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The Case Against the CIA's Censors



Carol M. Highsmith • Public domain

I have joined in a lawsuit with four former federal employees to end the government's censorship of our writings on national security issues. The current publications review system of our military and intelligence agencies is dysfunctional, inhibiting our ability to participate in national security debates. The government has a legitimate interest in protecting bona fide secrets, but the review system is opaque, exceeding legitimate national security boundaries and compromising free speech.

Former CIA director Michael Hayden has acknowledged the problem, stating that "although the public cannot be briefed on everything, there has to be enough out there so that the majority of the population believes what they [i.e., intelligence agencies] are doing is acceptable."

My experience with the Central Intelligence Agency's review system exemplifies the obstacles that keep legitimate information from policymakers and the public. In last year's congressional discussions of the confirmation for CIA director Gina Haspel, senior agency officials such as former acting director Mike Morell were permitted to defend her role in the unconscionable practice of torture and abuse in secret prisons during the War on Terror. The CIA's publications review board, however, redacted my writings describing her extensive role in these activities. Her involvement was effectively covered up! For a forthcoming book, the reviewers ordered me to remove a reference to an article in the *New York Times* that referred to these activities because they claimed the "title" of that article was classified.

My last book, *Whistleblower at the CIA*, was critical of the CIA's politicization of intelligence in the 1980s as well as in the run up to the Iraq War in 2003. The book was held up for 11 months, violating the 30-day time period for review that was part of my original agreement with the CIA; that time frame was affirmed in a 1972 circuit court decision. My analysis of U.S. drone activities, including a reference to civilian casualties, was redacted, although I was citing the public remarks of U.S. officials, including the president of the United States.

Manuscripts from former senior intelligence officials who praise the work of the intelligence community are quickly reviewed and rarely redacted. Critical manuscripts, on the other hand, receive extensive delays and numerous redactions of materials that have been previously discussed in the mainstream media. There are nonsensical examples as well. I was told that there could be no references in my writing to CIA "station chiefs," because the term is classified. The agency backed off when I cited the numerous references to station chiefs in the writings of former director of central intelligence Stansfield Turner. Similar time was wasted arguing references to CIA training facilities in Virginia, which are familiar to anyone who follows the news or reads the works of David Baldacci.

In addition to imposing long review periods, the CIA now is demanding that I dispose of all redacted information by transporting "hard copy material" as well as CD/DVDs and memory cards to a "USG approved destruction capability." They also want to approve deletions from the cloud, such as Dropbox or Google Drive, or from files in the "Recycle Bin" or "Trash" folders. I consider this harassment.

Another deliberate attempt to complicate the process of review is to maintain a very small staff at the CIA's Publications Review Board. The agency is managing the review system with the same number of officials they employed in the 1970s when its PRB was formally established. At that time, the board reviewed 1,000 pages a year. In 2014, according to the CIA's inspector general, the board reviewed over 150,000 pages, averaging a rate of 400 per day. The American Civil Liberties Union and the Knight First Amendment Institute at Columbia University, which are representing our lawsuit, obtained this information by using the freedom of information act.

Our democracy requires accountability in the field of national security, and former intelligence officers are uniquely qualified to provide such accountability. There are compelling reasons for protecting the ability of former military and intelligence officers to participate in the democratic process and to inform the American public.

Nearly two years ago, the Congress determined that the review system was dysfunctional and ordered the intelligence community to develop new rules for governing publication review. Congress's deadline has passed, but the director of national intelligence has given no indication of the publication or implementation of new rules. Additional reforms are needed in the Congressional oversight process and in the Office of the Inspector General in order to limit the ability of the publications review system to block legitimate and timely writings of former military and intelligence officers. President Gerald Ford created the Intelligence Oversight Board in 1976 to correct the abuses of power that took place during the Vietnam War, but it currently lacks a quorum to conduct oversight.

Secret intelligence agencies will never be fully compatible with the democratic process, so there will always be tension between an open democratic society and closed secret communities. The openness and accountability that our democracy requires depends on truth-tellers to expose corruption. Congressional inquiry and investigative journalism, essential to a democracy, require participation from former federal officials with extensive experience. They should not be obstructed by a biased review process that makes politicized judgments, which violate the right of free speech.