and performance deficiencies that became evident in those reviews.

As you know, the SSCI has conducted an extensive review of that program, a review that CIA has devoted considerable resources to supporting over the last several years. CIA has tried to work as collaboratively as possible with the Committee on its report. We will continue to do so, and I have talked extensively to Chairman Feinstein and Vice Chairman Chambliss about the report and the way forward. CIA agrees with many of the findings in the report, and we disagree with others. We have acknowledged and learned from the program's shortcomings, and we have taken corrective measures to prevent such mistakes from happening again. But we also owe it to the women and men who faithfully did their duty in executing this program to try to make sure any historical account of it is balanced and accurate. We have worked closely with the Committee to resolve outstanding issues, and we look forward to working with the Committee should it submit any portion of its report to us for classification review. Even as we have learned from the past, we must also be able to put the past behind us so that we can devote our full attention to the future.

As always, thank you for your outstanding service.

John

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THE DIRECTOR
CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

27 January 2014

The Honorable Dianne Feinstein
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Madam Chairman:

I am in receipt of your 23 January 2014 letter regarding our 15 January 2014 meeting. I wholeheartedly agree that the Executive and Legislative branches must respect the Constitution's separation of powers and that the events that led up to our meeting go not only to the heart of that respect, but also to the effectiveness and integrity of the oversight process. As I have noted in the past, I believe in and strongly support the necessity of effective Congressional oversight, while also desiring to protect the Executive branch's legitimate prerogatives. In order to give you a sense of my perspective on these developments, I have outlined them below and propose a possible path forward. In short, I believe your idea of some sort of independent review is worth exploring, as it is my hope that we can find a way to address these events in a mutually satisfactory way that respects the very separation of powers principles we both seek to uphold.

As I relayed to you and Vice Chairman Chambliss during our 15 January meeting, I recently received information suggesting that sensitive CIA documents that were the subject of a pending request from the Committee may have been improperly obtained and/or retained on the SSCI staff side of a CIA local area network, which was set up exclusively for the Committee's RDI review and which contains highly classified information. Consequently, I asked for a meeting with you and the Vice Chairman as soon as possible to share that information and to discuss the need for a review of the system in order to assess what happened. As we know, both branches have taken great care to establish an accommodation regarding the Committee's access to Executive branch information on the RDI program, and we need to ensure that what is shared is as agreed between the branches. At the same time, and most importantly, if the integrity of our network is flawed, we must address the security problem immediately.¹

¹ To ensure we have a common understanding of the agreement governing the SSCI staff's access to and use of a portion of the relevant CIA facility's network, I will transmit under separate classified cover a copy of the agreed-upon Standard Operating Procedures, a copy of the materials used in

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The Honorable Dianne Feinstein

During our 15 January meeting, I explained how it came to our attention that these documents were on the SSCI staff side of the network. As I indicated, recent statements made by Committee staff suggested they had in their possession a document that you requested in a 26 November 2013 letter. In your correspondence, you asked for "several summary documents" from what you termed an "internal review" of the CIA RDI program initiated by Director Panetta that purportedly came to conclusions similar to those contained in the Committee's study on the RDI program. Senator Udall made a similar reference to, and a request for, these materials during the open hearing on Caroline Krass's nomination to be the CIA's General Counsel. Senator Udall repeated his request for these documents in a 6 January 2014 letter that he wrote to the President. In response, I explained to both you and Senator Udall that these requests raised significant Executive branch confidentiality interests and outlined the reasons why we could not turn over sensitive, deliberative, pre-decisional CIA material. These documents were not created as part of the program that is the subject of the Committee's oversight, but rather were written in connection with the CIA's response to the oversight inquiry. They include a banner making clear that they are privileged, deliberative, pre-decisional CIA documents, to include attorney-client and attorney work product. The Executive branch has long had substantial separation of powers concerns about congressional access to this kind of material.

CIA maintains a log of all materials provided to the Committee through established protocols, and these documents do not appear in that log, nor were they found in an audit of CIA's side of the system for all materials provided to SSCI through established protocols. Because we were concerned that there may be a breach or vulnerability in the system for housing highly classified documents, CIA conducted a limited review to determine whether these files were located on the SSCI side of the CIA network² and reviewed audit data to determine whether anyone had accessed the files, which would have been unauthorized. The technical personnel conducting the audit review were asked to undertake it only if it could be done without searching audit data relating to other files on the SSCI side of CIA's network. That review by IT personnel determined that the documents that you and Senator Udall were

the security briefing given to all Committee staff granted access to the CIA network, and other relevant documents.

² The system is designed to preclude looking for file names across the entire network, thus precluding a single "network wide" review. Thus, absent finding and exploiting a vulnerability, the CIA personnel working on the RDI review should not be able to access any information on the SSCI side, and the SSCI staff working on the RDI review should not be able to access any information on the CIA side of the network.

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The Honorable Dianne Feinstein

requesting appeared to already be on the SSCI staff side of CIA's local area network and had been accessed by staff. Only completion of the security review will answer how SSCI staff came into possession of the documents. After sharing this information with you and explaining that I did not know how the materials would have appeared on the SSCI staff side of the network, I requested that you return any copies of these highly sensitive CIA documents located either in the Committee reading room at the CIA facility or in the Committee's own offices. You instructed your staff director to collect and provide to you any copies of the documents. I informed you that I had directed CIA staff to suspend any further inquiry into this matter until I could speak with you.

I stated that I had asked for the meeting because I wanted Committee leadership to be fully aware of what had been brought to my attention before I directed the appropriate IT personnel to begin a full computer security review. I informed you that the staff who would conduct the security review would need to conduct computer forensics on the CIA documents that appear to be on the SSCI side of the system. I further informed you that the individuals assigned to conduct this security review would be "walled off" from the CIA personnel who have been involved in reviewing the Committee's study on the RDI program in order to protect the SSCI's legitimate equities in its deliberative materials and work product.

I made clear during our meeting that I wanted to conduct this security review with your consent and, furthermore, that I welcomed the participation of the Committee's Security Director in this effort. You informed me that you were not aware that the Committee staff already had access to the materials you had requested in your letter. Soon after our meeting, you requested by letter that I suspend any investigation or further access to the computers or computer networks until you could consider the matter further. You also pledged in your letter that SSCI staff would not access those computers or computer networks for this same period. I reached you by telephone the next day to inform you that the CIA would temporarily suspend the security review in light of your request. I trust that you continue to believe that Committee staff should not access any of the computers on CIA's local area network while we work through this matter.

As I stated in our meeting, the existence of these sensitive Executive branch documents on the SSCI side of the CIA facility network--all of which were created outside the agreed time period for document production--raises significant concerns about the integrity of a highly classified CIA computer system and whether the protocols developed between the SSCI and the CIA in relation to CIA files are being followed. You indicate in your most recent

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The Honorable Dianne Feinstein


letter that these documents were provided to Committee staff at the CIA-leased facility, but, as I noted above, we have no record of having done so under the process by which we have regularly provided documents.

As I noted at our meeting, this is a very serious matter, and it is important that both the CIA and the Committee get to the bottom of what happened. We should be able to do this in a way that preserves our institutional equities.

I renew my invitation to have the Committee's security officer fully participate with CIA security professionals in a security review of the local area network dedicated to the RDI study. Your 23 January letter indicates that an independent review of these events also may be appropriate. I would welcome an independent review that explores CIA's actions and how these documents came to reside on the Committee's side of the CIA facility network. If you are amenable, I will have my Acting General Counsel reach out to the Committee's Majority and Minority Counsel to discuss options for such an independent review.

However we proceed, the security review must be completed in a timely manner. It is imperative to learn whether or not a breach or vulnerability exists on this network and was exploited. I trust that you share my concerns and that we can work together to carry out a security review that answers these important questions while respecting the important separation of powers concerns of both branches.

Sincerely,


John O. Brennan

cc: Members, Senate Select Committee on Intelligence
The Honorable Jim Clapper, Director of National
Intelligence
Ms. Kathryn Ruemmler, White House Counsel

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**Director John O. Brennan**

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Remarks at the Council on Foreign Relations (As prepared)

3/11/2014

It is a pleasure to be back at the Council on Foreign Relations and to see so many familiar faces. I would like to thank Richard Haas for inviting me to speak to this very distinguished group, and I also thank Andrea Mitchell for lending her considerable knowledge and insight to our discussion.

Just over a year ago, I had the privilege of placing my hand on the very first printed copy of the Constitution—a draft edited and annotated by George Washington himself that is one of the most treasured items held in the National Archives. With my hand on that document, Vice President Biden swore me in as the 21st Director of the Central Intelligence Agency. I chose to take my oath on that precious piece of history as a clear affirmation of what the Constitution means to all of us at the Agency. We have no higher duty than to uphold and defend the rule of law as we strive every day to protect our fellow citizens.

Like so many things involving CIA, however, people read nefarious intentions into my decision to take my oath on an early draft of the Constitution that did not contain the Bill of Rights—our Constitution's first ten amendments. At the risk of disappointing any conspiracy theorists who might be here today, let me assure all of you that I, along with my CIA colleagues, firmly believe in and honor not only the Constitution but also the Bill of Rights, as well as all subsequent amendments to our Constitution. I just happen to be an ardent admirer of George Washington and of the historical foundations of our great country.

My first career at CIA began in 1980, so when I returned to the Agency last March, I was already well acquainted with its people and its mission. Having spent the previous four years at the White House, I also had the benefit of experiencing firsthand the enormous challenges confronting our policymakers as they deal with the myriad challenges our Nation faces in the 21st century.

As a result of the tremendous opportunities I was given over more than 30 years working on national security issues, I could see the Agency from outside as well as inside our headquarters in Langley, Virginia. I could see how the Agency's work informs policymaking, shapes our intelligence and security relationships with countries around the world, and, working with other departments and agencies in the US Government, helps keep our country safe from harm. And although I had plans to retire from government service at the conclusion of President Obama's first term in office, I was humbled by the opportunity to lead the Agency I was a part of for a quarter-century and, hopefully, to play a role in ensuring that the CIA's future is even more accomplished than its storied past.

So thank you for being here this morning, and I would like to offer a few brief comments before I address the many questions that are on your mind.

First of all, being CIA Director means that I have a front-row seat to the dynamic and often dangerous world stage. While I was at the White House, I often spoke publicly about the terrorist challenges we face as a Nation. After a year as CIA Director, I unfortunately remain convinced that the US Government and the American people will be dealing with terrorism in one form or another for many years to come, as too many individuals and groups remain inclined to use violence for political, ideological, or purported religious reasons.

And despite rampant rumors that the CIA is getting out of the counterterrorism business, nothing could be further from the truth. CIA's global mission, our intelligence collection, analysis, and covert action authorities and capabilities, as well as our extensive liaison relationships with intelligence and security services worldwide, will keep CIA on the frontlines of our counterterrorism efforts for many years to come.

At the same time, I fully expect CIA's role to evolve as the capabilities and the political will of our overseas partners continue to grow in the coming years. Building the capacity, enhancing the knowledge, and empowering the operations of our partners will be key to mitigating the terrorist threats that the world collectively faces in the decade ahead.

Similarly, the intelligence mission on the cyber front will evolve as well, as sovereign adversaries, criminal networks, terrorist organizations, and hacktivists explore new ways to do our country and our people harm via the digital domain—our planet's new and still relatively uncharted frontier.

Much of what makes cyber so challenging is that technology is changing so rapidly—and society along with it. In many respects, the world is transforming before our eyes, as more and more human activity migrates to the cyber/digital domain and more and more of our daily lives depend on that domain for social interactions, financial transactions, commerce, trade, communication, education, information, entertainment, and the list goes on.

But the fact remains that many technological and scientific advances have proved throughout history to be double-edged swords. The power of dynamite that can move mountains and pave the way for road networks, tunnels, and bridges also can bring destruction and death in the wrong hands. The irony of Alfred Nobel's two lasting legacies—the invention of dynamite and the world's most famous peace prize—is testament to both edges of the sword of technological advancement. Today, the websites and smartphones that enable Syrians to organize themselves against Assad's regime and show the world its brutality also help al-Qa'ida and other terrorist groups communicate as well as conduct terrorist attacks.

Recent events have brought into stark relief the national—indeed, the international—debate about the appropriate role of government, and specifically intelligence and law enforcement agencies, in this new cyber frontier that is clearly full of wonder and opportunity but also fraught with great risk.

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In the year since my return to CIA, technological advances and their profound implications for both the Agency I lead and the world we study have been very much on my mind. If I had the opportunity to start my career all over again, I believe I would start out as a data scientist or engineer in CIA's Directorate of Science and Technology. Like any other information-based and technology-enabled profession, intelligence is undergoing a profound transformation, and the women and men of our Science and Technology Directorate are tackling some truly fascinating issues head-on.

For example, we are looking at how we can protect the identities, activities, and missions of our clandestine officers. These are the officers who operate internationally on a daily basis yet increasingly have digital footprints from birth.

We are also looking at how we appropriately leverage the seemingly infinite amount of publicly available and not-so-publicly available information so that we can detect the threats to our national security and to the American people—all while staying true to those cherished principles of liberty, freedom, and privacy upon which our great country was founded. As someone who bears at least partial responsibility for keeping my fellow Americans safe, these are the challenges and the questions that truly hurt my head.

As challenging as counterterrorism and operating in the cyber domain are, they are but two of the many issues that CIA and the rest of the Intelligence Community have to follow. Since returning to government in 2009, the number of issues of major significance to US national security interests demanding constant attention from both policymakers and intelligence officers has been staggering.

The political turmoil and upheaval attendant to the so-called Arab Spring has fundamentally changed the political and social landscapes in Tunisia, Libya, Egypt, and Yemen. The tremendous loss of life, the humanitarian disaster, and destruction of some of the world's most beautiful ancient cities in Syria is nothing short of a modern-day catastrophe. The political dynamics underway in Iraq, Iran, Afghanistan, North Korea, Venezuela, South Sudan, and the Central African Republic, among others, reflect internal tensions, economic stress, sectarian conflicts, and global ambitions. And Russian and Chinese strategic pursuits, in both their near and far abroad, demand the constant attention and vigilance of our national security experts.

Ukraine provides a real-life example of why it is so important to preserve our intelligence capability to stay on top of world events in their totality, rather than just a few key issues. Over the past several months, the CIA and its Intelligence Community partners have closely followed events in Ukraine, keeping policymakers informed of unfolding developments on the ground, scenarios for escalating tensions, and options available to Ukrainian, Russian, and other world leaders.

Now I know that many would like the CIA to predict the future—answering questions such as “will Crimea secede and be annexed by Russia” and “will Russian forces move into Eastern Ukraine.” But the plain and simple truth is that, with virtually all events around the globe, future events—including in Ukraine—are shaped by numerous variables and yet-to-happen developments as well as leadership considerations and decisions. While we do not have a crystal ball, it is our responsibility to identify those variables and considerations and to point to the key drivers that will ultimately determine future events.

Let me conclude by offering a few final words about CIA as a learning organization. We were born in 1947 as the Cold War was just getting underway. Over the past 67 years we have had the great fortune to play a role in helping keep this country great and its people safe. And while we are exceptionally proud of the work we do, we have not been a perfect organization—far from it. We have made mistakes, more than a few, and we have tried mightily to learn from them and to take corrective actions whenever and wherever appropriate.

It is no secret that many of the things that the Agency has done over the years—things that it was asked to do, that it was directed to do, that it alone had the authority and responsibility to do—remain subjects of intense scrutiny, debate, and controversy. The rendition, detention and interrogation program of nearly a decade ago is a case in point.

Now, there have been many things written and many things said—some fact and some pure fiction—about the CIA's views and actions related to the Senate Select Committee's Report on the RDI program. So I want to take this opportunity to say two things:

First, my CIA colleagues and I believe strongly in the necessity of effective, strong, and bipartisan Congressional oversight. We are a far better organization because of Congressional oversight, and as long as I am the Director of CIA, I will do whatever I can to be responsive to the elected representatives of the American people. Our Congressional overseers ask us the tough questions, hold our feet to the fire, and work every day to ensure that American taxpayer dollars are being spent effectively and efficiently to keep our country strong. Most importantly, they work to ensure that the CIA and other intelligence organizations are carrying out their responsibilities and activities in full accordance with the law. I don't always agree with them—and we frequently have what I would call “spirited” and even “sporty” discussions—but I believe we are fulfilling our respective Executive Branch and Legislative Branch roles.

Second, the CIA has more than enough current challenges on its plate, which is why—far more than any other institution of government—the CIA wants to put the rendition, detention, and interrogation chapter of its history behind it. The Agency's detention facilities have long been closed. President Obama officially ended the program five years ago, by which time the CIA had ceased its interrogation activities. Over the past decade, there have been numerous internal and external reviews of the program, and the CIA has taken steps to address the shortcomings, problems, and performance deficiencies that became evident in those reviews.

The Senate Select Committee on Intelligence has conducted an extensive review of that program, a review that CIA has devoted considerable resources to supporting over the last several years. CIA has tried to work as collaboratively as possible with the Committee on its report. We will continue to do so, and I have talked extensively to Chairman Feinstein and Vice Chairman Chambliss about the report and the way forward.

CIA agrees with many of the findings in the report, and we disagree with others. We have acknowledged and learned from the program's shortcomings, and we have taken corrective measures to prevent such mistakes from happening again. But we also owe it to the women and men who faithfully did their duty in executing this program to try to make sure any historical account of it is balanced and accurate. We have worked closely with the Committee to resolve any outstanding issues, and we look forward to working with the Committee should it submit any portion of its report for classification review. Even as we have learned from the past, we must also be able to put it behind us so that we can devote our full attention to the challenges ahead.

I arrived at CIA in 1980 fresh out of graduate school and was sworn in as a GS-9 officer, never believing in my wildest dreams that one day I would have the honor and privilege of leading the courageous, dedicated, and exceptionally talented women and men of CIA. Now, as CIA Director, I go down to the main lobby at our Headquarters in Langley once a month to administer the oath of office to our newest employees.

I am always struck by the quality of these women and men. Many speak several languages. Some have already had successful careers in the private sector and now want to give something back to their country. For all of them, this moment is the culmination of years of hard work, and you can see the enthusiasm in their eyes: They look focused, confident, and eager to make a difference.

As I watch them raise their right hands, I feel an extraordinary sense of obligation to these officers. They have chosen a profession that is filled with great rewards, but also steep challenges—and, sometimes, grave danger. It is my job to prepare them for it. And from day one, I want them to understand that they are joining more than an organization; they are also joining a tradition of service and sacrifice unlike any other.

For this reason, I always administer the oath of office in front of our Memorial Wall. There are 107 stars on that wall, each one representing an Agency hero who made the ultimate sacrifice on behalf of our Nation. And I emphasize that we all have a responsibility to remember the officers and the sacrifices represented by those stars, and to carry on their work in a way that would make them proud.

I am sharing this with you because it underscores a defining trait of CIA: our profound commitment to one another and to the Nation we serve.

For more than six decades, the women and men of CIA have devoted themselves to protecting our Nation and to advancing American interests around the globe. Their contributions often go unrecognized, but let there be no doubt that CIA officers are essential to the strength and security of our Republic.

Thank you, and I look forward to taking your questions.

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