



## The peculiar priorities of Adam Schiff

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Has the chairman of House Permanent Select Committee on Intelligence (HPSCI), Rep. Adam Schiff (D-Calif.), usurped the roles of his House Judiciary and Foreign Affairs counterparts at the expense of his own committee's oversight responsibilities? A reading of the soon-to-be considered Intelligence Authorization Act (H.R. 3494) strongly suggests the answer is yes.

The bill, which covers not one but three consecutive fiscal years (2018-20), has multiple provisions calling for Intelligence Community (IC) reports on issues such as "influence operations and campaigns in the United States by the Communist Party of China" as well as an assessment on "legitimate and illegitimate financial and other assets of Vladimir Putin" and a "Report on death of Jamal Khashoggi." These and many other provisions in the 247-page bill share a common theme: a concern about the conduct of foreign actors either in or otherwise impacting the United States. But those issues are not why HPSCI and its counterpart committee in the Senate were created over 40 years ago.

The core of S. 21, the Senate resolution that created what would become known as the Church Committee (named for its then-chairman, Sen. Frank Church (D-Idaho)), was a focus on what America's own federal intelligence and law enforcement agencies had been doing right here at home. The resolution charged the committee to "conduct an investigation and study of governmental operations with respect to intelligence activities and the extent, if any, to which illegal, improper, or unethical activities were engaged in by any agency of the Federal Government." The contrast between the Church Committee's focus and that of Schiff is stark—and dangerous.

Consider Section 305 of H.R. 3494, "Extending the Intelligence Identities Protection Act of 1982." The arcane "strike-and-replace" language of Section 305 belies a power grab by CIA Director Gina Haspel, cloaked in the rhetoric of protecting the identities of American undercover spies--despite the fact that there's no evidence that the IIPA as currently written has proven an inadequate deterrent to the disclosure of covert CIA operatives.

As the Reporters Committee for Freedom of the Press noted in a July 11 blog post on the provision

“...the CIA has pushed for expansion of the Intelligence Identities Protection Act, which criminalizes the disclosure of identities of undercover intelligence agents. When it was passed initially, the IIPA was intended to protect only the identities of undercover agents or informants who served, resided, or had served abroad within the past five years, because of the ‘special danger’ they faced. If the changes advocated by the CIA are adopted, the law would indefinitely criminalize the disclosure of the identity of anyone with a classified relationship to an intelligence agency regardless of whether they have ever served abroad.”

In light of the Trump administration’s employment of the Espionage Act against transparency activist and Wikileaks founder Julian Assange, the Reporters Committee’s concerns are understandable.

But my reading of the bill’s language is much darker: it’s an attempt to prevent a future CIA torture program, should one be initiated, from ever being disclosed. So instead of ensuring that the CIA can never go down that dark road again, Chairman Schiff is helping—knowingly or not—Gina Haspel lay the legal groundwork for a resumption of the kind of “black site” madness that trashed America’s reputation abroad, produced zero actionable intelligence, and served as a recruiting tool for Salafist terrorist groups like ISIS.

It’s important to note that the torture prohibition amendment authored by the late Sen. John McCain (R-Ariz.) and Sen. Dianne Feinstein (D-Calif.) was passed as part of the FY 2016 National Defense Authorization Act, not the Intelligence Authorization Act of the same year. In fact, to the best of the author’s knowledge, nothing like the McCain-Feinstein language has ever been included in any Intelligence Authorization Act.

And lest you think an intrepid whistleblower might try to expose such a scheme in the future, Schiff and his HPSCI colleagues have failed to provide ironclad legal protections for IC whistleblowers who want to report their allegations of waste, fraud, abuse or criminal conduct *directly* to HPSCI or its Senate counterpart, the Senate Select Committee on Intelligence (SSCI).

Would-be IC whistleblowers desperately need a secure, direct channel to HPSCI and SSCI as a means of avoiding tipping off their parent agencies. Without it, professional and personal reprisals that accompany such whistleblowing are inevitable. Schiff’s failure in this area is all the more remarkable given the fact that last November, Sen. Chuck Grassley (R-Iowa) revealed that the CIA had been monitoring whistleblower communications with both the IC Inspector General *and Congress*.

Domestic surveillance abuses by the CIA helped spark the creation of the Church Committee in the first place. Schiff’s response to Grassley’s revelations? An IC IG “...review of the authorities, policies, investigatory standards, and other practices and procedures relating to intelligence community whistleblower matters, with respect to such inspectors general.”

The correct response would have been the impeachment of every CIA official responsible for the surveillance and any reprisals against the whistleblowers. Instead, Chairman Schiff continues to indulge his own peculiar priorities, the latest being a subpoena to and testimony from “Russiagate” figure Felix Sater. Chairman Schiff’s job is not to determine whether Felix Sater is connected to Russia’s intelligence services; his job is to ensure that America’s federal

intelligence agencies don't act like their Russian counterparts here at home. In that regard, his actions to date give new meaning to the phrase "oversight."

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