

## Spooks on the Hill: Senate, House intelligence panels rely heavily on ex-spies

Tim Johnson and Ben Wieder

September 5, 2017

Lawmakers assigned to oversee the sprawling U.S. intelligence apparatus rely strongly on a staff that in recent years has included scores of onetime spooks, analysts and lawyers who previously worked at the spy agencies under scrutiny.

According to a comprehensive analysis by McClatchy, at least one-third, and perhaps far more, of the professional staff members who carry out the work of the House and Senate intelligence committees are themselves veterans of the agencies that the two panels oversee.

That reliance raises questions about how effectively the two oversight committees carry out supervision of a swelling intelligence empire that now employs some 107,000 people with a combined budget projected to reach \$78.4 billion next year.

Some national security experts see little problem as long as the spy agencies thwart any repeat of the Sept. 11, 2001, terror attacks – and so far, the agencies have succeeded. Their triumphs are secret, and largely unheralded.

In other areas of government, watchdog groups are legion. But the intelligence agencies operate with limited oversight, run on a long leash and pay for operations from budgets unconstrained by external audits, making it difficult to identify and rein in ineffective programs or outright misconduct. The task of spotting fraud, waste and abuse (never mind misplaced priorities) is challenging at best, if not impossible.

“If you look at defense programs, there are all kinds of civil society groups that look for inefficiencies or waste or bad ideas and can shine some light on those inefficiencies,” said Larry Hanauer, a security expert who served on the staff of the House intelligence panel from 2005 to 2010. “There are no such entities that can do that when it comes to intelligence programs.”

That makes it crucially important that the intelligence committees of Congress exercise effective oversight, Hanauer added.

The reliance by legislators on committee staff members who once worked in intelligence themselves is understandable given how much information is classified and the secretive nature of the entities they monitor. The veterans already have high-level security clearances, and know

how to probe into existing programs, former staffers said. If there is a flaw in the oversight system, it may be that the staffs of the committees are too small, some added.

### **IT'S AN IMPERFECT SYSTEM BUT I THINK GENERALLY IT WORKS.**

Fred Fleitz, former CIA analyst and House intelligence panel staffer

“The system isn’t perfect,” said Fred Fleitz, a former senior CIA analyst who later served as staff on the House intelligence panel. “We have fairly small committees with small staffs overseeing a huge intelligence bureaucracy of 17 intelligence entities, tens of thousands of employees and billions of dollars of spending.”

Still, Fleitz added: “I think it generally works.”

Others disagreed, saying the committees don’t have sufficient staff to do their jobs, and former employees can protect favored intelligence agencies or programs.

### **THE OVERSIGHT COMMITTEE IS LOOKING AT A VERY BIG VISTA THROUGH A VERY SMALL KEYHOLE.**

Daniel Schuman, policy director at Demand Progress

“The oversight committee is looking at a very big vista through a very small keyhole,” said Daniel Schuman, policy director at Demand Progress, a civil liberties and government reform group in Washington.

### **Clandestine capture**

A McClatchy analysis determined that more than a third of the staff for both the House and Senate intelligence committees between the years 2001 and 2017 previously worked in the intelligence community. A few followed the opposite course, migrating to jobs in intelligence after leaving Capitol Hill.

According to the legislative tracking service LegiStorm, a total of 132 Senate and 135 House staffers — not including clerks, administrative staff or spokespeople — have worked on the committees. McClatchy found more than 50 current or former Senate staffers and nearly 50 current or former House staffers with an intelligence background. Nine of those staffers spent some time working on each of the two committees at separate times.

McClatchy’s analysis determined the staffers’ backgrounds based on searches of LinkedIn profiles, congressional records, executive profiles and in a handful of cases, press reports, obituaries or personal interviews in which the former or current committee staff members publicly acknowledged their own intelligence background.

In dozens of cases, McClatchy could not determine whether a given staff member had worked in intelligence. Some have left almost no trace on the internet, itself perhaps a telling sign of a sensitive prior professional life.

In fact, veterans of the committees say the true percentages are much higher.

One former staff director, who declined to speak for attribution because of the sensitivity of the subject, said “all but a couple” of professional staff under him had come from intelligence agencies.

Another former House intelligence staff member, Mieke Eoyang, a lawyer who has no intelligence agency background and served from 2007 until 2010, said she thinks “maybe two-thirds, maybe 75 percent” of fellow staff members were former intelligence agency employees.

**I’M THINKING OFF THE TOP OF MY HEAD THAT IT WAS PROBABLY A 50/50 SPLIT.**

Eric Chapman, former House intelligence panel staffer

A former Senate intelligence committee staffer, Eric Chapman, said of the staff composition while he was there from 2007 until 2011: “I’m thinking off the top of my head that it was probably a 50/50 split.”

The majority of staffers on the committees whom McClatchy found had held previous jobs in the intelligence community came from the CIA. McClatchy counted more than 40 with a CIA background. Dozens also came from the National Security Agency, the Defense Intelligence Agency and intelligence units of individual branches of the armed forces. A few came from the Office of the Director of National Intelligence, the overarching office created in 2004, and one had worked in the National Reconnaissance Office, which builds and operates satellites.

In most cases, the employees appear to have quit their previous intelligence jobs rather than serve on temporary detail to the committees.

It is not unusual for staff members of congressional panels to have prior experience in the areas under their purview, whether it is agriculture committee staffers who once worked in agribusiness or military veterans working on the armed service committees.

But the reliance of the intelligence committees on staff drawn from the agencies may have more significant consequences, both plus and minus.

“It’s at best a huge double-edged sword,” said Patrick G. Eddington, a former CIA imagery analyst who works at the libertarian Cato Institute think tank in Washington.

The two oversight committees, known formally as the Senate Select Committee on Intelligence (SSCI) and the House Permanent Select Committee on Intelligence (HPSCI), were born in the mid-1970s after hearings revealed how U.S. intelligence agencies had engaged in plots to assassinate foreign leaders and monitor U.S. citizens.

Targets of the spying included civil rights activist Martin Luther King Jr., Supreme Court justices, government officials and journalists, all seen as potential threats to national security.

**YOU’VE SEEN THE TWO OVERSIGHT COMMITTEES BECOME CHEERLEADERS FOR THE INTELLIGENCE COMMUNITY, NOT OVERSEERS.**

Patrick G. Eddington, Cato Institute

“What’s happened in the four decades since, you’ve seen the two oversight committees become cheerleaders for the intelligence community, not overseers,” Eddington said.

Capitol Hill apostles for intelligence agencies have multiplied in a nation still haunted by the 9/11 terror attacks and stuck in lengthy overseas wars to smother extremists.

The task of oversight is large, and legislators must target what they look at, often focusing on big programs or headline-grabbing capabilities, former staff members said.

“There are big areas in the intelligence community that very few people in Congress have any idea of,” said Arthur Rizer, a national security expert at the R Street Institute, a conservative think tank in Washington.

Much of what the two committees look at must be done in secret. Most hearings unfold behind closed doors with no television cameras or media. Between hearings, when lawmakers read classified information, they don’t do so in their own offices. They must go to a secure room known as a SCIF (pronounced “skiff”), an acronym for “sensitive compartmented information facility,” a military term. It’s not just the top-secret documents that remain in the SCIF. Lawmakers must limit all conversations about top-secret matters to the secure room.

Incoming legislators with little background in national security matters often cling to former employees from the intelligence community to guide them through issues and hearings.

“Because the community is so opaque and so much happens behind the SCIF door, they (former intelligence people) have connections to people and they can find out information,” said Eoyang, who is vice president for the National Security Program at Third Way, a centrist think tank in Washington.

Moreover, legislators, many of whom have no prior experience in intelligence, can end up tied in knots seeking explanations from agency leaders appearing before them.

“It was like a game of 20 questions. They’ll only answer if the question is asked precisely,” Eoyang said. “They say things like, ‘We don’t do that under that authority.’”

Eoyang said that the links between intelligence agencies and former employees serving on the committee were a matter of occasional concern as staff members rotated off and were rehired by one of the agencies.

“You worry about people getting captured. They have particular programs they like. They have contractors they like. It’s going native, clientitis, whatever you want to call it,” she said.

The two committees have near-exclusive oversight of the intelligence community. Even the General Accounting Office -- Congress’s auditing arm -- is not allowed to evaluate or investigate intelligence programs if such work delves into sources and methods. This was a decision of the oversight committees themselves.

Rizer said it was logical that the leaders of the select committees would employ staff with deep experience in the CIA, NSA or the handful of other three-letter security agencies. The veterans generally sever professional ties before coming on to the committees.

“It can be really good to come from the intelligence community because they know where the bodies are buried and they know which issues to look at,” Rizer said.

The office of the Director of National Intelligence declined to offer a response to this article. The CIA offered a brief statement.

“The CIA, from the director on down, embraces the principle and the practice of intelligence oversight and accountability,” CIA spokesperson Heather Fritz Horniak said. “To aid in that

independent oversight, CIA has a self-imposed restriction against current employees serving on HPSCI and SSCI.”

Direct signs that an intelligence agency may have sought to influence the workings of either of the oversight committees are rare.

But there’s no question that lawmakers both fear and respect the intelligence community, particularly its ability to monitor conversations.

One senator, discussing a highly sensitive matter involving potential political corruption, declined to utter names aloud, preferring to jot them down on a piece of paper for a reporter to see, clearly concerned that monitoring was occurring.

Such concerns are not entirely misplaced. In 2014, then-CIA Director John Brennan apologized to leaders of the Senate intelligence committee for the actions of some agency employees who hacked into computers used by the panel’s staff while the panel compiled a report on the CIA’s now-lapsed enhanced interrogation program.

On a lesser scale, Fleitz, the former CIA analyst, said he was subject to coercion by a CIA official in 2009 when he was on the House intelligence panel staff and helping formulate policy on Iran’s nuclear program.

“I was actually pressured one time to go along with the agency’s analysis even though I’d been off the agency staff for several years. I was sort of appalled that they tried to twist my arm as a former analyst. It made me wonder what they were doing to current analysts,” said Fleitz, who served on the House panel’s staff from 2006 to 2011.

The oversight committees may also serve as escape valves for disgruntled intelligence community employees who want to bring attention to what they see as waste, fraud or improprieties. Several prominent whistleblowers have first gone to Capitol Hill, although Edward Snowden, the former National Security Agency contractor, was not among them.

Snowden fled abroad in 2012 with 1.5 million classified documents, leaking them to the media and inflicting what Congress later deemed to be “severe damage to U.S. national security.” Snowden lives in exile in Moscow.

### **Pressure cookers and escape valves**

Like the agencies they help oversee, staffers on the intelligence committees labor in the shadows. But the agencies treat committee staff with deference.

“They really treat the staff as royalty when they travel to their agencies or when they travel abroad. It’s pretty clear that these organizations work very hard to curry favor with the staff,” said a former committee staff member who spoke on condition of anonymity so as not to offend colleagues.

But other former staff members said the problem that is most critical is understaffing of the two oversight committees, and frequent rotation on the House committee, leaving limited bandwidth for investigation.

“The scope of the intelligence apparatus is far larger than a committee of 21 members and a staff of two dozen can oversee in great detail,” said Hanauer, referring to the House panel on which he once served.

Fleitz concurred that it is hard for the committees to shine a light wherever they want to look. He said at the time he served, only two staff members were tasked with monitoring the budget of the CIA.

“I mean, give me a break. If you’ve seen the CIA budget and how long it is, I think really you need a team of people to work on that... maybe more accountants, more attorneys. I think the staff is probably too small for the amount of work it has to do,” Fleitz said.