

United States Senate

WASHINGTON, DC 20510-7012

March 19, 2014

The Honorable Eric Holder
Attorney General
United States Department of Justice
Washington, DC 20530

Dear Attorney General Holder:

As you know, in January 2014, Central Intelligence Agency (CIA) Director John Brennan personally informed Senate Select Committee on Intelligence Chairman Dianne Feinstein and Vice Chairman Saxby Chambliss that the CIA apparently had - without prior authorization or consultation - accessed a computer network designated for the Intelligence Committee's exclusive use in conducting its official oversight duties.

As Majority Leader of the Senate, I have a responsibility to protect the independence and effectiveness of our institution. The CIA's decision to access the resources and work product of the legislative branch without permission is absolutely indefensible, regardless of the context. This action has serious separation of powers implications. It is immaterial whether this action was taken in response to concerns about the Committee's possession of a disputed document; this stands as a categorically different and more serious breach.

These concerns have been exacerbated by the CIA Acting General Counsel's recent referral of this issue to the Department of Justice, in what appears to be a transparent attempt to intimidate the Committee and undermine its oversight of the Agency. As the CIA has confirmed, its Acting General Counsel, mentioned by name over 1,600 times in the Intelligence Committee's study of the CIA's Detention and Interrogation Program, filed a crimes report with the Department of Justice alleging misconduct by Intelligence Committee staff. To my knowledge, the CIA has produced no evidence to support its claims. The allegation that Senate committee staff who have no technical training somehow hacked into the CIA's highly secure classified networks is so absurd as to be comical. The absurdity of the allegations, when matched with the clear conflict of interest possessed by the Acting General Counsel, calls into question the credibility of CIA Director Brennan's recent claim that "There's never been an effort by the CIA to thwart the SSCI's investigation."

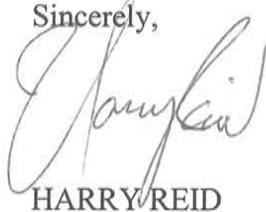
The Senate has an interest in bringing final resolution to this dispute. In coordination with the Intelligence Committee, I have instructed the Senate Sergeant-at-Arms to initiate a forensic examination of the computers and computer network assigned for exclusive SSCI use, in order to determine how the document at issue - the so-called "Panetta Review" - entered into the SSCI network. I trust I can count upon your support for this examination.

In my capacity as the leader of the U.S. Senate, the CIA's actions cause me great concern. The CIA has not only interfered with the lawful congressional oversight of its activities, but has also

seemingly attempted to intimidate its overseers by subjecting them to criminal investigation. These developments strike at the heart of the constitutional separation of powers between the legislative and executive branches. Left unchallenged, they call into question Congress's ability to carry out its core constitutional duties and risk the possibility of an unaccountable Intelligence Community run amok. The CIA cannot be permitted to undermine Congress's ability to serve as an effective check on executive power as our nation's Founders intended.

I trust you will carefully examine these concerns as the Department of Justice determines how to proceed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry Reid", written in black ink.

HARRY REID

CC: CIA Director John Brennan