

CQ HOMELAND SECURITY - INTELLIGENCE

July 9, 2004 - 8:03 p.m.

FBI Classifies Report on Internal Investigation of Translation Unit By Justin Rood, CQ Staff

A long-awaited investigation into claims of malfeasance within the FBI's translation office has been completed, but the bureau has deemed the entire investigation report classified, barring its release to the public.

The claims, made by former FBI translator Sibel Edmonds, included charges that translators working on terrorism-related communications purposely created a backlog of work to justify a higher budget and that her division had been compromised by employees who were also affiliated with groups who were targets of FBI surveillance.

Edmonds had sued the bureau for wrongfully terminating her after she made her allegations, although a federal judge dismissed that case last week, citing national security concerns.

On July 9, the Justice Department inspector general's office said it had completed its investigation of Edmonds' allegations but could not release the report to the public.

"We completed our review of several of Ms. Edmonds' allegations late last week and sent copies of our report to the FBI, [the] Department of Justice, and the 9-11 Commission," IG spokesman Paul Martin wrote in an e-mail July 8. "In addition, we have alerted the Senate Judiciary Committee that our review is complete.

"Because the report is classified by the FBI as 'Secret,' at this time there is no publicly releasable document," Martin wrote.

The classification of an entire IG report is unusual, according to Justice Department observers.

"You can redact classified information from [a report], and disclose whatever's left over," said Kris Kolesnik, a former senior investigative aide to Sen. Charles E. Grassley, R-Iowa, and now head of the National Whistleblower Center.

In fact, the IG has issued numerous reports on FBI intelligence matters - most recently on wiretapping, information technology and problems with intelligence-sharing - portions of which have been made available in a redacted form.

Even the IG's top-secret August 2003 report on convicted mole Robert Hanssen -who was arrested in 2001 and was one of the most damaging spies in U.S. history -was released to the public in the form of a 31-page executive summary.

FBI spokeswoman Whitney Blake refused to comment on the matter or say why the bureau could not produce a redacted version of the report.

"I must be the most important person as it relates to an intelligence

issue in the country," Edmonds said in an interview July 8.

In early 2002, after being dismissed from the FBI, Edmonds brought her case to the attention of the National Whistleblower Center - which represents FBI whistleblowers - and Sens. Grassley and Patrick J. Leahy, D-Vt., both of whom are members of the Senate Judiciary Committee.

The senators wrote Justice Department Inspector General Glenn A. Fine that spring requesting an investigation into Edmonds' claims, and have followed up with Fine's office repeatedly to inquire when the report would be completed.

The Senate Judiciary Committee was notified on July 7 that the report had been completed, said Tracy Schmalzer, spokeswoman for the committee's Democrats.

On July 9, Leahy and Grassley sent a letter to Fine, Attorney General John Ashcroft, and FBI Director Robert S. Mueller III requesting that they release public versions of the report.

The senators also requested public versions of other reports they say the IG has either completed or will soon complete. The reports include a survey of the FBI's translation bureau and a report on the FBI's handling of pre-9/11 terror intelligence, including the infamous "Phoenix memo" disclosing the existence of Middle Eastern students in American flight schools; information about the activities of Zacarias Moussaoui, accused of helping plan the Sept. 11 terrorist attacks; and other pieces of intelligence.

Full Court Press

Neither Edmonds nor her attorney, Mark Zaid, was told the report had been completed until July 8. "I just found out ten minutes ago the IG report was released today, and the entire report is classified," Edmonds said by phone that afternoon.

Zaid filed suit the same day in U.S. District Court for the District of Columbia to compel the release of the report. He now says he will file a Freedom of Information Act request for the report, and then sue for its release.

On July 6, a federal judge dismissed a lawsuit Edmonds brought against the FBI in which she claimed she had been improperly dismissed from the bureau for blowing the whistle on improper activity.

U.S. District Judge Reggie B. Walton agreed with the Justice Department's assertion of the "state secret privilege," which allows the federal government to request that lawsuits be dismissed if they could compromise national security.

Edmonds said she plans to appeal that ruling.

In May, the FBI retroactively classified information about Edmonds' claims provided to congressional staff more than two years ago, leading senators to remove previously public material from their Web sites and putting staff in danger of violating national security law by discussing information that previously had been in the public realm.

"Asserting the state secrets privilege, gagging Congress, quashing subpoenas -and now they're saying the entire report is classified? That's just outrageous," Edmonds said.

The National Whistleblower Center's Kolesnik said that the procedure of classifying information should ensure that the entire IG report does not get stamped "Secret," as it has been.

"They classify paragraph by paragraph," Kolesnik said. "They take out all the ones that have the 'S' at the beginning, indicating that it's secret, and whatever's left you disclose."

Even with a "secret" classification, the report can be read by Judiciary Committee staff with security clearances. But that is not the point, Kolesnik said.

"One of the biggest components of oversight - because you have to move an institution to comply with you - is to do it out in the open," said Kolesnik. "Very little gets done when it's behind the scenes like that, in classified mode. That's one of the reasons the CIA is all screwed up."

"If this isn't done in the court of public opinion," he said, "nothing's going to change."

Martin, the Justice IG spokesman, would not say whether the FBI or the Justice Department is taking any action as a result of the investigation, or if their findings have triggered any new investigations.

"I can't comment," Martin said.

Justin Rood can be reached via jrood@cq.com

Source: CQ Homeland Security

(c) 2004 Congressional Quarterly Inc. All Rights Reserved