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October 12, 2007

The Honorable J.M. McConnell
Director of National Intelligence
Washington, DC 20511

Dear Director McConnell:

I was extremely troubled to learn that Director Michael Hayden has initiated an internal CIA inquiry into the operation of the CIA's Inspector General. This is a highly inappropriate step, and I am concerned that it could jeopardize the independence of the Inspector General's office and interfere with oversight of CIA activities.

The federal government cannot function at its best without effective oversight. Congress has created Inspector General positions to provide internal oversight of government agencies. The CIA Inspector General is possibly the most important of these government auditors because the CIA's work – which is essential to the national security of the United States – is necessarily done in secret, with limited opportunity for public accountability. If there is no public accountability, there must be vigorous oversight from elsewhere in the government, or the CIA will not be as effective as the American people need it to be.

The National Security Act of 1947, as amended, requires the Intelligence Community to keep the congressional intelligence committees "fully and currently informed" about all intelligence activities (with a limited exception for covert actions). Unfortunately, the current Administration has chosen to violate this law on an almost routine basis and refused for years to brief the intelligence committees about controversial activities such as the President's warrantless wiretapping program and the CIA's detention and interrogation program.

I realize that the decision to conceal intelligence activities from Congress is typically the White House's decision and not yours. However, when Congress is kept in the dark, the only one left to provide independent oversight is the Inspector General.

If Director Hayden has concerns about the work of the Inspector General or his office, there are already appropriate procedures in place to address them. Under Executive Order 12993, allegations against Inspectors General or their senior staff can be referred to the Integrity Committee of the President's Council on Integrity and Effectiveness. Director Hayden could also raise any concerns he has with the President, who appoints the CIA Inspector General or the Senate, which confirms him. I do not know whether he raised any concerns with the President, but I do know that he did not notify the Senate Select Committee on Intelligence.

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The most troubling thing about this incident is that it creates the impression that the Director of the CIA is trying to interfere with the independence of the Office of the Inspector General (OIG). I have expressed my concerns about the Director's interactions with the OIG before, such as his decision not to declassify the Inspector General's report on accountability and the terrorist attacks of September 11th. The Executive Summary of that report contained very little classified information, and keeping it from the public made it appear that information was being classified to protect individuals from embarrassment, which would of course be a gross misuse of the classification system and a direct violation of Executive Order 12958.

It is unacceptable for any agency head, deliberately or otherwise, to interfere in the independence of an Inspector General or his office. Inspectors General often force government agencies and personnel to confront uncomfortable facts, but this is an essential part of their role and should be accepted by all agencies, including the CIA. People who know they are doing the right thing are not afraid of oversight.

You do not have an easy job as Director of National Intelligence, and I have been impressed by your performance during your first year of work. I recognize that this situation may put you in a difficult position, but I think it calls for decisive action on your part. I urge you to instruct Director Hayden to cease his inquiry into the activities of the CIA Inspector General. If Director Hayden has any concerns about the Inspector General that he would like addressed, I think it would be entirely appropriate for him to continue to pursue them through the proper channels.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Wyden', with a stylized flourish extending to the right.

Ron Wyden
United States Senator