

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

_____)	
UNITED STATES OF AMERICA,)	
)	Civil Action No.
Plaintiff,)	1:10-cv-00765-GBL-TRJ
)	
v.)	
)	
ISHMAEL JONES, a pen name,)	
)	
Defendant.)	
_____)	

**PLAINTIFF UNITED STATES’ RESPONSE IN OPPOSITION TO DEFENDANT
JONES’ MOTION TO DISMISS AND/OR TRANSFER VENUE**

INTRODUCTION

This is a civil action for breach of contract and fiduciary duty, brought by the United States of America, against defendant Ishmael Jones (a pen name), a former employee of the Central Intelligence Agency (“CIA”), who published a book without the CIA’s permission and in violation of his CIA Secrecy Agreement. Rather than answer the complaint, Jones has filed a motion to dismiss and/or transfer venue, raising a host of meritless arguments. Contrary to Jones’ arguments, the Court clearly has personal jurisdiction over Jones, who admits that he worked for eighteen years for an Agency headquartered in the Eastern District of Virginia, and that he traveled to the CIA Headquarters area for training courses and meetings. Jones’ contacts in Virginia were, in fact, extensive, as the declarations submitted in support of this response, as well as Jones’ own book, demonstrates. His contacts were more than sufficient to put him on notice that he could be sued here for violating his Secrecy Agreement.

For these same reasons, venue is proper in this district. Not only did Jones communicate with and travel to CIA Headquarters in the course of his employment with the CIA, he also sought approval to publish his book from a CIA office located in the Eastern District of Virginia, the Publications Review Board (“PRB”), and published his book in defiance of the PRB’s denial of publication approval.

Jones’ objection to the United States’ breach of fiduciary duty claim as barred by the Virginia’s two-year statute of limitations should be rejected. The United States is not bound by state statutes of limitations. If anything, a three-year federal statute of limitations for tort actions for money damages brought by the United States applies, and the claim is therefore timely. Nor does Jones’ argument that the Court should dismiss the “claims” for compensatory damages and unjust enrichment have any force, as the complaint does not assert such claims.

Jones claims, in the alternative, that the case should be transferred to the Northern District of California mainly because it will be easier for him to defend the case there, since he lives there, and because having to defend the case here subjects him to a heightened risk that his identity and affiliation with the CIA will be revealed. Jones’ reasons for seeking a transfer of venue do not overcome the strong presumption in favor of the United States’ choice of forum to which it is entitled as the plaintiff. Jones’ concerns about the risk that his identity will be revealed are speculative and are belied by his own frequent travel to this district when he worked for the CIA. Moreover, this Court is exceptionally well-suited to protect Jones’ identity.

FACTUAL BACKGROUND AND PROCEDURAL POSTURE

Jones worked for the CIA, which is headquartered in Langley, Virginia, for approximately eighteen years. Declaration of Ishmael Jones at ¶ 1 (“Jones Decl.”); Complaint at

¶ 4. As a condition of his employment, and as a condition of being granted access to classified information, Jones was required to sign a Secrecy Agreement prohibiting him from disclosing classified information, requiring him to submit to the CIA for prepublication review all intelligence-related writings prepared for public disclosure, and further requiring him to receive written permission from the CIA before taking any steps toward public disclosure. Complaint at ¶¶ 7-12; Ex. A to Complaint. The requirement that employees sign and abide by Secrecy Agreements is one of the critical ways in which the Director of the CIA carries out his responsibility to protect intelligence sources and methods from unauthorized disclosure. Complaint at ¶¶ 6,7.

Jones signed his Secrecy Agreement on July 19, 1989, at the beginning of his CIA career. He signed additional nondisclosure agreements during his employment, including one at his separation. *Id.* at ¶¶ 8, 14; Ex. A to Complaint. The CIA assigned Jones to various positions of trust and granted him regular access to classified information, including information regarding intelligence sources and methods, in direct reliance on the expectation that Jones would abide by his Secrecy Agreement obligations. Complaint at ¶ 16. In fact, Jones served as a covert officer, clandestinely collecting foreign intelligence for much of his CIA career. Declaration of Ralph S. DiMaio, submitted in support of the United States' Motion for Immediate Relief to Name Defendant by Pseudonym, at ¶ 8 ("DiMaio Decl.").

On April 10, 2007, Jones submitted a draft of the book he would eventually publish to the CIA's Publications Review Board for prepublication review, pursuant to his Secrecy Agreement. Complaint at ¶ 19; Declaration of Richard J. Puhl, Chairman, Publications Review Board, Central Intelligence Agency, at ¶ 6, attached hereto as Exhibit B ("Puhl Decl."). The PRB is

responsible for reviewing and formally approving proposed nonofficial, personal publications that are submitted for prepublication review. Complaint at ¶ 17; Puhl Decl. at ¶ 2.

On May 22, 2007, the PRB informed Jones that it could not approve any portion of his manuscript for publication. Complaint at ¶ 20; Puhl Decl. at ¶ 7. Two months later, on July 27, 2007, Jones submitted a rewritten version of his manuscript to the PRB. Complaint at ¶ 21; Puhl Decl. at ¶ 11. This followed email and telephone communications between Jones and the PRB. Puhl Decl. at ¶¶ 8-10. The PRB sent Jones a letter dated Dec. 7, 2007, informing him that it was only approving certain portions of the manuscript for publication, denying the remainder. Complaint at ¶ 22; Puhl Decl. at ¶ 14. Jones wrote to the PRB again on Jan. 8, 2008, about its decision. Complaint at ¶ 23; Puhl Decl. at ¶ 15. The PRB treated Jones' Jan. 8 correspondence as an appeal of its Dec. 7 decision. The PRB informed Jones of this fact in a letter dated Feb. 5, 2008 and reminded Jones that he was not permitted to publish his manuscript, or share it with anyone, until the PRB approved it for publication. Complaint at ¶ 24; Puhl Decl. at ¶ 16.

In yet another written correspondence with the PRB, Jones acknowledged the pending appeal in a March 8, 2008 letter to the PRB. Complaint at ¶ 25; Puhl Decl. at ¶ 17. Jones did not wait for his appeal to be decided, however. He published his book, entitled "The Human Factor: Inside the CIA's Dysfunctional Intelligence Culture," without PRB approval. Complaint at ¶ 26.

On July 9, 2010, the United States filed this case against Jones. The complaint alleges that Jones breached his contractual obligations and fiduciary duties to the United States by publishing his book in defiance of the PRB's express denial of permission to do so. The complaint seeks declaratory and injunctive relief, the imposition of a constructive trust, and money damages. Complaint at Prayer for Relief. On July 21, 2010, the Court granted the United

States' motion to name defendant by his pen name, Ishmael Jones, in order to protect Jones' true identity and his affiliation with the CIA. Dkt. No. 4.

On December 14, 2010, Jones responded to the complaint by filing a motion to dismiss and/or motion to transfer venue under 28 U.S.C. § 1404. He seeks to dismiss the complaint in its entirety for lack of personal jurisdiction, pursuant to Fed. R. Civ. P. 12(b)(2), and improper venue, pursuant to Fed. R. Civ. P. 12(b)(3). Memorandum of Law in Support of Defendant's Motion to Dismiss Plaintiff's Complaint and/or Motion to Transfer Venue Under 28 U.S.C. §1404 at 4-10 ("Jones brief"). In the alternative, Jones claims that the United States' breach of fiduciary duty claim should be dismissed because the statute of limitations has expired (*id.* at 11); that the complaint fails to state a claim for unjust enrichment or compensatory damages (*id.* at 11-12); and that the case should be transferred to the Northern District of California. *Id.* at 13-15. Jones' arguments are meritless. The Court should deny his motion and require him to answer the complaint.¹

¹ Jones violated his Secrecy Agreement yet again when he filed his declaration, which contains intelligence-related information, in support of his motion to dismiss and/or transfer venue without submitting it for prepublication review. When the Government served Jones with the complaint, it reminded him of his continuing obligation to abide by his Secrecy Agreement and specifically instructed him that this obligation extends to court filings in this case. *See* August 9, 2010 letter from Assistant United States Attorney Kevin J. Mikolashek to Ishmael Jones, attached hereto as Exhibit A. Jones' attorneys have not yet sought limited security clearances from the Government for purposes of representing Jones in this matter, and so they, unlike Jones, are not bound by any Secrecy Agreements to submit filings for prepublication review. Jones may not, however, discuss any classified information, including his true identity, with his lawyers until they seek and are granted limited security approvals.

ARGUMENT

I. THIS COURT HAS PERSONAL JURISDICTION OVER DEFENDANT JONES.

Determining whether a defendant is subject to personal jurisdiction requires a two step analysis under Virginia law: the court must conclude (1) that jurisdiction is authorized by the state's long-arm statute, Va. Code § 8.01-328.1; and (2) that an exercise of personal jurisdiction is consistent with due process. *Mitrano v. Hawes*, 377 F.3d 402, 406 (4th Cir. 2004); *FBR Capital Markets & Co. v. Short*, 2009 WL 3254458, at * 2 (E.D. Va. Oct. 9, 2009). In practice, there is only one step, however, because Virginia's long-arm statute extends personal jurisdiction to the full extent permitted by due process. *Id.*

Due process requires that Jones has established "certain minimum contacts with [Virginia] such that the maintenance of [this] suit does not offend traditional notions of fair play and substantial justice." *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945). The "minimum contacts" requirement is satisfied if Jones has purposefully availed himself of the privilege of conducting activities in Virginia and if the United States' claims in this case arise out of those activities directed at Virginia. *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472 (1985); *Mitrano*, 377 F.3d at 407.² "This 'purposeful availment' requirement ensures that a defendant will not be haled into a jurisdiction solely as a result of random, fortuitous, or attenuated contacts, . . . or of the unilateral activity of another party or a third person." *Burger King*, 471 U.S. at 475 (internal quotations and citations omitted). "Put differently, the test

² This is known as specific personal jurisdiction. Specific jurisdiction differs from general jurisdiction in that under general jurisdiction, a state exercises personal jurisdiction over a defendant in a suit not arising out of or related to the defendant's contacts with the forum. *Burger King*, 471 U.S. at 472-73 & n.15.

protects the defendant from having to defend himself in a forum where he should not have anticipated being sued.” *Production Group Int’l, Inc. v. Goldman*, 337 F. Supp. 2d 788, 797 (E.D. Va. 2004). *See also Burger King*, 471 U.S. at 474; *Mitrano*, 377 F.3d at 407. As the Supreme Court has instructed, “where the defendant ‘deliberately’ has engaged in significant activities within a State or has created ‘continuing obligations’ between himself and residents of the forum, he manifestly has availed himself of the privilege of conducting business there.” *Burger King*, 471 U.S. at 475-76 (citations omitted). Therefore, “it is presumptively not unreasonable to require him to submit to the burdens of litigation in that forum as well.” *Id.* at 476.

In the business context, the Fourth Circuit has considered the following nonexclusive factors to determine whether a defendant has purposefully availed himself of the privilege of conducting activities in the forum state: whether the defendant maintained offices or agents in the forum state; whether the defendant owns property in the forum state; whether the defendant reached into the forum state to solicit or initiate business; whether the defendant deliberately engaged in significant or long-term business activities in the forum state; whether the parties contractually agreed that the law of the forum state would govern disputes; whether the defendant made in-person contact with the resident of the forum in the forum state regarding the business relationship; the nature, quality, and extent of the parties’ communications about the business being transacted; and whether the performance of contractual duties was to occur within the forum state. *Consulting Engineers Corp. v. Geometric Ltd.*, 561 F.3d 273, 278 (4th Cir. 2009).

To survive Jones’ personal jurisdiction challenge, the United States “need only make a prima facie showing of a sufficient jurisdictional basis on the basis of the complaint and

supporting affidavits.” *Rannoch, Inc. v. Rannoch Corp.*, 52 F. Supp. 2d 681, 684 (E.D. Va. 1999) (relied upon by Jones) (citing *Combs v. Bakker*, 886 F.2d 673, 676 (4th Cir. 1989)). In considering Jones’ challenge, the Court “must construe all relevant allegations in the light most favorable to the plaintiff and draw the most favorable inferences for the existence of jurisdiction.” *Id.*

Jones’ extensive contacts with the CIA in Virginia gave him ample notice that he could be sued here and more than satisfy the test for personal jurisdiction. Jones admits that he was an employee of the CIA for approximately eighteen years (Jones Decl. at ¶ 1; Jones brief at 7; *see also* Declaration of Mary Ellen Cole, Information Review Officer, National Clandestine Service, Central Intelligence Agency, at ¶ 8, attached hereto as Exhibit C (“Cole Decl.”)); that he “always acted as an employee of the CIA,” (Jones brief at 7); that he traveled to Virginia for training courses and meetings (Jones Decl. at ¶ 1; Jones brief at 7; *see also* Cole Decl. at ¶ 14); and that he communicated with the Agency during the prepublication review process. Jones Decl. at ¶ 8; *see also* Puhl Decl. at ¶¶ 6-17. The CIA is headquartered in the Langley neighborhood of McLean, Virginia, in the Eastern District of Virginia—a fact that Jones does not dispute. *See* Complaint at ¶ 4; Cole Decl. at ¶ 9. The PRB is also located in the Eastern District of Virginia. Puhl Decl. at ¶ 5.

Although Jones operated overseas for much of his career as a covert officer, he did so at the direction of CIA Headquarters, and he stayed in regular contact with Headquarters. Cole Decl. at ¶ 15. A search of one records system revealed that Jones authored approximately 1,000 communications that were sent to CIA Headquarters during his career. *Id.* Through such communications, Jones reported back to, and received orders, instructions, and assignments

from, CIA officials located in the Eastern District of Virginia. *Id.* CIA Headquarters also processed Jones' salary and benefits. *Id.* at ¶ 11. The CIA issued a badge to Jones giving him access to CIA Headquarters. *Id.* at ¶ 12. A CIA office located in the Eastern District of Virginia processed and granted Jones' security clearance, which Jones was required to obtain and maintain as a condition of his employment. *Id.* at ¶ 13. As part of the security clearance process, Jones traveled to the Eastern District of Virginia on at least one occasion to be interviewed by a CIA security officer. *Id.* When Jones resigned from the CIA, he traveled to this district to complete his exit processing. Among other things, he met with various CIA officials, returned his badge, and signed a nondisclosure agreement in which he again agreed to submit to the Agency's prepublication review requirements. *Id.* at ¶ 16. He subsequently had a series of communications with the PRB, located in Virginia, seeking publication approval for his book and for an article. Complaint at ¶¶ 19-25; Puhl Decl. at ¶¶ 5-17; *see also* pages 3-4, *supra*.³

Furthermore, the fact that the CIA has brought suits against other former employees to enforce Secrecy Agreements in the Eastern District of Virginia makes it reasonable for Jones to anticipate being sued here. *See, e.g., United States v. Marchetti*, 466 F.2d 1309 (4th Cir. 1972);

³ Jones would be hard-pressed to deny his Virginia contacts with the CIA given his own assertions in his book—assertions the CIA neither confirms nor denies (*see* DiMaio Decl. at ¶ 11). The book is peppered with references to Jones attending training sessions, conferences, and meetings at Headquarters and its surrounding area, as well as numerous other references to his traveling to Headquarters. *See* Summary of References to CIA Headquarters in “The Human Factor: Inside the CIA’s Dysfunctional Intelligence Culture,” by Ishmael Jones, attached hereto as Exhibit D, with excerpts from book. The book is chock-full of references to Jones seeking approvals from Headquarters for his assignments and operations, and to Jones receiving orders from Headquarters. *Id.* One of the themes of the book is Jones’ view of Headquarters’ micro-managing Jones’ and his colleagues’ operations. *See, e.g.,* “The Human Factor: Inside the CIA’s Dysfunctional Intelligence Culture,” at 6, 142 (excerpts included in Exhibit D). The top executives of the CIA, of course, work at Headquarters. Cole Decl. at ¶ 10.

United States v. Snepp, 456 F. Supp. 176 (E.D. Va. 1978).

Courts in this district have repeatedly found personal jurisdiction where the defendant accepted and maintained employment with a Virginia-based organization and where the defendant had communications with and visits to the organization's headquarters in Virginia, just as Jones did here. *See, e.g., Reynolds Foil Inc. v. Pai*, 2010 WL 1225620, at * 3-4 (E.D. Va. Mar. 25, 2010); *FBR Capital Markets*, 2009 WL 3254458, at * 3; *Goldman*, 337 F. Supp. 2d at 796-98. In *Goldman*, for instance, the defendant was a Florida resident who worked as an event producer for six years for a company headquartered in Virginia. The defendant worked out of the company's Orlando offices and was recruited in Orlando. The defendant's employment contract, which was signed in Orlando, prohibited him from soliciting any of the company's clients within a certain time frame after his employment ended and disclosing the company's confidential business information. The contract contained neither choice-of-law nor choice-of-forum provisions. During the defendant's six years of employment, he communicated frequently with the company's Virginia employees on business matters, and made three trips to the company's Virginia headquarters for business meetings. 337 F. Supp. 2d at 791-92. After the defendant went to work for a competitor and allegedly stole one of the company's clients, the company sued him for breach of the nonsolicitation and confidentiality clauses of his contract.

The defendant in *Goldman* raised a challenge to the court's personal jurisdiction over him. The court rejected it, finding the defendant's acceptance of employment with a Virginia-based company, his regular communications with the company's Virginia employees in the course of performing his job, and his three trips to the company's Virginia headquarters also in the course of performing his job, to be sufficient contacts with Virginia. *Id.* at 796-98. *See also*

Reynolds, 2010 WL 1225620, at * 3-4 (personal jurisdiction in Virginia satisfied where defendant accepted and maintained employment with a company headquartered in Virginia and traveled to Virginia on 103 days over the course of her employment); *FBR Capital Markets*, 2009 WL 3254458, at * 3 (defendant's accepting and maintaining employment with a Virginia-based company, interviewing for employment in Virginia, and traveling to Virginia for training purposes constituted sufficient contacts with state).

Additionally, the numerous contacts that Jones had with the CIA in Virginia are related to the United States' claims against Jones. *Reynolds*, 2010 WL 1225620, at * 5; *FBR Capital Markets*, 2009 WL 3254458, at * 3. "When a claim is 'based on a contract which had substantial connections with that State,' then the Plaintiff's claims can be said to arise out of connections with that forum." *Reynolds*, 2010 WL 1225620, at * 5 (quoting *McGee v. Int'l Life Ins. Co.*, 355 U.S. 220, 223 (1957)). This case is a dispute over the terms and conditions of Jones' employment with the CIA. *FBR Capital Markets*, 2009 WL 3254458, at * 3. Jones gained access to classified, national security information, which he used to perform his job, only by agreeing to the terms of his Secrecy Agreement. It is the breach of that agreement, and Jones' fiduciary duties to the CIA, that form the basis of this action. While Jones claims not to have written or published his book in Virginia (Jones Decl. at ¶ 7), he admits that he communicated with the PRB, located in the Eastern District of Virginia, to obtain the Agency's approval to publish his book, and his publication of his book in defiance of the PRB's denial of permission is the basis for this suit. Jones Decl. at ¶ 8 (acknowledging communications with CIA employees during the publication review process); Puhl Decl. at ¶ 5-17. And although Jones contends, without any support, that his book "is not even tangentially related to Virginia or [his] visits to

Virginia,” (Jones brief at 9), he in fact admits that the book is “highly critical of CIA management” (Jones Decl. at ¶ 7), which is housed at CIA Headquarters in Langley. Cole Decl. at ¶ 10. As noted above, Jones repeatedly refers to events at, and direction he received from, Headquarters in his book. Moreover, the injury caused by Jones’ breach of his Secrecy Agreement and fiduciary duties—specifically, the undermining of confidence and trust in the CIA and its prepublication review process, hindering the Agency’s ability to perform its statutory duties (*see* Complaint at ¶ 36)—is felt by the CIA throughout its operations, including, of course, its headquarters. *See Calder v. Jones*, 465 U.S. 783, 789-90 (1984) (personal jurisdiction existed in state in which brunt of harm was suffered); *FBR Capital Markets*, 2009 WL 3254458, at * 3.

In support of his motion to dismiss for lack of personal jurisdiction, Jones focuses on certain of his employment activities that occurred outside Virginia. For instance, Jones asserts that he was hired in Northern California, signed “the bulk” of his CIA contracts in Northern California, traveled to Northern California for his home leave and to take medical and other fitness evaluations, was not permanently assigned to Virginia, and did not write his book in Virginia. Jones Decl. at ¶¶ 1, 3-5, 7; Jones brief at 6-7. This argument “misses the mark. The focus of the ‘minimum contacts’ analysis is not *which* contacts with the forum are absent, nor *where* the contacts predominate, but only ‘*whether* enough minimum contacts [with the forum] exist [such] that the district court’s assumption of specific jurisdiction does not offend due process.” *Goldman*, 337 F. Supp. 2d at 798 (quoting *English & Smith v. Metzger*, 901 F.2d 36, 39 (4th Cir. 1990)) (emphasis in *Goldman*). The mere fact that during the course of an approximately eighteen-year career with the CIA, Jones carried out certain employment related activities outside the boundaries of Virginia, as one would expect he would, particularly as a

covert officer tasked with collecting foreign intelligence, does not negate the reasonable expectation that the CIA would sue him in Virginia to enforce its Secrecy Agreement. *Id.*⁴

In addition, the cases Jones relies upon for his personal jurisdiction challenge are easily distinguishable, involving inapposite claims and factual circumstances. *Rannoch*, a trademark and unfair competition case between two corporations, involved the question whether a company's placement of a website on the internet, with knowledge of the possibility that the site might be accessed in Virginia, could, by itself, satisfy the due process standard for personal jurisdiction. *See Rannoch*, 52 F. Supp. 2d at 683, 685-86. Similarly, *Young v. New Haven Advocate*, 315 F.3d 256 (4th Cir. 2002) (libel case), and *ALS Scan, Inc. v. Digital Service Consultants, Inc.*, 293 F.3d 707 (4th Cir. 2002) (copyright case), involved the issue of the extent to which a company's internet activities could subject it to personal jurisdiction in Virginia and did not arise in the employment context. Jones' other cases are also commercial, nonemployment-related cases not analogous to the instant case. *See Helicopteros Nacionales de Columbia, S.A. v. Hall*, 466 U.S. 408, 416-18 (1984) (holding that Columbian corporation was not subject to general personal jurisdiction, requiring continuous and systematic business contacts, in Texas in wrongful death action arising out of crash of one of its helicopters, where Columbian corporation's only contacts with Texas were sending its CEO to Texas for a contract-negotiation session, purchasing goods and training services from a Texas company, sending personnel to Texas for training; and accepting into its New York bank account checks drawn on a

⁴ In paragraph 6 of his declaration, Jones states: "I have no connections to Virginia. I do not own any property in Virginia. I do not maintain an office in Virginia or have an agent in Virginia. I have no business activities that are directed at Virginia." This paragraph, written in the present tense, cannot dispute the fact that Jones had business activities directed at Virginia when he worked for the CIA.

Texas bank); *Chung v. Nana Development Corp.*, 783 F.2d 1124, 1126-28 (4th Cir. 1986) (holding that Alaska corporation, which never solicited any business in Virginia, was not subject to personal jurisdiction in Virginia in commercial breach of contract case, based upon a single sale in Alaska to a Virginia resident, where part of the purchase was shipped to plaintiff in Virginia); *RZS Holdings, AVV v. Commerzbank, AG*, 279 F. Supp. 2d 716, 722 (E.D. Va. 2003) (holding that foreign bank, which agreed to confirm a letter of credit issued by another foreign bank for the benefit of a resident of Virginia, did not purposefully avail itself of the laws, privileges, and protections of Virginia); *Superfos Investments Ltd. v. FirstMiss Fertilizer, Inc.*, 774 F. Supp. 393, 398 (E.D. Va. 1991) (in breach of contract action between two corporations, finding lack of personal jurisdiction over Mississippi corporation, where product that was the subject of the breach of contract action never entered Virginia, no employees or representatives of Mississippi corporation traveled to Virginia to negotiate or administer terms of the contract, and plaintiff solicited the contract with the Mississippi corporation).

II. VENUE IS PROPER IN THE EASTERN DISTRICT OF VIRGINIA.

Venue is proper in the Eastern District of Virginia pursuant to 28 U.S.C. § 1391(b)(2). *See* Complaint at ¶ 2. That provision provides that in a civil action not based solely on diversity jurisdiction, venue is proper in “a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated.”⁵

⁵ Such an action may also be brought in a judicial district where any defendant resides, if all defendants reside in the same state, or a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b)(1), (3). The United States does not contend that either of these venue provisions applies in this action in this district.

When determining whether a substantial part of the events or omissions giving rise to the claim occurred in a district, a court should not look just to those events that directly underlie the claim at issue, but “should review ‘the entire sequence of events underlying the claim.’”

Mitrano, 377 F.3d at 405 (quoting *First Mich. Corp. v. Bramlet*, 141 F.3d 260, 264 (6th Cir. 1998)).⁶ Here, the events that most directly underlie the claim are Jones’ submission of his book for prepublication review, the PRB’s denial of permission to publish, and Jones’ publication of his book without the PRB’s permission, but the sequence of events underlying the claim include all of Jones’ employment-related activities while working for the CIA. *See Reynolds*, 2010 WL 1225620, at * 7 (“the event that most directly precipitated the claim was Defendant’s breach of the tuition assistance agreement, but the series of events that gave rise to the claim more broadly include all of Defendant’s employment related activities while affiliated with Reynolds.”).

“[C]ourts in this district have uniformly ‘found venue appropriate when a claim against a nonresident defendant is brought by a plaintiff who is headquartered in the district and where the defendant had communications with and visits to the headquarters in the district.’” *Reynolds*, 2010 WL 1225620, at * 7 (quoting *FBR Capital Markets*, 2009 WL 3254458, at * 4). *See also Goldman*, 337 F. Supp. 2d at 798-99. Jones’ communications with and visits to the Eastern District of Virginia, as described in the personal jurisdiction argument above, establish that venue is proper in this district.

⁶ *Mitrano* involved 28 U.S.C. § 1391(a), concerning venue in actions based on diversity of citizenship. The language used in § 1391(a)(2), however, making venue proper in any “judicial district in which a substantial part of the events or omissions giving rise to the claim occurred,” is exactly the same as the language used in § 1391(b)(2).

III. THE UNITED STATES' BREACH OF FIDUCIARY DUTY CLAIM IS NOT BARRED BY THE VIRGINIA STATUTE OF LIMITATIONS.

Jones contends that the United States' breach of fiduciary duty claim against him must be dismissed because that claim is governed by Virginia's two- year statute of limitations, and more than two years has elapsed since the publication of Jones' book. Jones brief at 11. But the United States is not bound by state statutes of limitations. If anything, the three-year federal statute of limitations set forth in 28 U.S.C. § 2415(b) applies to the United States' breach of fiduciary duty claim. Because the complaint was clearly filed within three years of the date of publication of the book, the United States' claim is timely.

The United States is not subject to any statute of limitations in enforcing its rights, unless Congress specifically provides otherwise. "It is well settled that the United States is not bound by state statutes of limitation or subject to the defense of laches in enforcing its rights." *United States v. Summerlin*, 310 U.S. 414, 416 (1940) (citing *United States v. Thompson*, 98 U.S. 486 (1879); *United States v. Nashville, Chattanooga & St. Louis Ry.*, 118 U.S. 120, 125 (1886)). "The same rule applies whether the United States brings its suit in its own courts or in a state court." *Id.* The Supreme Court explained that "[w]hen the United States becomes entitled to a claim, acting in its governmental capacity and asserts its claim in that right, it cannot be deemed to have abdicated its governmental authority so as to become subject to a state statute putting a time limit upon enforcement." *Id.* at 417. The rule is grounded in the "public policy of preserving the public rights, revenues, and property from injury and loss, by the negligence of public officers." *Guaranty Trust Co. v. United States*, 304 U.S. 126, 132 (1938) (internal quotations omitted). Although the *Summerlin* rule dates back seventy years, courts have

consistently applied it through the years. *See, e.g., United States v. Peoples Household Furnishings, Inc.*, 75 F.3d 252, 254-57 (6th Cir. 1996); *United States v. Podell*, 572 F.2d 31, 35 n. 7 (2d Cir. 1978); *United States v. Morgan*, 298 F.2d 255, 256 (4th Cir. 1962); *United States v. Flake*, 783 F. Supp. 762, 768 (E.D.N.Y. 1992).⁷

Courts have held that the *Summerlin* rule applies to state law causes of action brought by the United States, such as those at issue here. *See, e.g., Podell*, 572 F.2d at 35 n. 7 (action by United States to impose a constructive trust on monies defendant received in breach of his fiduciary duty as a United States Congressman); *United States v. Holmes*, 2009 WL 1841583, at * 4 (D. Col. June 25, 2009) (breach of fiduciary duty claim brought by United States under Colorado law); *United States v. St. Louis University*, 2007 WL 4115807, at * 3-4 (S.D. Ill. Nov. 16, 2007) (contribution suit, governed by state law, brought by United States); *United States v. Foster*, 2005 WL 1458266, at * 2 (S.D. Ill. June 15, 2005) (trespass, conversion, and unjust enrichment claims brought by United States under Illinois law); *United States v. Village of Island Park*, 791 F. Supp. 354, 369 (E.D.N.Y. 1992) (“notwithstanding that the government brings this

⁷ The United States may be subject to a state statute of limitations when it attempts to enforce an assigned or subrogated claim for which the state statute of limitations expired before the United States acquired the claim, or when the United States is not acting on behalf of a governmental interest. *See, e.g., United States v. California*, 507 U.S. 746, 758-59 (1993) (holding that a state statute of limitations barred the United States’ cause of action as subrogee of a private contractor where the United States asserted its right to subrogation after the limitations period had expired against the private contractor); *Guaranty Trust*, 304 U.S. at 141-42 (holding that a state statute of limitations barred the United States’ cause of action assigned from a foreign state when the United States acquired the cause of action after the limitations period had expired against the foreign state). In the instant case, however, the United States is clearly suing on behalf of a United States governmental interest—specifically, to enforce its Secrecy Agreements, protect classified information, and preserve the CIA’s ability to perform its statutory duties, *see Snepp v. United States*, 444 U.S. 507, 510-13 (1980)—and has owned the cause of action since it accrued. Thus, these limited exceptions to the *Summerlin* rule do not apply here.

cause of action pursuant to the law of the State of New York, the New York statute of limitations applicable to actions for constructive trust does not apply to the United States in this case.”).

Arguably, the three-year federal statute of limitations provided by 28 U.S.C. § 2415(b) applies to the government’s breach of fiduciary duty claim. Section 2415(b) provides a three year statute of limitations for tort actions for money damages brought by the United States. Breach of fiduciary duty typically sounds in tort. *See, e.g., Carstensen v. Chrisland Corp.*, 247 Va. 433, 444-46, 442 S.E.2d 660, 666-68 (Va. 1994) (analyzing breach of fiduciary duty as a tort claim). The complaint seeks injunctive relief, a constructive trust, and, to the extent that revenues from the sale of the book are no longer in Jones’ possession, monetary damages for proceeds wrongfully obtained by Jones as a result of his breach.⁸ *See* Complaint at Prayer for Relief. Filed on July 9, 2010, the complaint was filed well within three years of the date on which Jones claims publication occurred, June, 2008.⁹

⁸ Injunctive relief and a constructive trust are equitable remedies, not impositions of money damages. *See Village of Island Park*, 791 F. Supp. at 370; *Flake*, 783 F. Supp. at 768. *Cf. SEC v. Rind*, 991 F.2d 1486, 1492-93 (9th Cir. 1993) (28 U.S.C. § 2415(b) does not apply to action for disgorgement of improper profits, which is equitable in nature). Thus, no statute of limitations applies to the United States’ breach of fiduciary duty claim for injunctive relief and a constructive trust.

⁹ We note that there is substantial evidence that Jones’ book was actually published in July, 2008. Jones’ own website indicates that his book was published in July, 2008, contradicting his declaration. *See* <http://www.ishmaeljones.com/> (stating that “The Human Factor: Inside the CIA’s Dysfunctional Intelligence Culture” “was published by Encounter Books in July 2008 and revised in April 2010.”) (last visited Jan. 6, 2011). In addition, Barnes&Noble.com indicates the book was published July 25, 2008, and Borders.com indicates it was published August 1, 2008. *See* <http://www.borders.com/online/store/TitleDetail?sku=1594032238> (last visited Jan. 6, 2011); <http://productsearch.barnesandnoble.com/search/results.aspx?WRD=ishmael+jones&page=index&prod=univ&choice=allproducts&query=ishmael+jones&flag=False&ugrp=1> (last visited Jan. 6, 2011).

IV. THE COMPLAINT DOES NOT SEEK COMPENSATORY DAMAGES, NOR DOES IT ASSERT A “CLAIM” FOR UNJUST ENRICHMENT.

Jones contends that the United States’ claim for damages should be dismissed because the complaint fails to state a claim for “compensatory damages.” Jones brief at 12. The complaint does not, however, seek compensatory damages. Rather, the complaint requests an award of “money damages for proceeds wrongfully obtained by defendant Jones as a result of his breach,” “[t]o the extent that any . . . revenues, gain, royalties or other advantages [derived by Jones from the publication of his book] are no longer in defendant Jones’ possession.” Complaint at Prayer for Relief. There is thus no claim for “compensatory damages” to be dismissed. Jones brief at 12.

To the extent that Jones is claiming that the United States’ request for money damages in the event that Jones’ proceeds from the unauthorized publication of the book are no longer in his possession fails because the United States has not alleged any “specific loss or injury actually incurred by plaintiff,” Jones brief at 12, that argument too must fail. The complaint specifically alleges harm to the United States: “As a direct and proximate result of defendant Jones’ breach of his contractual and/or fiduciary duties, the United States has been damaged, *inter alia*, by the undermining of confidence and trust in the CIA and its prepublication review process, thereby hampering the ability of the Agency and of the Director of the Agency to perform their respective statutory duties” Complaint at ¶ 36. *See also Snepp*, 444 U.S. at 512-13.

The complaint also does not allege a “claim” for unjust enrichment, contrary to Jones’ argument. Jones brief at 11-12. The complaint alleges a claim for breach of contract and fiduciary duty, and seeks, *inter alia*, the equitable remedy of a constructive trust based in part on

Jones' unjust enriched as a result of the unauthorized publication of his book, not an independent claim for unjust enrichment. Complaint at ¶ 36.

V. THE CASE SHOULD NOT BE TRANSFERRED TO THE NORTHERN DISTRICT OF CALIFORNIA.

Jones moves in the alternative for a transfer of venue pursuant to 28 U.S.C. § 1404(a).

Jones has failed to meet his burden of showing that transfer of venue is proper. The Court should therefore deny his request.

A district court may transfer any civil action to any other district court where the case might have been brought “[f]or the convenience of parties and witnesses, and in the interest of justice” 28 U.S.C. § 1404(a). The decision whether to transfer is committed to the sound discretion of the district court. *See, e.g., Goldman*, 337 F. Supp. 2d at 799. “There is, however, ‘a strong presumption in favor of the plaintiff’s choice of forum, which may be overcome only when the private and public factors clearly point toward trial in the alternative forum.’”

Goldman, 337 F. Supp. 2d at 799 (quoting *Piper Aircraft Co. v. Reyno*, 454 U.S. 235, 255 (1981)). “‘The initial choice of forum, from among those possible, is a privilege given to the plaintiff.’” *Reynolds*, 2010 WL 1225620, at * 8 (quoting *Medicenters of Am., Inc. v. T & V Realty & Equip. Corp.*, 371 F. Supp. 1180, 1183-84 (E.D. Va. 1974)). Moreover, the plaintiff’s choice of its home forum is given special weight, as opposed to its choice of a foreign forum. *Goldman*, 337 F. Supp. 2d at 799.

Jones, as the movant, bears the burden of “‘demonstrating that the balance of convenience among the parties and witnesses is strongly in favor of’” litigating this case in the Northern District of California. *Reynolds*, 2010 WL 1225620, at * 7 (quoting *Nossen v. Hoy*, 750 F. Supp.

740, 742 (E.D. Va. 1990)). *See also Division Access Control, Inc. v. Landrum*, 2007 WL 1238607, at * 5 (E.D. Va. April 27, 2007). Factors to be considered include the convenience of the parties and witnesses, the relative ease of access to sources of proof, and the interests of justice. *Reynolds*, 2010 WL 1225620, at * 7. “An analysis of the interests of justice includes circumstances such as ‘the pendency of a related action, the court’s familiarity with the applicable law, docket conditions, access to premises that might have to be viewed, the possibility of unfair trial, the ability to join other parties, and the possibility of harassment.’” *Id.* at * 9 (quoting *Aceterna, LLC. v. Adtech, Inc.*, 129 F. Supp. 2d 936, 940 (E.D. Va. 2001)).

None of the reasons Jones puts forth for his transfer of venue request, either individually or collectively, shows that the balance of convenience tilts strongly in favor of litigating this case in California. First, Jones claims that requiring him to defend this case in Virginia would be “extremely inconvenient, burdensome, expensive and prejudicial” to him based on the mere fact that he lives in California. Jones brief at 13. But transferring the case to California “would merely shift the balance of inconvenience in defendant’s favor. In such circumstances, transfer is not warranted.” *Goldman*, 337 F. Supp. 2d at 799 (internal quotation omitted). *See also Reynolds*, 2010 WL 1225620, at * 9; *Landrum*, 2007 WL 1238607, at * 6. The fact that the United States has the resources to defend this case in California does not change the analysis. *Cf. Burger King*, 417 U.S. at 483 n.25 (rejecting defendant’s argument that Burger King’s size and ability to conduct litigation anywhere in the country may defeat jurisdiction in a forum in which defendant has derived commercial benefit); *MAACO Enterprises, Inc. v. Twiford*, 1993 WL 15639, at * 7 (E.D. Pa. Jan. 14, 1993) (applying rationale of *Burger King*’s footnote 25 to transfer of venue motion).

Second, Jones suggests that the convenience of witnesses supports his request, but he has offered no proof regarding the identity of proposed witnesses, their location, or what they would say. Jones brief at 15. Jones has the burden “to proffer, by affidavit or otherwise, sufficient details respecting the witnesses and their potential testimony to enable the court to assess the materiality of evidence and the degree of inconvenience.” *Goldman*, 337 F. Supp. 2d at 799 (internal quotation omitted). *See also Reynolds*, 2010 WL 1225620, at * 8; *Landrum*, 2007 WL 1238607, at * 7. Far from meeting his burden, Jones asserts that the identity and location of witnesses are “uncertain” and “unknown” at this stage of the litigation. Jones brief at 15. As the *Goldman* court found, however, “[a]lthough a motion to transfer venue must be brought at an early stage in litigation when it is typically difficult to anticipate the identity of trial witnesses, or the matters upon which they will testify, defendant’s failure to produce any evidence of inconvenience to non-party witnesses weighs against transfer.” *Goldman*, 337 F. Supp. 2d at 800.

Not only has Jones failed to meet his evidentiary burden with respect to the convenience of witnesses, the facts of this case make it unlikely that this will even be an issue as the case proceeds. The facts of this case derive mainly from documents, such as Jones’ Secrecy Agreement and his correspondence with the PRB, and are relatively simple and straightforward. *See* complaint. The volume of documents is small and not likely to affect the transfer calculus either. *See Reynolds*, 2010 WL 1225620, at * 8; *Goldman*, 337 F. Supp. 2d at 800.

Third, Jones claims that his having to defend this case in this Court will increase the risk that his true identity and affiliation with the CIA will be revealed. Jones brief at 13-14. This argument is based on pure speculation and is belied by the numerous references in Jones’ own

book to his travel to the CIA Headquarters area while he was under cover. *See* Exhibit D. Numerous covert CIA officers live and work safely in the Eastern District of Virginia. These covert officers routinely travel in the Washington, D.C. area on a daily basis without having their affiliation with the CIA compromised. Cole Decl. at ¶ 17.

In terms of protecting his identity, the main risk that Jones faces is not that foreign intelligence services will follow his rental car or stake out his hotel, but rather that his identity could be revealed through his appearance at a public court hearing or trial associated with this case. Cole Decl. at ¶ 18. This risk exists regardless of whether the venue is in Virginia or California, and is in fact mitigated in this district. *Id.* Because CIA Headquarters lies in the Eastern District of Virginia, this Court has extensive experience in handling civil cases in which dealing with classified information is an issue. *See, e.g., Sterling v. Tenet*, 416 F.3d 338, 342 (4th Cir. 2005) (Title VII case filed by former CIA covert operative, in which this Court conducted an ex parte, in camera examination of classified information) *El-Masri v. Tenet*, 437 F. Supp. 2d 530, 537 (E.D. Va. 2006) *aff'd*, 479 F.3d 296 (4th Cir. 2007) (action alleging unlawful detention by U.S. Government, in which this Court reviewed an ex parte classified declaration); *Tilden v. Tenet*, 140 F. Supp. 2d 623, 625-26 (E.D. Va. 2000) (gender discrimination case in which this Court reviewed classified information in camera and ex parte).

Although Jones is not required to attend routine court hearings such as any hearing on the motion to dismiss or to transfer venue his attorneys have filed on his behalf, for any hearing that Jones does plan to attend in person, this Court is perhaps in a better position than other district courts to implement measures that will prevent Jones' true identity from being revealed. It is important to note in this regard that this Court has presided over a number of civil cases in which

a party's identity needed to remain concealed due to national security reasons. *See, e.g., Tilden*, 140 F. Supp. 2d at 624 n.1 (noting that the plaintiff's name on the case caption was a pseudonym, used to protect national security); *Peary v. Goss*, 365 F. Supp. 2d 713, 716 n.1 (E.D. Va. 2005) (Title VII case in which the plaintiff used a pseudonym during the litigation to preserve CIA operational security). Because of this Court's experience in handling these and similar cases, this Court is likely more practiced than other courts at fashioning protective orders to protect sensitive information. *See, e.g., Peary v. Tenet*, Civil No. 1:04-cv-00966, Docket No. 27 (order providing for limited discovery into discrete topics).

The CIA appreciates Jones' concerns about the need to protect his identity. Indeed, that is the reason the CIA sought the Court's permission to sue Jones in his pen name. Accordingly, the United States will be receptive to other steps that might help protect Jones' identity. Cole Decl. at ¶ 19.

CONCLUSION

For all of the foregoing reasons, plaintiff the United States of America respectfully requests that the Court deny defendant Jones' Motion to Dismiss and/or Transfer Venue, and require him to answer the complaint.

Respectfully Submitted,

TONY WEST
Assistant Attorney General

NEIL H. MACBRIDE
United States Attorney

VINCENT M. GARVEY
Deputy Branch Director
Federal Programs Branch

By: _____ /s

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Counsel for the Plaintiff United States of America

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of January, 2011, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to:

James Forrest Peterson, Esq.
Judicial Watch Inc
425 Third Street SW, Suite 800
Washington, DC 20024
jpeterson@judicialwatch.org

/s/

Kevin J. Mikolashek
Assistant United States Attorney
UNITED STATES ATTORNEY'S OFFICE
Justin W. Williams United States
Attorney's Building
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Counsel for the Plaintiff United States of America



U.S. Department of Justice

United States Attorney

Eastern District of Virginia

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*Justin W. Williams United States Attorney's Building
2100 Jamieson Avenue
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August 9, 2010

Mr. Ishmael Jones

SERVED VIA HAND DELIVERY

**Re: United States of America v. Ishmael Jones, a pen name
Civil No. 1:10-cv-765 (E.D. Va.)**

Dear Mr. Jones:

**IF YOU ARE REPRESENTED BY AN ATTORNEY, PLEASE
PROVIDE THIS LETTER AND THE ENCLOSED DOCUMENTS TO
YOUR ATTORNEY AND ASK HIM OR HER TO CONTACT ME AT
THE ABOVE ADDRESS AND/OR PHONE NUMBER.**

I write to inform you that the United States of America has filed a civil lawsuit against you in the U.S. District Court for the Eastern District of Virginia. The purpose of this letter is to remind you of your continuing obligation to abide by your Secrecy Agreement and to identify procedures for you to follow to ensure the protection of classified information.

Consistent with the prepublication review requirement set forth in the Secrecy Agreement you signed on July 19, 1989, prior to submitting a court filing in this case, you should provide a copy of the filing to Department of Justice Security Officer Christine Gunning, who can be contacted at (202) 514-9016. The Security Officer will ensure that an appropriate government agency representative will conduct a prepublication classification review of the information. This review will ensure that classified information is not disseminated to persons lacking the appropriate clearances or security approvals.

If you have hired or plan to hire an attorney, you may request that the U.S. Government provide that attorney with a limited security approval in order to represent you in this matter. Your attorney should contact me at (703) 299-3809 so that I can provide him or her with the relevant information to obtain such approval. Until your attorney's approval is granted, and your representative has received a standard security


**GOVERNMENT
EXHIBIT**

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briefing and signed a secrecy/non-disclosure agreement, you may not discuss any classified information with him or her.

Again, if you are represented by an attorney, please have him or her contact me at the address or telephone number provided above. If you are not represented by an attorney and you have questions about the information provided above, please feel free to contact me.

Sincerely,



KEVIN J. MIKOLASHEK
Assistant United States Attorney

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:10-cv-765
)	
ISHMAEL JONES, a pen name)	
)	
Defendant.)	
_____)	

**DECLARATION OF RICHARD J. PUHL
CHAIRMAN, PUBLICATIONS REVIEW BOARD
CENTRAL INTELLIGENCE AGENCY**

I, RICHARD J. PUHL, hereby declare and say:

1. I am the Chairman of the Publications Review Board ("PRB" or the "Board") of the Central Intelligence Agency ("CIA"), and have served in this capacity since November 2005. Prior to this position, I served as the PRB's legal advisor for over four years, acting as the Office of General Counsel's representative to that Board.

2. All former CIA employees who have signed CIA secrecy agreements must submit for prepublication review their intelligence-related materials intended for nonofficial publication or public dissemination. The PRB is the body charged with reviewing the submitted materials to determine

**GOVERNMENT
EXHIBIT**
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whether they contain classified information. The purpose of the PRB's prepublication review is twofold: (a) to assist individuals in meeting their secrecy agreement obligations; and (b) to ensure that information damaging to the national security is not disclosed. As Chairman of the PRB, I am responsible for supervising the review, coordination, and formal written approval of submissions in coordination with appropriate Board members.

3. Through the exercise of my official duties, I am familiar with this civil action. I make the following statements based upon my personal knowledge and information made available to me in my official capacity.

4. I understand that the United States Government is suing a former CIA officer who published a book entitled, "The Human Factor: Inside the CIA's Dysfunctional Intelligence Culture," in defiance of the PRB's disapproval and instructions not to publish. I further understand that the Defendant has subsequently filed a motion to dismiss the Government's lawsuit and/or a motion to transfer venue to the United States District Court for the Northern District of California. The purpose of this declaration is to describe, to the extent possible on the public record, some of the Defendant's contacts with the PRB.

5. The PRB has been located in the Eastern District of Virginia since at least January 2006.

6. On 10 April 2007, the Defendant, using a fictitious name, sent the PRB an e-mail, asking the PRB to conduct a prepublication review of a manuscript.

7. The PRB, through an address located outside of Virginia,¹ sent the Defendant a letter dated 22 May 2007 to inform him that the PRB could not approve any portion of his manuscript.

8. On 1 June, 2007, the Defendant, using a fictitious name, sent the PRB an e-mail about its disapproval of his manuscript.

9. On 19 June 2007, the Defendant, using a fictitious name, sent the PRB an e-mail about its disapproval of his manuscript.

10. On or about 20 July 2007, the Defendant had a telephone conversation with an employee of the PRB who works in the Eastern District of Virginia.

11. The Defendant sent the PRB a letter dated 27 July 2007, asking the PRB to conduct a prepublication review of a rewritten version of his manuscript.

¹ Because Defendant's affiliation with the CIA was and remains classified, the PRB used an address outside of Virginia, which has no public connection to the CIA, for all written correspondence with Defendant in order to avoid openly linking his true name and/or address to the CIA.

12. The Defendant sent the PRB a letter dated 8 August 2007, asking the PRB to conduct a prepublication review of an article.

13. The PRB sent the Defendant a letter dated 14 September 2007 to inform him that the PRB had completed its review of the article sent to the PRB on 8 August 2007.

14. The PRB sent the Defendant a letter dated 7 December 2007 to inform him that the PRB could not approve his rewritten manuscript.

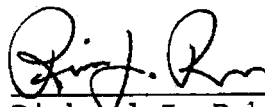
15. The Defendant sent the PRB a letter dated 8 January 2008 about its disapproval of his rewritten manuscript.

16. The PRB sent the Defendant a letter dated 5 February 2008 about his appeal of the PRB's disapproval of his rewritten manuscript.

17. The Defendant sent the PRB a letter dated 8 March 2008 about the PRB's disapproval of his rewritten manuscript.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of January, 2011.



Richard J. Puhl
Chairman, Publications Review Board
Central Intelligence Agency

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	
v.)	Civil Action No. 1:10-cv-765
)	
ISHMAEL JONES, a pen name)	
)	
Defendant)	
_____)	

**DECLARATION OF MARY ELLEN COLE
INFORMATION REVIEW OFFICER
NATIONAL CLANDESTINE SERVICE
CENTRAL INTELLIGENCE AGENCY**

I, MARY ELLEN COLE, hereby declare and say:

1. I am the Information Review Officer ("IRO") for the National Clandestine Service ("NCS") of the Central Intelligence Agency ("CIA"). I was appointed to this position in June 2010, and formally replaced my predecessor in July 2010. I have held operational and managerial positions in the CIA since 1979.

2. The NCS is the organization within the CIA responsible for conducting the CIA's foreign intelligence and counterintelligence activities; conducting special activities, including covert action; conducting liaison with foreign intelligence and security services; serving as the repository for foreign counterintelligence information; supporting

**GOVERNMENT
EXHIBIT**

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clandestine technical collection; and coordinating CIA support to other federal departments and agencies. Specifically, the NCS is responsible for the conduct of foreign intelligence collection activities through clandestine use of human sources.

3. As IRO for the NCS, I am responsible for the review of documents and information originated by the NCS or otherwise implicating NCS interests. As part of my official duties, I ensure that the release of NCS information is proper and does not jeopardize CIA interests; personnel or facilities; or intelligence activities, sources, or methods.

4. Section 102A(i) of the National Security Act of 1947, as amended, 50 U.S.C. § 403-1(i), requires that the Director of National Intelligence ("DNI") protect intelligence sources and methods from unauthorized disclosure. As NCS/IRO, I work under the Director of the CIA ("DCIA") to implement this statutory responsibility with respect to NCS information.

5. As a senior CIA official and under a written delegation of authority pursuant to Executive Order 13526, § 1.3(c), I hold original classification authority at the TOP SECRET level. Therefore, I am authorized to conduct classification reviews and to make original classification and declassification decisions.

6. Through the exercise of my official duties, I have become generally familiar with the facts in this civil action.

I make the following statements based upon my personal knowledge and information made available to me in my official capacity.

7. I understand that the United States Government is suing a former CIA officer who published a book entitled, "The Human Factor: Inside the CIA's Dysfunctional Intelligence Culture," in defiance of the CIA's Publications Review Board's ("PRB") disapproval and instructions not to publish. I further understand that the Defendant has subsequently filed a motion to dismiss the Government's lawsuit and/or motion to transfer venue to the United States District Court for the Northern District of California. The purpose of this declaration is to describe, to the extent possible on the public record, some of the Defendant's contacts with the Eastern District of Virginia.

8. Defendant was employed by the CIA from July 1989 until circa October 2006.

9. The CIA's Headquarters is presently, and was at all times during Defendant's employment with the CIA, located in the Langley neighborhood of McLean, Virginia, in the Eastern District of Virginia.

10. Top executives of the CIA, including the DCIA, the Deputy Director, the Associate Deputy Director, and the Director of the NCS, work at CIA Headquarters.

11. During the period of his CIA employment, Defendant's salary and benefits were processed through CIA Headquarters in the Eastern District of Virginia.

12. CIA issued a badge to Defendant, which gave him access to CIA Headquarters in McLean, Virginia.

13. As a condition of his CIA employment, the Defendant was required to obtain and maintain a security clearance. The CIA office responsible for processing and granting security clearances is located in the Eastern District of Virginia. As part of the security clearance process, the Defendant traveled to the Eastern District of Virginia on at least one occasion to be interviewed by a CIA security officer.

14. During his CIA employment, Defendant traveled to the Eastern District of Virginia to receive training and for other purposes.

15. While Defendant operated covertly overseas for much of his career, he stayed in regular contact with CIA Headquarters. A search of one records system revealed that the Defendant authored approximately 1,000 communications that were sent to CIA Headquarters during his career. Through the transmission of such communications, Defendant reported back to, and received orders, instructions, and assignments from, CIA officials located in the Eastern District of Virginia.

16. In connection with his resignation, Defendant traveled to the Eastern District of Virginia in 2006 to complete his exit processing. Among other things, he (a) met with various CIA officials; (b) returned his badge; and (c) signed a Sensitive Compartmented Information Nondisclosure Agreement stating:

"Having been reminded of my continuing obligation to comply with the terms of this Agreement, I hereby acknowledge that I was debriefed on the above SCI Special Access Program(s)." The Agreement further provides, in part:

I hereby agree to submit for security review by the Department or Agency that last authorized my access to such information or material, any writing or other preparation in any form, including a work of fiction, that contains or purports to contain any SCI or description of activities that produce or relate to SCI or that have reason to believe are derived from SCI that I contemplate disclosing to any person not authorized to have access to SCI or that I have prepared for public disclosure.

17. Numerous covert CIA officers live and work safely in the Eastern District of Virginia. These covert CIA officers routinely travel in the Washington, DC area on a daily basis without having their affiliation with the CIA compromised.

18. In terms of protecting his identity, the main risk Defendant faces is not that foreign intelligence services will follow his rental car or stake out his hotel, but rather that his identity could be revealed through his appearance at a public Court hearing or trial associated with this case. This

risk exists regardless of whether the venue is in Virginia or California.

19. The CIA appreciates Defendant's concern about the need to protect his identity. Indeed, that is the very reason why the CIA sought the Court's permission to sue Defendant in his pen name. Accordingly, the CIA will be receptive to other steps that might help protect the Defendant's identity.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed this 2nd day of January, 2011.



Mary Ellen Cole
Information Review Officer
National Clandestine Service
Central Intelligence Agency

Summary of references to CIA Headquarters in “The Human Factor: Inside the CIA’s Dysfunctional Intelligence Culture,” by Ishmael Jones¹

Jones took his polygraph examination, as part of his CIA application process, “in a hotel room near Washington, D.C.” page 17.

Jones participated in a series of interviews, as part of his CIA application process, in hotel rooms “in Washington, D.C.” page 18.

Jones moved himself and his family back to the Headquarters area to push for an overseas assignment. pages 64-67. “After I made a nuisance of myself at HQs for several weeks, my assignment was finally approved.” page 67.

While overseas, Jones received cash for his operations from Headquarters. pages 79, 190.

While overseas, Jones received administrative memos from Headquarters. pages 89, 282.

Jones received alias information and documents from Headquarters. pages 144, 165 (“I usually went all the way back to the US to pick up my alias documents.”), 166, 198-99.

Jones received orders from Headquarters. pages 157, 179, 186, 315-16.

Jones sought approvals from Headquarters for his assignments and operations. pages 93, 99, 117, 132, 141, 142, 144, 154, 172, 237, 239, 248, 255, 264, 343.

References to training courses Jones participated in at Headquarters or the Washington, D.C. area:

pages 20, 71-72 (training on the streets of Old Town Alexandria), 318.

References to meetings, seminars and conferences Jones attended at Headquarters:

pages 104, 113, 119, 120, 125, 136, 142, 159, 169, 181, 182, 212, 242-43, 245, 253, 257, 267, 280, 293, 312-13.

Miscellaneous HQ references:

page 59 (“During my [on-the-job-training] assignment, I traveled back to HQs a few times to try to push forward the paperwork for my overseas assignment.”).

page 132 (“Now that I was making more frequent HQs trips, . . .”)

page 177 (“Passing through HQs back in Langley, I learned the latest Agency news.”)

¹ The CIA does not confirm or deny the truth of the assertions in Jones’ book. See Declaration of Ralph S. DiMaio, submitted in support of the United States’ Motion for Immediate Relief to Name Defendant by Pseudonym, at ¶ 11.

page 229 (“At HQs, I stopped to see Grace . . .”)

page 240 (“As a top bureaucrat and counterterrorism manager explained to me during a HQs visit During my next visit to HQs, I overheard a couple of people talking about the Godfather.”)

page 271 (“Reading a cable at HQs, . . .”).

page 288 (“During a visit to HQs, a friend showed me the surveillance reports.”).

page 295 (“Happy that things were proceeding successfully, I traveled to HQs with a list of things I needed to get done. When I walked into HQs, something smelled wrong.”).

page 298 (“I traveled back to HQs to resign.”).

page 300 (“The next day, I drove to the HQs building and made my way through the massive parking lot. . . . I found the IG office, buried deep in the interior of the HQs building.”).

page 303 (“Driving east on Route 123 in McLean, I turned left in a long line of traffic into CIA headquarters.”).

page 305 (“I headed back to the personnel department and reversed my resignation. . . . I roamed the HQs building, meeting desk officers to find new leads and to confirm that I’d be able to restart cases that had been stopped during the stand-down.”).

page 316 (“I departed for HQs the next day to prepare.”).

★ **THE HUMAN FACTOR**

Inside the CIA's Dysfunctional Intelligence Culture

Ishmael Jones



ENCOUNTER BOOKS
New York and London

been cleared to be in Paris that morning. I'd tell HQs I just happened to walk by the conference because I'd had a cover business meeting nearby. HQs would rather hear that my attendance was serendipitous than that I'd specifically targeted it. There should be no fallout from having dropped by. I'd done a good job of avoiding the Twins and hadn't recognized any other CIA people, so I didn't expect my name to come up in anyone's after-action report.

I wouldn't tell HQs how I'd closely eyeballed everyone's nametag. That broke an unwritten Agency rule from back when many spies were embassy diplomats. Diplomats don't charge into scientific conferences and scrutinize nametags. They're expected to sidle up casually to people at cocktail parties, make small talk, and set a date for tennis.

Few at HQs had ever met a rogue state weapons scientist. HQs didn't even realize how approachable they were. The scientists' occupations—creating weapons of mass destruction for use by tyrants—made them intimidating, but I knew they sat next to a phone just like anyone else. They liked to communicate with people, indeed *had* to, if they wanted to keep informed within the scientific community. Most had relatives in the United States, and all of them wanted to come to the States to study. Nearly all spoke English and enjoyed speaking with Americans.

As for me, I was merely a businessman. I wasn't at the conference for fun—I was working, and attendees fully expected strangers to read their nametags. No reason to be shy about it.

The biggest problem would be explaining to HQs how I'd managed to arrange the meeting in Warsaw. By telephoning Dr. B— as he sat at his desk in his office, I'd broken an ironclad rule. No officer may ever contact anyone in a rogue state without prior approval.

Approvals from dozens of bureaucratic turfs and layers of Agency managers were needed before I was allowed to make a telephone call to anyone, let alone a rogue state scientist. Protocol required that I first write a memorandum with the proposed

with important US government secrets? What did he want? What was that all about?"

THE NEXT PHASE of the application process was a series of interviews in Washington, D.C. These were held in hotel rooms, always with the television set on in the background. Our first interview was with the man in charge of the training program. He was missing the fingers on his left hand, but in his mind they must still have been there, because he pointed and gestured with the phantom digits.

My wife had come to the interview with me. Roger asked my wife whether she knew what organization was conducting my interview. He'd recently interviewed an applicant who had not informed his wife of the purpose of the interview, and, to his question, "What do you think about a career in the CIA," she'd screeched, "A career in the *what?*"

Roger said he'd rejected that applicant because he thought he should have been honest with his wife. I sympathized with the applicant, who must have only been trying to do the right thing by his wife. Nearly twenty years later, a CIA memoir tells a similar story¹, but I suspect that the story was apocryphal, a bit of Agency folklore. Roger had followed it with: "In any case, don't worry, we don't really 'terminate' people!"

Prior to the interviews, I had assumed that all Agency officers were members of the State Department under diplomatic cover in embassies, but Roger asked if I would consider working in a non-State Department program.² I'd lived in foreign countries and had also had a business career, so he thought I'd be a good candidate. I agreed to it.

He explained that the purpose of the non-State Department program was to get at potential human intelligence sources who were inaccessible to diplomats. Terrorists and nuclear weapons scientists, naturally, do not talk to them. Iranian diplomats were expressly forbidden by their government to speak to American diplomats. Indeed, Agency managers during our interviews said flat-out that

the State Department's em
The non-State Department

After my interview with
heavy-set women arrived
sonnel topics, such as sal
woman actually spoke dur
and nodded.

More interviews follow
perched on the edge of my
getic answers. But the que
introduced themselves, sat
upright and nodded attentiv
if it was all a test. Did they
siveness? No, I decided. Th
None of the interviewers h
of them had any interest in

When the last interview
had gone, a corpulent man
non-State Department pro
room. Omitting the usual
and was silent for what felt

At last he said, "You're
what you perceive about
What makes me tick."

My mind raced at this
ceptiveness and intuition.
lyze the situation and the
appearance was awful, but
of the test. I'd fail unless I g

"You're morbidly obese
caused by stress and a bad
skin. You have a darker au
glow that some heavy folks

"I own a stake in a busi

the direction I was heading in and having heard quite enough, "and I've been doing this job for thirty-five years. I can retire any damn time I want to. I can take my retirement check, plus I can go to Portland to work in my business any time I damn well choose." He slipped into the conversational style similar to the other interviewers and talked about himself, describing his past CIA assignments by location and length of time spent in each.

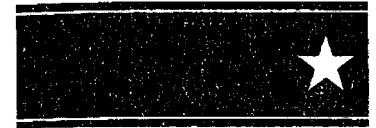
He had been closely involved in planning the failed attempt to rescue the American hostages held in the American embassy in Tehran. He had figured out how the vehicles to be used in the rescue attempt, otherwise too tall to fit in the helicopters, could be made lower to the ground by having their tire pressure reduced. He told us this as if the hostage rescue mission had been a success, rather than a disaster for the ages that had helped take down a President and made America impotent in the eyes of its enemies.

While in Vietnam, he said, he had paid a gang of elephant drivers to report intelligence to him. The men traveled with their elephants and heard and saw things, so he devised a bamboo stick with a radio in it that they could use to send messages. When he first gave the bamboo stick to the elephant drivers, they looked concerned. They explained that the type of bamboo he'd brought grew only in South Vietnam and would look suspicious to people in North Vietnam. He'd had to scramble to get them the right kind of bamboo. Correct bamboo notwithstanding, the Viet Cong eventually became suspicious and killed all of the elephant drivers and all of their elephants as well.

"The point of these stories," he said, "is to show that case officers have to be ready to do a lot of different things."

After talking without pause for nearly two hours, during which my wife and I were completely silent, he finally checked his watch, excused himself, and left.

The interviews were over. Despite my near miss with the chief, I received instructions several days later to report to the Washington, D.C. area for the start of the training course.



Trair

We were assigned fictitious names. Although they were their own, of course, they stuck and we used them for the rest of our careers among our friends and family. I was Ishmael. My enthusiastic new assignment was a gathering in a set of offices in the Washington, D.C. area. This was a training course not to be connected in any way to the government, thus presumably better cover the government officers.

A psychologist visited during the first week and discussed the psychological aspects before joining. He said that we were to work well with others but work alone in certain periods. I asked him a question, like, "Are you being trained to just want to hurt others?" To weed out crazy people; such as the answer "yes." He replied that

TOR

uiting him in Spanish after age." going that he almost never had. He'd just put on a kaffi-target he worked for a Saudi y. Then he'd tell him to go meet again the next day. Godfather sat in the front row a speech. The target would the speech, the Godfather ould help him with his par- rager to converse. gh-octane activity, the God- s utterly blown. Numerous orked for the Agency. Most en their covers were blown,

immigrants to target terror- s are complex because their ions. The Godfather helped se Christian will be eager to no ability to do so. A Leba- ese Shi'a have potential, but hey could be bitter enemies g my OJT tour I spent many nese contacts.

and nuclear targets in the because Agency experience o their positions of access in me of our Agency offices in ne could waste a lot of time d no intention of returning

Dinners and lunches were an important feature of agent development. My Chinese targets couldn't stand any kind of food except Chinese. They had a visceral hatred of sushi. I also had trouble moving Chinese targets forward because the OFTPOT in charge of Chinese targeting was a sort of James Jesus Angleton character, one who saw the world of espionage as a wilderness of mirrors. The OFTPOT figured that if I'd met a friendly Chinese citizen, he must surely be a Chinese spy trying to recruit me: Any Chinese student in the US had to have an income from the Chinese government.

Several retired case officers worked in the office as contractors. Agency people usually came back as contractors the day after retirement. Prior to 9/11, contractors were paid a reasonable hourly rate. One spent his day chatting and doing crossword puzzles. Another had once been held hostage by terrorists while serving in a foreign assignment. He carried a concealed pistol and swore he'd fill his captors full of lead the instant he saw them. One of the OFTPOT couples in the office sold products in some Amway-style pyramid scheme.

One day, a local FBI agent called. "Ishmael, what the hell are you guys doing over there?" he asked. "I just met the target we're working jointly with your office, and he told me you guys are trying to sell him consumer goods." I learned that the OFTPOTs had pitched their products to agents and prospective agents, as well as to US government contacts at the FBI and INS.

DURING MY DOMESTIC OJT assignment. I traveled back to HQs a few times to try to push forward the paperwork for my overseas assignment. The HQs offices were strewn with the carnage of the non-State Department training classes: officers in limbo, officers just back on a one-way ticket from some aborted foreign assignment.

While I'd been on my OJT tour, the recruiting trend at HQs had been to hire people reputed to be from wealthy families. The Agency seemed fascinated by wealth. A recent training class had

I'D HELD OUT A LONG TIME against the temptation of resignation. When the cycle continued, I thought about what Jonah had said: Government employees never act until a crisis forces them to act. The next written message I sent to HQs said, "I have completed the training course and compiled a good recruitment record in my domestic post. There are no obstacles to my overseas deployment. Please get organized and do your duty. Do the job you have been assigned to do and approve my overseas assignment."

They fired back, "You should watch the tone of your messages. They're vituperative. Be patient. Your overseas assignment should be all set in about two weeks."

That about did it. I telephoned Roger. "Bullshit," I said. "You people are lying. You'll say 'two more weeks' until the end of time. I'm moving back there to Washington, D.C. right now to sit on top of you until this gets done."

Roger lost his mind over that. "You can't come back here without orders! You have no authorization to come back here! We won't pay for your travel!"

A calmer "good cop" voice got on the line: "Look, Ishmael, we're doing what we can do to get your assignment arranged. There are a multitude of managers who need to sign off on your assignment first. If you come back here, you'll upset a bunch of people, and that won't help you."

"I understand that I'm going to offend people at HQs. I don't care. I won't allow myself to wind up like all the sad sacks waiting around for you to act. You've already caused the resignations of some of the members of my training class, all of them good people. We have missions in this Agency and I want to get them done."

I made good on my threat to HQs.

I MOVED MY FAMILY BACK to the HQs area. Like an Okie headed

Perseverance and

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wife and children went by plar
room.

As soon as I reached HQs, I
my assignment.

The files they'd supposedly I
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The Worst Spy in the World.
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"I don't want to pray," I said
"You need to learn to be pa
Roger approached.

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"Well, maybe so, but you n

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taught difficult languages like
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He visited our Japanese
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FACTOR

Perseverance and Soothing Language

65

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HQs area. Like an Okie headed

for California, I drove a car crammed full of household goods. My wife and children went by plane, and we moved back into a hotel room.

As soon as I reached HQs, I confronted the management about my assignment.

The files they'd supposedly kept on me were empty. They hadn't done a thing during the year I'd been away. Each time they'd told me they were working on it, they'd lied.

The Worst Spy in the World came by the office to see me. "I know you're frustrated about the slow pace. Perhaps we should pause a moment and pray." He leaned over and took my hands in his.

"I don't want to pray," I said. "I want to solve the problem."

"You need to learn to be patient," he said, and then he left.

Roger approached.

"You haven't gone to language school. You need to go to language school."

"I've already got the languages. I learned them on my own during training. I have the test scores to prove it."

"Well, maybe so, but you need to put in the hours."

HQs had created language schools for case officers. The schools taught difficult languages like Chinese and Japanese by way of a single teacher who met the class daily in an apartment. Unfortunately, the schools had been around long enough for everyone to realize that even after a two-year course confined in an apartment, the students weren't learning

A linguist colleague suggested the best way to learn a language was to go to the country where it was spoken and actively use it. He had traveled to Japan after graduating from high school. "After I'd been in Japan for a month," he said, "I was speaking Japanese on a functional level, and I traveled around the country with a group of Japanese friends who spoke no English."

He visited our Japanese school and spoke to the students. "They're not learning the language," he said. "When they do speak,



they sound like women. Japanese men and women speak in different tones. Since the teacher is a woman, the students naturally sound like her."

In the Chinese school, the students decided that their instructor wasn't good enough and tried unsuccessfully to get themselves assigned another. Tensions mounted, students weren't getting along with one another, and before long they were at each other's throats. The frustration led to at least one fistfight.

HQs loved to assign people to language school. It was an easy and risk-free way to keep them *looking* busy.

"What's Smith doing," a senior bureaucrat might ask.

"Smith is in Chinese language school," came the reply, and everyone would be pleased that Smith was productively occupied learning such an important language. Chances were that Smith would never put this skill to work.

Jonah was back in the HQs area for some meetings and was hanging around a safe-house apartment with one colleague who spoke Japanese and another who spoke Korean. They were waiting to see Roger, to discuss their overseas assignments. Roger arrived and met privately first with the Korean speaker and then with the Japanese speaker.

After the meetings, the Korean speaker said, "Roger just told me that we don't have any requirements right now for a Korean speaker, and he's set me up for a two-year language school to learn Japanese."

The Japanese speaker said, "Damn that Roger. He just told me that we don't have any requirements right now for a Japanese speaker, and he's set me up to go to a two year language school to learn Korean."

Thankfully, my test scores enabled me to avoid the dead end of language school.

Some colleagues made things harder on themselves by demanding certain locations, usually the nicer cities of Western Europe,

which severely narrowed the Remembering what the Godfather easy on HQs as possible by tell figured this would mean the Middle East. The Middle East had been a graveyard for non-

"We only have one office Ocean who isn't a State Department Spy. "That's a stretch covering So we should be able to find a

After I made a nuisance of assignment was finally approved

HQS SENT ME to another train overseas assignment. Max and we found ourselves back in Agency devoted incredible resources instruction involved advanced exercises there were as many as two of us.

During classroom portions with a Middle Eastern agent proven to have been double by their own government. As Middle Eastern country had information.¹⁴

We studied the psychology A favorite of mine was a fast Iranian men. It argued that the ancient Persian trading had become a high art. Iranian able to act out emotions dramatics such as the rolling and

FACTOR

Perseverance and Soothing Language

67

men and women speak in different languages, the students naturally

students decided that their instructors were not getting themselves successfully to get themselves. The students weren't getting along very well; they were at each other's throats. It was a real fight.

language school. It was an easy assignment, but very busy.

the bureaucrat might ask.

"School," came the reply, and the assignment was productively occupied. Chances were that Smith

for some meetings and was assigned to meet with one colleague who spoke Korean. They were waiting for assignments. Roger arrived as a Korean speaker and then with the

speaker said, "Roger just told me about assignments right now for a Korean language school to learn

in that Roger. He just told me about assignments right now for a Japanese language school to

led me to avoid the dead end of

order on themselves by demanding more cities of Western Europe,

which severely narrowed the range of possible assignments. Remembering what the Godfather had told me, I made things as easy on HQs as possible by telling them I'd go *anywhere* overseas. I figured this would mean the Middle East. No one wanted to go to the Middle East. The Middle East wasn't a nice place to live, and it had been a graveyard for non-State Department officers.

"We only have one officer between Burma and the Atlantic Ocean who isn't a State Department diplomat," I said to the Worst Spy. "That's a stretch covering most of Asia through to North Africa. So we should be able to find a vacant spot somewhere."

After I made a nuisance of myself at HQs for several weeks, my assignment was finally approved.

HQs SENT ME to another training course, a sort of prerequisite to overseas assignment. Max and I were the only two in this class, and we found ourselves back in Slobovia, land of make-believe. The Agency devoted incredible resources to our training. Much of the instruction involved advanced surveillance detection, and for those exercises there were as many as 30 instructors working on just the two of us.

During classroom portions, we studied the Agency's problems with a Middle Eastern agent program. Nearly all of the agents had proven to have been doubles or had been exposed and arrested by their own government. As had been the case with Cuba, the Middle Eastern country had fed us massive quantities of false information.¹⁴

We studied the psychologies of some of our rogue state targets. A favorite of mine was a fascinating paper on the psychology of Iranian men. It argued that negotiating skills were so important in the ancient Persian trading culture that personal communication had become a high art. Iranian men were masters of histrionics, able to act out emotions dramatically, and skilled with facial movements such as the rolling and flashing of eyes. Almost all Iranian

STOR

Perseverance and Soothing Language

71

my phone rang. It was an 't called. "Go to 23 Wash- never been to that address

fellows in the parking lot. d to intercept me. I slightly they were law enforcement rew me to the ground, then ning.

which was evidently why e interrogation, they evalu-

re in the eye and give you a firm handshake have no ulness.

-if a person is innocent, and ask a lot of questions about

we can tell when the anger r of guilt. Another is falling pect alone in the interroga- l asleep. Guilty people have essure for some time already, tend to go to sleep. They're d. The innocent tend to pace at's happening.

al item, and the only course , but don't suggest that the insult them or they'll take a

hard for an interrogator to < a lot, but don't give any where you are even if the

interrogator's nose is in your face. Act as if you are not a criminal suspect but an innocent person. You understand that the police have made a mistake. There are no hard feelings, and you will help them find the right person. Remember that the interrogation situation was created to make you feel helpless and to get you to confess."

The Agency had taught us to use the concept of "cover within a cover," in which we were prepared to admit to a lesser crime in order to avert suspicion from the larger crime. For example, if I were picked up by the police while standing on a dark street corner and accused of being a spy, after interrogation I might break down and admit that I was looking for a prostitute.

These officers, however, noted that "most criminals, especially drug dealers, use 'cover within a cover.'" The officers continued: "When a law enforcement officer sees 'cover within a cover,' it really gets his attention and he focuses even harder on the suspect. Better to just stick to your original story."

It was advice like this that made the interrogation exercise the best in the course. I was disappointed to learn, however, that most of my colleagues had not realized it was an exercise until it was over.

NORMALLY, large surveillance teams were available to train us, but today they had been sent to Baltimore to handle an unexpected "requirement" there. Without our teams, Max and I had no exercises.

Our instructors went to HQs and rounded up a bunch of guys who looked like they weren't doing anything. The instructors piled these unfortunates into vans, gave them a few rudimentary instructions, and drove them to Old Town Alexandria to be our surveillance team for the day. The Agency and the FBI both used Old Town Alexandria for this training because there was a great deal of foot traffic in the town.

I set out on my run, beginning at the old Torpedo Factory building in Alexandria. Walking my route, I couldn't detect any surveillance. It started to rain. I tried every trick but still couldn't see the surveillants. The fundamental principle of surveillance is to see one's pursuers but not to let them know you do. If the surveillants see you looking, they'll think you are a spy, because ordinary people don't imagine that they're being followed. It's easy to detect surveillance by backtracking or looking behind, and it's easy to evade surveillance, but if you do any of that, you'll be as good as made.

But I couldn't detect the team. I stood in front of a restaurant on King Street taking shelter from the rain. I eyeballed the area, eyeballing more than I should have. A man standing next to me buying takeout said, "You guys aren't very good, are you?" The Agency and the FBI did so much surveillance training in the neighborhood, even the locals had become sensitized.

That evening the exercise drew to a close and we met our instructors to discuss the day's work. The instructors asked us how we'd done. Max and I said we hadn't seen a single thing all day.

"Neither did we," the instructors said. "After we released that surveillance team on you, we never saw another one of the surveillants ever again."

THERE ARE TIMES when it's necessary to look at surveillants—for instance, when they're right in front of your face. A colleague who was under close and continuous surveillance, with surveillants waiting outside his door and walking next to him every time he left his apartment building, continued to obey the "look without looking" principle. But this was foolish: If they're right in your face and still you ignore them, they'll know you're a spy. Any sane person would assume he was being stalked, and notify the police.

Our chief instructor told us to surveil any car we saw bearing diplomatic plates with the letters "FC." "FC" meant the car belonged to the Soviet diplomatic mission. Our instructor insisted that the

FBI had chosen FC as sh to surveil them just to give plates twice. On both occasions recognize me as a surveillant U-turns and accelerating

The instructors wanted in a proper spirit of awe surveillance team, so they got routes. Sometimes we were the surveillants because they show themselves that day. Under surveillance the we learned respect for surveil

As a corollary to "look us to go easy on our shadows people working for a salary you're under surveillance you. You don't want them your car tires and put dirt on them a hard time."

Teams from the FBI are exercises. The after-action critical and professional, which to be emotional and accurate impress us with the capabilities. Especially a vehicle the Leesburg area of Virginia tried to repair a sewage basin hiring a plumber. The project covered in raw, black sewage

My wife felt sorry for t

CTOR

Sent to Spy Out the Land

79

end of my Agency career. Jakwood or at a US post, other overseas assignment. I halls of HQs with the other officers. I had to make this

se and buying furniture and school, but there were no pool. On a hunch—a hunch and class distinctions in the a visit and the school made a get a look at the boy first.

only needed one because my ' guessed how important my er progressed I saw the issue heeded lots of money out of nsive car was necessary for modest car might draw sus- mportant businessman have

from what a hostile for- i from how our colleagues t officer—himself issued a ficer driving around in a nting envy could end the y career I counted at least r's extravagant car led to a : car may have been merely ment.

in business associate and I ncient oasis we'd read about. tually saw a spot of green in urrounded by sand and there

is not another living thing, not even a blade of grass, as far as the eye can see. About the oasis there were many theories and legends. As we got closer, the car got stuck in the sand. The 120-degree heat bore down on us while I tried various methods to get the car out. "I see death, death," said my friend. Fortunately, another traveler appeared and gave us a ride into town. I left my friend next to a refrigerator full of cold drinks in a "cold store," the Middle Eastern version of a 7-11, and I hired a tow truck.

Setting up overseas was expensive, and the cash from HQs often took a long time to arrive. I'd always been a good money manager and I had plenty of savings and credit cards to tap, so I didn't have any cash flow problems. Throughout my career I was usually at least \$100,000 in the hole and was once almost \$300,000 in arrears, usually the equivalent of about one to three years' pay. I could have been paid more quickly if I'd complained, but I had limited capital with HQs and wanted to spend it making sure I stayed active and operational. I'd do this job for free, I told myself. HQs always reimbursed me eventually, so what I was buying by letting them take their time was a sterling reputation for not whining and not causing administrative problems.

I always got on the plane as soon as my assignments were approved, without any cash from the Agency, and so I was already in the location before anyone at HQs had a chance to change his or her mind. If I waited several months to get my cash, I ran the risk of losing the assignment.

I'd moved to the Middle East at my earliest opportunity, and one drawback was that I'd arrived without all the necessary residence and visa paperwork. Arab countries monitor their populations strictly. If your residence permits expire, you can be turned away at the airport or forced to board the next plane out. The local immigration authorities might even come looking for you to boot you out.

We lived in a compound, which might suggest that we were

.CTOR

Sent to Spy Out the Land

89

itfit. It was the Muslim holy imposed on bar bands during it only two members of the s of the band sat around the s.

nker, much to my surprise, e described the methods he ite funds—and named some was destined. I pushed him g my hand. I was unable to is simple and would be easy

d us. The drinking got away dding off. One man was dia- i he rose from his chair, I saw

w hours later, I had a break- e same bank as the previous ovement of rogue state funds news on the political angle: it care about, the rogue state a report, so I headed home aper.

an emergency meeting with esday at 2200," I said. We'd s at different times than they 2200 actually meant Tuesday meeting site at 2100, but he e checked the commo plan. I 24 hours instead of 25 hours, wasn't there. The next night I

HQs liked these elaborate procedures, but they weren't very use- ful if nobody remembered how to use them.

I almost missed the meeting the next night. On the way there, I saw an Arab woman hit by a car. She was completely covered in the traditional black abaiya and veil, and she hit the ground like a bag of coal. Bystanders ran to her and pulled her to her feet, but she collapsed again. With her face covered, it was impossible to evaluate her condition. I called an ambulance—sure that no one else had—and asked the crowd to stop yanking her around, in case she had spinal or neck injuries. I pulled off her veil so I could look at her and communicate better. She was a middle-aged, heavy-set woman, wincing, but breathing and alert. No one seemed to mind that I'd torn off her veil. I told her to be calm, and a few moments later an ambulance arrived.

I left the accident scene as soon as I could and was able to get to the meeting site on time. The chief showed up at 2200. He hadn't checked the commo plan. "I wasn't sure who you were," he said, "but I thought I'd show up anyway." We drove around, avoiding the Sheraton Hotel area because of a convention of Arab intelligence organizations.

The chief read my reports and said that HQs liked my bank cases. My intel was going into the system.

LITTLE INFORMATION on bank targets was forthcoming from HQs. All they ever sent were interoffice memos, the contents of which were invariably useless. The chief of the Middle East division was proud that no flaps had broken out or that no hostages had been taken. The chief of the clandestine service had gone off to London for his cushy pre-retirement tour. Vacation days should henceforth be calculated in such and such a way. Once in a while the monotony would be broken up by a warning about the counterintelligence climate in some irrelevant place like Cameroon.

There were major budget cutbacks at HQs after I went overseas.

CTOR

safety I kept up the disci-

hey'd bring takeout meals: ressed with french fries, or ked in grease. I loved exotic g's surprise. We drank soda, it off the tops of cans. Often g sites with insect repellent. air conditioning," a centu- ld rise up wind towers and

about case officers' invent- : trouble of recruiting them. orts and process them into .pletely fictitious case. More tion was fluffed up to look

ents and to work on other ating plenty of activity, but to the region to hook some



Trying to Hustle the East

And the end of the fight is a tombstone white
with the name of the late deceased
And the epitaph drear: "A fool lies here who
tried to hustle the East."

Rudyard Kipling

I sent off requests for approval to travel to more distant countries in the region.

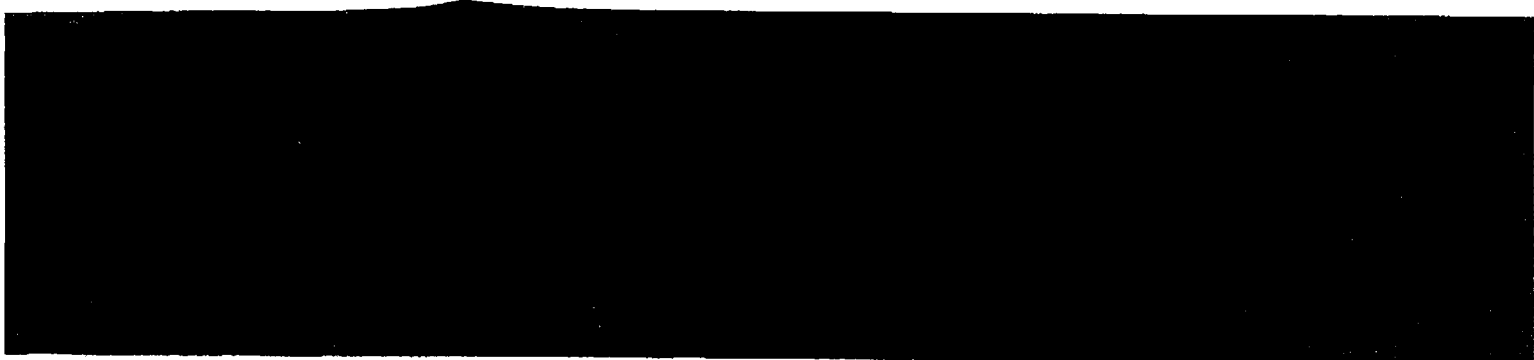
I was learning. I knew that if I wrote: "I want to travel to your operational area to find human sources," the response from Agency managers would have been a terrified, "No!"

So I obtained approvals by telling stations that I needed to come onto their turf in order to do my software solutions business. To convince people I was a real software man, I argued, I'd have to travel their region selling our products.

Once on foreign turf, I lulled the Agency managers into complacency by sending studiously boring after-action reports. The managers would come to see me as harmless, and I'd be able to increase the tempo and scope of my operations before they'd even noticed what was happening.

SUNSETS IN THE MIDDLE EAST were beautiful, the dust in the air amplifying the brilliant red and orange. Before catching a midnight flight to another country in the region, I always went for a jog through the countryside to loosen up.

I ran through the outskirts of Shi'a villages. The animosity



ACTOR

Trying to Hustle the East

99

guidance component, used to
to make them accurate. In
missile heads as they prepare

Pakistani man became more
n to hold our meetings at Al
. (Al Ain means "the source"
to glimpse the old Emirates-
er, shifting only from coastal
), we usually met in a hotel
the oasis. In the date grove
temperature dropped a good 30

rt from moments of calm at
blazing hot, and lonely—the

r operations. On my flight to
dfather a few seats away. He
l off his charisma by meeting
The man lived on airplanes
everywhere at once.

t, the Godfather disappeared
through a throng of compet-
it-apocalyptic British village,
out. At the hotel, there were
on every floor. The walls,
like they'd been handled by

up eager to explore the city.
lly, and there were lots of
the day and my driver took
ns lolling behind alarmingly

flimsy-looking fences. Then we headed for Muhammad Ali Jinnah's massive mausoleum. Jinnah was the founding father of Pakistan, having played an important role in the partition of India, in which hundreds of thousands were murdered and millions fled their homes. Today he is revered—in part, perhaps, because he died well before the effects of his policies took hold.

Always on the lookout for a new location in case my current assignment fell through, I evaluated every new country as to how easily I might move my family there if necessary. I evaluated the local housing and the schools. The Clifton Beach neighborhood was nice. Sometime ruler Benazir Bhutto, who was assassinated in December 2007, had a house in Clifton Beach with its own gun turret. On the banks of Karachi's river a massive outdoor laundry spread like a quilt, different colors for different tanks of dye.

At the end of my trip, I sent a long message to HQs listing the most boring details of the trip, to lull them into thinking that my visit posed no risk. But I wasn't able to generate operations in Pakistan. The Agency bureaucracy wouldn't respond. Rumors within the Agency suggested discord among our people there. Soon after, an officer received a one-way ticket home for mishandling firearms; another got the boot for his relations with a local girl, whose father complained.

I ROAMED THE GULF REGION attending events. I went to an oil conference in Bahrain where the region's distinctive garb was on full display. Omanis wore the lavender thobes with their distinctive wraparound cloth headdresses, without the agal, the black loops used by other Arabs to hold the headdress in place. Iranians wore dark suits and white shirts without ties. Saudis wore red and white checked headdresses held in place by the agal. Arabs from the Levant preferred black and white checked headdresses. Southern Gulf Arabs wore white headdresses with black tassels hanging from the agal.

friend. I haven't been able to get anything moving in Pakistan either."

HQS SUMMONED ME BACK from the Middle East to attend a seminar in Langley. My colleagues and I arrived at the conference center in the evening and were assigned rooms for the night. My Mormon roommates got ready for bed by stripping down to their distinctive underwear, a wife-beater tee shirt and boxer shorts combo. Being disinclined to roommates of any kind, I left the room and prowled the building until I found an empty room with a single bed in it. I wrote "Ishmael Jones, COM/SEC/RRF" on a card and stuck it to the door. The initials meant nothing, but they sounded official and kept everyone away.

The next day, I asked for news about Randy, the fourth member of my training class. Only four members of my training class had made it overseas.

"Yep, I remember Randy," an HQs officer said. "We sent a technician to meet him to discuss a surveillance operation. The technician arrived at Randy's apartment, but when the door opened the place was full of Chinese men. We don't know where Randy was. We don't know what happened and there was never any explanation." HQs sent Randy a one-way ticket home to a CIA station in Massachusetts, where he stayed for a few months before leaving the Agency. Now only Max, Jonah, and I remained from our class.

Jonah had made it overseas, but unfortunately not for long. He'd become suspicious that one of our colleagues was working for the KGB and that management was covering it up. I didn't believe a word of it and guessed that Jonah was beginning to lose it. Many people at HQs were unhappy with him. Jonah's wife was, too. She informed a HQs bureaucrat that she was leaving him, and the first Jonah heard about her intentions was when his local boss said, "I'm sorry to hear that you and your wife have split up." His paranoia and deteriorating personal life eventually earned Jonah a one-way ticket home.

Trying t

I chatted with Charlton. I expensive "chasing Kansi" finance. He was in a good mood. He couldn't understand the Agency paid so much money

James Woolsey, director afternoon with a group of Several of my colleagues gave were running. The trend at the my colleagues spoke halting of high adventure and determined to notice that most of the officers United States, that their hair- A colleague who was in an told the assembled congressional intelligence communications network

Charlton told the congressional significant terrorist funding. ect and knew that his story good, smiling, utterly unflappable Agency's specialty.

Another colleague told a that the European company Airbus airplanes. Following Agency searched for new in economic intelligence." I suspected just as well as Airbus. A friend country told me he'd had it when they came back from it weren't opened.

WHEN THE SCHOOL YEAR ENDED I took my family to the airport

TOR

Trying to Hustle the East

113

y words on this, however, lians appeared at once, men ce the Indian women wear. lians of different ages. "You y are too poor to bury their

nd gave the first man 500 : second man, but the man- n was burying two people e manager wanted a dona- good enough. Both he and nd man to have been given only 500,

k into my dazed brain, and up. Although my back was : crowd was in front of me, airly easily. But they didn't y wanted to fleccc me fair baby cemetery toward the re money "for the babies," c burning bodies, outside,

ll with me. Thomas shook u have given the manager Would you like to see Chi-

l saw that we were alone. , and I'll have to thank you e."

' me money."

um. I'd just had a relatively superior, and always stay

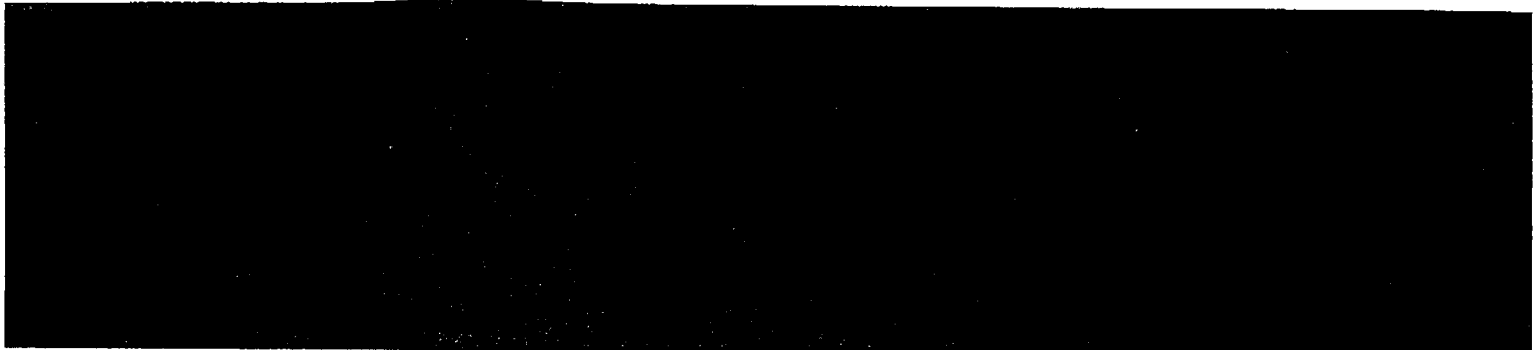
alert. I also appreciated that when the motivation is there—when facing the horrific poverty of the Bombay street—people come up with some pretty creative and resourceful ideas.

HQS SUMMONED ME for meetings. I found an assortment of officers in limbo, some after receiving one-way tickets home, others still struggling to get an overseas assignment. A man who'd done poorly in his interview with a station chief had just had his planned assignment cancelled. A female officer had been given her ticket home when the Agency found out she'd been having an affair with an agent. She thought they were going to marry, but the agent had no such plans. She planned to sue the Agency.

By this time, I'd become obsessed with avoiding the dreaded one-way ticket. The reasons for getting one *seemed* varied, but they had a common cause: The bureaucracy didn't want non-State Department officers overseas. In the Marine Corps, everything is about leadership. If each of the forty Marines in a platoon fails, the Corps will not assume that each one is truly a failure; it will recognize a leadership problem and replace the commander. In the Agency, the failure of large numbers of individuals was judged to represent just that. Managers were never held accountable.

At an HQs lunch meeting I sat at a table with a man wearing bright, colorful Wall Street power suspenders. He was trim, fit, and dynamic. He looked me in the eye as he discussed the operations he was managing at HQs. Suspenders was impressive.

I mentioned my meeting with Suspenders to a colleague. He was skeptical. "I worked in Suspenders's group for three years, and we didn't do much. But he was promoted twice during the three years I was there, so he must have been doing something right. I think he's a good briefer. He's good at standing up in front of a group of senior managers or congressmen and he looks and sounds so damn good that they can't help but promote him. But I've never seen him do an intel operation."



CTOR

Trying to Hustle the East

117

ds. Later, I marked the cards
to help.

pound sought by chemical
panied me out of the office

I card," he said, "in case you
tment in India. I would like
s activities of his friends and
produce.

o lunch at the Taj Hotel. He
t seemed, and the food was
blecloth in concentric rings
p me. I told him I needed to
/s trade was conducted, and
rection our business should

worked those dozen targets
from every one of them. We
of components used to make
of puzzles that could be put
ed by rogue states and the
active time.

to recognize the same muti-
erty seemed lessened some-
adian people needed only to
mand economy. India was
id it wasn't a dictatorship, a
uled by a bureaucracy that
not unlike the Agency itself.
License Raj, and to each new
reativity and enthusiasm.

irl were the best, but they
gets I wanted to approach,

but they refused, telling me in 1995 and 1996, "We have the nuclear target wired." We didn't. Later in the decade, on May 11, 1998, the Indians set off a series of nuclear bombs that came as a complete surprise to the Agency—all because we had no reliable human sources. Had we known in advance, the US government might have been able to stall the Indian government and prevent the South Asian arms race. In response to India's explosion, Pakistan set off a series of nuclear bombs on May 28, 1998. Pakistan's response was more or less expected, though we'd had no warning of that either. Decades of CIA bureaucratic risk aversion in Pakistan meant that we had no good human source in its nuclear program.

ONE EVENING, back home in the Middle East, my family and I felt a powerful pressure wave run through the house. It shuddered, and although the windows were shut, the curtains blew in as if a gust of wind had come in. It felt like it did when young Shi'a men blew up gas canisters nearby, but this time there was no sound. I went outside in the street and found my neighbors out in front of their houses as well, looking at each other, wondering what had happened.

The wave was an effect of the blast from the June 1996 bombing of the Khobar Towers building in Saudi Arabia. The building was full of American servicemen; the bomb killed seventeen Americans and one Saudi, and wounded 372 others of many nationalities. The terrorists were members of a Saudi branch of Hizb'allah. A federal court in the United States later found the attack was authorized by 'Ali Khamenei, then the ayatollah of Iran.

This came at a time when I'd already begun to feel that after five years, it was time for me to leave the region. Non-State Department officers' tours were loose back then, and I could have stayed as long as I wanted, but I was eager to move on. I haggled and negotiated with HQs and wound up with an assignment to Eastern Europe, working on Russians and former Soviets.

My assignments hadn't been stuck within a geographical

CTOR

Agency was strictly divided, is. An officer assigned to the e assignments were cushy— retire career, while an officer here all of the assignments ments for life. Some of our ough, and I knew three of Islam.

ting rogue state banks from d some WMD production in t accomplished the things I I hadn't recruited Indian or ces, or Iraqi sources. Neither was a very serious problem. sue different leads. In 1995, used sarin gas to kill twelve had also experimented with : interested in stopping the egan to look more closely at iving no direction from the i initiatives.

g and successful tour in the In percentage terms, of the vn in the Middle East, about 70 percent had failed quietly, he assignment. The remain- , resulting in their beatings, of the country by the secret special forces team.

in on our first night in the seen. I could still make out the hedge.



Morning in Eastern Europe

Freedom replaces the ancient hatreds among the nations with comity and peace. Freedom is the victor.

Ronald Reagan

I met my new boss, Stefan, in a small, bare-walled, windowless conference room at HQs. "You'll report directly to our office at HQs," he said. "This will remove the local station where you'll be living and will make for a clearer chain of command."

I could see at once that he was a dynamic fast-tracker, dedicated and physically fit. He'd served in exciting and dangerous posts, and had a strong military record preceding his Agency work.

"You'll be fully supported by experts here at HQs," he said. "They'll select and analyze your targets. We won't be doing any trolling for leads. We know whom we want to target, and we'll go straight at them."

His deputy chief, Bettie, nodded her support. She was equally clear-eyed and energetic, full of ideas. I wanted to work the big targets, the truly destructive ones—nuclear, chemical, and biological weapons targets and their command structures. Working in the new unit with Stefan and Bettie was ideal. The fact that I'd report directly to them rather than to a local office, as in the Middle East, simplified things, and I knew this arrangement would dramatically improve efficiency.

I was eager to start working on new targets. During the transition to my Eastern European assignment, I'd met a Russian at a

cocktail party. His background was intriguing, so I asked HQs to trace him. Sure enough, they identified him as an ex-KGB officer. KGB officers were of interest to us, naturally, and I was determined to find out whether ex-KGB officers were even better.

First to kick off the new program, Stefan and Bettie had organized a conference back at HQs.

At the conference, I took a seat next to Martin, my old friend from my domestic post. He couldn't stay awake for very long when seated in a warm room, and he started to nod off almost immediately. After a few introductory remarks by Stefan and Bettie, an HQs manager strode confidently into the conference room and stood facing us in a military posture. It was Suspenders.

"Your mission," he said, "will be to recruit our most important human targets in the former Soviet Union and Eastern Europe. The Agency has top-tier requirements in foreign leadership and command targets which must be met, and in nuclear, chemical, and biological weapons. We need human sources among top leaders and their cabinets and among top military commanders."

As he continued to describe our targets and the urgency of the mission, I thought: *This is exactly what I've been wanting.*

Toward the end of his speech he made what seemed like a serendipitous aside: "We want sources in the intelligence community as well. In fact, we're also interested in any ex-KGB officers you may run across. Although they may not have access to the most up-to-date information, their memories will contain an enormous amount of intel."

I jumped out of my seat, startling Martin awake. "I've got your man," I shouted. "I just met him last week!" Suspenders acknowledged me with a slight nod of his head and continued to talk. I sat back down, impatient for him to finish. When he finally did, I shouldered aside a couple of sycophants to get to him. (Suspenders had been promoted rapidly through the ranks and was well on his way to being an Agency mandarin.)

"I'm running late," he said.

He left the conference room into the elevator with him. On the stairs he charged briskly through the

"What do you think of

"He sounds like just the guy

Suspenders's strides lengthened from a brisk walk to a run as he reached his car. Keys in hand, he got inside. "We'll be in touch once we're back in the office." Then he sped away.

I walked slowly back through the hallway for upstairs.

A wave of laughter greeted me as I entered the conference room. The leagues had been watching. They couldn't tell what we were doing, but they could see that it'd made a difference.

After Suspenders's usual parade of Agency personnel, we learned that most of them were now unemployed and on their own. Fortunately, most of them were selling their services to the highest bidder.

We'd had a few walk-ins in the past, but never chemical weapons. A speaker motivated by the sheer need to get out of the country thought of these WMDs as a way to make a fortune in a rogue state. Ex-employees of a chemical weapons plant, they'd been spreading false information and were now being recruited by the Agency.

Our last speaker at the conference was the man in charge of running our

CTOR

Morning in Eastern Europe

125

ir new arrangement, but it
oy with it. We'd looked at a
astle, in fact—but we'd had
rned that the landlord, who
ental house in the middle of
his tenants.

for the kids in September
opposite end of the park, a
attack. Shouting *Hundekom-*
man—the owners ordered
, *Aus!* (let go). An instructor
e suit. On his command, the
id the snarling dogs bit the
o myself that every country
ure: Communism had pro-
s dogs for protection.

was a critical period for an
: Department. This was the
ad run into trouble. There
ch place and for each per-
of averages caught up, so
rived at their first assign-
ment, almost none made a
who had had a fourth suc-
and I were the only mem-
verseas.

r house. My wife had begun
acing. I didn't really mind it
r our heads. The place was
he kids down to play near a
t my family got settled—the

One day, the phone rang. A man asked, "Are you the new ten-
ants at 13 Dzerzhensky?"

"Yes, we are."

"I rented that house six months ago," he said. "It was awful. The
landlord's a nightmare. He's unbalanced and dangerous. He turned
off the electricity and the heat and forced my family out of there."

This didn't sound good.

"Has he kept the electricity bills in his name?"

I said that he had. The landlord had promised me it would be
better that way.

"He'll be able to cut off your electricity at will. Did he keep some
personal things in a room downstairs?" At this point I began to grow
anxious. The man went on, "He'll use his access to that room to
ensure that he can come and go in the house as he pleases."

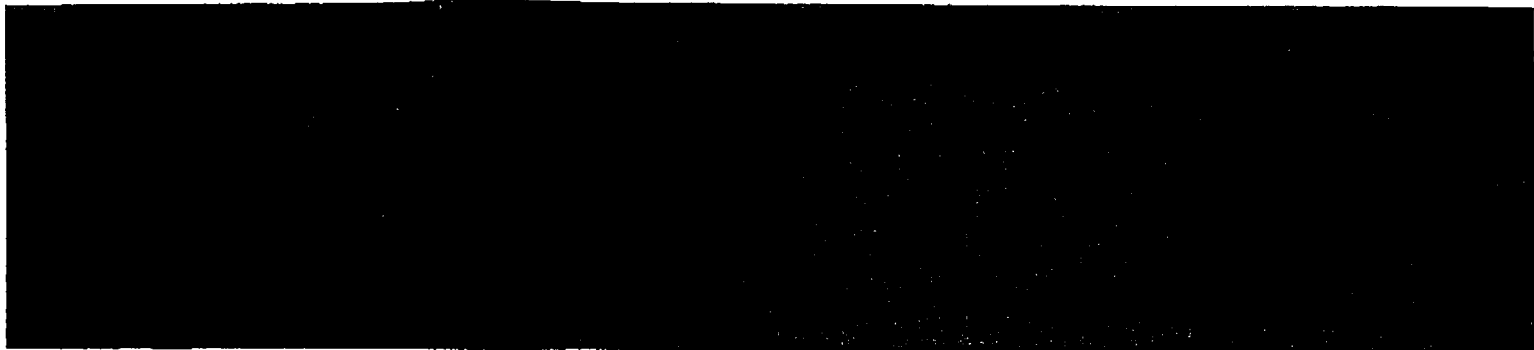
"It wasn't just me who had problems with him. The same thing
happened to three previous tenants: a Chinese diplomat, a German
banker, the principal of the French international school. We've filed
a lawsuit together, and you're welcome to read our affidavits."

The next day, we got copies of the affidavits, and spread them
out on the floor for study. Each affidavit told the same story: The
landlord's modus operandi was to become irrationally angry at the
tenants, turn off their power, and send a gang of thugs to harass the
tenants until they took off.

We were concerned, but we didn't have any better ideas—and I
had operations to focus on.

I TRAVELED BACK to the HQs area periodically for meetings, and
each time I spent my flight imagining the scenarios I might encoun-
ter upon arrival. The bureaucracy was always full of surprises. A
polygraph operator might be waiting in the reception room, ready
to hook me up to the Box; HQs might pull me into a conference
room and inform me that the KGB had learned my identity.

I sat on the plane lost in my thoughts. An ex-Communist boss



132

THE HUMAN FACTOR

plane flights and nights alone in dreary hotel rooms. Colleagues in my unit weren't so lucky, however. They didn't have ongoing operations and could only sit and wait.

I hadn't received HQs responses to my operational proposals on Eastern European and former Soviet Union targets. I'd expected fast, aggressive targeting from Stefan's unit at HQs, but so far it was just another black hole.

I MET STEFAN AT HQS. He looked like a different person; his physical deterioration was striking. He'd gained forty pounds and looked exhausted, with pronounced bags under his eyes. His speech was vacant and disorganized. He counseled me to be patient; the operational approvals would come.

When I'd lived in the Middle East, I'd only visited HQs a handful of times. I'd been more or less ignorant of what was going on in the organization. Now that I was making more frequent HQs trips, I learned that the early and mid 1990s represented a period of intense budget and personnel cuts throughout the Agency.

Money had continued to flow into the non-State Department areas, though. Since I'd joined the Agency, there had been genuine momentum to get more of these officers assigned overseas. The training classes of the mid and late 1980s had been eviscerated, but the numbers of new hires continued to rise, and by the mid 1990s the number of officers had once again reached the level of the late 1980s.

There was an ongoing debate within the organization about whether the cost of fielding an officer outside the State Department was too high. Conventional wisdom said that it was much more expensive. I believed that it was dramatically cheaper. Basic expenses were the same: salary, rent, schools, a car. I rented an office, while they had a free office in an embassy or other State Department building, so this expense may have been greater for me.

But the major cost, the one that was already stratospheric and

Morning

would continue to grow expensive was security. Billions of dollars were spent to make them more secure. Billions more were spent on my security.

Even in these years before the wars, security was a big expense. Moscow was the most expensive. It all depended on how you looked at it. They needed vast numbers of personnel to support officers like me. Those people were necessary, and I couldn't identify their value. I was supposed to send me my salary, but I didn't think it was fair to burden these HQs people.

A case officer in an embassy in Moscow. I didn't have and didn't want a car. I didn't have an apartment for you, the people here. It cost hundreds of thousands of dollars.

The embassy ran a child care center. The taxpayer didn't have to run it.

My secretary cost \$1,000 a month. The embassy would have a security package running into the hundreds of thousands.

It was fairly safe to say that I was doing a better job of, if nothing else.

IN LATE 1996 and early 1997, there were a few person arrests spread throughout the country. FBI agents pulled the CIA officer out and arrested him. In the background, he thought himself, "Think, think, think."

Although the Agency had

Prior to one of his polygraphs, Ames had been nervous and had asked his KGB handler for a foolproof way to pass the polygraph. The man told him to relax and establish a good rapport with the Box operator. Ames was disappointed. The KGB was the most sophisticated intelligence service in the world, and this was the best they could do?

Then he cooled down and realized that the KGB really *was* the best intel service in the world—if they told him to do something, he’d do it. That was all it took for him to pass.

HQS INFORMED ALL OFFICERS potentially compromised by Ames or Nicholson that they could no longer serve overseas. They were welcome to find other jobs within the Agency at HQs.

Returning to Langley for another round of HQs meetings, I found the cubicles filled with officers who’d been purged. I joined a group of four sitting around a table.

“Have you been purged, Ishmael?” an older man asked.

“I don’t think I’m going to be. At least, I haven’t heard anything. I’m back here for operational meetings.”

“I think you’re back here to watch everyone being purged, Ishmael. You like this, don’t you? It just means headroom to you, doesn’t it?”

The other men laughed. The Agency had limited numbers of senior pay grades available, so opening up “headroom” by eliminating officers senior to me would mean I would be promoted faster.

“That’s not true, you guys. I didn’t join the Agency for promotion. I’m only here to work,” I said.

“Bullshit, Ishmael, you love all the new headroom.”

“Headroom, headroom for Ishmael!” the three other men chanted, laughing.

HQs handled the purge efficiently, meeting each purged officer with a special team: a couple of managers, a finance officer, a personnel officer, and a psychologist. The team headed off resistance

by firmly informing the officers. There was some rancor, and some officers left the Agency. The to jobs at HQs.

“I knew I’d be purged, at the older man. “I’d been in getting ready for a meeting”

“My meeting wasn’t scheduled turned on the television to flashed up on the screen, a well, and had worked with identified me to the KGB for the KGB.

“I scrambled to the airport go to the fingernail factory.”

A pretty blonde woman sat down at our table. She to HQs and wondered what managers beckoned her to join about to be purged,” said the woman returned, weeping

A THEORY DURING THIS TIME do with security in the air it was strictly budget-driven had overspent and in an effort give. Pulling officers out HQs collapsed expenses. It it sounded too conspiratorial could be so devious. But rians, both division chiefs, in private conversations, and

STOR

Morning in Eastern Europe

141

she planned to go to law
 or and clean up the "Gypsy
 welcomed her comments,

as light, and Reinhard Hey-
 Moravia, often drove alone
 the chief architects of the
 by two Czech men trained
 terated the town of Lidice,
 itants. After this, there was
 until the end of the war.

re relatively light, the Ger-
 ey brooded darkly through-
 nan army was defeated, the
 expelled its ethnic German
 ans, a third of the prewar
 ie year. Their property was
 ed to Bavaria, where they
 nent ever since. A few Ger-
 Sudeten German constitu-
 ie in the world cares.

civilians killed by the Czechs
 re killing was up close and
 It was not state-sponsored,

ment. That night, we went
 grandparents were natives
 ing the 1980s he looked up
 less, and I knocked on the
 ey asked that I leave imme-

again. This time they were

gracious. They remembered who I was, invited me in, and apolo-
 gized for not having invited me in when I'd visited before.

"They explained that the secret police had visited them the day
 after my visit, taken each family member into a separate room, and
 questioned them. I guess the secret police were satisfied, because
 that was the last of it."

A friend who had fled his village as a child in 1956 said, "I go
 back to my village to see my friends and they look twenty years
 older than me. Some are dead; most of the rest are drunk; most of
 them are unemployable; most are toothless. They look like hell, and
 they're depressing to be around."

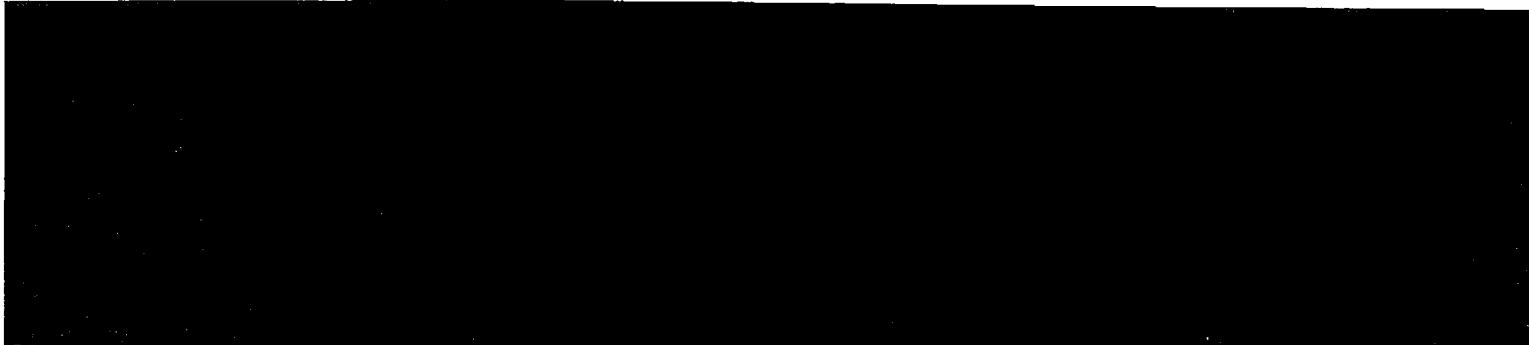
People respond to the sets of rules to which they're subjected.
 The people of India under the License Raj and the people of Eastern
 Europe under Communism reminded me of my colleagues in the
 CIA. Subject to a maze of restrictive bureaucratic rules and proce-
 dures, human creativity and productivity are blocked.

The younger generations of Eastern Europe, freed from the
 restraints of Communism, were growing up indistinguishable from
 young people in Western Europe. The economy was growing rap-
 idly and life was improving dramatically.

I CONTINUED TO RUN operations in the Middle East and South Asia,
 but so far none of my operational proposals for Eastern Europe and
 Russia were getting any traction at HQs. Those replies I did get from
 HQs were evasive. I cursed and paced the floor. Our intelligence
 gaps were huge—so much work needed to be done.

A colleague arrived in my city of assignment. He picked up sur-
 veillance almost immediately. Rather than go about his life in the
 most mundane fashion in order to bore the surveillants into think-
 ing he was an ordinary businessman, he rounded up some of his
 friends and confronted the surveillance team.

"What the hell do you guys want? Why are you following me,"
 he said, exactly as we'd been taught not to. He told HQs what he'd



done, and HQs rewarded him with a one-way ticket to the Oakwood. There seemed to be an overwhelming human need, rooted firmly in pride, to inform surveillants that you knew they were there. It was hard to maintain the self-discipline necessary to bore a surveillance team.

I DECIDED TO TRAVEL to HQs again to see what I could do to push operations forward. My wife gave me a ride to the airport. When I opened my car door to get out, the edge of my door hit the side of a taxi. I apologized to the driver, but he got out and started shouting. I lost my temper, cursed him, and pushed him out of my way. Other taxi drivers began to mill around, and one of them stood in front of my wife's car, making as if to prevent her from driving away. She was a graduate of the Agency's hostile driving course, and she drove right at him, making him jump aside. I pushed the loudest driver out of my path and got into the safety of the airport terminal before the little mob could advance any further.

Once I arrived at HQs, I headed to an appointment with Stefan. I waited for an hour and he didn't show up. A thin, gray man arrived in his stead.

"Stefan's gone," he said.

"Well?"

"Can't talk about it. That's all I can say. He's gone."

I badgered managers at HQs to find out what had happened. The official line, that he was gone and that no one should ask questions, satisfied most of my colleagues. They were afraid of retaliation from mandarins. If CIA management felt that Stefan should disappear, that was fine by them.

I finally found a manager willing to talk. He explained that Stefan had failed his Box exam shortly after I had joined the new unit. It took the Agency a long time to come to a decision about what to do with him. During the many months that the Agency took to

ponder his fate, Stefan had had overworked himself in t and dedication would save h

When the Agency final department arrived to escor rumors about why he'd be that he'd had an unauthor posed to report our girlfrier to be Russian. I remember girlfriends to Stefan while h wonder it had fallen so flat.

All information about S couldn't tell us anything, a personal appearance had be they lose control over their poorly, and worry constantl

I found a friend of Stefa week," he said. "HQs order it was a good idea to keep i fired. Otherwise they coul Howard. Stefan would neve worked, and HQs said it wa

"Stefan told me he'd be teams. He went jogging an would have a hard time ke

"Doing a turn while d overhead. Now he thinks t



Physicists Who Knew Sin

In some sort of crude sense which no vulgarity, no humor, no overstatement can quite extinguish, the physicists have known sin; and this is a knowledge which they cannot lose.

J. Robert Oppenheimer

Bettie was now in charge of our unit, and HQs was ready to approve my operational travel to the former Soviet Union. I started with a trip to Belarus. First I needed a visa, so using an alias and a mailing address and phone number supplied by HQs, I went to the Belarus embassy in Washington to get one. The embassy put the visa into my alias passport and mailed it back to the address HQs had provided. But the address bounced it back to the embassy marked "return to sender."

The Belarus embassy telephoned the phone number I'd given, and the Agency man who answered acknowledged it was the correct number but would not give them the address. The embassy tried the phone number again the next day, and this time another guy answered the phone and gave them a new mailing address. This address bounced the passport back to the embassy, too. I called the embassy and told them to hold on to the passport, and then I went there to pick it up in person. This wasn't, needless to say, a good way to start alias spy trips to Belarus.

I had some alias business cards printed and acquired a driver's license. The man who operated the license machine showed me a

Physic

collection of celebrity licer next to his machine.

I tested the alias credit was a fundamental flaw look unusual. They were there was an obvious flaw in Belarus, the interrogator want to sit around whinin

Just as they'd promised and her people identified a to former Soviet nuclear s phone, gave him my cov meeting in Minsk.

WITH MY "BILL JONES" A via London. My family ha was a risk involved in tar was prepared to take it; I I missed meeting them a the hotel, but the hotel placed somewhere else. I That night we went to di dilly Circus, and then we kids enjoyed immensely.

My family left London Europe. I spent the night past Harrods, to Leicester hotel, wandering around t

MINSK. LIKE MANY FORM war in drab, utilitarian b available, so I rented a s a long, dark passageway. I

city's 850th anniversary celebration. The weather was warm, so I bought a suspicious-looking bottle of water from a street vendor. It was probably tap water in a used bottle. They never missed a chance to short-change.

I made a brief visit to another friend who lived up Tverskaya Street, an American who was growing wealthy from his chain of restaurants.

I walked past a comatose drunk, followed by several unsteady but still upright ones. A man walked by with his shirt off, displaying the large tattoo of Lenin on his chest. He approached an outdoor bar to get a drink. The security guard gave him an exasperated look one might give a child, one that asked, "What am I supposed to do with you?"

I left the city having conducted no espionage activities, and sent a windy message to demonstrate just how uneventful the trip had been. HQs continued to approve my trips to Moscow, just as I'd expected them to do.

THE AGENCY had reasons to avoid risk, and reasons for me to worry, as well.

Hugh Francis Redmond, a highly decorated World War II combat veteran, joined the CIA in the postwar years. He was assigned to Shanghai, China, as a case officer under cover as a salesman for a food import and export company. In 1951, he was arrested by the Chinese government on suspicion of being an American spy.

Redmond's mother knew that he was a CIA officer. The Agency did not notify her of her son's arrest, however; she learned of it six months later in a newspaper.

Redmond had been in China for four years by the time he was arrested, and it appears that during that time the Agency had somehow forgotten about him. He had become a "vague memory, a series of dusty file jackets in the bowels of a confused bureaucracy."³¹ While in China, Redmond had married a Russian woman.

He must have understood end his assignment, so, like anyone. After his arrest, he wound up in Milwaukee. A caught wind of a woman who was imprisoned in China.

Other westerners who were subsequently released reported and tortured for years. He had diarrhea. He lost all of his Chinese men in front of him. Redmond mentioned, consistently denying

It's possible that the Chinese Redmond had the US government any case, Redmond was left. The circumstances of his death divorced him; after years of simply drained away from him by opening his veins and buried of ashes to Redmond's family is anybody's guess.

Redmond had gone straight to the Agency. He had never spoken with Agency colleagues, at the Agency. His fate was pre- When his 1951 arrest and attention, time passed, and the arrest moved on to other as managers from doing anything. Redmond were in prison to as the clock struck five o'clock.

The Redmond debacle

ACTOR

Physicists Who Knew Sin

157

today. The Agency made one involving a ransom payment. , the Agency recruited Amer- d.

in Downey and Richard Fec- China after their airplane was I concluded that they'd died ney hadn't died in the crash, ave been eaten by wolves. area, though the supposition

ad survived. They were held nineteen years later.

me to my aid in the event als within the bureaucracy eaucracy too well to believe arrested, I could only hope ise my only escape plan was an to believe that I'd been

Russia, I figured I could start me routine I'd used in the ich I'd purposely sought out ; by knocking on their doors gionized over the tone of my : appearance of the contacts ie about as the result of rou-

government facilities that he Cold War. I found people been terrified to speak to me equately paying the salaries

of weapons personnel, and they were looking for new opportuni- ties. Its weapons scientists and former intelligence officers had been given special treatment under Communism, treatment they no lon- ger received.

Rogue state intelligence services and weapons proliferators could meet these former Soviet weapons experts as easily as I had.

Russian diplomats were available for meetings as well. I met them in front of the huge Stalinist Ministry of Foreign Affairs build- ing, and had drinks with them at John Bull's pub nearby.

During one of my trips to Moscow, an American businessman was arrested on suspicion of espionage. He wasn't a spy and had no connection to the Agency, and he was released a few days later. My HQs contacts learned of the arrest and were in a frenzy until they were able to confirm that the arrested businessman was not—me.

BACK IN EASTERN EUROPE for about one week, I went for a nice run through the forests on the outskirts of the city. A vicious Ger- man Shepherd bit me and I shouted curses at its owner, who stood motionless and silent, watching me.

When I got home, I looked around for an antiseptic and couldn't find anything, so I splashed vodka on the wound instead. I looked out the window and pondered whether I ought to have a doctor take a look at the bite.

I MADE A ROUTINE TRIP to the Middle East, and, on the way back, HQs ordered me to Amsterdam to meet a colleague who was hav- ing trouble adjusting to his overseas assignment. I had a good reputation at HQs for overseas survivability, so they occasionally asked me to speak to other officers to see if I could help them.

I walked up and down the canal paths in Amsterdam waiting for my meeting. Immigrant men on street corners muttered, "Hey, cocaine. Hey, cocaine."

I recognized my colleague. We sat on a park bench.

CTOR

Physicists Who Knew Sin

159

r kids set up in school."
 ce permit."
 until I'd been overseas for a
 et your kids set in school."
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 at your housing. Have you
 'd rented a place near the
 d into the sea and the air
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ak down his "can't do" atti-
 meeting drew to an end. I

an I bring some of my col-

e kind of collector who buys
 no longer produced, then
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 tries.

ap you in irons if you arrive

ent. Really. Don't bring any

usehold goods before ship-
 y first assignment, I noticed
 small bookcase our elderly
 ted her house in Virginia.

I jiggled the metal edge and a secret compartment popped open. Inside were CIA personnel records and files belonging to her husband, a man who had died a decade ago. He had been with the Agency in the 1950s.

As we parted, he walked across a foot bridge over a canal. When he was about a block away, I turned and shouted a final reminder: "No guns!"

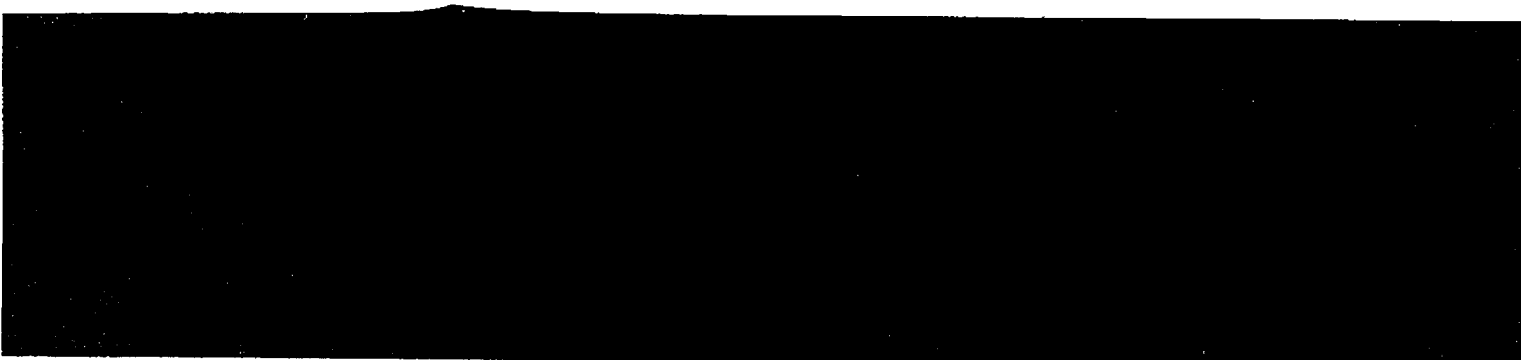
His supervisor in his country of assignment had been booted out of another country by *its* American ambassador for having a sexual relationship with an underage girl. Even before *that*, the supervisor had been booted out of still another country, a European one—and also by order of the American ambassador—for having sex with an underage girl. An advantage of putting CIA officers in the State Department's embassies was that the system tolerated people with self-discipline problems. If that statutory rapist had been working in a non-State Department assignment, he'd have earned his one-way ticket home and would never have seen the outside of HQs again.

The situation didn't look good for the man I'd just interviewed, but his perseverance and thick hide kept him overseas for several years before events beyond his control led to his one-way ticket home.

I continued on from Amsterdam to another HQs seminar in the Washington, D.C. area. On the plane, halfway across the Atlantic, a woman on board had a baby, and the pilot decided to return to Shannon airport. I would be late for the conference and I hated to be late. I was angry, but the other passengers seemed to think it was cute. "Maybe we'll be on TV," one of them said.

BETTIE WELCOMED US to the seminar and introduced our first speaker, the ubiquitous HQs manager Suspenders. As always, he appeared fit and commanding, and he certainly dressed well.

Suspenders's dynamism and charisma had continued to blossom. After a brief speech, he lined up all of the case officers present. He





osing

2. A-Always, B-Be, C-Closing.
ys be closing, always be closing.
Glenarry Glen Ross

eginning of spring. On Easter
en fashion whips with which
on their whips by braiding
asion, involving a good deal
reets and houses with their
radition, which has its roots
nen are expected to reward
n. Proud men display their
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ash from the Agency. It was

e each week, but would take
our cans filled up with too
mp them in someone else's
umpster that sat behind one
ngs.. After making the drop,
the keys, sensed movement
d old man had appeared out
r, blocking my exit. Snarling
glare I'd ever seen.

I gave him a quizzical smile—*who, me?*

"You bastard," he said.

I pressed the car's accelerator to make the car surge forward. The man spryly jumped out of the road. Looking in the rearview mirror as I drove away, I saw that he was still cursing, twisted up in rage. I stopped visiting these Dumpsters.

In the spring the Eastern European forests exploded in beauty and I enjoyed long jogs down wooded paths. All of Eastern Europe was blooming with prosperity as well. The signs were everywhere: new roads being constructed, nice new houses—instead of small, drab apartments owned by the state—built and owned by families, new cars on the roads, new restaurants and bars, new stores filled with fresh fruits and vegetables. Every month the air seemed to get cleaner and the people happier and more prosperous.

I USUALLY WENT all the way back to the US to pick up my alias documents. It was easier to do the long-haul flights than to go through the complex arrangements of meeting a State Department officer from a field station to pass me the papers.

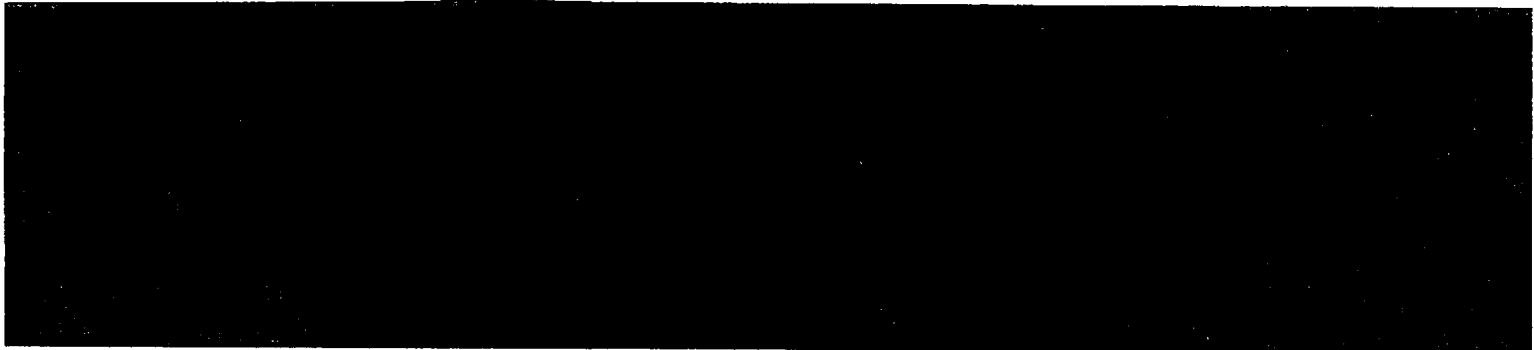
Preparing for another trip to Kiev, I traveled first to HQs. When I arrived at HQs, a man was waiting for me in the reception room.

He asked, "What kind of car did you buy for your assignment to Eastern Europe?"

I described the modest, unattractive car I'd purchased with the funds earmarked by the Agency for that purpose. It was a model not sold in the US, so I compared it to similar American budget models. "It doesn't have air conditioning," I said, "but then it doesn't get hot there very often."

"Thanks," he said. "I've been sent over by the division chief. He wanted to know what kinds of cars you guys were buying. Seems one of you fellows bought a big black Mercedes convertible, and the chief wanted to find out who it is."

I scrambled to acquire my alias papers and disguise, and I left



my true name materials in an office in Washington, D.C. The disguise materials were high quality: a hairpiece, glasses, and makeup, which in combination altered my appearance a great deal. Were I captured and interrogated the separate pieces probably wouldn't look like parts of a disguise. The hairpiece felt itchy and ugly. It took a while to get used to, but after a while I was satisfied that it looked right and that nobody was staring at me.

HQs had assigned me a new home address for my alias. The address was in a city not far from Washington, D.C., so during the weekend before my trip I got in my rental car and took a drive to look at the place. It was a dump in a virtually abandoned neighborhood full of prostitutes and drug addicts.

I put on the hairpiece and headed to the airport for my flight to Kiev via London. On the airplane from London to Kiev, I sat in the midst of a bunch of pirates. They were actors, going to the Crimea to film a "Horatio Hornblower" series for BBC television, and they were getting into character. The actor sitting next to me had been cast as a sailor, and was in a scene in which he had to fight rats with his teeth for the entertainment of his fellow sailors. He said the Crimea was rough duty for an actor; the facilities were poor and the natives were depressing. The Crimeans called the British actors "smiling monkeys."

I arrived in Kiev and went to my hotel, a Communist-built monstrosity with lots of adequate but Spartan rooms. I had a strong case of jetlag and I might have been a little sick as well. When I woke up, I couldn't guess what time it was. Unfortunately, it was only midnight, so I had many hours of darkness before the day began.

I ordered room service from the limited menu—chicken Kiev, of course, was the only thing I can remember—served by a man with a mouthful of shiny Communist dental care. He demanded cash on the spot for the dinner.

I went to some of the appointments I'd made, and walked in to offices cold in order to set up other meetings. At some government

offices, I entered and stood in a script, using method acting.

Between appointments, my friend was worried about coming across as foolish, that I was red meat at its zero level during Communist times seemed lawless, but Washington was more than Kiev.

The people were friendly and the weather was fine. I walked across a few gaps and missing planks. Pedestrians walked through these gaps, but no one sold bread and a caviar-like substance. No one hassled me during my visit to tourist attractions not far from the walk to Babi Yar, a ravine where more than 100,000

Having squeezed all that out of me by way of London, then reassignment. Before I'd left, I gave my true name documents with my true name documents and the exchange of alias documents.

AFTER PASSING AN AIDS TEST, I went to Moscow for a routine visit. In between meetings, I was in line to see Lenin's preserved body on display in a darkened mausoleum. I thought that she'd looked a

Leaving the mausoleum and the museum, an ancient boyar of middling nobility. It had

CTOR

Always Be Closing

169

era hotel block. I bought a
the ticket window, I realized
I turned around, I saw the
approached the window and
intelligence operation, I wouldn't
flee—doubling back on sur-
rendered through the rooms
woman the entire time. We

ed toward the river, looking
and read about in my guide
wall, I doubled back again,
he did a slight double-take.
when I rounded the corner

ing to surveillance that I'd
or a person to go to Lenin's
at was a typical tourist route.
wall could have been anyone.
might have been the routine
ject all visitors. I was sight-
detection route. I wouldn't
t area, anyway.

ne thing: If I had reported
report, it would have made
ld have ended my trips to

re Russians wore their char-
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re thousands of silver dollar-
Heavily dressed, thickly pad-
periodic breaks to warm up
d Soviet cars. The windows

steamed up while madams negotiated with customers in the street.

From my perspective, the trips were going well. A troubling aspect, however, was that I wasn't getting any traction at HQs on Russian biological weapons programs. The Soviets had been well advanced in biological weapons, and, as with nuclear weapons, the Russians possessed an arsenal capable of great damage to Americans. The arsenal and its secrets could also attract rogue states interested in building comparable programs.

THE CONTACTS I'd made in Russia and Eastern Europe were now ready to become recruits. My plans for advancing the cases sounded risky to HQs managers, and I endured a few days of managers' lectures on tradecraft. None had ever recruited anyone, and few had ever had an overseas assignment, but all had a lot to say. The four days of these meetings were brutal, but I reminded myself that I rarely had to live the HQs experience, while most Agency employees underwent these endless meetings every day of their working lives.

While at HQs, I spoke to a colleague who had just returned from a foreign assignment. His wife was pregnant and HQs had given him his one-way ticket home because they'd decided his wife would receive better medical care in the US. My colleague disagreed, arguing that hospitals were fine in his country of assignment. HQs was firm. He eventually got another overseas assignment, but only after five years of domestic drudgery.

Another officer at HQs had had a sick child in urgent need of medical attention. The care in his overseas city of assignment was poor. Instead of getting his child to competent doctors and hospitals in another country, he contacted HQs and asked for advice about his child's health problem. People at HQs rushed about trying to find information. One of the managers at HQs had a daughter who was a physician, and she provided some helpful information. Finally HQs realized that it didn't have much medical knowledge and told the officer to send his child to a decent hospital. But the officer had no

I fashioned three sensible but risky operational proposals, scheduled them for my wife's due date, and asked for HQ approval. I'll go to Russia and walk into Missile Command Headquarters looking for leads, I proposed. I'll go to Athens and try to meet the Iranian intelligence service representative there. I'll go to Damascus and meet the North Korean ambassador. They were good proposals, and as the years passed I wound up pursuing all three. Had HQs approved the operations then, I would have been delighted, even to the point that I would have accepted the risk of leaving my wife alone during childbirth.

I knew HQs wouldn't approve the proposals, though. It takes a lot of hard work to come up with creative reasons why an operation can't be undertaken. Each proposal demands a written response.

The proposals were so strong that they froze up the system. HQs went silent. No one wanted to talk to me, and no one spoke to me or sent me any messages during the window of time that I wanted.

The due date approached, and my wife felt signs that the baby was about to arrive. Our doctor had a fine reputation, but he telephoned and said, "My car is broken down and I'll need you to give me a ride to the hospital when the baby's birth is near." He gave me directions so that I could pick him up when the time came. I worried that if the baby came in the evening, he might be drunk.

My anxiety proved to be unwarranted. The hospital was in a beautiful old 1890s building near the river. Under Communism it had been reserved for the bosses, and we had a huge private room with a balcony and a view of the river. I called it the Communist Boss Special. The doctor was excellent; the hospital staff did a terrific job. My wife spent a leisurely five days in her suite and said that the birth had been a more pleasant experience than in the US—surprising, as she'd been unable to obtain pain medication. The anesthesiologist only came to work on Tuesdays and Thursdays, and the baby was born on a Sunday.

The next day I walked through the city to see the new baby. The hospital was in a beautiful old dress city. I walked to a beautiful old building which looked down upon the city. The air was a mixture of new sounds and smells.

I OFTEN ENJOYED LONG WALKS. The city had long walkways built centuries before Christ. The city was the center of the world's dream. The Natural History Museum was in the center. During an uprising in 1905, the rebels sprayed bullets at the government building, where the bullets hit. In 1905, 1906, and 1907, civilians in front of this building were killed.

As I was walking past the "Ishmael!" he said. It was Virgil.

"The last time I saw you, you were selling freeway scalping tickets!" He was a school teacher, walking between law schools, hawking tickets to a college.

"I've been in Eastern Europe. I'm working in investment banking. I'm working in a chop shop."

We stopped at an outdoor cafe for beer for 35 cents each. We had a boiler-room operation, fitting a boiler for twelve hours a day on the gullible buyers. They'd chosen to invest had not yet developed a legal system enough to sniff out such a scam. They were selling the bogus securities to investors, but they weren't cheating any additional legal protection.

TOR

Always Be Closing

177

s placed you under surveil-

illiance detection routes and
so sure?"

e local security service was
't know the identity of the
ing" that it was Max.

on't believe I'm under sur-
y about it, perhaps I should

ings.

that I'm being followed by
at you to follow me and see

distance. Max was living in
ings were all too common,
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e meeting thinking: Max is
'm going to follow him; I'll

f. They grabbed him, threw
o the sidewalk, circled him,
isted and Max's chief was
ryone else following Max.

N cases moved along and
tries, places where hostile
less control. I didn't have
nd bugged hotel rooms in
sia or Belarus. I traveled a
rces, and I slogged through
ote up long reports. It was

boring, and offered little potential for promotion, but it was the fun-
damental task for which the Agency had been created. I enjoyed
learning from the sources, who recommended books for me to read.
I tore through many texts about missile guidance and nuclear and
biological weapons science.

For meetings with agents in safe countries, I'd often try to com-
bine the meetings with visits to some other kind of venue that might
have potential human sources, such as scientific conferences. This
way I could kill two birds with one stone.

My style for scientific conferences was to walk in, find a list of
attendees, pick out the ones who looked promising, and seek them
out. If I couldn't find them, I put a message on the bulletin board
telling them that I wanted to meet. I approached each target in a
commercially direct manner, saying that I had a problem in their
field that I needed to solve. It didn't produce secrets at first, but
eventually it did.

PASSING THROUGH HQS back in Langley, I learned the latest Agency
news. A man named Douglas Groat had been arrested by the FBI
for threatening to reveal secrets to foreign governments. Groat had
done some breaking and entering of foreign facilities on behalf of
the Agency, and he wanted \$500,000 from the Agency in exchange
for silence. This amounted to blackmail, so the Agency called the
FBI to haul Groat away.

An officer named Dave was responding infrequently to HQS
communications, and when he did respond, he did so with listless,
whining, contradictory messages about having too little work or
work that was too hard. Dave seemed to have gone into a depres-
sion. He'd just returned from a conference where he'd been sent to
meet an important Russian target. In an after-action memo, Dave
wrote that he *had* approached the target, but that upon seeing Dave
the target had "turned ashen-faced and moved away." HQS wanted
a more detailed explanation, but that was all that Dave had written.

TOR

Always Be Closing

179

CIA officer. HQs sent him
 nia.

ts own stationery. Its official
 ncy" written on the return
 is stationery for a mailing
 sent to officers, including
 er in foreign countries. We
 ddress on the envelopes. In
 his incident led the Agency

ome spy gear to an OFTPOT
 ocal embassy. A year later,
 s. The OFTPOT denied that
 started the paperwork to

e gear, and so the Agency
 on the Box to see what
 TPOT admitted that Martin
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t his managers didn't like
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re Agency's cafeteria. He'd
 the Godfather. "Dozens of
 g and coordinating every
 en Godfather ignored the
 to. That's the trouble with
 d he'll look at it and then

lary, though. The Agency

considered a case officer successful if he recruited a new agent every year or two. The Godfather recruited dozens of new agents in a year. His recruitments weren't always perfect, as some agents would agree to work for the Godfather but then refuse to work for anyone else. All the same, the Godfather was worth 100 case officers.

HQS TOLD ME to hand over one of the sources I'd developed to a new case officer based in the US. The source had the ability to travel to western countries and could do the meetings in the west. The turnover was a good idea because it would free me up to find new sources.

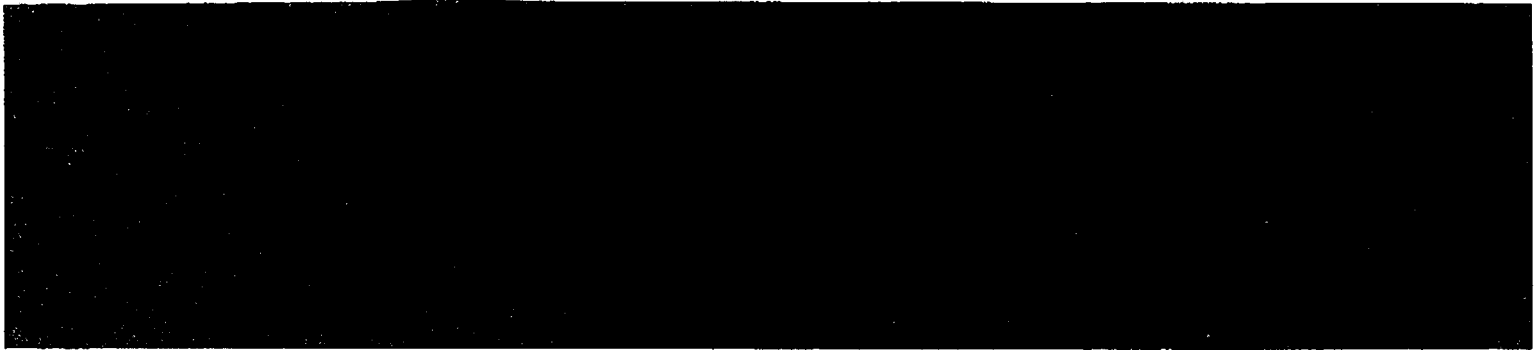
Although my relationship with the source had advanced to the point where I was meeting him clandestinely and he was providing secrets in exchange for money, HQs didn't consider him formally recruited. He hadn't gone through the paperwork. I knew what HQs was up to: They'd take this guy, call him a mere "lead," and then, a month or two later, they'd declare him to be a new recruitment and shower themselves with kudos. But I didn't mind this trick because it would motivate the officer taking the case to do a good job.

I planned to meet Mabel, the new case officer, in the lobby of a hotel in Philadelphia. She sent me an elaborate description of her height, weight, eyes, hair, and clothing. She would carry a magazine folded under her left arm. I was to ask, "Can you tell me the way to the parking lot?" and she was to reply, "Are you looking for the hourly parking?"

Since the meeting was in the benign city of Philadelphia, I wrote, "I'll be the man in the lobby who comes up to you and says, 'Hi, Mabel.' We have each other's telephone numbers, and can call if one of us has difficulty making it on time to the hotel lobby."

I met Mabel in the hotel lobby as planned and we went to my hotel room to discuss our plans for the turnover.

"I have a boyfricnd," she said.



CTOR

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181

meeting a man alone in a
experiences.

ked. "I was about to start

reed on a plan. She went
airport to greet the arriving

of managers above us, and
in the US, our managers
ntly and sent lots of emails
ed.

it's mood?" they asked.

up at the airport and took
conversation on the way to

' Is he worried about being
trouble back home? What
case officer? Where's your

n. The agent doesn't have
ew case officer or not. I'm
l and it will go fine. She's
ng of the operation."

vere sitting in an office at
e phone kept ringing with

. I met the agent for din-
rything went well. I knew

ain the next morning. I

the office until 7 PM last
said HQs. "Why haven't

you responded to our emails?" I checked the Yahoo address. Sure
enough, it was full of frantic message from HQs.

HQs was in a panic. I said, "Look, the turnover went fine and
Mabel knows what she's doing. The agent seemed happy to meet
her. I said goodbye to the agent and when I walked away the two of
them were talking and getting along fine."

"You weren't supposed to do anything until you gave us the
assessment."

"Am I going to have to come back there and kick somebody in
the ass?"

I said it with a smile, but truth is often spoken in jest and my
meaning was clear. HQs stopped calling me and turned their atten-
tion to Mabel, who was relatively new to the Agency and easier to
harass. Mabel and I met later to review the turnover. Everything
had gone well. "HQs has been going ape, though," she said. "I hope
I'm not in any trouble."

"You did great, and the operation went well. I think there were
just a lot of managers hanging around HQs with nothing to do."

When I returned to HQs, a manager handed me a cable con-
taining plans for the turnover. The cable had been written just
after both Mabel and I had gone to Philadelphia, so we hadn't
had a chance to read it. It called for me to meet the agent, assess
his mood, and then go to the Agency office nearby in Trenton,
New Jersey to type a cable describing the situation. Based on that
information, HQs would then decide if the agent's mood was con-
ducive to making a turnover to a new case officer. If yes, I was to
meet him and sound him out on a turnover to a new case officer.
I was then to return to the Agency office in Trenton and write
another cable about the agent's willingness, in principle, to accept
a new case officer. HQs would then decide whether the turnover
meeting should occur.

In other words, Mabel and I had carried out the turnover
without approval. Everything had gone well; everyone was happy.

But I realized that the point of HQs's behavior had been to pin responsibility on us in case anything went awry. Where there's a will to avoid responsibility, there's always a way.

AGENCY EMPLOYEES RECEIVE written annual evaluations, like report cards. The evaluations are important documents used to decide promotions and assignments. The writer of the evaluation is the boss—he or she can advance or destroy an employee's career. The origin of the system of annual evaluations was the military's fitness report system, in which a soldier is evaluated by his commanding officer.

My annual evaluations had many writers. When I executed operations on someone else's bureaucratic turf, they'd often add comments to my evaluation. These were generally favorable, and I appreciated them.

Unfortunately, however, numerous HQs people were also able to write my annual evaluation, which started to look like a blog, with every fool inserting his opinion regardless of its merit. The different administrative staffs, such as the accounting people, each controlled a section. If they didn't like the way I filled out my accountings, they could write nasty comments. Some of these people I'd never met; all of them were junior to me in grade. Some had been hired recently out of high school or college.

When I returned from the turnover meeting in Philadelphia, the woman in charge of handling my accountings, Flora, summoned me to a meeting in a conference room at HQs. I sat down in the empty room. A few minutes later, I heard the whirring of an electrical motor as she rounded the corner on a motorized chair. Flora was a huge, red-faced, friendly woman. "Your accountings look good," she said. "You have a good reputation here at HQs." I knew that already: I'd gone to great lengths to keep these people happy.

"HQs is having a display of collections," she said. "I collect

Cabbage Patch dolls. It's a shows and look for garage :

She confided that her There were some nice piece the dolls, that she'd like to Her kids had bad teeth—we and dental care cost more t

Our meeting ended and officer because I had no pe my pay was about a year i around some investments My ability to go indefinitely important tools for longevi

Just a few sharp words paid. But, given that she evaluation, she was, in eff better able to stay overseas

I STOPPED BY the "holding in town.

A female officer was in access agent.

An officer had given a l some real estate for an op the money.

Another man told his g HQs what he'd done.

Another told an old co informed HQs.

Loman was in Washing Mercedes at the airport. A ning about in the car and l

A group of officers hac



Restless

Restlessness is discontent—and discontent is the first necessity of progress. Show me a thoroughly satisfied man—and I will show you a failure.

Thomas Edison

One dark, cold afternoon in Eastern Europe in late 1999, HQs sent me an order: Move to an assignment in Western Europe. My wife spoke German and Italian and had lived in Germany, Switzerland, and Italy, so she was excited. She already pictured herself walking down a street in Vienna or Amsterdam.

I'd never thought of Western Europe as a possibility for an assignment. I thought we were afraid to engage in operations there after the Paris Flap.

In 1995, the French government, possibly for its own internal political purposes during an election season, closely surveilled our station in Paris. The French gathered detailed information on our station's activities, including the identities of case officers and agents. Our tradecraft was poor and our people hadn't realized they were under surveillance. The former CIA inspector general Frederick Hitz also describes "a female American spy who was operating in Paris under private business cover. Reportedly, she involved her Swiss-Brazilian lover in efforts to cultivate well-placed French officials, but all the time, he was reporting her contacts to French intelligence."³¹

The French government divulged some of its findings in the

French media, which wrote negative activities in France. I, the American ambassador, asked her to send several case station, Dick Holm, which achievement in Paris was a Boy Scouts troop and forbi

I was accustomed to v of my colleagues fizzle, s their one-way tickets hon the bureaucracy treated t has affected American in mation about the Flap is the most revealing is a b *in the CIA*³⁵ by former sta returned to HQs after lea him, and he felt like a for more than 30 years a Flap was unjustified.

HQs conducted a forma the Flap and concluded tha and that station manager sources the station had be provided information that wrote up the results of it: In the little windowless of Holm and one or two othe work rebutting the HQs's c ing a document of similar

"Have you read both people who had briefed m "Of course we've read Squinting like Lee Van

years' pay, and we paid our people between 10 and 30 percent more for overseas work.

"I was assigned to Western Europe when there were seven former division chiefs doing their pre-retirement tours as chiefs of stations," a colleague said. "There wasn't an American intelligence operation going on in the whole western half of the continent."

Flaps threatened the size of the mandarins' pensions and were a threat to their rest and relaxation plans. HQs couldn't put these top bureaucrats under any pressure to produce. After all, these were their former bosses and mentors, and, in due time, HQs managers would get their own cushy pre-retirement posts.

Sloppy as they may have been, Holm and his co-workers had at least been trying to do intelligence operations. After the Paris Flap, the message from HQs couldn't have been clearer: Don't try to do any intel work. It only leads to trouble.

So, since 1995, we hadn't done much in Western Europe, but time had gone by, and now we were considering "staffing up" again.

NOW, IN 1999, as I'd done in past assignments, I focused first and foremost on making a successful move. The American schools were full. American diplomats' children were automatically accepted, but mine weren't. We called on a kind-hearted relative to help us out, and secured places for the children in school. Later we heard that our kids had taken the recently-vacated spots of a famous actor's children, and that they'd edged out the children of the incoming Irish ambassador. Getting our children placed in school may sound straightforward, but lesser obstacles had sunk many of my colleagues' assignments.

HQs was behind in paying me and I was about \$100,000 in the hole. I'd need to have plenty of cash available, so I gathered \$150,000 in my checking account. The schools could cost \$50,000, and a year's rent put down as a deposit on an apartment could be

another \$50,000. Showing a large deposit on the apartment deposits because it's tough a non-paying tenant cannot. Had I waited until HQs go have lost the assignment. vacated the assignment and Western Europe after all. A

The concept of a cover for the management US Department of State get sit at each day, people to and people who issued the Agency figured that if an cover he'd need another organization that I took care of all these

Cover was helpful, of intelligence targets. If the world attack the United States, cover as a vice president. Sanders' personal representation to intelligence on the plan. But in reality, specific cover gets and not very much used much more than a set business cards, go to Beirut skill in finding new human. plex cover, it was the ability

Developing elaborate cover call—the covers never seen had become a big business ton did.

Back at HQs, a manager

AN ADVANTAGE OF being in a non-State Department position was that I could still work on operations in Eastern Europe. If I were a State Department officer, turf barriers would be strict, and I'd have had to shut down my old operations. It would be unthinkable for a State Department diplomat transferred from Budapest to Madrid to continue to visit Budapest and do operations there.

I still ran my Eastern European and Russian operations, just as I'd continued to run my operations in the Middle East while in Eastern Europe. I knew that it could take a while before folks in the European division were comfortable with my doing operations there. Our people in Western Europe seemed pleased with my Eastern European and Russian operations. It meant I was busy and posed no risk to them. I was about to make some decent new recruitments, and I worked hard to create a good impression.

I flew to Washington, D.C. to prepare for my recruitments. The chemicals company had also summoned me for a visit, so I stopped over at their office in Houston on the way to HQs. The company showed me a marketing plan they'd developed that would cost about \$100,000. *Go ahead and waste your money*, I thought.

When I got to HQs, Flora said, "Your chemicals company just called. Did you approve and authorize them to spend \$100,000 on a marketing plan? They say you did."

"No way," I said. "They're lying. I didn't approve them to spend a cent. Don't even think about giving those guys money for that plan."

I picked up my alias disguise and documents from a man I called the Kid because, though he was in his thirties, he looked about twelve years old. I traveled to a western city where I'd planned to carry out a recruitment.

I met the target in my hotel room. It was a straightforward commercial recruitment meeting where I provided a list of what I wanted to know about certain weapons designs and the amount of

money that he'd receive to of time covering the detail: nical areas I didn't underst. he was teaching me, he'd a be able to write it so that t in three sessions each day would type up the intel rep the next meeting session.

I was alert to any chang next. The breaks between r he might wonder, "Hey, th too much too fast." If he fe too recklessly, he might cl fine, though, and each meo us one had left off.

Since it was a commerci anything to do with the Ag theless, I emphasized how i tial, and instructed him not

These meetings went mood and exchanged disgu had been a decent, albeit n the fall of Communism, th reduced, and it was easier HQs was satisfied. I'd had tion when authorized to s to mind.

The Kid did a fine jol ments. But when I read th across a record he'd writt case officer some day, so our meetings in detail. "Is the correct documents and

FOR

Restless

199

Department position was eastern Europe. If I were a would be strict, and I'd have would be unthinkable for a from Budapest to Madrid to ons there.

I Russian operations, just in the Middle East while take a while before folks ble with my doing opera- rope seemed pleased with tions. It meant I was busy to make some decent new e a good impression.

for my recruitments. The me for a visit, so I stopped way to HQs. The company enveloped that would cost *money*, I thought.

or chemicals company just em to spend \$100,000 on

it approve them to spend a guys money for that plan." ments from a man I called thirties, he looked about city where I'd planned to

. It was a straightforward I provided a list of what I designs and the amount of

money that he'd receive to provide that information. We spent a lot of time covering the details of the designs. I liked diving into technical areas I didn't understand; I could learn from the agent. While he was teaching me, he'd also provide the intel we needed, and I'd be able to write it so that the layman could understand. I met him in three sessions each day of about two hours each, after which I would type up the intel reports and prepare additional questions for the next meeting session.

I was alert to any changes of behavior from one meeting to the next. The breaks between meetings gave him a chance to think, and he might wonder, "Hey, this guy's pushing me too hard; he wants too much too fast." If he felt as if he was being worked too hard or too recklessly, he might clam up at the next meeting. He seemed fine, though, and each meeting picked up exactly where the previous one had left off.

Since it was a commercial recruitment, I didn't tell him that it had anything to do with the Agency or with the US government. Nevertheless, I emphasized how important it was to keep things confidential, and instructed him not to be careless of his personal security.

These meetings went well, and I returned to HQs in a good mood and exchanged disguise and documents again with the Kid. It had been a decent, albeit not especially exciting, recruitment. With the fall of Communism, the counterintelligence threat was greatly reduced, and it was easier to recruit these ex-Soviets. Everyone at HQs was satisfied. I'd had to spend about \$25,000 on the operation when authorized to spend only \$10,000, but no one seemed to mind.

The Kid did a fine job of supplying my disguises and documents. But when I read through some documents at HQs, I came across a record he'd written of our meetings. He wanted to be a case officer some day, so he'd made a practice of documenting our meetings in detail. "Ishmael seemed pleased that I'd brought the correct documents and disguises," he wrote. "Ishmael frowned

Bettie's boss told the Kid that Bettie's absence was not counter-intelligence related. Rumors at HQs suggested there was yet another mole who hadn't yet been discovered, but it wasn't her. HQs didn't suspect her of having worked for the KGB, so our operations were still considered sound. Rumors circulated that money had gone missing, that she'd had an unauthorized Russian boyfriend, even that she'd had an unauthorized Russian girlfriend. None of these hypotheses had a ring of truth about them.

I was disappointed in the news because Bettie had been a dedicated worker. As had been the case with Stefan, the investigation into her perceived wrongdoing had dragged on for a long time, which was why she'd doubled her efforts and let herself fall apart.

It sounded to me as though both of their firings were due to personal indiscretions, though I'm sure that whatever these indiscretions were, they didn't compare to Agency management's post-9/11 shenanigans.

When I got back to HQs from Oslo, I went around demanding an explanation for Bettie's disappearance, just as I'd done in Stefan's case. Managers tried to mollify me by insinuating that it might work out better for Bettie if I kept quiet. In hindsight, that was just a trick; Bettie never had a chance of coming back, and it might have helped her had I been more aggressive with the bureaucrats.

Later, the Kid told me that he'd bumped into her at a shopping mall and that she'd seemed fine. He said she sent me her regards.

IT WAS TIME for another seminar at HQs. We assembled in a large conference room and HQs mandarins began to drone. Across the room, I spotted an old friend sitting next to his wife.

Through sign language, I asked, "What's she doing here?" He gave me a broad smile. Later, during a break, he came over to see me.

"I got her a job with the Agency," he said. "It's great. Our household salary doubled. She can still spend a lot of time at home, and I can handle enough of her work so that she looks busy. The

only downside is that no

I laughed and said, "Yea

I was happy for him, t
figured that if anyone was
be him. His wife didn't spe
guage was an exotic one sp
HQs would be happy even
because it would be able to

"The process was easy,'
through the Box. I told my
Box. You must *be* the Box."

My fellow seminar att
leagues whose careers were
actually processing to leave
been invited to the seminar

Another officer had rec
The agent didn't like him a
removed the officer from
between one of our officers
outsider," Jonah had once r

A Mormon colleague h
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Another man, who had
from Africa, had been drur
he'd slurred to another pat
spy." The other drunk turne
the incident in a memo for l

"Does your wife think y
really are?" bellowed the v
Max. Everyone laughed.

Spotting me, Max yelled

FOR

Hazardous Microbes

229

on Friday afternoons, the
ped out for an early week-
was deserted.

ends. He liked to go to a
at targets all day. I didn't
s in the Washington area,

my last set of agent meet-
nt to issue demarches to
and-desist orders pertain-
fully vetted the demarches
y sources.

asn't impressed with my
paper they're printed on,"
:"

ut conducting intelligence
l about what the local gov-
d guys and they let me do
lived happily in Western

ed good and looked good,
e: a banker to terrorists, a
state diplomat.

Max had left the Agency.
within the organization.
nt where we'd celebrated
ing's going great," he said,
ble one-way ticket home.
s cubicle, my career over,
fall back on. I've got to get
ung enough." He tried to

stay involved, to help out where he could, and whenever he came
across a lead, he told me about it. I followed up with every lead he
gave me.

Now only Jonah and I remained from our class.

AT HQS, I stopped to see Grace, the woman who'd used HQs data-
bases to create lists of good BW targets. I'd boasted to her that I
could take one of her lists of targets and get intelligence from every
source on the list, and I'd done it with one list already. She was a
treasure, this woman. If she had created lists for other missions,
such as terrorism or Iraqi WMD, and case officers had used her lists,
America would be in a very different place today.

I was happy to have figured out a way to get past the HQs gate-
keepers on the BW targets. By convincing our Russian BW man that
the targets fell under the jurisdiction of Grace's rogue state group—
meaning that it wouldn't be his responsibility if something went
wrong—I was able to get past him.

I then focused on rogue state scientists we suspected had links
to Russian scientists and facilities. I walked over to the area at HQS
that handled rogue state BW targets.

"The Russian BW program wants me to target these rogue state
scientists," I said. "These targets are connected to the Russian BW
program." I wasn't sure there was actually any connection, but it
sounded good.

"Has the Russian BW chief approved this?" they asked.

He didn't know a thing about it.

"He sure has," I said.

"Well, go for it, then."

In most rogue states we didn't have a CIA station, so I didn't
have to worry about getting past that obstacle—always a formida-
ble and time-consuming one. My formal bosses were in Europe,
but because I was conducting operations outside of their geo-
graphical turf, they felt sure that they'd have no accountability.

★ 12 ★

Darkness and Brief Dawn

Darkness cannot drive out
darkness; only light can do that.
Martin Luther King Jr.

I woke on September 11, 2001, expecting a routine day. Because of the difference in time zones, it was afternoon when news flashed on my computer that there was a fire at the World Trade Center. Switching on the television set, I watched the second airplane hit.

The kids learned the news when they came home from school. The younger children didn't understand, but they could tell it had affected the adults.

I knew I was watching an intelligence failure unfold, and within seconds of watching that airplane hit the World Trade Center, I thought: This will bring reform and accountability to the CIA. 9/11 was precisely the kind of Pearl Harbor that the CIA had been founded to prevent.

I thought: America will see that it needs a functioning intelligence agency, not a failed bureaucracy.

For a period of nearly three months, all HQs resistance to my operations evaporated. Operational proposals moved swiftly through the many layers of management, with individual bureaucrats afraid to get in the way. For this brief period, the scales had tipped the other way: No bureaucrat wanted to be seen to be fearful or risk-averse. Every operational proposal I sent to HQs was approved. I could go anywhere and do anything.

TOR

Darkness and Brief Dawn

239

by HQs' hand-picked managers, Bin Laden escaped US forces. No progress toward his capture was made during the following years.

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owboys gone and replaced

AFTER 9/11, Agency employees expected the axe of accountability to fall at any moment. The bureaucracy, a living, breathing creature, was in fear for its life. Employees at HQs expected the Agency's top managers to be fired. Talk at HQs was that the "seventh floor," where the CIA's top mandarins dwelt, would be swept clean.

Nothing happened.

It was a great opportunity for housecleaning and reforms in the Agency. The days turned to weeks, and still nothing happened. Within a few months, the bureaucracy began to sense that it might survive. Its confidence returned, and rather than cowering and waiting for its punishment, it was emboldened. It worked to evade responsibility for the intelligence failure, and blamed the FBI. CIA Director Tenet stated that there had in fact been no intelligence failure.

By late December, at about the same time that Bin Laden escaped US forces in Afghanistan, the flow of HQs approvals for my operations stopped. HQs had returned to normal.

The media began to report, erroneously, that the Agency had produced warnings of the impending attacks, which had been ignored by the President.

By March of 2002, the bureaucracy was certain that no heads would roll. It figured that its methods—avoidance of risk, creation of management layers—had been vindicated. Bolstered by the knowledge that what had worked in the past would always work, the bureaucracy roared back stronger than ever.

THAT'S NOT TO SAY that the Agency didn't have to do a little damage control. It had suffered the worst intelligence failure in its history, and had to answer a few pointed questions from Congress. Reverting to old tricks, the Agency promised to reform the clandestine

service by employing more field officers who were not members of the US Department of State.

The Agency told Congress, as it had done since the end of the Cold War, that today's intel targets, especially terrorist targets, don't go to diplomatic cocktail parties.

This idea had pleased Congress in the past. As a top bureaucrat and counterterrorism manager explained to me during a HQs visit, "It's not like Congress even told us to get out of our embassies. They just told us that the way we were operating now wasn't working, and they wanted to know what we were going to do about it. So we proposed to get out of the embassies again, and Congress liked it."

Congress massively increased funding for the Agency and earmarked billions in funding for non-State Department programs.

I was wary because I'd seen so many colleagues sacrificed to the idea that the Agency was going to get out of the embassies. The Agency had been promising to get out of the embassies for decades, had already spent many millions on the task, and had never been able to field more than a few effective case officers. The bureaucracy hated the idea of non-State Department work. The bureaucracy, its very life-blood, its system of offices and layers of management, was served by the embassy system, from which it would remain unwilling to pull away.

DURING MY NEXT VISIT to HQs, I overheard a couple of people talking about the Godfather.

"My secretary said there was an urgent call and handed me the phone," a man said. "It was HQs on the line, and they told me to make sure not to let him into the building and to change the locks on the doors and the combinations of the safes as soon as I could."

"Wow, that's wild," someone said. "That guy has been with us for a long time. I wonder what he did wrong?"

"I don't know, but his badge has been canceled and his security clearances have been revoked."

The news made me sad, the Godfather and had always been the Agency's finest. So few people in the Agency stood, which was how to measure success.

The rumor at HQs was that he had a reputation for being a top performer. I doubted that he'd ever in the Agency. Whatever the case, I certainly respected him, but at last he'd met his match.

WITH MANIC ENERGY and determination, the bureaucracy turned its attention to officers then serving in the field.

The Agency told Congress that it was a necessary move, but it actually was a Department officers in the field. A necessary move is difficult to execute, especially when you have to make a clean sweep of the field by a big build-up. Whatever the case, the Department officers intensified their efforts.

Officers serving overseas were given computers for use in their cover operations. Government employees from overseas were given computers for use, but the rule was loose. We were permitted to use our computers for personal use, reflecting a double standard.

A clever bureaucrat at the Agency had come to think of the field officers and had forgotten the items they needed. Although the officers were given computers for use, the bureaucrat knew that they were not allowed to use the computers for personal use.

When officers came through the Agency,

to see their laptops and then he performed a forensic search of the computers for pornography. Computers retain information on the websites they have visited, for instance, even when the user thinks he has covered his tracks.

About 10 percent of the computers had been used to visit pornographic web sites and HQs used these findings to torpedo the careers and the overseas assignments of about 10 percent of our officers.

Officers disciplined for having pornography on their computers naturally didn't want to talk about it. The genius of the pornography sting was that it was impossible to argue against. No American wants a federal employee viewing pornography on his US government computer. A single officer tried to fight back, and in retaliation the bureaucracy spread a rumor that the material on his computer had been child pornography. This was a transparent lie—he'd have been arrested, not merely fired, had it been true—but it stuck, and he was disgraced.

According to historical sources, a Roman legion which had failed in battle was lined up in ranks and then "decimated" by the execution of one in ten soldiers. I called the effect of the computer sting the "Porno Decimation."

AS THE PORNO DECIMATION wound down and no further culprits were found, rumors circulated that big changes to the non-State Department program were coming. HQs was vague, but the feeling was that "changes" would involve many one-way tickets back to the US for officers serving overseas. It was a surreal time, knowing that Congress had devoted so much money to non-State Department officers serving overseas, but having to worry about when the inevitable cutbacks would be made.

A senior manager was assigned to evaluate the officers serving in the field. She was rumored to be well-connected politically and to have the full backing of top Agency management, which would give her the clout to carry out whatever was coming. During a

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visit to HQs, I was sent in her assistants for an interview that was clearly determining whether I was as a deep cover officer in a

She seemed like an ordinary other. She wore a plain positive plans she was surrounded by an entourage. Agency was strong and I th

A couple of weeks later We'd had a temporary repr

IT TURNED OUT that the se was married to a man who the government of Taiwan. State Department. A September found more than 3,600 clas

The manager had known documents out of a secure bringing them home. The that she had removed from

She was quietly removed of the new Director of National husband was charged, however felonies involving his relationship intelligence officer. He was in January 2007.

IN LATE 2004, a new chief instituting the changes that would be a "realignment." removed from the program

The new chief ordered

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Darkness and Brief Dawn

243

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visit to HQs, I was sent into a conference room to meet her and her assistants for an interview. She took notes as we spoke and was clearly determining whether I would be permitted to remain as a deep cover officer in a foreign assignment.

She seemed like an ordinary HQs manager, as competent as any other. She wore a plain purple dress and she spoke airily about the positive plans she was considering. She seemed to enjoy being surrounded by an entourage of underlings. My position within the Agency was strong and I thought the interview went well.

A couple of weeks later, rumors and talk of change stopped. We'd had a temporary reprieve.

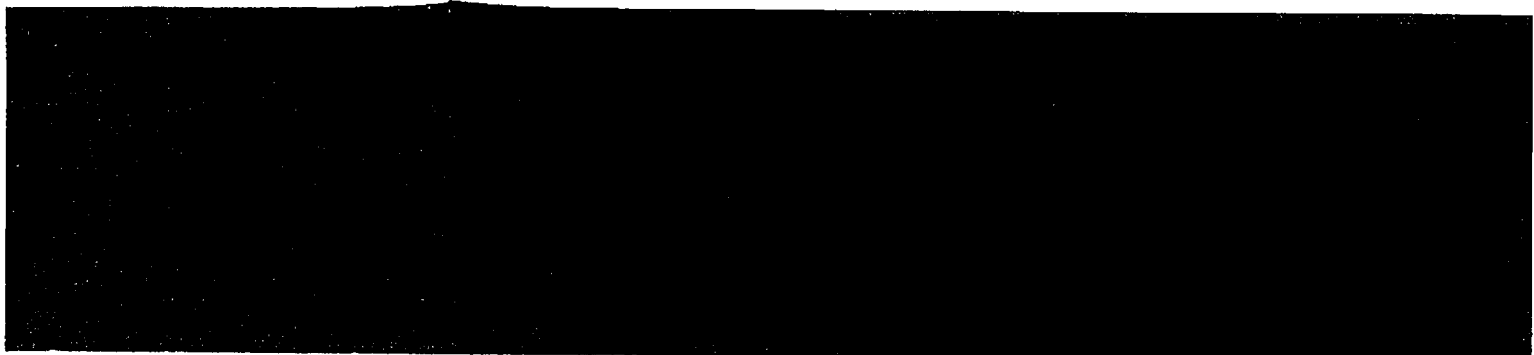
IT TURNED OUT that the senior manager who had interviewed me was married to a man who had come under suspicion of spying for the government of Taiwan. Her husband was a senior diplomat in the State Department. A September 2004 search of their home by the FBI found more than 3,600 classified State Department documents.⁴¹

The manager had known that her husband was taking classified documents out of a secure area at the US Department of State and bringing them home. The FBI also found classified CIA documents that she had removed from CIA HQs.⁴²

She was quietly removed from her position and sent to the staff of the new Director of National Intelligence, John Negroponte. Her husband was charged, however, and he pled guilty to three lesser felonies involving his relationship with Isabelle Cheng, a Taiwanese intelligence officer. He was eventually sentenced and sent to prison, in January 2007.

IN LATE 2004, a new chief was introduced. He set about defining and instituting the changes that were to come. He announced that there would be a "realignment." In other words, some officers would be removed from the program.

The new chief ordered everyone to send in a memorandum



ACTOR

Darkness and Brief Dawn

245

prompts, for instance: "Give operational contribution." HQs part of the process of separating plain-bellied Sneetches, so to be not to be realigned, sent in "Beg for your job" letters.

currently on my third consignment assignment, which no none."

ents began, HQs started pick-colleague who wore earrings a station in Texas. HQs also r and a fabricator. He objected

it, some officers were given managers back at HQs. They "realignment." Martin, my old one of them.

ob, I asked, "What's HQs look-ers?"

ie said. "HQs already knows ie program. Everyone to be with a few good guys thrown

case officers one-way tickets ink at HQs filled right up, just on purges. After more than a re working hard to get out of is of dollars to do so, we had overseas than before.

Martin said. "The managers a list of all the officers. They

go through the names one by one and discuss each one. If the officer seems to be doing an adequate job and doesn't have any enemies in the room, the managers go on to the next name."

Once the "realignment" was more or less complete, HQs invited the remainder back to HQs for a conference. Looking around the room at my colleagues; I had to admit that it was a much stronger group than it had been. I was proud to be associated with these people. I also noted the absence of several colleagues who had in the past boasted loudly of their achievements.

The process wasn't quite finished, though, and more heads were to roll. No one was ever reassured that he was completely safe. Cuts would be ongoing, and there was a palpable tension in the room.

At night, the chief of our program, a gregarious man, stayed out very late drinking, surrounded by sycophants seeking to save themselves from the cut. It didn't work. In the weeks that followed, many of the folks who suffered realignment were the very ones who'd stayed up late paying court to the boss.

I was pretty sure I wasn't going to be realigned, but I wanted a little insurance. I saw our chief at the other end of the conference room, talking to one of the yes-men.

"Chief!" I said, projecting my voice across the room. "I'd like to speak to you when you have a moment."

"Sure, Ishmael," he said, and broke off his conversation at once.

We met together in a corner of the room.

"I don't get a chance to meet you top managers very often," I said. "I just want to let you know some of my concerns. I don't think the Agency is aggressive enough in achieving our missions. I know where our targets are. I know who they are. I know that we can use them successfully, but we're afraid to call on them. We need to get out there and meet these people, not make excuses." I described some examples, such as weakness in WMD targeting and the institutional fear of making telephone calls to rogue states.

"That's not a very good idea, is it?" he said.

"I'm traveling in true name, so there's nothing wrong with having my name written on the luggage tag."

He ignored my response.

"So, what do we need to do to get you productive, to get you moving on some operations? Are you lazy?"

I had to bite my tongue. My operations were better than anyone else's.

"We need to get HQs to *approve* more operations, and then maybe I can get out there and do them."

"You sound disgruntled. Are you going to be a problem?"

"No, I'm not disgruntled. Aldrich Ames is disgruntled. I just think we need to work harder and do a better job."

He left the room without a further word. I sat in silence, wondering what I was going to do about this rude, arrogant, and ignorant man.

TO MY INDESCRIBABLE RELIEF, it turned out my new chief wasn't bad at all; he'd simply made a bad first impression. As soon as he left our meeting, he went straight to HQs and worked with the accounting people, getting me a year's back salary. Then he went to other HQs desks and cleared the way for several of my proposed operations. He turned out to be a heck of a nice guy, committed to the mission and quite capable.

Unfortunately, because he had the tendency to make an awful first impression, he had legions of enemies within the Agency. CIA people often didn't get along, and when meeting a case officer for the first time, it was common for them to list all the people they didn't like in the CIA and why. People paired off into shared hostilities.

I made it a personal mission to tell everyone in the organization that this new chief was a jewel. One officer said, "Bullshit, Ishmael, the guy's an asshole. He's not a nice person—you just intimidated

Dark

him, that's all." Everyone gave him a second chance.

After meeting the new Supreme Court to visit one who was acquainted. We discussed The Supreme Court had had that had been a false alarm then his secretary led us

The next day I ran into money flowing into the and supplied what the Agency never asked him to provide would never have been a company anyway. Charlton created companies, offices, residential often in out-of-the-way access. Some of these court backwaters.

During Agency briefings to a map studded with ence. Many of these pits had created.

One of Charlton's miserable-like backwater city unrelated operation, I had Charlton's office. It had a to a single room containing poster hung from the wall a novel. He looked up and the room. "Sorry, wrong

"No problem," he repl

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Trying

253

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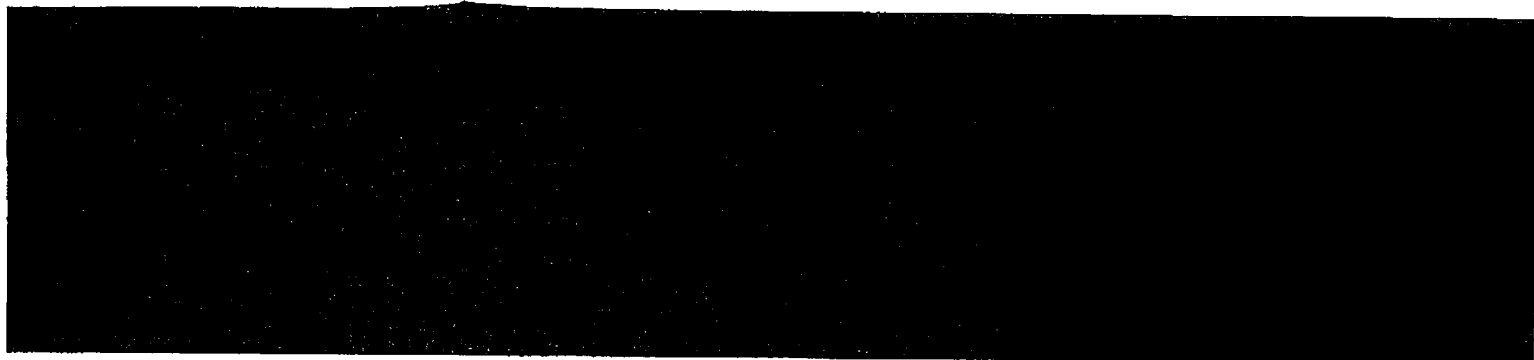
language skills and high IQ scores. The percentage of graduates of prestigious schools remained high; at a conference I attended at HQs, all of the eight colleagues I shared a table with were Ivy Leaguers. No Agency recruiter could go wrong who hired an Ivy Leaguer. The quirkiness in the Ivies' admissions policies meant graduates often had the foreign travel and language skills the Agency prized.

GOOD PEOPLE ENTERED THE CIA, but few would ever do real human source intelligence operations. Most of the people hired during the CIA's expansions would undergo lengthy training only to wind up purged from overseas and sent back either to Langley or to the myriad Stateside offices to do busywork. The treatment of these well-qualified employees could have unintended consequences.

Take the case of Valerie Plame, for instance. She was, it turned out, the pretty blonde woman I'd met during the Ames and Nicholson purges back in the mid-1990s. After having been purged from her overseas assignment in the non-State Department program, she'd been sent back to a desk job at HQs. At a party in Washington, D.C. during her first weekend home, she'd met the man who was to become her husband, Joseph Wilson IV.

In February 2002, the Agency sent her husband—a retired diplomat with experience in Africa—to Niger to determine whether the Iraqi government had purchased uranium from Niger.⁴³ While "drinking sweet tea," he interviewed officials who assured him that they'd never sold uranium to the Iraqi government.

Plame later denied having recommended her husband for the mission, and although there was evidence that suggested otherwise, I think the Agency would have sent Wilson to Niger whether Plame had worked at the Agency or not. If she recommended him, she probably did so in good faith. That's how HQs did things: The Wilson mission provided the Agency with a risk-free and harmless way to look like it was doing something about the lack of intelligence on Iraqi WMD activities in Niger.



CTOR

Trying

255

article in the *New York Times* to invade Iraq because of en, in a newspaper article t Novak identified Wilson's commended Wilson for the y allegations that the Bush er in retaliation for Wilson's

information on Plame was itage, a State Department raq.⁴⁴

erie told me that she'd done brief career as a non-State ad talent and would have urged and sent to HQs.

rds an excellent insight into raining, followed by a short a safe and unimportant tar: than five years of training, expense, then two months probably wasn't necessary. thy training tours that kept when it came time for HQs ge, Plame's record of nearly ave put her name near the

me had been involved in non-State Department offi- her career in training and and HQs desk officers are nissions. CIA censors seem r book that were critical of e portions that would have

revealed she was not an active intelligence officer. Following the purge, Plame spent the rest of her twenty-year career in an HQs cubicle. Such a career path was not unusual. Had she been properly led, Plame could have been a successful case officer overseas, instead of a pawn in a political battle.

SINCE 9/11, Iraq was playing a bigger role in our operations. HQs got word that an Iraqi nuclear target would be traveling out of Iraq to attend a university seminar. I volunteered to contact him. I knew the Iraqi's destination city well and spoke the language.

I lobbied HQs hard to let me call the Iraqi. The first memo I received in response dangled a vague hint that it might be okay if I contacted him, so I took this as full approval and immediately telephoned him at his office.

"Hello, this is Ishmael Jones," I said, "and I've seen your name on the list of attendees for the upcoming seminar. I plan to be there as well, and look forward to meeting you. When I arrive, I'd like to discuss whether you would have any interest in serving on our board of fuel and energy research."

We exchanged a few emails. It was important to start contact with him immediately so he'd be expecting to see me when he arrived.

HQs didn't like my method, though, and preferred that someone "bump" into him at the seminar. "Bumping" meant trying to create the impression that the meeting had occurred by chance, so he would not think it was a CIA setup.

Some of the layers of management above me favored my approach, but the managers who controlled the turf decided to send someone else to meet the Iraqi. HQs had learned that he liked to play tennis and they sent a tennis-playing officer from halfway around the world to bump into the Iraqi and arrange a match.

I begged HQs to abandon the tennis plan. War was imminent



TOR

Trying

257

Iraqi would rely on instinct. He would feel more at

will see your phone calls is would be bad for your

calls, and how would we

manuscripts."

et-lagged, sweaty, and nervous a mile away. The Iraqi, where a wrong step could something wasn't right. He of a person's handshake or skills. His skills were developed and our officer didn't even game. It had been a flaccid officer had to spend a week taken me an afternoon. mission more complex, which

ne, because the operation An attempt had been made the attempt was passive, ning.

erations. My others were rted not to have been able

Iraq and months later the itist using common sense,

without interference from turf bureaucrats, without seeking to generate noise and paperwork, we may have been able to gather information on Iraqi WMD or lack thereof. This target was only one of many who could have provided us with intelligence on Iraqi WMD.

During the postwar debate, many people accused President Bush of lying about the existence of weapons of mass destruction in Iraq and leading us into a war there based on that lie.

But no one was lying. There weren't any human sources to tell us about the existence of weapons of mass destruction in Iraq. The information sent to President Bush was all guesswork. All the analysts at HQs, all the layers of managers, were making guesses based on exactly zero information from human sources.

AFTER OUR CASE OFFICER blew it with the Iraqi scientist, I argued that I should now be allowed to contact the Iraqi, but HQs refused. Even on the eve of the invasion of Iraq, HQs was afraid: "Iraqi security services are likely monitoring his phone, and your call would certainly look suspicious." Agency special operations people were already inside Iraq on dangerous missions, yet we were afraid to make a phone call.

As the invasion was about to begin, I couldn't bear it any longer. I picked up the phone to contact the Iraqi. Our soldiers were going into Iraq uncertain of what they were going to face.

It was too late. The invasion had begun and the Iraqi's phone was dead.

I FLEW TO HQs hoping that personal meetings with HQs managers would help push operations forward. But the atmosphere at HQs seemed sluggish and unfocused. During my visit, the hotshot HQs manager who had been promoted to the heights of the CIA's clandestine service came to the attention of the Agency's office of security.



The day after the course, I underwent a routine Box exam. The examiner's primary goal was to find another mole like Aldrich Ames. Such a mole would want access to HQs computers, so I pointed out to the examiner that I'd never had access, indeed had actively avoided it. He hooked me up to the Box and asked me his questions. When he announced it was over, I checked my watch: 40 minutes. "That went about as quickly as it could have," I said, "but I know a lot of people who say they're in and out of their polygraph sessions within 25 minutes."

"Oh, those guys are lying," he said, "Forty is as quickly as we can run it."

RELEASED FROM HQS and its training courses and happy to be free again, I flew to Libya with HQs approval. The country had opened up somewhat to westerners. Libya's dictator, the madman Muammar Qaddafi, was frightened by the US response to the 9/11 attacks, and he'd quickly made it clear to the US government that he'd had nothing to do with the attacks. Rumors circulated that after seeing the airplanes hit the World Trade Center, Qaddafi had grabbed the nearest phone, called the US government, and said, in effect, "It wasn't me!" Before his terrified call, Libya was high on the list of countries to hit after Afghanistan in the War on Terror.

I enjoyed travel to Libya. It was still a somewhat dangerous environment, in the sense that the Libyan security services were watchful and aggressive. If I were arrested, I'd be in seriously hot water. But the physical danger was light, and there was little street crime to worry about. The Mediterranean weather was hot but dry in the summer and cool in winter. Arriving at the airport, I hailed a rolling wreck of a taxi outside the airport and took a hair-raising drive into town. Billboards and posters depicting the deranged leader and his ludicrous "words of wisdom" lined the roads.

The only hotel in Tripoli considered habitable by pampered western businessmen was the Corinthia. It was spectacular, with

beautiful views of the Mediterranean and an excellent Middle Eastern

I met a series of Libyan grasps on reality by pointing "He's mad, you know," the this."

The first evening I arrive rise to power. I walked out through the old walled city it did hundreds of years ago a building within the old city use. I exited the eastern gate I passed the old fort and e throngs of Libyans waving pretending to celebrate, Qaddafi

The madman had transferred in much of it with dirt and

During the wars against the Libyans captured the US *Constitution*, which is today anchored the captured Philadelphia on fire to prevent sank. Using old maps from guess where the wreck of the

I walked past the old Al run down since being national revolution. A few surly-looking

On the way back to the of the old city, a warren of same smells of spices as decades, gold and silver shops occupied.

CTOR

Trying

267

d look. Qaddafi opened on y those who are living there takeover of some homes by go on vacation, they worried As a result, Libyans fortified iders to tell whether anyone nter.

unity of American oil work- inner, I passed a schoolyard ng fields, although the sport

ear the shore in Tripoli, a ies of American sailors from

/ contacts preferred to meet d this man had unwittingly go down into them when 1. I dreaded the walk down, / head at any moment.

traveling in rogue nations acern over news I received fainted at school and the rushed him to the hospital. medical condition, and the d, specialized hospital. The discussed and studied the

tal, on the floor next to my ext to him, so one of us was : of improvement, and after im home.

I also worried about the

possibility of receiving my one-way ticket home. With his health problem, my son wasn't qualified for an overseas assignment, and if the Agency had him take a physical, he wouldn't pass and we'd be returned to the US. All that mattered to us then was my son's health, but I also made sure to keep the situation secret from the Agency.

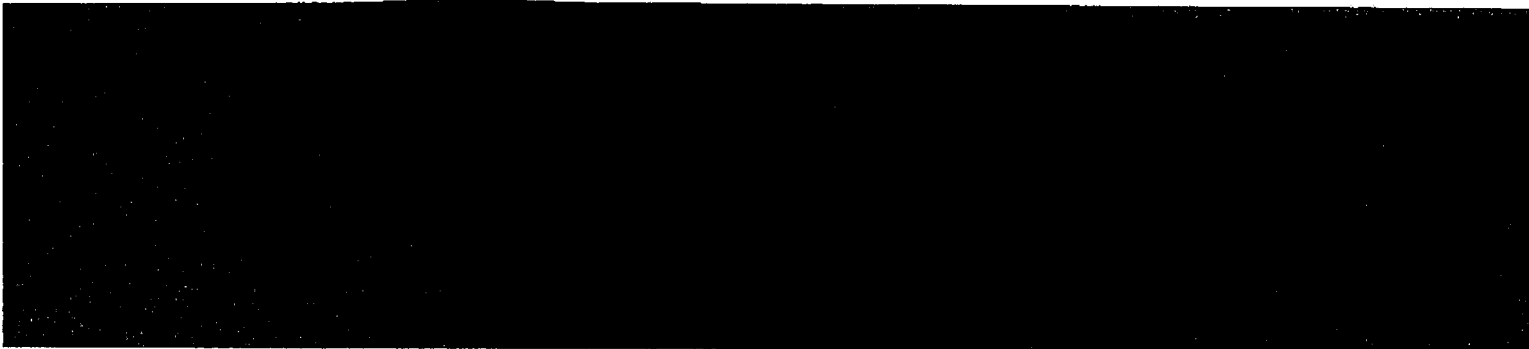
We studied his condition closely, reading all of the literature on the subject.

Meanwhile, HQs summoned me to a conference. I didn't want to leave my wife alone to take care of my son and the rest of the family, but I arranged to attend a medical course given near Washington, D.C. to learn more about my son's problem, during a two-day break in the HQs conference.

DURING THE FIRST EVENING of the HQs conference, I avoided the "team building exercises," and instead went to a rec room in the barracks-style housing block we inhabited during the conference. I practiced shots on a pool table for a couple of hours. Eventually my colleagues returned from their exercises. They'd been construct- ing rope bridges and then hauling each other over them, shouting encouragement and building unity.

"That 'team-building' stuff is a colossal, ridiculous waste of time," a colleague said, "and I looked around for you to see your reaction. But I couldn't find you. We all laughed when we realized you weren't there!"

The director of the CIA, George Tenet, arrived at our confer- ence along with Suspenders. Tenet was a doughy man who chewed on an unlit cigar like a U-boat captain, in contrast to Suspenders, who was as dynamic, fit, and commanding as ever. Suspenders was by this time nearly at the top of the clandestine service. He gave a speech, and when he finished speaking, some toady raised his hand to ask an obsequious question: "Sir, what will we do to work against risk aversion in the Agency?"





\$5 million to an agent to start a bank and the agent had absconded with the money.

"Did you get any of the money back?" I asked.

"Well, we're still trying."

A colleague of mine was put in charge of setting up one of these domestic offices. "They gave me a budget of forty grand to buy television sets," he said. "I told them I didn't want any, but they said I had no choice."

Corruption is authority plus
monopoly minus transparency.
Anonymous

IN THE EARLY STAGES of my career, I'd done a lot of trolling for leads, attending cocktail parties, diplomatic events, conventions, and trade shows. But I realized HQs already knew the identities of most of our leads, and we just needed to contact them. Reading a cable at HQs, I saw a passing reference to a rogue state biologist who worked in its weapons program.

"Anyone in touch with this guy?" I asked.

"Nope."

"Anyone ever tried to call him?"

"Nope."

"Mind if I call him?"

"Maybe. Write up your request for approval."

I learned the target was circulating a résumé, looking for a job. It would be a perfect way to contact him. I picked up the phone and called the man to set a meeting.

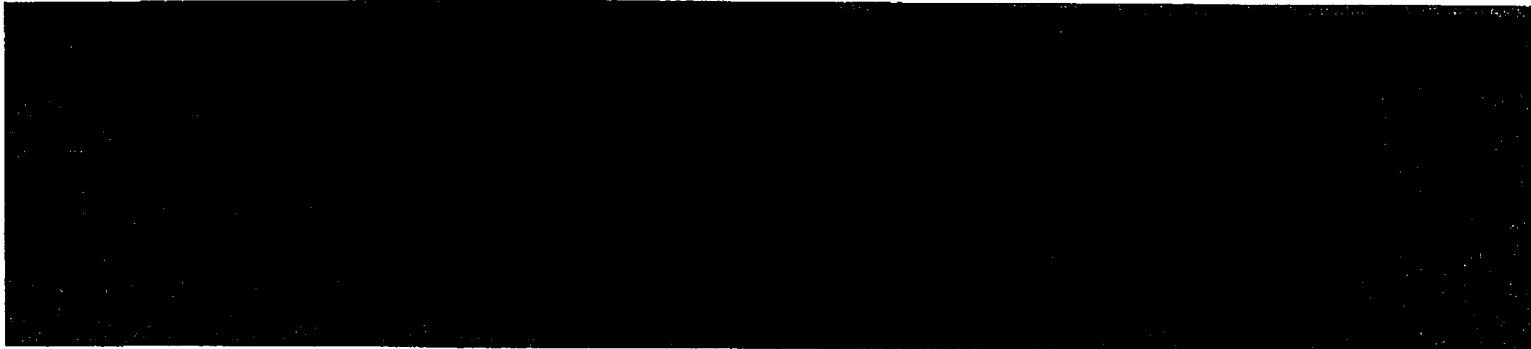
"I've got a copy of your résumé in my hand," I said. "You're an accomplished scientist and I think we might be able to have a profitable collaboration in my area of expertise, the software industry. Would you like to talk more about it? Let's get together."

"It's interesting that you mention the software industry," he said. "I've done some research in that field, and I'd very much enjoy meeting you to discuss it further."

We set a meeting for the next week.

Then I asked HQs for permission to call him. HQs resisted. "How

re numbers of trained case
re United States, HQs didn't
ldn't keep these people in
o send them overseas. The
more offices within the US,
Department programs over-
d buildings, were certainly
weren't what Congress had
g to the Agency.
the United States, used as
A common feature of such
elevision set. Tuned to vari-
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in California, to discuss an
ef, I saw that there was a
wall behind and above me.
ie chief's eyes kept wander-
hat he was busy untangling
ad gone wrong. He'd given



★ 15 ★

The Way of the Weasel

Just say no to cubicles.
*Scott Adams, Dilbert and
the Way of the Weasel*

Since 9/11, the manager who made bad first impressions and the other managers in my station had remained in place. I'd been blessed to have had fifteen years of good-hearted managers at the local level. HQs was a different story, but I'd always gotten along well with my direct station bosses, and they'd always approved my operations.

The time came for a switch in management. The arrival of Porter Goss had shaken things up at HQs, and some of the mandarins were looking for places to hide.

A new set of managers arrived at the station in my Western European city of assignment. The new managers had been raised at the feet of the hotshot chief and Tenet, rising in the organization through staff jobs at HQs.

Curious about the incoming chief, whose name was Salieri, I asked Martin at HQs for information about him. "He's a pussy," was all Martin had to offer.

I was summoned to a meeting with Salieri and his new crew at a conference room in the HQs area. Like most mandarins, Salieri was well-dressed and better groomed than the middle managers. There were about a dozen people in the room, including the new managers and several of my colleagues.

The

Salieri introduced him in a soft-spoken manner. "I've been here for five months. I'm very much into operations. I'd like to go to one of you describe your

So far, so good.

He nodded at me to let me know that I've recruited in five years. Two, Rogue State Three, try Two."

I don't want to embed myself in the early stages of operations. I didn't consider them extraordinary. I've done operations programs in five different State Department protocols and different bureaucratic turfs.

He nodded, impassive.

I said, "By restricting operations to reduce risk." I wanted to know in which case his concern was about the risk involved.

Salieri nodded again at me and then spoke.

During a break in our meeting, I said bye to the bad first impression. He helped me as best he could.

I also spoke to a colleague. "You've got to get your hands dirty working a boondoggle, you know, while during the realignment. Interrogation Course, too. Building structures, diggins

able to look busy. Charlton had built a career working exclusively on boondoggles. He'd never recruited a human source or written an intelligence report.

My colleague was right to say that this kind of work made life easier. No meeting agents in hotel rooms. No cold calling to prospective agents. No risk of a flap. No threat of realignments and purges. But also no chance of doing something for my country, which is what I'd joined up for in the first place.

The meeting adjourned and we headed back to our overseas assignments. Until my assignment to Iraq, this meeting was the last time I saw any of the Agency managers to whom I directly reported.

AS SOON AS Salieri and his new crew were installed, my access to information from HQs ended. All message traffic containing human source leads stopped. Incoming messages dealt exclusively with administrative issues: salary, benefits, federal holidays, administrative reorganizations of HQs desks, and holiday greetings from top bureaucrats.

Salieri created new layers of managers. It wasn't clear who my direct boss was. Different layers of managers wrote to me at different times.

Among the new layers of managers were OFTPOTs who were junior to me in rank. They'd had little operational experience. I'd never met them, and I never would.

Fortunately, though it might be harder to begin new cases, my ongoing operations looked like they'd be allowed to proceed.

Then the new crew introduced a strategy I'd never encountered before: the "do it again." Each time I sent an operational proposal through the OFTPOTs, they bounced it back to me brusquely, marked "do it again." The Agency tends to be collegial in its writing style and such confrontation is rare. Nevertheless, I edited each proposal and sent it back to the OFTPOTs. "Do

it again" occurred as man

I sent a proposal to con-
son we suspected of helpin
them get a little bit closer t

In reply to my propose
grammar."

My blood pressure sho
paced back and forth in th
desk and looked for the
couldn't find a single one.
couldn't see any grammati
to make it look different, a

My daughter's school
Ex-Lax to another child a
late. It wasn't a nice thin
made it even worse: The
POTs. They weren't suppo

A few days later, the
"You need to answer the
tion. Do it again."

Again, furious, I stood
know the question to whi
my frustration was the kn
would block transfer to an

After the third or fou
cool me down, so I put o:
long walk through the cit
half, I saw a group of Ara
One of them had a pelle
passersby. The pellets wer
any injuries.

I walked past the gro
turned and approached th

something I did every time I went outside the house, not just for special occasions.

A VISITING COLLEAGUE helped add to the list of security incidents. He was a surveillance magnet—surveillants seemed to follow him out of idle curiosity. When he left his house or hotel in the morning, there always seemed to be someone lying in wait. When he traveled, he saw suspicious people watching him at the airport and in restaurants. At home, people followed him to the grocery store and the health club.

When this surveillance magnet turned on his personal computer, he could see by the changed settings that someone else had been using it; when he got in his car, he could tell by small adjustments—the mirrors, the radio—that someone else had been inside the car. Following his visit to Salieri's turf, the surveillance magnet documented each incident in detail, adding bulk to the station's growing list of security incidents.

During a visit to HQs, a friend showed me the surveillance reports. They were in a restricted file and he wasn't supposed to show them to me, but he did anyway. The next day I saw the surveillance magnet walking down the hall.

"I'm sorry to hear you've had such a rough time with surveillance lately," I said.

"They said I was under surveillance, but I wasn't."

Magnet, I thought, don't lie to me.

HQs had had enough of the man, too, and sentenced him to a hopeless job in a cubicle in the HQs basement. He sought a transfer to any Agency office with a window, but his requests were denied. HQs then put him under a security investigation, a murky and in some cases interminable process then popular at HQs. "Maybe we'll know more in six months," a security officer told him.

WHEN THE LIST of security incidents got long enough, the station

declared a stand-down, intelligence operations.

It seemed extreme to HQs to intervene. The n speech on March 2, 2005 jobs I'm being asked to c for this mortal. I'm a little the bureaucracy was wea

The stand-down pern out there and work on mass destruction. But w locals could shut us down don't want that, so we're terintelligence situation.'

All of my operations down, I sent four more rejected with a curt forr rity stand-down, these pr

I sent several proposa away, but received the se

The stand-down was stood, and I didn't have notices. I had plenty of stand-down coincided w medical tests showed tl dously and was no longe and hospital visits. His he the improvement in his stand-down seem insigni

All the other active their one-way tickets hor moved back to cubicles i

I was lucky to escape

:TOR

The Way of the Weasel

293

17,000 documents on the
ch had had my name and
the classified Agency doc-
e Department officer sus-
ybe, maybe—in any case,
I was blown. They didn't

management met me in
ned Maryland office. The
t no longer fit inside the
buildings in the Washing-
office building with a nice
ns and investment banks.
ostly empty.

messages every day asking
t of there."

lon't like them either. They
and I want off their turf.

your Rogue State assign-
anything else. We want you
k, we'll work on setting up
ive to be back at HQs long

HQs who *ever* served over-
fe to a year in the Oakwood
resident would want—*fewer*
el?"

and offered me a job as the
of clandestine spies. He was
ood job. I thanked him, but
pure. I knew I didn't have

the stamina to last long in the belly of the bureaucracy, with its end-
less, deadening meetings.

The next day the same manager approached and offered me
a similar job, one layer up from the one he'd offered the day
before. "Thanks for the promotion," I said, "but I'm not trying to
negotiate. I'm here to serve my country. That won't happen in an
HQs assignment.

"Look, let's think about what the President wants. He wants
spies bringing him intelligence from overseas, not more managers
at HQs. Let's think as if the President were in the room with us now.
'Mr. President, do you want Ishmael bringing you intelligence on
WMD or do you want him sitting around at HQs?'"

"Ishmael, I really wish you'd cut out that 'what the President
wants' bit."

IN MY NEXT MEETING at HQs, I met three layers of managers in a
room.

One said, "We don't want any more singleton officers over-
seas."

I'd never heard the term. "What's a singleton?"

"A case officer who operates alone. You're a singleton. We need
to structure our officers overseas so they work as teams. The single-
ton concept is outdated. It's over."

"But espionage is a one-on-one activity," I said. "A case officer
meets the agent in a hotel room and gets the intelligence. No one
else should be present. It's a lonely job. That's what espionage *is*—
being a singleton."

"At your grade, Ishmael, you should be a manager. People at
HQs are asking why someone at your grade is a singleton."

"I manage human sources. Before Salieri's stand-down, I was
managing five of the most deadly threats to Americans in the world
today. What else do we need? Congress gave the Agency billions of
dollars to fund singletons overseas."



TOR

The Way of the Weasel

295

had a group of case officers
 rces in WMD. The officers
 they needed guidance. I'd
 s of the trade to new case
 it would be a winner.

ces worldwide—and teach-
 sounded like it had great

groups had failed, this one
 security incident, it would
 would be given their one-

had been involved in set-
 e a CIA officer by at least
 f HQs wanted to shut down
 's participation alone. He'd
 ked just like a US govern-
 and to open another some-

specially from Dave. That
 arguing that the compro-
 hole station. In fact, I also
 the office to a mere "plat-
 tion, in order to avoid the

iform. They were talented
 nactive, not out of laziness
 ow to conduct operations.
 anes and in hotel rooms,
 very few days. HQs loved
 ctivity, but no deals getting

I began to teach basic tradecraft—along with some techniques
 of my own—to the new trainees. Some officers had already begun
 to conduct operations, and I instructed them in basic recruitment
 techniques. Happy that things were proceeding successfully, I
 traveled to HQs with a list of things I needed to get done.

When I walked into HQs, something smelled wrong. The sec-
 retary ushered me past the cubicles and offices to my new boss's
 corner office. Heads popped up out of the cubicles to take a look
 at me as I passed.

I shook hands with the boss. "Thanks again for this opportu-
 nity," I said. "I'm really excited about the progress we're making
 already, and I have a list of items to cover."

He squirmed. "Um—you haven't heard the news, have you?
 We learned last week that your assignment has been cancelled.
 Someone should have told you. I don't know why. Something
 having to do with counterintelligence, I think. That's all I can
 say."

I was disappointed, needless to say. I left his office and
 prowled around HQs looking for anyone who could tell me
 why my assignment had been cancelled. No one knew a thing. I
 wanted a decent explanation, and demanded meetings with pro-
 gressively higher layers of management.

AFTER A FEW DAYS of sorting through the layers, I met a divi-
 sion's chief of operations, called a COPS. He invited me into his
 office. "Here's why your assignment was cancelled," he said, and
 he showed me an email.

It was from Salieri. It said: "Ishmael should be removed from
 his assignment because he is blown to a sophisticated foreign
 intelligence service with worldwide reach. Exposing the group of
 new officers to him would be dangerous."

"Thanks for showing me the email," I said. "Salieri's lying—
 I'm not blown—but I understand the position you're in." Having

I TRAVELED BACK to HQs to resign. The lower-level people said they were sorry to see me go, and I appreciated their kind words. I'd known some of them for many years. They were good people, trying to do their jobs as best they understood them.

I had an 0900 meeting in a conference room at HQs. I paced back and forth outside the room. There was a selection of snacks spread out on a counter outside the room, and a fat man swayed back and forth, evaluating his choices.

"Take one of each," I suggested.

The door to the conference room opened and five layers of managers invited me in.

"You need to demonstrate faith in the Agency," they said. "If we tell you we have information indicating that you're blown, you need to trust us."

"There are five layers of managers in this room. You all claim to know the details of my blown cover, but you won't tell me. Yet I'm the only one in here with a 'need to know.' This is just risk aversion. We all know it."

"If you don't have trust in the Agency, then you must leave."

"You're right, and I'm leaving."

They changed their tone and spoke kindly, encouraging me to stay in the Agency. My case was unusual because my career had been spotless. I'd outlasted almost everyone and had a solid reputation as an officer.



Hea

It's not possible to quit t
takes at least a week to c
been in the Agency as long

It was a bittersweet time
sion incomplete, and I figur
maybe I could figure out a
ment to the Agency.

The charges I leveled, w
ing resignation, were strong
but the Agency was unwillin
offices, programs, and layer
the fabrication of stand-dov
in rogue states, and I knew
about them.

Also, we'd been given bi
State Department officers c
latest I'd heard was that Co
there wasn't a single overs
my problem. There wasn't a

I figured that the Insp
start, so I made a call.

"You can come by at any time tomorrow without an appointment," I was told. "We have a desk officer on duty who can answer your questions. Most of us come in by 0700, but we like to settle in with coffee and donuts. Maybe it would be better if you came in after 0730."

The next day, I drove to the HQs building and made my way through the massive parking lot. A friend had said that his impression on his first day of employment was of pride and excitement, but his impression on his second day was of middle-aged people, heads down, trudging through the dark from their far-off parking spaces.

I found the IG office, buried deep in the interior of the HQs building. The receptionist directed me to take a seat in a padded, soundproof room.

A few minutes later, a woman came in and sat down.

I introduced myself. "I'm here," I said, "to discuss my concern that the Agency is not pursuing human intelligence targets. We're structurally risk-averse, and that translates into an unwillingness or inability to do our duty."

She looked at me closely. "What agency are you from?"

"The Agency," I replied.

"Which office?"

I described my office within the clandestine service.

"Are you from the FBI? Are you a law enforcement officer, or a member of the office of security?"

"No."

"So you're not here to conduct a security investigation?"

"No, I'm here to ask what I can do—"

"Well, I was expecting an appointment with a law enforcement officer or someone from our office of security. I don't think you're the person I'm supposed to meet."

She got up and left the room.

Another woman entered the room and introduced herself. She described the IG grievance process, in which an employee can bring

up a problem within a certain question. She said that the days later issues an opinion

My statement, that we (intelligence and that we need woman. The IG wasn't set u

"I don't think the grie what I have in mind. Cong go. They control the mone contact them, so that I can appropriate procedures?"

She seemed relieved to gave me the phone numb the HQs building, the depa between the Agency and th

A few months later, I de standing. The IG itself was CIA employee named Mar in the Office of the IG. Ac April 25, 2006, "A CIA sp said: "The officer was termi given: unauthorized contac information with reporters the officer did both. The off

Other media accounts source of information on ties in foreign countries, th exact nature of the classifi The reporters who wrote th won a Pulitzer Prize.

I don't remember the na She may have been Mary M employee awaiting a meetin of the investigation. The I

DIRECTOR

Headquarters

303

ing for an investigation of the investigator.

dealing with Congress. They needed to contact members in person. They also offered to

help me find WMD targets, 10th floor of CIA HQs. She led me to CIA director Porter and I wasn't such a bad guy. Going on, so he set an appointment for the next morning.

Security office to turn in my resignation papers were signed. I'd go over to Capitol Hill to

that night, the light on my e-mail messages told me to contact Goss the next day and

1000. HQs scheduled an ear-of-the-CIA.

and back home. My family, used to live on Salieri's turf school and one of them had a security service award. A group would make the award.

showed up, badgered my son and I said that my son did not merit the award. I'd reveal that his office and I'd reveal that it was illegal for him

to know my or my family's identity. Fortunately, the other parents overruled him, and the award was granted.

DRIVING EAST on Route 123 in McLean, I turned left in a long line of traffic into CIA headquarters. I held out my badge to the security guard who waved me through the barricades, drove past the machine gun mounted Humvee painted in camouflage, and veered right toward the massive parking lots behind the building. At the northeast entrance I entered my security code, and then walked past a row of a dozen electric carts standing ready to be driven down the corridors by infirm or "plus-sized" employees. Labels with names like "Eunice" on them identified the owners.

An escort took me up to the deputy director's office.

I explained my situation in words that I'd memorized. "I'm a successful case officer with a strong and unblemished record," I said. "A fabricated stand-down and a fraudulent accusation that my cover is blown have ended my ability to do my duty and I'm left with no option but to resign."

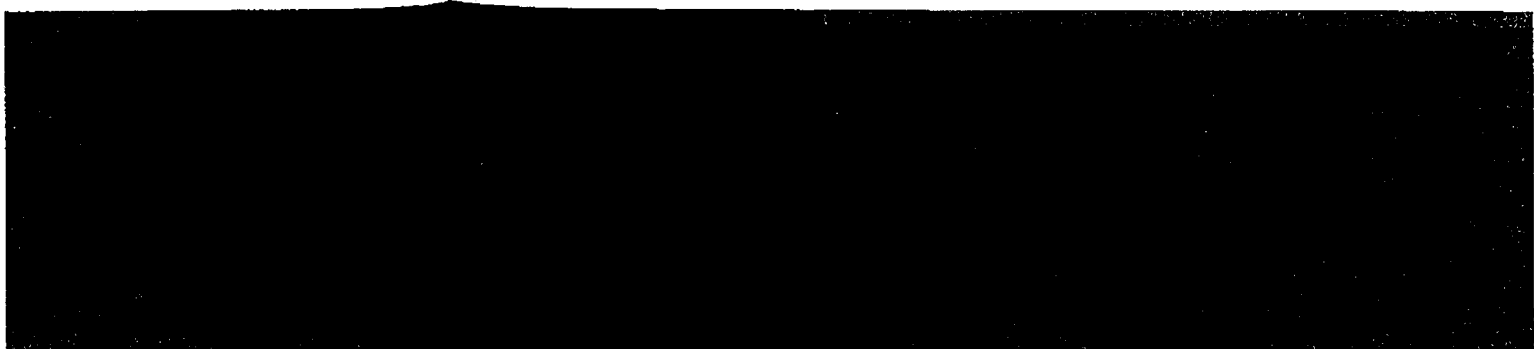
He'd studied my case the night before and he knew all the details. "You're not the only person who thinks the Agency can do a better job. There are other US government organizations that would like to take away big chunks of our turf. The Executive Director, Dusty Foggo, is aware of your case and is watching closely. What do we need to do to solve the problem?"

"I need an overseas assignment. I can go to Dulles airport, get on a plane, and within 24 hours be anywhere in the world. All I need is the approval to go. I have a strong record and I've never made an operational mistake."

"I've reviewed your file. What about an assignment to the Middle East. Would that work for you?"

"Thank you," I said. "That would be great."

I LEFT THE MEETING and an escort came to take me to Goss's office. On the walk down the hall, I asked the escort, "What's your job here?"



CTOR

Headquarters

305

oss," he said.

s with him. My name is Pat-

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le listened attentively and I

icular situation?"

"It looks like it's solved. The deputy director opened an assign-
ment for me to the Middle East. I have a experience in the region
and can regenerate old contacts and build new ones immediately."

"Let's get to it, then."

I thanked him and left his office. I headed back to the per-
sonnel department and reversed my resignation. Then I went to
make arrangements for my travel to the Middle East.

BACK AT THE HOLDING TANK, everyone laughed. "You didn't
really solve anything, did you? After all the noise you made,
you've wound up in the same pitiful Middle East assignment you
had when you started out in the organization."

I called my wife on the phone and she laughed, too, but
added, "If you think you can achieve something meaningful
there, let's go."

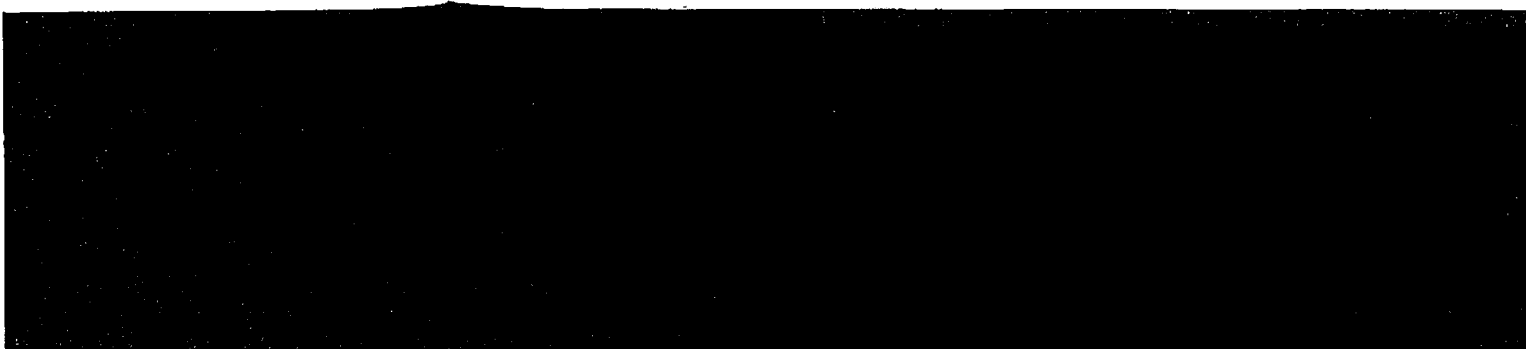
I was smarter and more experienced than I'd been during our
past assignment to the region, and with the freedom to travel the
world, I knew I could achieve great things. I was starting anew
and was full of enthusiasm and momentum.

I roamed the HQs building, meeting desk officers to find new
leads and to confirm that I'd be able to restart cases that had been
stopped during the stand-down.

Most of the people I visited at HQs desks seemed truly enthu-
siastic about my new assignment, so I probed them for opera-
tional ideas. A couple of desks said, "We're interested in this
target, right here, and this is his phone number." Such specific
targets are golden and I took notes and planned to get to work
on them right away.

A big-bellied guy ran one of the desks.

He leaned back and said, "I don't know who you are. You'll
have to tell me about yourself before you can expect to do any-
thing in our region. Send me something." He droned and pontifi-
cated. "Sure, we'd like a real case officer—well, er—or an *almost*



office and home. Instead of a yes or no answer, the responses were a vague, "That neighborhood might be okay."

Then came long lists of questions about my operational proposals, as well as reasons why things might go wrong. When I answered the questions, more followed. The time it was taking them to come to a decision was making it impossible to move the operations forward. In one case—I'd already met the target multiple times—the chief asked, "What will you tell him when he asks you where you got his name?"

My colleague Loman had been assigned to a country in North Africa. He reported directly to HQs, cutting a local Agency station out of the loop. Still, he received no replies to his requests for approval.

Finally, he flew to HQs, found a computer terminal, and answered his own requests, approving all of them. He returned to North Africa and carried out his operations. When he needed new approvals, he traveled back to HQs and sent them to himself. He continued to answer his own messages for about six months before he was caught.

HQs managers were livid, and the story spread throughout HQs, making Loman infamous. In the end, incredibly, he escaped with nothing more than a stern warning not to do it again.

I'D NEVER MET my direct boss in this new Middle East assignment, so I asked him to meet me. I thought that, face to face, I might be able to convince him to approve my operational proposals. During my earlier assignment to the Middle East, I'd met colleagues in car pickup meetings in the region. Today, that was considered too risky, so we'd need to meet in the US. I flew back just for the appointment.

At HQs, I walked past the statue of the Agency's illustrious founder, "Wild Bill" Donovan, and portraits of the DCIs from Donovan to the failures and weaklings of the 1990s: William "Mild Bill"

Webster, Bobby Gates, W

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He didn't show up. Inc
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Starting Over

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1990s: William “Mild Bill”

Webster, Bobby Gates, Woolsey, Deutch, and Tired Tenet. I waited
in a conference room for the chief to arrive.

He didn't show up. Incredibly, he'd sent his wife in his place. She
seemed gray and exhausted, and her breath wheezed from her with
considerable effort. Her body language, however, suggested that she
thought she was my boss. She probably was.

She explained how she and her husband had come to be employed
with the Agency. Either she'd got the job and then brought her hus-
band on board, or vice versa, but I don't recall.

“What sorts of human sources are you handling?” I asked.

“I don't handle cases,” she said. “I'm a manager.”

She expected deference from me, but she seemed like a nice per-
son, and she was the closest thing to a direct boss I'd met in a long
time. As I'd guessed, the office was just scared of my operational
proposals. They'd never asked that I be sent to their turf, and then
immediately upon my arrival I'd begun peppering them with what
they perceived to be very high-risk proposals.

She described the operations they were conducting at the
office. It was a full plate, but all of the offerings were trivial. They
met with liaison contacts, went to diplomatic parties, and spent
a lot of time on the Internet searching résumé and employment
databases for leads.

“You should search the Internet for leads,” she counseled, nod-
ding sagely.

I RETURNED to the Middle East and sank into a bleak mood. I'd
never be able to push intelligence operations through all these timid
bureaucrats. I sat and stared at the wall for hours at a time.

I had mastered the psychology of the organization and could have
stayed in an overseas assignment forever had I wanted to, but I'd had
more than enough. Maybe it really *was* over. I was at a dead end. I'd
played my hand. Further attempts to conduct operations—serious
ones, at least—would be hopeless. Agency management had been

TOR

Starting Over

315

that it wasn't even clear for
 though I'd sunk into a mental
 colleagues had fallen apart
 wouldn't happen to me. I got
 though the same desert fields
 paths. I was filled with sor-
 what I could for my country

he was a good man but the

oggo resigned under sus-
 s from various law enforce-
 home.⁵⁹ On February 13,
 connection with the probe
 congressman now in jail.⁶⁰
 ted Foggo, which was true,
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r, Michael Hayden, was to
 ed aside by Goss. Suspend-
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land there were mutterings
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 a mission-critical job" and
 gs, addressing them by first
 job, but we are happy to see
 of"

During the spring of 2006, American intelligence activities in Europe shut down.

The Agency had been terrified of conducting intel operations in France for a long time. Then the Italian station sent a cable to Agency offices worldwide stating that it did not intend to approve travel by Agency employees for operations in Italy because hotel rooms were difficult to reserve from early spring to late fall.

It sounds unbelievable, but it's a fact.

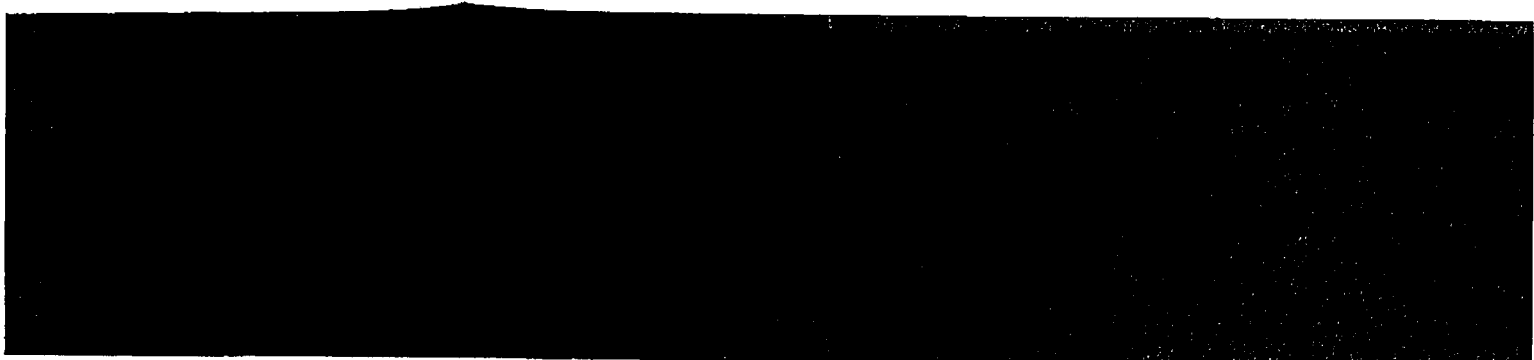
The station in Switzerland must have thought that this sounded like a good idea; they sent a pan-Agency memo as well, stating that hotel rooms were awfully difficult to get and they didn't want anyone to try to work in Switzerland from early spring to late fall.

The station in Germany was next, stating that due to the upcoming World Cup games in Germany, there would be heightened security in Germany, and of course hotel rooms would be booked up, so there could be no intelligence operations in Germany. Just in case anyone were to try, the station established prohibitively complicated paperwork requirements for any officer seeking work there.

No one seemed to find it unusual that a major part of the Agency's operational territory had just been shut down. America doesn't need to spy on the Germans, French, Italians, or Swiss—they are free people who pose no threat to the United States—but Europe is the world's crossroads, the best place to find and meet human sources involved in WMD and terrorism. Shutting down Europe eliminates at least half of the Agency's ability to target valuable sources.

I drafted my letter of resignation. I had logged enough years with the Agency to qualify for a pension, except for the small detail that I wasn't old enough. I could have lingered for a few more years without doing anything and then collected the pension, but that wasn't the life I'd set out to lead.

JUST AS I WAS ABOUT to submit my second and final letter of resignation, I received an unusual message from HQs: It ordered



me—along with seven of my colleagues—to report immediately to Iraq. The war wasn't going well and the Agency needed more bodies. My wife and I discussed the message and agreed that I should go. I was still ready to quit the Agency, but I wanted to leave on a high note; I couldn't leave without doing my part in Iraq. America was in trouble there, and I'd done nothing about it. Perhaps my assignment would open up a more active and aggressive side of the Agency.

I departed for HQs the next day to prepare.

I'd noticed that in the order, HQs had forgotten to inform my local base chief, and I took advantage of that omission. When calls for volunteers had circulated in the past for any operation, including Iraq, I had volunteered, and my local chief had always blocked it. The current chief hadn't wanted me on his turf and didn't want me doing intelligence operations, but to have me taken away was an affront to his turf.

When I was back in HQs and my assignment to Iraq was locked in, I wrote a polite message to the base chief apologizing that I hadn't gotten to him sooner. HQs apologized for not copying him on the message traffic.

He went berserk, responding with a torrent of threats and insults.

To help calm things down, I wrote, "I am going to Iraq as ordered by HQs to work on our nation's most important missions. I've apologized to you, and HQs has apologized to you, for informing you a week late. Begin disciplinary proceedings against me if you wish, but there will be no more apologies. A man going to serve his country in Iraq shouldn't be attacked by bureaucrats who refuse to serve there themselves."

Of the eight of us ordered to Iraq, I'd said yes immediately. One said no. Two said, "Yes, but it will take me a few months before I will be ready to go." Four said, "I most definitely am eager and ready to go immediately, but with the important

activities I am currently before I can break away."

After 9/11, the Agency tions, and it was jarring from an office or State. Going to a war zone was. Former Agency mandarin report to Vietnam. Instead where. Had he gone to along with hundreds of officers, suddenly unemp for assignments. "While I decided to have one of the of my career," he wrote.⁶¹

Remington Raider

The wave of the future is not
the conquest of the world by a
single dogmatic creed but the
liberation of the diverse energies
of free nations and free men.

John F. Kennedy

HQs was sleepy when I arrived. It was a Friday before a three-day weekend and the place seemed empty. I prepared for travel by getting the necessary ID cards, as well as extra training in first aid and firearms.

The firearms course took place down in redneck country. The instructors wore goatees and baseball caps pulled on tight. Expensive, flashy cars bought with high disposable incomes—\$200,000 to \$400,000 to a man—filled the parking lot.

I guessed that these firearms-training rednecks were the same ones who'd run the Interrogation Course. I'd never actually seen those men, having had a bag over my head the entire time, but I was sure that I recognized their voices. Curious, I missed a shot with my pistol and shouted, "God damn it!"

"Hey, don't take the Lord's name in vain," a redneck said.

The firearms course taught combat shooting, which means pulling out one's weapon quickly and shooting lots of bullets at close range. The Marine Corps, by contrast, taught steady, slower rates of fire—marksmanship at longer ranges.

I was lucky to be assigned to this course, because the other option for firearms training was at a large Agency training facility where the

R
students slept in open bars
horrendous. It was never
everyone was young. But
out-of-shape men, it could

I was the only case of
members of my course who
introspective, slow to correct
myself to be outgoing. That

We shot round after round
as well. The rednecks we
with our paintball performance
ended with red welts.

Next was a course to find
sible, with Iraq. This country
tions, as well. One speaks
a lifetime," and I agreed.
many great things about
like people. Imagine if you
will never be a possibility
nam War when a fellow
he tried, but an American
patient and waits long enough

Our first aid course emphasized
pinning the bleeding. Excessives
for Americans in Iraq, so
it. Tourniquets were in a
them. The course began to
made some of us feel queasy

My family visited me
had a great time. The kid
new aviation museum near
a nearby school playground
normalcy before diving in

TOR

Remington Raider

343

out flares in case of incom-
response. I didn't care, any-

een with the Agency since
e had more people in Iraq
few case officers. He was
t zone, too, and he didn't
as of Iraq, most of the men

and pointed out that there
is a person could walk up
. I'd been to Iraq as a child,
were very different now.
ourist attractions unarmed
uestion.

sion. "They dress provoca-
esert beauties" walked by,

had brought a few outfits,
lothes. I usually had a pis-
holstered on my belt. This
out it made me less intimi-

echanisms, so it was safe to
hat the person at the desk
f with the muzzle pointing
ticularly concerned about
ause tests had shown that
e trigger was pulled. Even
Tests are only so reliable,

frequently, and everyone

seemed to have a fatalistic attitude: Either it hits you or it doesn't, but there's not much to be done about it in any case. I didn't carry a trauma kit, but there was always one in the vehicles. On my way to a meeting, I stepped out of my vehicle and felt the slap of a spent bullet on my body armor. I bent over to pick up the mangled bullet, which must have come from a great distance and ricocheted at least once before it came to me.

I was getting tired of running to a bunker when the mortar rounds landed, especially if I was sleeping. I stopped getting out of bed when it happened. I decided that if I didn't get my shut-eye, the terrorists would win. When my roommates headed for shelter, I asked them to lock the door behind them so that busybodies couldn't let themselves in and insist that I duck and cover.

A new roommate had arrived a few days before, a man who suffered from sleep apnea and snored raucously in the bunk beneath mine. I bought a small fan and attached bits of metal and plastic to the fan blades, in order to create a white noise machine which would drown out the snores.

SUPPORT SERVICES at the base were provided by companies owned by former Agency mandarins. If we needed weapons and training, for example, we'd contact a mandarin's company. The mandarins raking in the dough with these contracts were the same ones who had presided over the Agency's failure to gather intelligence in the 1990s. Things were going badly then in Iraq, and real companies with real contracts were leaving because of the tremendous physical danger. But Agency contracting companies had more US military protection, so they made out like bandits.

At one point, we needed approval from HQs to buy weapons. HQs turned us down, and I wondered why.

Fuego said, "The guy at HQs knows I'm involved, and he doesn't like me. We had a big disagreement when we were serving together in Pakistan." I knew the man; he was one of the

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

_____)	
UNITED STATES OF AMERICA,)	
)	Civil Action No.
Plaintiff,)	1:10-cv-00765-GBL-TRJ
)	
v.)	
)	
ISHMAEL JONES, a pen name,)	
)	
Defendant.)	
_____)	

[PROPOSED] ORDER

Upon consideration of Defendant's Motion to Dismiss Plaintiff's Complaint and/or Motion to Transfer Venue Under 28 U.S.C. §1404, Plaintiff United States of America's response, and any reply, it is hereby ORDERED that Defendant's Motion is DENIED.

Dated: _____

Gerald Bruce Lee
United States District Judge