
Not Just Another Day at the Office: The Unique Business of the CIA Inspector General

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The Central Intelligence Agency (CIA) Inspector General (IG) has the same general statutory mission to detect fraud, waste, and abuse as do other IGs. However, the job does involve some rather unique investigative issues and problems. Other IGs also conduct investigations to determine what went wrong in a particular departmental program or operation. However, the nature of CIA intelligence activities, their national security context and complexity, and the large measure of judgment required of the officers and employees who engage in those activities pose particular challenges to our efforts to review and evaluate them.

In an effort to illustrate these challenges, this article provides unclassified summaries of two of the several major investigations we have conducted since 1994. The two we have selected concern the Ames espionage case and Agency activities in Guatemala. These summaries discuss the special questions that had to be addressed and the efforts we made to ensure the facts were correct.

Much of what follows may appear to be no different from the difficulties that IGs routinely encounter in their investigative work. However, it must all be considered in light of the additional burdens we face that are imposed by the requirements of the national security classification system, the statutory obligations imposed upon the CIA IG to protect intelligence sources and methods, and the peculiarities of a clandestine espionage organization with far-flung outposts.

Investigation of the Ames Espionage Case

On February 21, 1994, Aldrich H. Ames, a 30-year employee of the CIA, and his Colombian-born wife, Rosario, were arrested and charged with espionage on behalf of the Soviet intelligence services. Ames's espionage activities directly resulted in the compromise and death of a large number of CIA intelligence sources, in 1985 and 1986,

and in the compromise of a wide variety of CIA and other intelligence operations.

Origins of OIG Review--Almost immediately after the Ames's arrest, serious concerns were voiced by the Senate Select Committee on Intelligence (SSCI) and the House Permanent Select Committee on Intelligence (HPSCI) about the length and nature of the CIA's counterintelligence (CI) investigation of Ames and the period of time that he remained undetected. A February 23, 1994, letter from the Chairman and Vice Chairman of the SSCI asked that we address what happened and whether changes in existing security procedures at the Agency were needed. On March 10, 1994, Director of Central Intelligence (DCI), R. James Woolsey, advised senior Agency management that he had asked me to undertake a "three-phase investigation" into issues raised by the Ames case and instructed Agency components to cooperate fully with our investigation.

Scope of Review and Process--We formed a team of six investigators and support personnel, referred to as the IG CI Team, to review the Ames case. By the time of the Ames's plea agreement in late April, the IG CI Team had been expanded to include 11 investigators, 2 intelligence assistants, and 1 secretary. All Agency components were tasked to provide copies of all documents and materials pertinent to Ames and his wife; communications with the Department of Justice (DoJ), the Federal Bureau of Investigation (FBI), and other Federal agencies regarding the CI investigation of Ames; coordination between the Agency and the FBI in the United States and abroad, including materials relating to the FBI's allegations of lack of cooperation by the Agency in CI investigations; and internal correspondence between the Agency's CI Center (CIC) (which had been primarily responsible for the CI investigation) and all other components regarding the CI investigation that led to the identification of Ames.

The documents that were collected were reviewed, indexed, recorded, and organized by subject and issue. FBI and Agency CIC interview reports, as well as IG interview reports, and the transcripts of FBI, CIC, Damage Assessment Team (which was reviewing the overall damage caused by Ames), and IG CI Team debriefings of Ames and his wife also were collected, catalogued and distributed. Many documents that were collected, and others that were produced by the IG CI Team, were scanned electronically

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into a computer data base to facilitate their retrieval and cross-referencing in the course of our research. An extensive library of relevant documents was created and maintained by the research assistants who worked with the team. By the conclusion of the investigation, these documents were organized into over 85 three-inch volumes and four safe drawers, and consisted of approximately 45,000 pages of material.

The IG CI Team also was supplemented with specialists as necessary. A retired senior Agency operations officer was engaged as an independent contractor to prepare comprehensive summaries of the multiple CI and security reports and studies that had been completed by the Executive branch and Congress in the previous 10 years. A psychologist from the Agency's medical component was detailed to the IG on a full-time basis and given access to all relevant materials for purposes of preparing a complete psychological profile of Ames.

More than 300 persons were interviewed at least once. Many individuals were interviewed in more than one session, some three or four, and a few five or more times. The average individual interview session was 3 hours in length and the longest interviews, extending over four to five sessions, consumed over 20 hours in total duration. All current Agency employees who were interviewed were administered an oath or were asked to produce sworn statements in cable or memorandum form.

Persons interviewed included present and former DCIs and Deputy DCIs, other senior CIA management officials, senior FBI officials and a number of FBI Special Agents, and DoJ representatives. Members of the IG CI Team traveled overseas and domestically to interview present and former Agency personnel. Throughout late June, July, and early August 1994, members of the IG CI Team were present during the debriefings of Ames by the Intelligence Community's Damage Assessment Team (DAT) and submitted questions to the debriefers as appropriate. In early August, Ames was interviewed directly by the IG CI Team for 3 days and the psychologist who was detailed to the IG participated in DAT interviews of Rosario and Ames's first wife.

Special Coordination Issues--Initially, the three-phase approach described in the DCI's March 1994 memorandum required that we refrain from investigative actions that would risk complicating the ongoing criminal prosecution of the Ames. At the time our investigation began, DoJ was proceeding on the assumption that the Ames would have to be put on trial, and we were concerned that IG interviews could complicate or interfere with the prosecution. Thus, at the outset, we limited our efforts to collecting and reviewing documents and conducting interviews that did not involve how the case against Ames was developed, but concerned only general CI and security policies, procedures, and practices from 1983 to 1991. We also agreed to coordinate our interviews with DoJ to ensure that we did not inadvertently create additional statements of potential government witnesses. The limit concerning the scope of our interviews was lifted

after the plea agreement was reached with the Ames in late April. DoJ was afforded the opportunity thereafter to review the list of subjects we planned to interview in order to avoid interference with other potential criminal investigations. Coordination with DoJ was accomplished expeditiously throughout the 7 months of the investigation and did not inhibit the progress of our investigation in any significant manner.

Nature of the Issues--Our investigation focused on CIA CI and security policies and the conduct of CIA personnel, and did not describe or evaluate in any detail the actions of personnel from, or the policies of, any other department or agency. In developing the investigation, the IG CI Team addressed a series of questions in some detail. Among others, these included:

What were Ames' strengths, weaknesses, and vulnerabilities? How, when, and why did Ames engage in his espionage activities on behalf of the Soviets?

How was Ames chosen for positions that provided him with access to sensitive information? What did managers know regarding Ames' vulnerabilities and the suspicions about Ames? Was action taken to restrict his access after he became a suspect?

Who was responsible for the CI investigation that led to Ames and was it managed properly? Why did it require 9 years? How were indications of substantial changes in Ames' financial situation handled?

Had Agency use of polygraphs and background investigations been sufficient? Were Ames' polygraphs and background investigations handled properly?

Was the Ames CI investigation coordinated properly with the FBI? Were CIA personnel who conducted the CI investigation properly qualified by training and experience? Were sufficient resources and management attention devoted to the Ames CI investigation?

Did a senior Agency official warn Ames that he was the subject of a counterintelligence investigation, as had been reported by some employees?

Findings--In the end, we concluded that the issues in the Ames case related to accountability, both individual and managerial. Although a very damaging spy was eventually caught, the course to his unmasking could have been more rapid and direct had sufficient and more appropriate resources been dedicated to the task. While those few Agency personnel who were engaged in the CI investigation did the best they could given their limited number and experience, our investigation concluded that the intelligence losses of 1985-86 were not pursued as vigorously or thoroughly as the severity of those losses merited. We also found that an earlier and more comprehensive evaluation of Ames' record of performance and on-the-job behavior might well have prevented him from having been placed in the sensitive positions from which he was able to betray the Soviet cases he did in 1985 and 1986. A number of recommendations for personnel actions and systemic improvements were included in our Report of Investigation and adopted by the DCI.

Guatemala Investigation

Origins--On January 27, 1995, just after our investigations staff was returning to a normal pace following the Ames case, we found ourselves involved in an investigation into allegations relating to CIA ties to a Guatemalan military official who was reportedly involved in the death of U.S. citizen Michael DeVine and the disappearance of Efraim Bamaca, a Guatemalan insurgent espoused to a U.S. citizen. The investigation was expanded in February 1995 based upon a letter from the SSCI that raised additional issues. In March 1995, Congressman Robert Torricelli, a member of HPSCI, made public allegations about CIA activities in Guatemala that resulted in a substantial further expansion of the investigation. Finally, on March 30, 1995, President Clinton directed the Intelligence Oversight Board (IOB) to conduct a government-wide review, relying as much as possible on the relevant departmental IGs, of all allegations surrounding the 1990 death of DeVine, the 1992 disappearance of Bamaca, and any related matters. As a result, on April 7, 1995, the IOB issued Terms of Reference for the Presidentially-directed review to the IGs at the CIA, Department of State, Department of Defense, and Department of Justice.

Additional Issues--In addition to the questions about the fates of DeVine and Bamaca, the IOB's Terms of Reference requested that CIA's IG determine what intelligence was available to CIA regarding ten U.S. citizens and a Guatemalan anthropologist who had suffered human rights abuses in Guatemala since 1985. The IOB Terms of Reference also included the question of whether or not intelligence support for the Government of Guatemala was consistent with applicable Presidential directives and decisions since 1984. This required a review of Agency spending in Guatemala, including allegations that CIA funding was secretly increased in December 1990 and October 1994 to offset cuts in military support that were required by changes in U.S. Government policies. Although not included in the Terms of Reference, an August 18, 1995 IOB memorandum to the CIA IG requested a review of all CIA relationships since January 1984 with Guatemalans against whom allegations of human rights abuses had been made. An additional area of inquiry was whether CIA had utilized its intelligence collection resources appropriately and placed sufficient emphasis on collection regarding human rights violations.

An ongoing related case into alleged human rights abuse by an Agency contact in Guatemala was folded into the mix of Guatemala-related issues, and in May 1995, Congressman Torricelli made an additional allegation concerning CIA knowledge of narcotics trafficking in Guatemala. Finally, at the request of the IOB, an inquiry also was conducted into allegations that CIA was concealing information from IG, IOB, and Congressional investigators by sending documents to former employees.

Organizing the Effort--Because of the complex nature and scope of the issues that were presented in connection with the Agency's activities in Guatemala, a two-phased approach was used to address the subjects of this investiga-

tion. The first phase of the investigation initially involved two investigators who began in January 1995 to review files and interview knowledgeable employees. By early May, the effort had expanded to an investigative team of 17 investigators and associated support personnel.

During this phase, more than 56,000 pages of materials were reviewed and over 200 interviews were conducted. Those interviewed included present and former DCIs and Deputy DCIs and other present and former senior Agency officials, as well as present and former Ambassadors and other personnel of other departments and agencies. Regulations and guidance for the collection and handling of information relating to human rights abuses, reporting to Congress and Ambassadors, asset payment policies and practices, and asset validations were reviewed. Relevant records of the intelligence oversight committees were requested and reviewed insofar as they were available. Present and former members of the oversight committee staffs were interviewed. National Security Council, Department of Justice, State Department, and Department of Defense personnel in the U.S. and at the Embassy in Guatemala were also interviewed, as were Mrs. DeVine and the private investigator she had hired originally to investigate the DeVine killing.

Following the July 15, 1995 completion of the first phase of the OIG investigation, a new team of 10 investigators and 2 support personnel was formed to undertake the investigation's second phase. This portion involved what CIA knew about the various human rights victims, the funding issues, and allegations of human rights abuse by Guatemalans with whom CIA had relationships. Investigators in this phase reviewed several hundred thousand pages of material and interviewed a wide variety of Agency and non-Agency employees.

Findings--The first phase resulted in five Reports of Investigation and an overview volume. No evidence was found to indicate that Agency personnel had advance knowledge of any plans or intent to kill DeVine or in any way directed, participated in, or condoned the DeVine killing. Nor was any evidence found to indicate that Agency personnel in any way planned, directed, participated in, or condoned the capture, possible torture, and subsequent disappearance of Bamaca. However, a number of issues came to light during this investigation relating to Agency practices, procedures, and notification requirements that resulted in a range of administrative and personnel actions by the DCI.

Four additional Reports of Investigation were completed during the second phase of the investigation. Again, no information was developed that indicated Agency employees were involved in any of the alleged wrongdoing. However, a number of recommendations were made and acted upon in order to improve Agency practices and procedures.

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Conclusion

I believe our efforts in the Ames and Guatemala investigations resulted in a balanced and fair presentation of the various facts associated with the issues that they addressed. I also believe that our conclusions and recommendations in these cases were appropriate. Although there were differences of opinion regarding the appropriate standards of professionalism that should have been observed by Agency personnel in each instance, we did not encounter serious disagreement on the salient facts that we had found in either investigation and Agency management responded positively to most of our recommendations and suggestions.

Clearly, investigations such as these are difficult and enormously draining undertakings in terms of both organizational and personal energy and resources. In the end, we had to make painful judgments about the reasonableness of

activities that were conducted years earlier based on information available to the relevant personnel at the time. This required a fine balance between unfair second-guessing of inherently risky operational decisions and the carefully considered belief that personnel had not met the standards of judgment and professionalism that the Agency has a right to expect. Because of the nature and complexity of the subjects of our investigations and the consequences that stem from them, we put a premium on objectivity, intelligence, experience, and maturity in our personnel, nearly all of whom are chosen from the ranks of professional officers serving throughout the Agency. That emphasis in our selection of IG personnel, along with our insistence on attention to detail and thoroughness in our investigative work has served us well in identifying weaknesses and areas for improvement that will, in the long, run, strengthen the Agency and its ability to perform its vital function.□