



Protect Democracy

December 6, 2017

By facsimile (571-204-8088)

Wayne A. Stone
Acting Intelligence Community Inspector General
Office of the Inspector General of the Intelligence Community
Investigations Division, Reston 3
Washington, DC 20511

By facsimile (571-204-3800)

Christopher R. Sharpley
Acting Inspector General
Office of Inspector General
Central Intelligence Agency
Washington, DC 20505

Re: Establishing a Private Intelligence Force for the White House and CIA

Dear Acting Inspectors General Stone and Sharpley,

We are concerned by recent news reports indicating that the Trump Administration is considering proposals to create a “global, private spy network that would circumvent U.S. intelligence agencies.”¹ Of equal concern are reports of a proposal by a private company “to help capture wanted terrorists” for “‘rendition’ to the United States.”² According to news reporting, the purpose of these private networks would be to develop alternative intelligence that would be used to justify the Trump Administration’s political agenda, and to circumvent official Intelligence Community protections and protocols.

These reports raise a number of important questions. Politicizing our nation’s intelligence-gathering and creating a private unaccountable intelligence force to serve the President’s political agenda would be incompatible with a functioning democracy and would undermine our professional intelligence personnel. Accordingly, we respectfully request that your respective offices open an investigation into these reports. In particular, we request that your investigation assess the following issues:

¹ Matthew Cole and Jeremy Scahill, “Trump White House Weighs Plans for Private Spies to Counter ‘Deep State’ Enemies,” *The Intercept*, December 5, 2017; Jim Sciutto and Zachary Cohen, “US Official: Erik Prince Proposed Private Spy Network to Trump Administration,” CNN.com, December 5, 2017.

² Aram Roston, “The Trump Administration is Mulling a Pitch for a Private ‘Rendition’ and Spy Network,” *Buzzfeed*, November 30, 2017.

- Has there been planning between the White House, the CIA Director, and the President’s political allies to create a new private spy network to circumvent U.S. intelligence agencies?
- How would this private network be funded? If federal funds are being used, where have they been appropriated and for what purpose? Would spending public funds violate the Anti-Deficiency Act, 31 U.S.C. § 1341(a)(1)? If private funds or volunteer services are being solicited or accepted, would that also violate the Anti-Deficiency Act? *See* 31 U.S.C. § 1342.
- If the network is funded privately, would it have access to Intelligence Community work product or would it be developing materials based entirely on its own research? Would there be any protocol of information exchange between existing IC institutions and this network that would be unique to this network?
- If federal funds are being used, would this private network be subject to a regular procurement process and be subject to Congressional oversight?
- Would this network be subject to the Constitution and laws that govern the IC and that protect Americans’ rights? Or would it operate outside the legal framework that ensures the accountability of the IC?
- In what actions would this private network engage? For example, would it simply engage in collection and analysis of open-source information? Or would it undertake operational activities such as the “direct action” described in the press reports?
- Where would this private network operate? Would it operate exclusively overseas, or also domestically in the United States?
- Who would determine the targets at which this private network directed its activities? Would those be selected by the President or political appointees?
- Will information received from this private network be subject to review and validation by IC professionals before being presented to national security decision-makers?

The National Security Act of 1947 and subsequent statutes and practices create a system of professionalized information flow around critical national security decisions, subject to Congressional oversight and ultimately accountable to the public. Creating new information flow to national security decision-makers outside of these systems subverts Congressional oversight, thus undermining democratic principles and Congressional intent. This was further reinforced by

the Church Committee's recommendations which "place[d] intelligence activities with the constitutional scheme for controlling government power."⁴

Moreover, political scientists classify as "authoritarian" state intelligence agencies that answer to a centralized executive rather than to a government structured with checks and balances against concentrated power. Such agencies have as their main objectives preservation of the regime and the suppression of opposition, and history is rife with examples of their abuses. In a democratic society, intelligence agencies, like other civil servants, are accountable to the government, but also have an independent role in securing the primacy of the rule of law.⁵ While this would be contrary to our constitutional order, it would not be completely new to the American experience. As the Church Committee's final report found, "we have seen segments of our Government, in their attitudes and action, adopt tactics unworthy of a democracy, and occasionally reminiscent of totalitarian regimes."

Protecting the integrity of our country's intelligence agencies and preserving democratic accountability for our national security operations are of utmost importance and are central to the Inspector Generals' mission. For that reason and those described above, we request that your offices conduct an investigation into the reports of plans for a private spy network. Thank you for your important work.

Sincerely,



Kristy Parker
Counsel
Protect Democracy

Cc: The Honorable Richard Burr, Chairman
U.S. Senate Select Committee on Intelligence

The Honorable Mark Warner, Vice Chairman
U.S. Senate Select Committee on Intelligence

The Honorable Devin Nunes, Chairman
U.S. House Permanent Select Committee on Intelligence

The Honorable Adam Schiff, Ranking Member
U.S. House Permanent Select Committee on Intelligence

⁴ Select Committee to Study Governmental Operations (1976), *Intelligence Activities and the Rights of Americans*, p. iii

⁵ See, e.g., Paul G. Buchanan, "Democratic Oversight of Intelligence Agencies: A Primer," *The Interpreter*, May 5, 2014.