



Written by [Thomas R. Eddlem](#) on August 1, 2014

CIA Admits Spying on Senate Staffers, Fraudulent Criminal Referral

An internal CIA Inspector General review of charges brought March 13 by Senator Dianne Feinstein (D-Calif.) has concluded the CIA did indeed spy on Senate Intelligence Committee staffers, delete information on their computers, and knowingly refer false information to the U.S. Justice Department for prosecution of Senate staffers. The CIA actions amount to a blatant violation of the constitutional doctrine of separation of powers, the Fourth Amendment, and a swath of congressionally-enacted statutes.



"I was briefed Tuesday by CIA Inspector General David Buckley on the results of an IG investigation," Senate Intelligence Committee Chair Dianne Feinstein (D-Calif.) wrote in a [statement](#) published on her website. "The investigation confirmed what I said on the Senate floor in March — CIA personnel inappropriately searched Senate Intelligence Committee computers in violation of an agreement we had reached, and I believe in violation of the constitutional separation of powers."

Feinstein — who had been the biggest apologist in the Senate for U.S. intelligence agencies before a [March 11 speech](#) condemning the CIA for its surveillance of Senate Intelligence Committee staffers — termed the CIA admission "positive first steps." On March 11, Senator Feinstein accused the CIA of violating the principles of separation of powers, the Fourth Amendment, the Computer Fraud and Abuse Act, and Presidential Executive Order 12333.

The CIA admission follows categorical denials that it had either hacked into Senate computers or deleted information. "As far as the allegations of CIA hacking into Senate computers," CIA Director John Brennan (shown) [told](#) a Council on Foreign Relations confab on March 11, "nothing could be further from the truth. I mean, we wouldn't do that. I mean, that's — that's just beyond the scope of reason in terms of what we would do."

[According to](#) the *New York Times* for August 1, the CIA crimes of hacking were extensive, and even included a false criminal referral to the Justice Department against Senate Intelligence Committee staffers. "C.I.A. officers read the emails of the Senate investigators and sent a criminal referral to the Justice Department based on false information, according to a summary of findings made public on Thursday. One official with knowledge of the report's conclusions said the investigation also discovered that the officers created a false online identity to gain access on more than one occasion to computers used by the committee staff."

CIA Director John Brennan has already taken steps to quiet criticism of this glaring attack on the U.S. Constitution, apologizing to Feinstein and GOP ranking member Saxby Chambliss (R-Ga.) and pledging to set up an "internal accountability board" that would consider unspecified changes. But Senator Mark Udall (D-N.M.) has stated that an internal accountability board is not enough, and has [called for](#)



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Brennan's resignation. "After being briefed on the CIA Inspector General report today, I have no choice but to call for the resignation of CIA Director John Brennan. The CIA unconstitutionally spied on Congress by hacking into Senate Intelligence Committee computers. This grave misconduct not only is illegal, but it violates the U.S. Constitution's requirement of separation of powers. These offenses, along with other errors in judgment by some at the CIA, demonstrate a tremendous failure of leadership, and there must be consequences."

The CIA spying on the legislative branch confirmed the warnings of Senator Frank Church (D-Idaho) back in the 1970s, when his Senate Intelligence Committee held hearings on the CIA and NSA, wherein Church warned:

Ordinarily, the executive does not decide such basic matters. Ordinarily, as in the case of the CIA, an agency of this importance finds its fundamental power derived from legislation. Suppose for example we had a President, we cannot be so certain what kinds of things may happen in this country, suppose we had a President one day who would say to you: "I have determined with my advisors, who are my appointees, that foreign intelligence is seamless and it is quite impossible to differentiate between domestic and foreign intelligence because we need to know it all, and some of it we can gather from domestic sources. And so, in the overriding interest of obtaining the maximum amount of foreign intelligence you are instructed to intercept messages between Americans that are purely domestic and various agencies of the Government will furnish you with lists of people whose messages you are to intercept — all without warrant — all without any judicial process, all without any sanction in the law.

The latest outrages of the CIA have outraged civil libertarians. "These latest developments are only the most recent manifestations of a CIA that seems to believe that it is above and beyond the law," Christopher Anders, ACLU's senior legislative counsel, said in a [statement](#) to the *National Journal*. "An uncontrolled — and seemingly uncontrollable — CIA threatens the very foundations of our Constitution."

Photo of CIA Director John Brennan: AP Images



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