From:
Sent:
To: Gibson Susan S NRO USA GOV;
Cc:
Subject: (U) RE: Proposed Meeting with SSCI Staff Members on Whistleblower Complaints --- UNCLASSIFIED/~~/FOUO~~

Classification: UNCLASSIFIED/~~/FOR OFFICIAL USE ONLY~~

(b)(3)

Great engagement. We're happy to participate – I'm in SF that week, but either or potentially a confirmed nominee will take part.

NOT RESPONSIVE RECORD

Gibson Susan S NRO USA GOV;

Subject: RE: Proposed Meeting with SSCI Staff Members on Whistleblower Complaints

Classification: UNCLASSIFIED/~~/FOUO~~
==========

Thanks very much The week of 20 November is good – ideal would be 21 Nov (Tuesday) or 20 Nov (Monday) in the morning. We are flexible when it comes to location – and meeting in space is fine with us. (b)(3)

V/R,

Inspector General
Office of the Inspector General
Defense Intelligence Agency

From:
Sent: Thursday, October 05, 2017 3:40 PM
Gibson Susan S NRO USA GOV

Subject: Proposed Meeting with SSCI Staff Members on Whistleblower Complaints --- UNCLASSIFIED/~~/FOUO~~

Classification: UNCLASSIFIED/~~/FOUO~~
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Good Afternoon,

As promised at the 28 September meeting, I have reached out to to see if a meeting to discuss how each of (b)(3)
your offices handle whistle blower complaints, what you consider to be such, etc and to get insight into the concerns
would very much like to meet with you all. I left it up (b)(5)
to him if he wanted to extend the invite to any others as I could only share the willingness of the four of you for such a meeting. He is going to encourage some other members of the staff to attend and indicated his willingness to have the staff come to one of your locations. The first availability they will have is the week of 20 November, which is Thanksgiving week. I told him I would check with each of you to see if that week was available. So, are you available and where should the meeting occur?

I did let [redacted] know that when the suggestion for a meeting came up on the 28th, it was not in the spirit of "We need to set them straight" but rather a true desire to share with them how these matters are handled and a desire to understand SSCI's concerns and to see if there are ways those concerns can be addressed.

I ma

Sincerely yours,

[redacted] (b)(3)

OIG's Vision:
To be the NRO's trusted champion for accountability, transparency, and continuous improvement.

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Classification: UNCLASSIFIED//~~FOUO~~

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Classification: UNCLASSIFIED//~~FOUO~~

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Classification: UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

(b)(3)
(b)(5)

Not Responsive
Record

 Not Responsive Record

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Not Responsive Record

Not Responsive Record

(b)(3)
(b)(5)

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Not Responsive
Record

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(b)(5)

(b)(3)
(b)(5)

(b)(3)
(b)(5)

(b)(3)

To: Barber Randy C NRO USA GOV; Bowman Thomas B NRO USA GOV; ; Calvelli Frank NRO USA GOV; Gibson Susan S NRO USA GOV; Sapp Betty J NRO USA GOV

Subject: Senator Balks at CIA Inspector General Nominee Over Torture Report --- UNCLASSIFIED

Classification: UNCLASSIFIED
==========

Senator Balks at CIA Inspector General Nominee Over Torture Report

Mackenzie Weinger, TheCipherBrief.com, 18 October 2017

The Trump administration's nominee for CIA inspector general faced tough questions from lawmakers over his handling of whistleblower complaints, and his handling of a classified Senate document on allegations of torture by the agency.

The CIA's agency's acting inspector general Christopher Sharpley was grilled about three outstanding whistleblower allegations against him alleged by a nonprofit government oversight group – charges he denied in his Tuesday confirmation hearing.

Senators also questioned him about how the CIA lost and found a copy of the Senate Intelligence Committee's report on water boarding and "enhanced interrogation methods" used by agency employees, and how once they'd found it, he relinquished the CIA's only copy to the Republicans on the intelligence committee.

Sen. Ron Wyden, (D-Ore), asked if Sharpley would similarly relinquish a report on Russian meddling into U.S. elections – in effect, burying it.

"Because of the decision you've made, it certainly sets the precedent for your office picking and choosing which investigative reports you're going to keep," Wyden said in Sharpley's nomination hearing Tuesday.

The Democratic quizzing of Sharpley highlighted the ongoing conflict between Democrats who worry U.S. intelligence officers will be told to look the other way by a Republican White House that has downplayed the ongoing investigation into Russia's alleged role in the 2016 presidential elections.

Sharpley revealed CIA officers thought they'd accidentally destroyed all the copies of the controversial 7,000-page report, before discovering a disk version in a safe, which was then

turned over to Senate Intelligence chairman Richard Burr, (R-N.C.) The Republicans opposed the original report, which was completed while Democrats controlled the Senate, and Burr had asked federal agencies to return all the copies.

Wyden said he'd oppose Sharpley's nomination because he'd relinquished the report, but it's not clear if the senator would block a vote on the nomination once it reaches the senate floor.

Sharpley has served in the inspector general's office for five years, becoming the CIA's deputy IG in 2012 and acting IG in 2015 after Buckley retired.

Former senior deputy general counsel of the CIA Robert Eatinger told The Cipher Brief he worked with Sharpley when he was the deputy IG and found him to be "very sharp, not hesitant to call things as he saw them." Sharpley also understood the inspector general's role not only to be a watchdog, Eatinger said, but to "help the agency run better" by giving equal attention to both investigations into wrongdoing and to inspections of how the agency was functioning.

The position is nominated by the president and is statutorily independent, and can be removed by the CIA director, but that removal would have to be explained to the intelligence committee. Inspectors general "view themselves as accountable to the oversight committees because they have to be confirmed by the Senate," Eatinger noted.

Whistleblower Complaints

Sharpley also faced questions from senators about whistleblower complaints alleged by the Project on Government Oversight, and cited by lawmakers in the hearing.

He categorically denied retaliating against any whistleblowers and said he is "unaware of any open investigations" or "details of any complaints" against him.

A CIA spokesperson said the agency could not confirm or comment on any complaints or investigations regarding the nominee, but told The Cipher Brief that Sharpley's qualifications for the post are "obvious and substantial."

"Mr. Sharpley has had a sterling 5-year career at CIA and there have never been any findings of wrongdoing or misconduct of any sort by Mr. Sharpley during his tenure here," the spokesperson said, requesting anonymity in order to discuss personnel matters.

A Bigger Problem

Trump has not yet nominated anyone for the position of Inspector General of the Intelligence Community, who is responsible for conducting audits and reviews across all of it. This position has been vacant since February, and Vice Chairman Mark Warner noted during his opening statement that he is "very concerned by a number of changes occurring there."

The problems with whistleblower protection goes beyond the complaints about an individual nominee, however. The POGO report cited a February 2017 document from the intelligence community's inspector general, that found serious problems with the handling of

whistleblower retaliation cases.

"The deficiencies in reprisal protections policies, procedures, and standards in the evaluated agencies are causing a failure to provide reprisal protections for individuals making protected disclosures," the document stated.

"A complainant alleging reprisal for making a protected disclosure has a minimal chance to have a complaint processed and adjudicated in a timely and complete manner," the document continued, according to Feinstein, who read it aloud.

On this, there was bipartisan agreement that the matter needed more investigation, and Burr said his committee would be requesting its own copy of the document.

Sharpley told the committee he was "unfamiliar" with the document and "not aware of its contents."

[redacted]

[redacted] (b)(3)

[redacted] Calvelli Frank NRO USA GOV; [redacted]

[redacted] Gibson Susan S NRO USA GOV;

[redacted]

Subject: A Turf War Is Tearing Apart the Intel Community's Watchdog Office --- UNCLASSIFIED

Classification: UNCLASSIFIED
==========

A Turf War Is Tearing Apart the Intel Community's Watchdog Office

A 'tactical campaign masquerading as strategy' needs to find one now.
Jenna McLaughlin, ForeignPolicy.com, 18 October 2017

Dan Meyer and a team of employees from the U.S. intelligence community watchdog's office were set to travel overseas to a contractor's office where no government employee had yet visited. They were carrying posters, as well as red, white, and blue foam cubes emblazoned with the phrase "Be part of the solution" and the hotline number where whistleblowers could call in and report instances of waste, fraud, and abuse.

But the trip, planned for earlier this year, was ultimately canceled by his supervisors.

Meyer, whose job is to talk to intelligence community whistleblowers, can no longer talk to whistleblowers. He has been barred from communicating with whistleblowers, the main responsibility of his job as the executive director for intelligence community whistleblowing and source protection. He is currently working on an instructional pamphlet for whistleblowers, and he will have no duties to perform after he's completed that work.

He can also no longer brief the agencies or the congressional committees on his work as he's done in the past, send out his whistleblower newsletter, or conduct outreach. And he has no deputy or staff.

Foreign Policy spoke with eight sources with knowledge of the ongoing issues at the Intelligence Community Inspector General office, where Meyer works. The sidelining of Meyer, described to FP by several sources, is just one part of a larger problem with the office.

The intelligence community's central watchdog is in danger of crumbling thanks to mismanagement, bureaucratic battles, clashes among big personalities, and sidelining of whistleblower outreach and training efforts, sources told FP. A strong whistleblowing outlet is needed as an alternative to leaking, and to protect employees from retaliation for reporting misconduct, proponents of the office argue. But many intelligence officials see outreach to

their employees as an attempt to cultivate leakers or outside interference, rather than a secure, proper way to report potential violations of law.

The Office of the Director of National Intelligence was created after the 9/11 attacks to coordinate work among the 16 different intelligence agencies. The office's inspector general, created in 2010, was tasked with launching independent audits and investigations across those agencies; its employees even wear distinctive white lanyards, a visual representation of their separateness and objectivity.

James Clapper, the director of national intelligence under former President Barack Obama, asked Chuck McCullough III, to help stand up the new inspector general office to provide a standardized process for handling whistleblowing reports and grievances across the intelligence community and work with the oversight committees in Congress.

"The vision for it, Clapper's vision, was integration," McCullough told FP in an interview. "After 9/11, he wanted to connect the dots, knock down the stovepipes."

The intelligence community's inspector general wasn't designed to usurp power from their counterparts at the individual agencies, McCullough explained, but "it strengthened whistleblowing," including by providing an extra layer for employees who wanted to seek recourse for retaliatory behavior.

The watchdog has collaborated on broad reviews of the Boston Marathon bombing, complaints about a possible interagency repository of American citizens' personal information, and former Secretary of State and 2016 U.S. presidential candidate Hillary Clinton's use of a personal email server to conduct government business. And spies who choose to blow the whistle and are retaliated against by their agency also have the opportunity to take their case up to the inspector general.

But McCullough retired in early March, and the office is now barely functioning, according to those familiar with its role. Acting Inspector General Wayne Stone, according to four sources with knowledge of the matter, has spent the majority of his tenure at graduate school at Harvard University in Boston, with no access to a place to review classified information. Only recently has he been forced to return to Washington to perform his duties at least two days every two weeks. He has been told he most likely won't get the nomination for the permanent position.

Additionally, Acting Deputy Inspector General Jeanette McMillian while instrumental in building the office, has sidelined Meyer, the official in charge of whistleblowing complaints.

McCullough, the former inspector general, said he's unfamiliar with what's going on at the agency now — like all former senior executives, he has a yearlong ban on communicating with the office — but he said Meyer is a "consummate expert in whistleblower protection."

The Office of the Director of National Intelligence declined to comment on the inspector general's behalf.

One concern in particular, sources say, is Chris Sharpley, who has been nominated to serve as the top watchdog for the CIA's Office of the Inspector General. According to three sources and reporting from the Project on Government Oversight, Sharpley, who is currently

the acting head of the office, has several outstanding whistleblower retaliation complaints against him and has pressured Meyer to uncover the identity of employees raising complaints outside his purview. And without an intelligence community inspector general, there is nowhere for CIA employees to turn when they feel uncomfortable approaching their agency's inspector general, have already been retaliated against, or have a complaint that applies to the community broadly.

"Whether there are any complaints or investigations regarding Mr. Sharpley is not something we could confirm or comment on," Ryan Trapani, a CIA spokesman, wrote in an email to FP. "What we can say is that Mr. Sharpley has had a sterling 5-year career at CIA and there have never been any findings of wrongdoing or misconduct of any sort by Mr. Sharpley during his tenure here."

Trapani emphasized Sharpley's record as deputy inspector general at CIA in addition to "36 years of investigative, law enforcement and [inspector general] experience."

The White House and top intelligence leaders have been receptive to concerns about the power vacuum at the intelligence community's inspector general's office, but the administration has not floated any names to be the next leader. Only after a few angry phone calls from congressional and national security leader, the White House committed to protect Obama's Presidential Policy Directive 19, which gives intelligence community whistleblowers extra protections.

The White House did not respond to a request for comment.

The CIA affirmed it supports a strong whistleblowing program but did not endorse any particular strategy for accomplishing that goal. "It is well-established that a strong whistleblower program is a key element in preventing the disclosure of classified information," Trapani, the agency spokesperson, wrote.

Even with the inspector general and Obama's directive, protections for spies who report fraud, waste, and abuse are still lacking, particularly for contractors. Concerns about classified information have ramped up in recent months as multiple contractors have fallen under indictment, including Hal Martin, who smuggled troves of documents to his home in Glen Burnie, Maryland, between 2014 and 2016.

Congressional committees working on surveillance law reform hoped to propose improvements to whistleblowing policies in new legislation. But without an office to coordinate with, it's been difficult to make progress.

"What's the point of doing whistleblower reform if the office in charge of it is on fire?" one congressional staffer told FP.

For some intelligence employees, the relatively young office has already proved vital. One National Security Agency employee, who asked that their name not be used because they work for an intelligence agency, alleged the NSA's inspector general, George Ellard, retaliated against him — though the Defense Department disagreed (the Pentagon declined comment on the case).

When the employee appealed the decision, he won, and Ellard was put on leave from his

position at NSA as a result.

The intelligence community's Office of the Inspector General "is the only place where you can get a fair review," the NSA whistleblower told FP during a phone interview. "Having an independent inspector general was instrumental."

Now, however, "it's gutted," the whistleblower said.

The NSA employee pointed to the case of Edward Snowden, the former NSA contractor who leaked a trove of top-secret documents to reporters, revealing a massive global surveillance campaign. Snowden has argued he leaked the documents because there was no way to raise his complaints internally about what he believed was illegal surveillance.

An inspector general, proponents say, is needed to demonstrate that the intelligence community does have a legitimate internal and legal way to air grievances of law. "They talk about whistleblowers and leakers in the same sentence. They're not the same," the former NSA employee said. The inspector general is in place "to prevent someone from saying 'I had no choice but to leak.'"

The issue is an important one to members of Congress from several committees. "Senators [Chuck] Grassley and [Ron] Wyden, the co-chairs of the Senate Whistleblower Protection Caucus, are focused on ensuring that Inspectors General throughout the government, including in the Intelligence Community, are committed to encouraging and protecting whistleblowers," the senators wrote in a joint statement emailed to FP.

For attorneys who represent clients with pending cases in front of the inspector general, the office's disarray is particularly disturbing.

Andrew Bakaj, who worked for several years at the CIA's inspector general office and helped stand up the whistleblower programs at the Pentagon and in the intelligence community, says the destruction of the office is a matter of grave national security.

"As an attorney regularly representing intelligence community officials, the [Intelligence Community Inspector General] has been a key office for both enabling my clients to lawfully disclose allegations of violations of law, rule, or regulation, as well as fostering protections by accepting allegations of whistleblower reprisal," Bakaj, now a managing attorney at Compass Rose Legal Group, wrote in an email to FP.

Bakaj argues that the disclosures he has filed on behalf of clients have "highlighted critical and systemic failures" in the intelligence community. "A strong [intelligence community inspector general] means those issues can get to the right people or Congressional Committees for action," he wrote. "I have seen it work."

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Classification: UNCLASSIFIED

Not Responsive Record

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[redacted]

From: [redacted]
Sent: Tuesday, December 12, 2017 9:39 AM
To: Gibson Susan S NRO USA GOV; [redacted] (b)(3)
Cc: [redacted]
Subject: FW: OS&CI - Did You Know: Your Protections (and Limits) Under the Whistleblower's Act --- UNCLASSIFIED

Classification: UNCLASSIFIED
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(U) Just a reminder that OS&CI requested and received input from OIG on this a few months back. Their original version did not distinguish between PPD-19 parts A&B. This one includes that clarification.

[redacted]

From: [redacted]
Sent: Tuesday, December 12, 2017 8:11 AM
To: [redacted] (b)(3)
Subject: OS&CI - Did You Know: Your Protections (and Limits) Under the Whistleblower's Act --- UNCLASSIFIED

Classification: UNCLASSIFIED
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Office of Security and Counterintelligence

DID YOU KNOW

Security Awareness Resource **December 2017**

Information Security

Subject: Your Protections (and Limits!) Under the Whistleblower's Act

The recent Intelligence Community (IC)-wide requirement for unauthorized disclosures training highlighted the serious risk such disclosures can pose to national security and the responsibility of all National Reconnaissance Office (NRO) personnel to protect classified and sensitive information. However, the ability of personnel to call attention to fraud, waste, and abuse remains an important means of ensuring government accountability and transparency. Government employees and contractors who wish to make disclosures on such activities – known as Whistleblowers – have a valid and legally-protected avenue for reporting this type of information while maintaining the integrity of valuable classified and sensitive information.

In 2012, President Obama issued Presidential Policy Directive-19 (PPD-19), "Protecting Whistleblowers with Access to Classified Information." Under PPD-19, Whistleblowers with access to classified information receive

protections against reprisal for reporting fraud, waste, abuse, and illegality. Part A of PPD-19 includes protections for U.S. Government (USG) employees against unlawful personnel actions, while Part B deals with revocation of clearances and includes both USG employees and contractors. These provisions created new protections for all Executive Branch employees and contractors eligible for access to classified information to engage in whistleblowing while also ensuring that classified information remains safeguarded.

The Director of National Intelligence (DNI) issued Intelligence Community Directive (ICD) 120 in 2014 to implement the provisions of PPD-19 with respect to the IC. The National Security Act, as amended, (2014) prohibits retaliatory revocation of security clearances and access determinations from being used as reprisal against Federal employees and contractors who make lawful protected disclosures.

Situations that can be reported as a protected disclosure may include a violation of any law, rule, or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; and/or a substantial and specific danger to public health or safety. In order to receive the protections covered under ICD 120, individuals must ensure the person they are disclosing to "counts" as an authorized person.

The following persons are authorized to receive protected disclosures from a Whistleblower:

- Your supervisor, his/her supervisor, and so on up the management chain, all the way to the NRO Director;
- NRO's Office of Inspector General (OIG), via phone, email, or in person (anonymous reporting is also available);
- Other officials designated to receive Protected Disclosures, depending on the nature of the allegation, such as: NRO's Office of Equal Employment Opportunity and Diversity Management (OEEO&DM), Office of General Counsel (OGC), your Intelligence Oversight (IO) officer, NRO's Office of Civil Liberties and Privacy (OCLP), or ODNI's Office of Civil Liberties, Privacy, and Transparency (CLPT);
- The Director of National Intelligence (DNI);
- The IG for the Intelligence Community (IC IG); and
- A congressional intelligence committee or member of a congressional intelligence committee consistent with specific reporting procedures and accessible through the OIG.

Rules and laws define the work we do, so if you are not familiar with the ones that govern the IC, you can easily mistake a policy disagreement for wrongdoing. This is why it is critical to take your concerns to those who can help you determine what steps, if any, to take when you believe your information may warrant reporting. Contact the NRO OIG via their [redacted] (b)(3)

[redacted]

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Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

(b)(3)

From:
Sent: Friday, December 15, 2017 3:11 PM
To: Gibson Susan S NRO USA GOV
Subject: RE: : Exclusive: Whistleblower Guardian for Spies Escorted Out of Intelligence Agency Building --- UNCLASSIFIED

Classification: UNCLASSIFIED
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Good thinking

Not Responsive Record

From:
Sent: Friday, December 15, 2017 2:18 PM
To: Gibson Susan S NRO USA GOV
Subject: RE: : Exclusive: Whistleblower Guardian for Spies Escorted Out of Intelligence Agency Building --- UNCLASSIFIED

(b)(3)

Classification: UNCLASSIFIED
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I know some of it but none of it is good nor is how it is playing out in public…

I'll catch up with after the holiday to get the true gouge.

(b)(3)

Merry Christmas,

Not Responsive Record

From: (b)(3)
Sent: Friday, December 15, 2017 8:39 AM
To: Gibson Susan S NRO USA GOV
Subject: : Exclusive: Whistleblower Guardian for Spies Escorted Out of Intelligence Agency Building --- UNCLASSIFIED

Classification: UNCLASSIFIED
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Exclusive: Whistleblower Guardian for Spies Escorted Out of Intelligence Agency Building

The clashes at the Office of the Intelligence Community Inspector General continue to escalate.
Jenna McLaughlin, ForeignPolicy.com, 14 December 2017

The chairman of the the U.S. Senate Judiciary Committee is demanding to know why an employee in charge of whistleblower outreach was removed from his workplace "pending a tribunal."

"I just learned that Dan Meyer, the Executive Director of Intelligence Community Whistleblowing and Source Protection, was placed on administrative leave and escorted out of his offices pending a tribunal before senior executives to consider his proposed termination," wrote Sen. Chuck Grassley, a Republican from Iowa, in a letter sent November 29 to Director of National Intelligence Dan Coats and Wayne Stone, the acting director of Office of the Inspector General of the Intelligence Community.

The intelligence community inspector general is tasked with conducting audits across the intelligence agencies and independently responding to whistleblower retaliation complaints.

The watchdog office has been involved in independent reviews of the Boston Marathon bombing, as well as former Secretary of State Hillary Clinton's use of a private email server.

It has also recently been embroiled in a turf war fraught with competing personalities and visions on how to provide resources for potential whistleblowers, as reported in an investigation by Foreign Policy. Dan Meyer, the man in charge of outreach to

whistleblowers, had his duties and privileges revoked, and now he has been kicked out of his office pending an investigation.

Officials are still deciding whether or not to fire him, though have not provided public reason for their actions. Some inside the intelligence community remain concerned that sidelining Meyer, who helps employees field complaints legally, could inadvertently lead to the next major leaker, like former NSA contractor Edward Snowden.

In the meantime, there is no confirmed intelligence community inspector general. Wayne Stone, the acting inspector general, has been studying at Harvard most weeks since Chuck McCullough, who previously held the position, retired in early March.

The chaos has drawn the attention of Congress, particularly Grassley, who is known for his commitment to whistleblower rights.

Citing media coverage of the inspector general's current predicament, Grassley argued it is important that Meyer be protected from retaliation for managing his whistleblower protection program, and demanded any records and documents relating to his case.

"For the agency to take such a drastic personnel action while there is no confirmed, permanent Inspector General in place irreparably undermines the independence of that office," he wrote.

"While we will not speak to any alleged cases, the ODNI unequivocally supports Intelligence Community whistleblower programs. We are committed to ensuring that all IC personnel have the means available to report wrongdoing to a variety of authorized individuals without compromising national security or retaliation," wrote a spokesperson from the Office of the Director of National Intelligence.

Not Responsive Record

Not Responsive
Record

Approved for Release: 2019/10/02 C05124676

From:
Sent: Tuesday, January 23, 2018 1:08 PM
To: Gibson Susan S NRO USA GOV
Subject: RE: Senate hears from IC nominees as spy authority renewal is set to pass --- UNCLASSIFIED

(b)(3)

Classification: UNCLASSIFIED
==========

How is life down there? Keeping busy and engaged with satisfying work?

VR,

Not Responsive Record

From: (b)(3)
Sent: Thursday, January 18, 2018 7:51 AM
To: Gibson Susan S NRO USA GOV
Subject: Senate hears from IC nominees as spy authority renewal is set to pass --- UNCLASSIFIED

Classification: UNCLASSIFIED
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Susan

FYI

RE the DNI GC... do you know this person? To a layman, it looks like the hand of John Kelly in action.

Senate hears from IC nominees as spy authority renewal is set to pass

Chase Gunter, FCW.com, 17 January 2018

President Donald Trump's nominees for two oversight roles in the intelligence community offered support of reauthorizing the government's surveillance powers and cooperation with investigations into Russian electoral interference during a smooth confirmation hearing.

Michael Atkinson, nominated to serve as inspector general of the intelligence community, and the Jason Klitenic, the administration's pick for general counsel for the director of national intelligence, touched on Section 702 reauthorization, investigations into foreign electoral interference, as well as how to remedy past oversight challenges during their joint hearing before the Senate Intelligence Committee on Jan. 17.

Section 702 of the Foreign Intelligence Surveillance Act permits the warrantless collection and review of communications of Americans who have some link to a foreign surveillance target.

Klitenic, a former deputy general counsel at the Department of Homeland Security and deputy associate attorney general at the Justice Department, called Section 702 "maybe the most important tool... in the toolkit of the intelligence community and law enforcement community."

As it stands, the authorities afforded to spy agencies are set to expire with the current shutdown deadline on Jan. 19.

The House passed a bill reauthorizing 702 authorities by a vote of 256-164 on Jan. 11. A motion to end debate on the measure squeaked by in the Senate by a vote of 60 to 38. A vote to pass the bill is expected soon.

Civil libertarians are complaining that the FISA Amendments Reauthorization Act of 2017 failed to include safeguards and protections on the collection of information on Americans.

"Many innocent Americans get caught up in that," Sen. Rand Paul (R-Ky.) said in remarks before the vote.

"Despite the ample evidence that these authorities have been abused, the bill fails to meaningfully restrict the government's ability to unlawfully sift through the private emails, messages, and other digital communications of individuals without probable cause or approval from a judge," said Neema Singh Guliani, legislative counsel for the American Civil Liberties Union.

At the confirmation hearing, Klitenic affirmed his support for reauthorizing the 702 authorities. When asked about the concerns over civil liberties, he deferred to previous court rulings. "The courts have reviewed it, and each court has found it to be constitutional," he said.

Atkinson, currently serving as a Justice Department attorney, testified, "I know the Department [of Justice] feels very strongly about reauthorizing Section 702," He added, however, that "I'm not an expert on 702... I don't know all the challenges associated with it."

Klitenic testified that his experience at DHS and DOJ "involving counterterrorism, cyber security, data privacy and government-wide information sharing initiatives" will carry over to the legal role for the intelligence community.

Atkinson said his "first objective" as IG would be to get the right people in place -- and the wrong people out. He also testified to the necessity of enforcing strong whistleblower protections "without compromising national security and without retaliation."

The role of the central watchdog for the intelligence community requires coordination between the 16 different agencies.

"There is a broad view... the IC IG is not currently functioning as effectively as Congress intended," said Atkinson. "I think the challenge is balancing out the autonomy of action the individual IGs need to have to fulfill their duties and responsibilities with the unity of effort that we'll all need to have collectively, so we that we maximize our efficiency and effectiveness."

To help coordinate oversight, Atkinson said he would "welcome" help from the Government Accountability Office in conducting audits.

"It makes perfect sense to make use of GAO since they have subject matter experts in auditing," he said. "I see them as a force multiplier, and I would use them as much as possible."

UNCLASSIFIED

From:
Sent: Tuesday, January 23, 2018 1:29 PM
To: Gibson Susan S NRO USA GOV; Gibson Susan S NRO USA GOV; Gibson Susan S NRO USA GOV (b)(3)
Cc:
Subject: IG Networking Session at IC IG Conference - 1 March 2018

Classification: UNCLASSIFIED
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Good Afternoon,

As part of the networking sessions at the IC IG Conference on 1 March 2018 from 11:15 am – 11:45 am, and conference keynote speaker, will meet with the IGs for some informal conversation/small talk.

We hope your schedules will allow you to attend the conference and participate in this session.

Please let me know if you have any questions.

Regards,

(b)(3)

From:
Sent: Friday, January 19, 2018 9:55 AM
Gibson Susan S NRO USA GOV

(b)(3)

Subject: REGISTER NOW! 2018 Intelligence Community Inspectors General Conference - 1 March 2018

Classification: UNCLASSIFIED

Registration is open for the 2018 Intelligence Community Inspectors General Conference, hosted at the National Geospatial-Intelligence Agency (NGA) headquarters on March 1, 2018.

This one-day conference addresses key topics in the IG community, to include:

- Data Analytics
- Exploiting Social Media
- Audit Committee Update
- IC Threat Management and Information Sharing Programs
- Whistleblowing, and much more!

We have speakers from across the IC IG community, other federal agency OIGs, and the Defense Criminal Investigative Service.

The conference provides up to five (5) Certified Professional Education (CPE) credits for attendance.

Click here to register and view more details. **Registration closes February 15, 2018.**

*If you receive an "**Access Denied**" message while attempting to register, please click **"Sign In"**(top right of screen) if you have an Intelink Passport account. This should automatically give you access to register. Users are typically automatically signed in to their Passport account, others may need to sign in if their Passport account has not been accessed for a period of time. If you run into any issues, please let us know and we''ll be glad to help.*

You can also access the conference site through the IC IG home page at:

Questions about the conference can be sent to:

Primary Contact:

Alternate Contact:

(b)(3)

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Classification: UNCLASSIFIED

From: (b)(3)
Sent: Friday, January 26, 2018 12:50 PM
To: Gibson Susan S NRO USA GOV;
Subject: RE: (U) IC Whistleblower Working Group --- UNCLASSIFIED/~~/FOUO~~

Classification: UNCLASSIFIED/~~/FOR OFFICIAL USE ONLY~~

Thanks, Susan – that's a great idea. Along those lines who also has been very supportive, suggested we put it on the agenda for the next IC IG Forum meeting in a couple of weeks, which sounds great to me as well. I look forward to discussing and working with you all on this important effort – best, (b)(3)

(b)(3)

Not Responsive Record

Not Responsive Record

From: (b)(3)
Sent: Friday, January 26, 2018 9:35 AM
To:
Gibson Susan S NRO USA GOV
Subject: (U) IC Whistleblower Working Group

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Good morning – as I mentioned to a number of you at the CIGIE meeting last Tuesday and elsewhere, I would like to work with you all to start an IC Whistleblower Working Group with the agencies represented in the IC IG Forum. As many of you know, at DOJ OIG, we started and led a CIGIE working group for OIG Whistleblower Ombudsmen, and it was generally very well received within the community, on the Hill, and elsewhere. The group has met quarterly since the beginning of 2013 to share best practices and discuss issues related to our OIGs' important work in this area, including hearing from and interacting with stakeholders from within and outside government, and helping to develop and conduct a number of related programs and events. We also had an active listserve that we used to share experiences and matters of common interest between meetings. I mentioned my desire to work within the community to start such a working group for the IC when I was talking with SSCI staffers late last week, and they were very supportive of the idea, as everyone has been.

I would very much appreciate your thoughts on this effort and how you think it should be implemented. In that regard, assuming we do want to go forward, please let me know whom from your offices you would like to participate -- FYI, with the CIGIE Ombuds Working Group, we had a mix of folks, with some from OIG Front Offices, some from their Counsel's shops, and some from Investigations Divisions or hotlines (which actually provided a nice variety of perspectives, though it was obviously a much larger group). I'd be happy to host the first meeting here, though I'm more than willing to rotate that among offices should people prefer. Similarly, I'd be pleased to have us lead the group at the outset (I intend to ask my counsel, to represent us as we get started) or to have some other rotation or selection process as folks desire.

However we choose to put this into motion, it does seem like coordination and cooperation in this important area would be a worthwhile effort, and I hope to work with all of you to accomplish that, with an eye toward having our first meeting before the end of February if possible. Of course, if you have any questions or want to discuss further, please just reach out at your convenience. For that purpose, and your general information going forward, my direct lines here are and, if I'm not at my desk, our (b)(3)
general and I'm sure they can track me down. I also sent this to everyone on the low side, but am resending here for those of you who I suspect may find this more convenient.

Best to all,

Classification: UNCLASSIFIED/~~/FOR OFFICIAL USE ONLY~~

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Classification: UNCLASSIFIED/~~/FOUO~~

Classification: UNCLASSIFIED/~~/FOR OFFICIAL USE ONLY~~

Approved for Release: 2019/10/02 C05124676

[redacted]

From: [redacted] (b)(3)
Sent: Friday, January 26, 2018 12:54 PM
To: Gibson Susan S NRO USA GOV; [redacted]
Subject: RE: (U) IC Whistleblower Working Group
Signed By: [redacted]

Classification: UNCLASSIFIED/~~FOUO~~

Greetings Susan,

On behalf of [redacted] we fully support establishing the WB working group. In fact, we are scheduling an IC IG Forum meeting, which is tentatively scheduled for Tuesday, 13 February 2018. We were in the process of confirming speakers for the date and will send out the official invitation shortly. [redacted] is already agreed to discuss establishing the working group at the Forum meeting, so that may provide an opportunity for an initial IC IG Forum leadership discussion. I will also host my IC IG Counsels meeting prior to the Forum meeting, where we will discuss the implications of the new WB personnel protections for IC contractors passed in the 702 FISA legislation. We hope to see everyone at the next Forum meeting. (b)(3)

Cheers,

[redacted]
General Counsel
Office of the Inspector General of the Intelligence Community

[redacted] (b)(3)

Approved for Release: 2019/10/02 C05124676

Not Responsive Record

From: (b)(3)
Sent: Friday, January 26, 2018 9:35 AM
To:
Gibson Susan S NRO USA GOV
Subject: (U) IC Whistleblower Working Group

Classification: UNCLASSIFIED/~~/FOR OFFICIAL USE ONLY~~

Good morning – as I mentioned to a number of you at the CIGIE meeting last Tuesday and elsewhere, I would like to work with you all to start an IC Whistleblower Working Group with the agencies represented in the IC IG Forum. As many of you know, at DOJ OIG, we started and led a CIGIE working group for OIG Whistleblower Ombudsmen, and it was generally very well received within the community, on the Hill, and elsewhere. The group has met quarterly since the beginning of 2013 to share best practices and discuss issues related to our OIGs' important work in this area, including hearing from and interacting with stakeholders from within and outside government, and helping to develop and conduct a number of related programs and events. We also had an active listserve that we used to share experiences and matters of common interest between

meetings. I mentioned my desire to work within the community to start such a working group for the IC when I was talking with SSCI staffers late last week, and they were very supportive of the idea, as everyone has been.

I would very much appreciate your thoughts on this effort and how you think it should be implemented. In that regard, assuming we do want to go forward, please let me know whom from your offices you would like to participate -- FYI, with the CIGIE Ombuds Working Group, we had a mix of folks, with some from OIG Front Offices, some from their Counsel's shops, and some from Investigations Divisions or hotlines (which actually provided a nice variety of perspectives, though it was obviously a much larger group). I'd be happy to host the first meeting here, though I'm more than willing to rotate that among offices should people prefer. Similarly, I'd be pleased to have us lead the group at the outset (I intend to ask my counsel, [redacted] to represent us as we get started) or to have some other rotation or selection process as folks desire.

However we choose to put this into motion, it does seem like coordination and cooperation in this important area would be a worthwhile effort, and I hope to work with all of you to accomplish that, with an eye toward having our first meeting before the end of February if possible. Of course, if you have any questions or want to discuss further, please just reach out at your convenience. For that purpose, and your general information going forward, my direct lines here are [redacted] and, if I'm not at my desk, our general unclass number is [redacted] and I'm sure they can track me down. I also sent this to everyone on the low side, but am resending here for those of you who I suspect may find this more convenient. (b)(3)

Best to all,

[redacted]

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Classification: UNCLASSIFIED/~~/FOUO~~

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Classification: UNCLASSIFIED/~~/FOUO~~

From: [redacted] (b)(3)
Sent: Monday, January 29, 2018 9:43 AM
To: Gibson Susan S NRO USA GOV
Subject: Intelligence Community Whistleblowers Are On Thin Ice --- UNCLASSIFIED

Classification: UNCLASSIFIED
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Sounds like advertising ...

[redacted]

Intelligence Community Whistleblowers Are On Thin Ice

Debra D'Agostino, GovExec.com, 26 January 2018

Late last year, Intelligence Community officials placed Dan Meyer, Director of the Intelligence Community Whistleblowing and Source Protection Program and an avid supporter of whistleblowers, on administrative leave with no explanation. It was chilling news to those who follow such matters. Sen. Chuck Grassley, R-Iowa, said it would be "unacceptable" if Meyer was facing retaliation for communicating with Congress about whistleblower issues.

In a statement, Meyer said, "My promise to the community and its stakeholders is that I will be brutally blunt about the extent of [whistleblower] protection—where it's strong and where there are pitfalls."

Unfortunately, the pitfalls are many.

The whistleblower rights of employees in the Intelligence Community are very limited as compared to those of federal employees in the competitive service. IC employees are specifically excluded from coverage under the Whistleblower Protection Act and Whistleblower Protection Enhancement Act, which protect most civil servants from retaliation and provide avenues for remedy. In part, this is because in most cases, the information an IC employee would disclose is classified, and thus the information cannot legally be released to the public. However, this justification is not entirely logical because IC employees are prohibited even from disclosing unclassified information. Instead, they must follow strict procedures for any disclosure.

The misnamed Intelligence Community Whistleblower Protection Act—which does not prohibit retaliation against IC whistleblowers, or provide any avenues for relief from whistleblower retaliation—sets forth procedures for IC employees to blow the whistle. To be considered a protected disclosure, versus an impermissible leak, the complaint or information must be related to an "urgent concern" as defined in the ICWPA; and the employee must bring the complaint or disclose the information, within 14 days, to the

agency through the proper agency channels. Practically speaking, the ICWPA requires employees with objectively "urgent concerns" to bring those concerns to the attention of the Intelligence Community Inspector General. Following this, if the IC IG finds the information credible, the Director of National Intelligence will transmit the matter to the appropriate committees in Congress, or, the employee may be given the right to notify Congress.

Because of the shortcomings of the ICWPA, President Obama issued Presidential Policy Directive 19, which expressly prohibits retaliation against IC employees who make protected disclosure. However, PPD-19 is not law, and President Trump, or any future administration, may easily revoke it. Title VI of the Intelligence Authorization Act codified some of the protections of PPD-19, but the law still does not provide a neutral forum for IC employees to adjudicate retaliation claims, such as the U.S. Office of Special Counsel, which takes complaints from most federal employees in the competitive service. This means that the very agency leadership that retaliated may also be the ones with the authority to adjudicate the retaliation claim, and there is no way for an IC employee to properly take the matter outside of the defined internal avenues. This is why Dan Meyer and his program have been so vitally important to protecting IC employees, and why, if no one else will, Congress must intervene to protect Mr. Meyer to ensure he is not engulfed by the very pitfalls he has fought so hard to protect others from stumbling into.

Debra D'Agostino is a founding partner of The Federal Practice Group. She has more than a decade of experience in employment law and has represented clients in matters before the EEOC, MSPB, the U.S. Court of Appeals for the Federal and D.C. Circuits and the U.S. Court of Federal Claims.

UNCLASSIFIED

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Classification: UNCLASSIFIED

[redacted]

From: [redacted]
Sent: Thursday, February 8, 2018 2:26 PM
To: [redacted] (b)(3)
[redacted] Gibson
Susan S NRO USA GOV; [redacted]
Cc: [redacted]
Subject: REMINDER: REGISTER NOW! 2018 Intelligence Community Inspectors General Conference - 1 March 2018

Classification: UNCLASSIFIED
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Friendly reminder to register for the 2018 Intelligence Community Inspectors General Conference scheduled for 1 March 2018 at the National Geospatial-Intelligence Agency (NGA) Headquarters in Springfield, VA.

Registration closes next week, **15 February 2018**. All participants **must** register to attend.

Click **here** to register and view more details.

NOTE: Due to an unforeseen event, our scheduled keynote speaker will be unable to join us. Luckily, [redacted] has agreed to be the keynote speaker for the conference. As the Chair of the Council of (b)(3)
Inspectors General on Integrity and Efficiency as well as a member of the IC IG Forum, [redacted] is uniquely positioned to provide remarks on the tremendous growth in IG oversight across the IC. Especially as we celebrate the 40th Anniversary of the IG Act of 1978 this year, [redacted] will provide remarks on the growth of the number of IC IGs, the increase in IG independence, and the impact of oversight into some of the most highly sensitive and critical national security areas.

Additionally, the "Oversight Through a Lens" breakout session has been changed to "Sail the Seven C's - Navigate Life Awake and at the Helm." Individuals who signed up for the Oversight Through a Lens session

will automatically be transferred to the replacement session. If they wish to attend a different session, they should contact

From: (b)(3)
Sent: Friday, January 19, 2018 9:55 AM
Gibson Susan S
NRO USA GOV
Subject: REGISTER NOW! 2018 Intelligence Community Inspectors General Conference - 1 March 2018

Classification: UNCLASSIFIED
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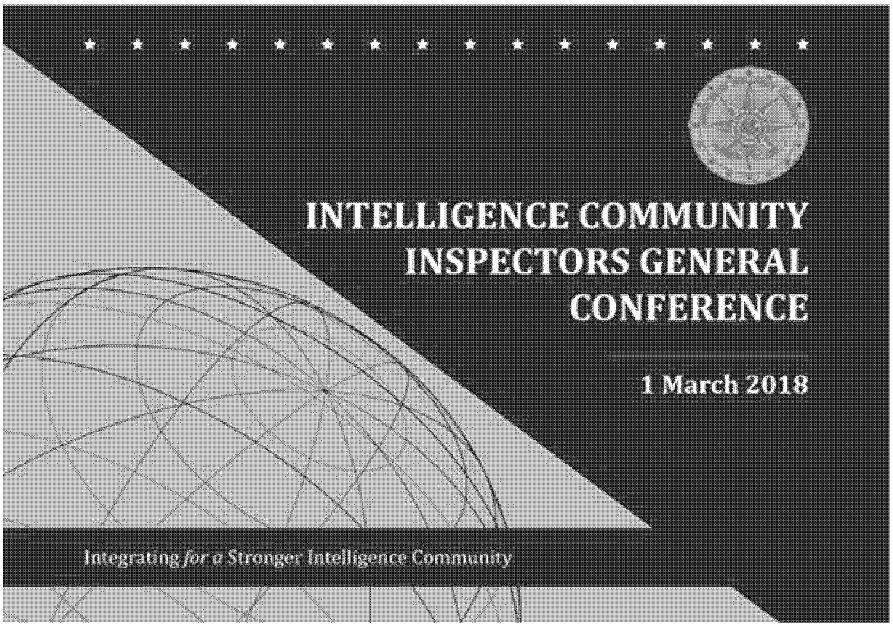

Registration is open for the 2018 Intelligence Community Inspectors General Conference, hosted at the National Geospatial-Intelligence Agency (NGA) headquarters on March 1, 2018.

This one-day conference addresses key topics in the IG community, to include:

- Data Analytics
- Exploiting Social Media

- Audit Committee Update
- IC Threat Management and Information Sharing Programs
- Whistleblowing, and much more!

We have speakers from across the IC IG community, other federal agency OIGs, and the Defense Criminal Investigative Service.

The conference provides up to five (5) Certified Professional Education (CPE) credits for attendance.

Click here to register and view more details. **Registration closes February 15, 2018.**

*If you receive an "**Access Denied**" message while attempting to register, please click **"Sign In"**(top right of screen) if you have an Intelink Passport account. This should automatically give you access to register. Users are typically automatically signed in to their Passport account, others may need to sign in if their Passport account has not been accessed for a period of time. If you run into any issues, please let us know and we'll be glad to help.*

You can also access the conference site through the IC IG home page at:

Questions about the conference can be sent to:

Primary Contact:

Alternate Contact:

(b)(3)

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Approved for Release: 2019/10/02 C05124676

[redacted]

From: [redacted] (b)(3)
Sent: Wednesday, February 14, 2018 9:46 AM
To: Gibson Susan S NRO USA GOV
Subject: FNews Items of Interest Feb 12, 2018 - [Link to Attachment(s)] --- UNCLASSIFIED

Classification: UNCLASSIFIED
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Susan

This may be of interest to you tho likely no surprises here.

VR, [redacted]

U.S. Intelligence Shuts Down Damning Report on Whistleblower Retaliation <>

Kevin Poulsen |aily Beast | Feb 11, 2018 <>

A top watchdog investigated 190 cases of alleged retaliation against whistleblowers—and found that intelligence bureaucrats only once ruled in favor of the whistleblower. <> *PAO note: The one case found in favor of the the whistleblower was at DIA.

Intelligence Community <>(1)

U.S. Intelligence Shuts Down Damning Report on Whistleblower Retaliation <>

Kevin Poulsen |aily Beast | Feb 11, 2018 <>

A top watchdog investigated 190 cases of alleged retaliation against whistleblowers—and found that intelligence bureaucrats only once ruled in favor of the whistleblower. <>

The nation's top intelligence watchdog put the brakes on a report last year that uncovered whistleblower reprisal issues within America's spy agencies, The Daily Beast has learned. The move concealed a finding that the agencies—including the CIA and the NSA—were failing to protect intelligence workers who report waste, fraud, abuse, or criminality up the chain of command.

The investigators looked into 190 cases of alleged reprisal in six agencies, and uncovered a shocking pattern. In only one case out of the 190 did the agencies find in favor of the whistleblower—and that case took 742 days to complete. Other cases remained open longer. One complaint from 2010 was still waiting for a ruling. But the framework was remarkably consistent: Over and over and over again, intelligence inspectors ruled that the agency was in the right, and the whistleblowers were almost always wrong.

The report was near completion following a six-month-long inspection run out of the Intelligence Community Inspector General office. It was aborted in April by the new acting head of the office, Wayne Stone, following the discovery that one of the inspectors was himself a whistleblower in the middle of a federal lawsuit against the CIA, according to former IC IG officials.

Stone also sequestered the mountain of documents and data produced in the inspection, the product of three staff-years of work. The incident was never publicly disclosed by the office, and escaped mention in the unclassified version of the IC IG's semiannual report to Congress.

The IC IG's office declined to comment for this story.

The affair casts serious doubt on the intelligence agencies' fundamental pact with the rank and file: that workers who properly report perceived wrongdoing through approved channels won't lose their job or, worse, their security clearance, as a result. It also adds another layer of controversy to the Intelligence Community Inspector General office, already under fire for cuts to its whistleblower protection program and the unexpected sacking of the program's executive director in December. In a confirmation hearing last month, Trump's pick to head the watchdog agency acknowledged the apparent chaos in the office, citing a detailed expose by Foreign Policy magazine. "My first objective as Inspector General, if confirmed, will be to make sure the IC IG's house is in order," said former Justice Department prosecutor Michael Atkinson.

Stone shut down the whistleblowing inspection just days after taking over for Charles McCullough III, who'd served as the intelligence community inspector general from the day the office was founded in 2010 until his retirement in March of last year.

"The affair casts serious doubt on the intelligence agencies' fundamental pact with the rank and file: that workers who properly report perceived wrongdoing through approved channels won't lose their job."

None of this was supposed to happen. In 2012, then-President Barack Obama signed a policy directive called PPD-19, which prohibits intelligence agencies from punishing workers who report abuses through approved government channels. The directive has been left in place under President Trump.

Among other things, PPD-19 requires the Office of Inspector General (OIG) at each agency to carry out an investigation when a worker complains he or she suffered retaliation for lawful whistleblowing. If, after investigating, the OIG finds no evidence of reprisal, the whistleblower can appeal up to the Intelligence Community Inspector General, who can choose to impanel a three-person appellate board, comprised of IGs from other agencies, to review the case and either affirm or disagree with the OIG's decision.

Approved for Release: 2019/10/02 C05124676

The investigators found that basically never happened. "Absent a review process which adheres to mandated legal standards for reprisal investigations, the protections remain weak with minimal chance for a complainant to have a reprisal complaint substantiated," read one of the conclusions in the suppressed inspection. "From the data it appears PPD-19 has had no impact on Agency reprisal investigations and/or protections for complainants making protected disclosures."

Rob Johnson, the former deputy IC IG under McCullough, broadly confirmed the findings in an interview with The Daily Beast, attributing some of the problems to the expected growing pains in implementing a new policy.

"We saw a couple of cases from some offices that showed that they didn't speak to witnesses that they should have, or that the cases had languished," says Johnson. "And we saw cases where they took no action... Whether it was systemic or not, well, that's why we were doing the inspection."

The IC IG probe was billed as the first independent check-up on how seriously the intelligence inspector generals were taking the presidential directive, and a possible first step in setting a formal peer review process in the future. Six experienced inspectors had been chosen for the probe: three permanent members of the IC IG staff, and three more who were on extended loan from other agencies, the Defense Intelligence Agency, the FBI, and the CIA.

Of the six, the CIA officer—we're calling him James Pars, the alias the CIA assigned him for his lawsuit—was likely the least accustomed to working in the comfortable climes of the IC IG's air-conditioned office. Cuban-American and now in his early fifties, Pars was part of the CIA's controversial Directorate of Operations, the small group responsible for carrying out covert actions abroad. A mosaic of interviews with colleagues, court filings and details in other documents seen by The Daily Beast paint a picture of a man who has seen a lot of nasty stuff over the years, serving in war zones in Iraq and Afghanistan, South American jungles, and cities like Bagdad and at least one other Middle East capital.

A sanitized autobiography Pars prepared in connection with his court action is riddled with staccato bursts of trauma: "… sleep deprived, and having to constantly relay threat information to appropriate entities…"; "… the direct line of fire for one rocket which must have missed my exact location by meters as it tore through our living quarter…" , "… helicopters which had to take evasive maneuvers and discharge flares because of a perceive threat…" "… a leaking casket by my feet and two decomposing dead bodies in body bags not far from me…" The anecdotes, shorn of locations and dates, don't lend themselves to easy verification, but a former intelligence colleague confirms the gist of it. "He understands what happens in the field. He's been in the mud and blood."

There are notes of regret in Pars' subjective career rundown—particularly

over the long stints away from his wife and young daughter—but few traces of resentment or personal grievance. That is, until he recounts, with agonizing precision, two occasions when he clashed with a superior, and felt mistreated by the CIA's bureaucracy afterward. The first incident in 2009 ended with him being sent home from a long-term assignment in South America. The second, and the one that ultimately led to his lawsuit, began in December 2014 when he was made the CIA's deputy chief of base at a U.S. military site that Pars doesn't name, but which matches the sprawling Bagram Air Base in Afghanistan.

At Bagram, Pars had issues with his new boss, the chief of base, who he believed was running her command "like a college dormitory," as Pars later wrote in a court filing. She allegedly adopted favorites within her staff, and placed "her personal needs of cooking, baking, socializing, entertainment, exercise and shopping above the needs of the mission, often going days and sometimes more than a week without meeting with key personnel."

Pars' most serious complaint charged that the base chief frequently led her personnel on unnecessary errands—"food, shopping or to the gym"—that took them through parts of the base hit frequently by Taliban rocket fire; one such excursion allegedly crossed a flight ramp that was hit by a rocket just 10 minutes later.

Without more information it's hard to weigh the merits of Pars' complaint, and his version of events contains obvious echoes of longstanding gender stereotypes. But under PPD-19 the relevant question isn't whether Pars' concerns were well founded, completely imagined or something in between. Only whether he faced retaliation for reporting them.

Following procedure, Pars sent his concern up the chain of command. Word of his complaint got back down to the base chief, who allegedly retaliated on a scale that ranged from the petty—assigning him to duty as the compound "noise monitor"—to the serious, writing a critical performance review of Pars faulting him for poor communication skills and lack of leadership. Soon after, the CIA's station chief in Afghanistan issued a "short-of-tour" cable reporting that Pars no longer had the confidence of the chief of base. The cable cut short Pars' one-year detail after four months, and sent him home to Virginia with a reduction in take-home pay.

Upon his return, Pars spent months applying for new CIA assignments that would fit his experience and qualifications, according to his lawsuit, but with the poor performance review and short-of-tour cable on his record, he was rejected again and again. His finances went to ruin, as did his family life; his wife left the country, taking their daughter with her. Pars appealed to the Equal Employment Opportunity office for aid, and worked through the CIA bureaucracy to try and clear his name. He finally lodged a whistleblower reprisal complaint in April 2015.

While waiting for the reprisal investigation to run its course, he applied to a detail that would take him outside the CIA for a while. In September 2015, Pars reported for work at a Reston, Virginia, office park that houses the

office of the Intelligence Community Inspector General.

Pars worked as an inspector at the office for nearly a year before he was recruited onto the team that would examine whistleblower retaliation issues. It was a delicate inspection from day one. The intelligence OIGs had recently lost enthusiasm for the PPD-19 whistleblower protection regime, after the very first reprisal case to reach an appeal panel was decided by an independent review board.

In that case, the whistleblower claimed that the NSA's own inspector general, George Ellard, had retaliated against him for reporting wasteful spending on a conference. The Defense Department's OIG ruled against the whistleblower, but the decision was reversed on appeal. In the aftermath, an incensed NSA director Mike Rogers fired Ellard.

"That really did tarnish the IGs perception of PPD-19," says Irvin McCullough, an investigator at the nonprofit Government Accountability Project (and the son of the former IC IG). "They thought the first case would be a manager, and instead it was an IG. They didn't like that."

"Pars' most serious complaint charged that the base chief frequently led her personnel on unnecessary errands—'food, shopping or to the gym'—that took them through parts of the base hit frequently by Taliban rocket fire."

At a setup meeting for the whistleblower inspection on Sept. 1, 2016, Jeanette McMillian, the IG's general counsel, suggested the inspection should focus on the five largest intelligence agencies—CIA, NSA, NRO, NGA, and DIA—as well as the Office of the Director of National Intelligence, according to an official memorandum memorializing the meeting seen by The Daily Beast. She added that PPD-19 might go away after the next president was sworn in, and, in a departure from protocol, urged the inspectors to conduct a quick evaluation that would end by Inauguration Day and reach a positive conclusion. "Conducting a review and affirming that PPD-19 is working would help to continue these protections with a new presidential administration," reads the memo, paraphrasing McMillian.

Continuing in that vein, McMillian noted that a positive finding would also provide a nice send-off for departing Director of National Intelligence James Clapper, according to the memo. Clapper's term had largely been defined by the Edward Snowden revelations, and he was a staunch supporter of PPD-19, hoping that clear, protected avenues would encourage American spies to keep their complaints in the intelligence family instead of in the press. (Contractors like Snowden aren't covered by PPD-19, but a measure renewed by Congress last month offers contractors similar protections.) McMillian expressed the view that "an evaluation that affirms that PPD-19 is working would be a 'feather in the cap' for DNI Clapper, and a good way to send DNI Clapper on his retirement," according to the memo.

The IG officially kicked off the inspection in early October 2016, and the six inspectors, including Pars, began conducting interviews inside the agencies

(the three inspectors on joint detail were recused from the interviews inside their home agency), gathered the procedures, forms, and manuals used in reprisal cases, and collected and crunched the internal numbers.

Two months later, Pars quietly filed his retaliation lawsuit against the CIA.

Getting into court is a complicated process for an undercover CIA officer. Pars first had to receive his agency-assigned alias, and hire a lawyer who had, or could get, a security clearance—in this case, Washington, D.C., employment law attorney Susan Kruger. "I sent the complaint to be reviewed by the CIA first, because I didn't want to file something that contained information that was secret," said Kruger. "So you might say they were on notice."

When the lawsuit finally hit the docket in December 2016, some 630 days had elapsed since Pars lodged his reprisal complaint—two-and-a-half times the 240-day limit endorsed by PPD-19. And still there was no decision. Without an OIG ruling one way or the other, Pars couldn't appeal to the IC IG (where he worked) for an external review board, for the simple reason that there was no ruling to appeal. It's PPD-19's Catch-22. "We just wanted them to take the first step and complete their investigation," Kruger said.

For whatever reason, though, Pars didn't tell his superiors that he was suing the CIA for whistleblower retaliation at the exact same time that he was serving on a large-scale inspection of the same.

By February, it was clear that the results of that inspection would be a feather in nobody's cap. The data alone was troubling. The inspectors general at the six agencies had received 190 allegations of reprisal from 2010 through 2016, according to unclassified memoranda from the inspection seen by The Daily Beast. Less than half, 61 complaints, had been investigated, and of those 57 were ruled unsubstantiated.

The NSA had received 56 of the retaliation complaints and investigated 12; the CIA got 62, investigated 13 and shunted 21 to other offices, primarily Equal Employment Opportunity.The Defense Intelligence Agency, or DIA, received 50 complaints, and investigated 19. In the entire batch of 190 cases, only once did an OIG find in favor of the whistleblower. That was in a DIA case that took 742 days to complete. Other cases remained open longer. One complaint from 2010 was still waiting for a ruling.

Beyond the numbers, the inspectors found endless obstacles to effective whistleblower protection in the spy agencies, according to documents from the prove. There was no clear standard for conducting reprisal investigations; even the standard of proof—probable cause? preponderance of the evidence?—was murky to the OIGs. The investigation manuals at most agencies gave retaliation probes only cursory attention. There were mixed incentives in play: The primary metric for weighing an OIGs effectiveness was how much money the office saved taxpayers through its waste and fraud investigations, and a successful

whistleblower claim could cost the government money in the form of back wages or attorneys fees. Some inspectors complained that reprisal cases were too difficult and time consuming compared to other OIG tasks, and even the most dedicated investigator might struggle to definitively prove a connection between an intelligence worker's subpar performance review, reduced security clearance or missed promotion to their prior whistleblowing.

In March the inspection moved into the final stage and the team was preparing the official report, earmarked for Donald Trump's newly confirmed director of national intelligence, Daniel Coats. Copies would have gone to all the intelligence IGs, as well, according to Johnson, and probably to Congress. A public release was also on the table.

Instead, it went nowhere.

In early April, rumors of Pars' lawsuit reached the IG IC's office. Under questioning, Pars acknowledged he was the pseudonymous plaintiff in the case. Stone immediately removed Pars from the inspection and sent him back to the CIA.

Pars wasn't a zealot, and his work was always diligent and thorough, say former colleagues. But removing him from the project was largely uncontroversial. "We have a standard in the IG to not only avoid a conflict of interest, but to avoid the appearance of a conflict of interest," Johnson says, and Pars wouldn't have been permitted to work on the inspection if they'd known he had a whistleblower retaliation complaint pending at CIA.

But Stone's next action was more puzzling. The following day he ordered the entire inspection halted, according to sources from the agency. Data, files, memos, charts, and graphs were locked down and work on the final report stopped on a dime. The official explanation was that the inspection had been tainted by Pars' involvement. But even now questions loom over the decision.

Johnson says there's virtually nothing a single inspector could do to contaminate a report that relies heavily on verifiable numbers. "Everything has to be backed up with data... There's not a lot of opinion on those reports." Some former IC IG officials believe that Stone used the Pars affair as an pretext to kill an inspection that was producing inconvenient results. "Pars was told to cease and desist and they walked him out the door and buried the program," says one former IC IG official who worked with Pars. "They pulled the carpet out from under him because they wanted an excuse to quash the report."

Though the whistleblower report never appeared, last October the nonprofit Project on Government Oversight got ahold of a leaked copy of one of the inspection memos. They quoted from it in an article. "A complainant alleging reprisal for making a protected disclosure has a minimal chance to have a complaint processed and adjudicated in a timely and complete manner."

Calling the language "stark," Dianne Feinstein brought up the memo the next day in a tense exchange at the Senate confirmation hearing for Christopher Sharpley, the acting CIA inspector general and Trump's pick for the permanent position.

"I would ask that you provide a copy of that document to our office, the Intelligence Committee's office," she told Sharpley.

"Senator, I am unfamiliar with that document," said Sharpley, seemingly taken aback. "I am not aware of its contents… The IC IG did not make me aware of it as acting IG at CIA. This is the first I'm hearing of this particular program."

One source familiar with the abortive whistleblower inspection says this particular memo was written by Pars.

Pars' lawsuit is still pending, but the Justice Department has asked the court to dismiss the claim, pointing to language in PPD-19 that more or less says the directive can't be used as the basis for a lawsuit. After the drama in the IC IG, Pars' future in the CIA is even dimmer. Two sources with knowledge of the matter say the agency recently referred Pars to an executive review board as the first step to possibly terminating his service to the CIA. Attorney Kruger said she couldn't comment on anything beyond the lawsuit, but after a pause added, "In general we believe that the CIA is taking further actions in retaliation against him."

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Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

Approved for Release: 2019/10/02 C05124676

From:
Sent: Monday, March 12, 2018 11:58 AM
To: Gibson Susan S NRO USA GOV;
Cc:
Subject: RE: (U) RE: Sen Warner memo GAO - Whistleblowers in the IC - RFI: 102577 --- UNCLASSIFIED

(b)(3)

Classification: UNCLASSIFIED/~~FOR OFFICIAL USE ONLY~~

And, I believe we also discussed at the conference that this would be a useful topic for the IC whistleblower working group, the first meeting of which I believe is now scheduled for next Wednesday, and that it made sense to contact GAO to try to set up a joint entrance thereafter. I don't know if you folks have reached out on that yet but it might also be an opportunity to confirm who is covered as well. Best to all,

(b)(3)

(b)(3)

Inspector General
National Security Agency

Not Responsive Record

Not Responsive Record

From:
Sent: Monday, March 12, 2018 8:45 AM
To: Gibson Susan S NRO USA GOV;
(b)(3)

Subject: RE: (U) RE: Sen Warner memo GAO - Whistleblowers in the IC - RFI: 102577

Classification: UNCLASSIFIED
==========

All,

NGA just found out that GAO sent the RFI to The Washington Headquarters Services (dated: February 28, 2018) for: DOD IG, NGA IG and DIA IG. Timeframe of the entrance conference: Week of March 12, 2018.

My staff will send scanned copied to the DOD IG and DIA IG. We are also getting specifics on date and time of the entrance conference. Thanks.

(b)(3)

Inspector General
Office of Inspector General (OIG)
National Geospatial-Intelligence Agency (NGA)

From:
Sent: Monday, March 12, 2018 10:03 AM
To:
; Gibson Susan S NRO USA GOV <
(b)(3)

Subject: RE: (U) RE: Sen Warner memo GAO - Whistleblowers in the IC - RFI: 102577

Classification: UNCLASSIFIED
==========

Likewise, as of today, Monday 12 March, NGA still has not received: memo GAO - Whistleblowers in the IC - RFI: 102577.

(b)(3)

Inspector General
Office of Inspector General (OIG)
National Geospatial-Intelligence Agency (NGA)

From:
Sent: Monday, March 12, 2018 7:50 AM
To: ; Gibson Susan S NRO USA GOV
(b)(3)

Subject: (U) RE: Sen Warner memo GAO - Whistleblowers in the IC - RFI: 102577

Classification: UNCLASSIFIED/~~FOR OFFICIAL USE ONLY~~

As of Friday, we hadn't seen the letter here yet – will check again this am. Happy to get together, of course. Best to all,

(b)(3)

From
Sent: Monday, March 12, 2018 7:45 AM
To: Gibson Susan S NRO USA GOV

(b)(3)

Subject: RE: Sen Warner memo GAO - Whistleblowers in the IC - RFI: 102577

Classification: UNCLASSIFIED/~~/FOUO~~

Susan,

DIA still hasn't received a letter from GAO announcing the review. I agree with your thought of an IGs meeting with GAO first, as we discussed at the IC IG Conference a few weeks ago. My sense was that was taking that back to reach out to GAO and find a time that worked. (b)(3)

V/R,

Inspector General
DIA

(b)(3)

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From:
Sent: Wednesday, February 28, 2018 3:40 PM
To: Gibson Susan S NRO USA GOV; (b)(3)

Subject: Sen Warner memo GAO - Whistleblowers in the IC - RFI: 102577

Classification: UNCLASSIFIED//~~FOUO~~

Here you go, sorry about a few scribbles on my copy.

V/R,

(b)(3)

Inspector General
DIA

(b)(3)

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Not Responsive Record

(b)(3)

From:
Sent: Wednesday, February 28, 2018 3:23 PM
To: Gibson Susan S NRO USA GOV;

Subject: RE: New GAO - Whistleblowers in the IC - RFI: 102577

Classification: UNCLASSIFIED/~~/FOUO~~

Thanks for the awareness, Susan. I've not heard that our Agency has received yet but will put out some feelers – and look forward to talking to all of you more about this tomorrow.

V/R,

(b)(3)

Inspector General
DIA

(b)(3)

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