

# THE SPY WHO SAID TOO MUCH

*Why the Administration targeted a C.I.A. officer.*

BY STEVE COLL

In 2007, John Kiriakou was settling into a lucrative life as a former spy. His fourteen-year career as a C.I.A. officer had included thrilling, if occasionally hazardous, tours as a specialist in counterterrorism. In Athens, in 1999 and 2000, he recruited several foreign agents to spy for the United States, and at one point was nearly assassinated by leftists. In Pakistan, in 2002, he chased Al Qaeda members, and when Abu Zubaydah, an Al Qaeda logistics leader, was wounded and captured, Kiriakou guarded his bedside. (Kiriakou recounted many of his exploits in a colorful memoir, "The Reluctant Spy: My Secret Life in the C.I.A.'s War on Terror.") In 2004, he retired, and soon took a job with the accounting and consulting firm DeLoitte. He worked in the field of corporate intelligence and advised Hollywood filmmakers on the side.

At the time, the press was looking into allegations that C.I.A. officers and contractors were involved in torture, and it wasn't long before they sought out Kiriakou for comment. For several years, the agency had managed to keep secret the scope of its abusive interrogations of Al Qaeda-affiliated prisoners, which had the formal approval of President George W. Bush. Gradually, however, investigative reporters revealed details of the interrogations, and in 2006 Bush acknowledged the existence of the C.I.A.'s detention program. The American Civil Liberties Union obtained confirming documents through the Freedom of Information Act, but what the public knew often came from journalists quoting anonymous sources.

On December 6, 2007, the *Times* published a story by Mark Mazzetti revealing that the C.I.A. had made classified videotapes of harsh interrogations, Abu Zubaydah's among them. The tapes were made in 2002, but the agency destroyed them three years later. Jose Rodriguez, who then led the National Clandestine Service, had ordered the tapes de-

stroyed, despite reservations expressed by others in the Bush Administration.

A few days after the *Times* story broke, Brian Ross, an investigative reporter at ABC News, invited Kiriakou to discuss the controversy on camera. In a taped interview in ABC's Washington bureau, Kiriakou confirmed that Abu Zubaydah had been waterboarded. Kiriakou said that confessions the prisoner had made under duress had "disrupted a number of attacks, maybe dozens of attacks," and had saved American lives. The C.I.A., he insisted, had been careful to follow rules issued by its own lawyers and by the Bush White House. He had also felt that the rough interrogation techniques were "something that we really needed to do" because of the threats posed by Al Qaeda.

ABC cast the interview as the first instance of a C.I.A. officer publicly confirming the use of waterboarding. Excerpts appeared on "Nightline," "World News," and "Good Morning America." Kiriakou's phone rang incessantly, and he talked to more reporters. As he saw it, he was defending the agency's adherence to the rule of law and its commitment to keeping Americans safe. He told me recently that he had "tried to make it nuanced, and almost everyone missed the nuance or chose to ignore it." But through his wife, Heather, who was then an agency analyst, and in e-mails and telephone calls, he started to hear from former colleagues that C.I.A. officials were livid. "They thought I was a traitor," he said.

Nonetheless, Kiriakou kept talking, and he helped reporters develop a number of revealing articles about the agency's interrogation program. Last April, the Justice Department charged him with illegally providing the names of C.I.A. officers and other classified information to two journalists, including Scott Shane, of the *Times*, and Matthew Cole, a freelance reporter. In October, Kiriakou

pleaded guilty to one felony count, and became the first C.I.A. officer ever to be convicted of disclosing classified information to the press. On January 25th, he was sentenced to thirty months in prison, and in late February he entered the Federal Correctional Institute in Loretto, Pennsylvania.

When President Obama took office, in 2009, he pledged to end those counterterrorism policies of the Bush Administration which he judged to be immoral or self-defeating. He banned waterboarding and other harsh interrogation methods, and vowed to close Guantánamo Bay. Over the past five years, he has signed a Presidential memorandum requiring greater compliance with the Freedom of Information Act and enacted new protections for federal employees who seek to expose fraud or abuse by their bosses or colleagues. Yet Obama's Justice Department has been unusually aggressive in prosecuting government officials for leaking secrets to the press. Over the past hundred years, ten such officials have been charged with leaks; six of them occurred on the watch of Attorney General Eric Holder. Jeffrey Sterling, another former C.I.A. officer, faces felony charges for allegedly providing classified information about covert-action programs in Iran to James Risen, a *Times* reporter, for Risen's 2006 book "State of War," about the C.I.A. during the Bush Administration.

These prosecutions are all the more remarkable because, apart from jaywalking and pot smoking, not many crimes in the U.S. are committed more routinely than the disclosing of classified information to journalists by government officials. David Pozen, a Columbia University law professor, recently estimated that fewer than three in a thousand leak cases are prosecuted; he noted that the true rate, if all violations could be counted reliably, is probably "far closer to zero." One reason



*Prosecutors describe John Kiriakou as a reckless, chronic leaker of vital secrets, while some civil libertarians laud his courage.*

is that subpoenaing journalists attracts negative publicity. Since 1973, Justice Department guidelines have prohibited such subpoenas except as a last resort, and only with the Attorney General's approval. Another reason, as Pozen argues in a forthcoming *Harvard Law Review* article, is that leaks serve the purpose of one faction of government or another, including the Office of the President.

The Obama Administration, like its predecessors, classifies an astonishing number of documents. In 2011 alone, ninety-two million documents were restricted because they were found to contain official secrets. Many government officials with security clearances think the government classifies far too much information, yet the bureaucracy seems impervious to change. Press leaks have become a means for government officials to evade this broken system. Without leaks, neither officials nor the public would know critical facts about the President's policies and intentions. Obama's aides appear to have used selective leaks to float policy ideas and rebut critics while maintaining deniability. Leaks have allowed the public and international allies to learn about policies surrounding the use of drone strikes against suspected terrorists, internal decisions to provide aid to Syrian rebels, and options for containing Iran's nuclear program. Too many felony in-

dictments against leakers would risk "compromising the government's instrumental use of the press," as Pozen puts it.

Of the recent cases, none have been more divisive than the indictment of Kiriakou. Prosecutors describe him as a reckless, chronic leaker of vital secrets, while some civil libertarians laud his courage as the first C.I.A. employee to speak on the record about the waterboarding of prisoners. Bruce Riedel, a former C.I.A. officer now at the Brookings Institution, told me that Kiriakou's prosecution "seems disproportionate and more like persecution. There appears to be a vindictiveness about this."

The last time a media-leak prosecution created such controversy was in 2004, when a federal prosecutor, Patrick Fitzgerald, investigated the disclosure to journalists of the name of Valerie Plame, an undercover C.I.A. officer whose husband, the diplomat Joseph Wilson, had criticized the Bush Administration over the Iraq war. Vice-President Dick Cheney's chief of staff, I. Lewis (Scooter) Libby, was charged with perjury and convicted in March, 2007, but President Bush commuted his prison sentence, and Libby never spent a night in jail. Riedel and some other former C.I.A. officers have tried to persuade Obama to be similarly lenient with Kiriakou.

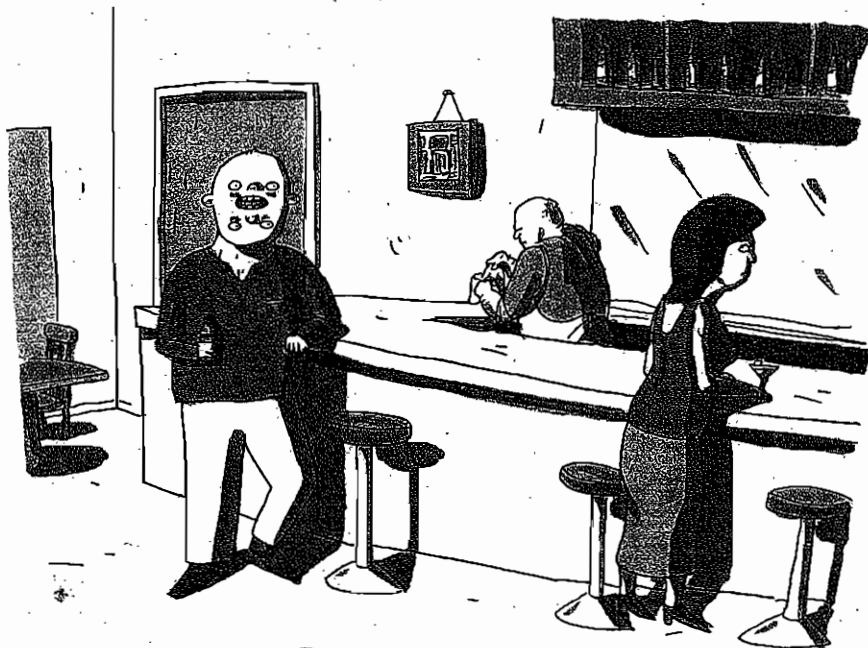
Yet many of Kiriakou's former agency

colleagues are unforgiving about his conduct, and prosecutors say they charged Kiriakou only because he gave reporters the names of C.I.A. officers and other classified information that exposed them to potential retaliation by Al Qaeda or its sympathizers. Neil MacBride, the United States Attorney who oversaw Kiriakou's plea bargain, said that it is irrelevant that Kiriakou also spoke out against the C.I.A.'s interrogation techniques. Those who call Kiriakou a torture dissident, he said, are engaging in "a bit of sophistry."

Kiriakou's own motives are opaque, and his explanations have changed over time. Since the 2007 interview, he has taken a position against torture; before entering prison he posted on Twitter as a "torture whistleblower." Kiriakou has not always been a reliable narrator of his troubles. A certain amount of elusiveness comes with the territory: he was taught to deceive in order to recruit foreign agents. "People are trained to lie for a living," he remarked in an interview on MSNBC. "They lie to everybody. You have to be able to separate lying for work, for the betterment of the country, and lying just for the sake of lying."

Kiriakou, who is forty-eight, has mild features, with olive skin and brown eyes, and the exuberance of a Labrador retriever. Last December, I visited him at his home in suburban northern Virginia, where he lived in a three-bedroom Dutch Colonial with Heather and their three young children. (He also has two older sons from an earlier marriage.) From his desk in the living room, he pointed to the peaked roof of a five-bedroom McMansion a block away. He and Heather had built it several years earlier, now, facing six-figure legal bills, diminished incomes, and a heavily leveraged mortgage, they rent it out to make ends meet. Kiriakou said he had gained about twenty pounds over the past couple of years, and attributed it to stress.

Kiriakou can be solicitous and unrestrained in conversation. Speaking about a former C.I.A. boss, he paused to punctuate his assessment: "Jerk. Sociopath." During another conversation, he conceded, "I've made mistakes and I've said too much. It's something that I have to constantly remind myself of—that saying less is better than saying more. I often fail at that."



"Play coy if you like, but no one can resist a perfectly symmetrical face."



When I asked him to explain his downfall, he said, as many of his supporters have, that he “broke the code.” At the C.I.A., “you don’t ever talk to the press and you don’t talk about dirty laundry, and I did. And there were players involved in the Counterterrorist Center, where I was working, who have very long memories. They were going to make sure I got punished.”

He continued, “I loved the agency, and I still do. I think its mission is very important. I think there are thousands and thousands of really great, smart, hard-working people.” At the top, however, “I think the agency is generally run by kooks and criminals. I really do. It’s run by people who suck up to a political agenda, because that’s the way to get ahead.”

As a boy in small-town western Pennsylvania during the nineteen-seventies, Kiriakou listened to the BBC World Service and Radio Moscow on a short-wave radio. The broadcasts made him think “there was more out there than Pittsburgh.” He belonged to a clannish Greek family that encouraged education and ambition. As a teen-ager, he wrote letters to world leaders; the Shah of Iran sent him an autographed portrait. Kiriakou won a partial scholarship to George Washington University, in Washington, D.C., where he enrolled in Middle Eastern studies. He and his roommate, Ed Harwitz, used to dress up in business suits and stalk Capitol Hill, seeking autographs from politicians. They chatted with Bob Dole and Al Gore. “We just wanted to be at the center of the action,” Harwitz recalled.

On January 7, 1990, when he was twenty-five, Kiriakou began his first job at the C.I.A. He served initially as a “leadership analyst,” with a concentration in the Persian Gulf. His job was to assess and forecast the decisions of the region’s emirs, princes, dictators, and generals. Eight months later, Saddam Hussein ordered Iraqi forces to occupy Kuwait. During the ensuing crisis, Kiriakou pounded out reports in the C.I.A.’s operations center. His bosses invited him to White House meetings, a privilege that other young analysts might wait a decade to enjoy.

In early 1991, a U.S.-led military coalition expelled Iraq’s troops and restored Kuwait’s monarchy. Kiriakou had stud-

ied Arabic and was posted to Bahrain. After that, he moved from the C.I.A.’s Directorate of Intelligence, which houses analysts, to the Directorate of Operations, or D.O. (later renamed the National Clandestine Service). The D.O. was the romanticized heart of the agency, its case officers posted around the world to recruit agents and steal secrets.

Kiriakou wrote in his memoir that he had a “fondness for big cities, decent restaurants, and comfortable beds.” He had never owned a gun; now he took weapons instruction and studied espionage tradecraft at the Farm, the C.I.A.’s main training facility, in southeastern Virginia. At one point, he was required to snare and skin a rabbit. A case officer’s most important task is to recruit foreign agents who can provide secrets to the United States. It’s a sales job, carried out through bribes, manipulation, and appeals to patriotism. “I had a knack for it,” Kiriakou told me. Good case officers “love dealing with people. They’re very comfortable operating in gray areas. They’re very comfortable breaking the rules if they have to.”

Kiriakou, who already spoke Greek, was given a counterterrorism posting in Athens. He arrived there as a junior case officer in early 1999. In addition to targeting leftist Greek terrorist groups such as 17 November, the C.I.A. kept tabs on secular Palestinian revolutionaries who travelled in southern Europe and might be turned. A former D.O. colleague described Kiriakou as a “good linguist” who was smart, clever, and entertaining. Junior officers typically recruited lower-level agents, and Kiriakou learned to tailor his pitches. Recruiting “is all about the relationship,” he said. “If your target likes knitting, you learn to knit. If your target likes deep-sea fishing, you had better be good at deep-sea fishing.”

By his count, he recruited five agents during his nearly two years in Athens, an exceptionally high number. (A C.I.A. spokesman declined to comment about Kiriakou’s recruiting record.) He boldly solicited potential agents. “My name is John Kiriakou, from the C.I.A. in Washington, and I’m here to change your life,” Kiriakou announced to one European general. He told me that he was proud of

his record in Athens, but acknowledged that he had not attempted the toughest recruitments—high-ranking Chinese, Russians, North Koreans—which are the province of more senior C.I.A. officers.

Athens can be dangerous for C.I.A. officers. In 1975, the identity of the C.I.A.’s station chief, Richard Welch, a Harvard-educated classicist, was compromised, and he was assassinated by

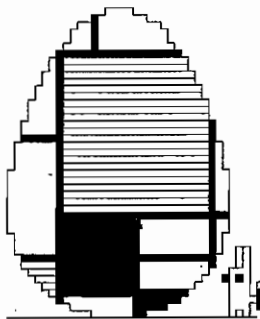
a 17 November gunman. Kiriakou recalled being “on edge from day one.” He drove with a pistol in his belt and checked his rear-view mirror so frequently that he sometimes rear-ended the car in front of him. Some Greeks whom Kiriakou and his colleagues tried to recruit complained

to their government, which complained to the American Embassy.

Kiriakou was not easy to control, and he was not always in full control of himself. One afternoon, he received a call reporting that his wife at the time, JoAnne—a Greek-American he had married shortly after college—had been in a car accident. He rushed to the scene and argued fiercely with the Athens driver involved. In his memoir, Kiriakou said that the offending driver called JoAnne “a whore.” “I snapped,” he wrote. “I hit him as hard as I could.” He broke two of his knuckles. The police detained him briefly. According to Kiriakou, Nicholas Burns, the American Ambassador, asked him, “What the fuck went through your head?” (Burns declined to comment.) Kiriakou’s performance file now had a significant demerit.

One morning a few months later, according to court papers filed by Kiriakou’s attorneys, left-wing terrorists followed him from his Athens home with plans to assassinate him, but they peeled off because he was too well protected; the same day, the terrorists murdered a British defense attaché. A couple of months later, Kiriakou returned to Washington.

On the morning of September 11, 2001, Condoleezza Rice, the national-security adviser, had scheduled a meeting to discuss the terrorism situation in Greece; Kiriakou later wrote that he was supposed to attend. But the



meeting was cancelled, and by day's end only Al Qaeda mattered at the C.I.A.'s Counterterrorist Center. Censures or no, as an Arabic speaker Kiriakou was needed. Early in January, he deployed to Pakistan.

Robert Grenier, a dapper, fit C.I.A. veteran in his forties, ran the Islamabad station. His case officers and eavesdroppers had picked up the trail of Zayn al-Abidin Muhammad Hussain, a Saudi-born Al Qaeda logistics leader better known by the nom de guerre Abu Zubaydah. Kiriakou worked on a team that helped trace Abu Zubaydah to Faisalabad, in Punjab Province. In the early hours of March 28, 2002, Pakistani police raided fourteen suspected safe houses. They found Abu Zubaydah, who had been shot and badly wounded, and eventually took him to a military hospital in Lahore.

C.I.A. headquarters dispatched a plane with a surgeon aboard from Johns Hopkins University to treat Abu Zubaydah, so that he might face interrogation. Kiriakou was one of several agents who took turns sitting watch beside Abu Zubaydah's bed. "There was no security," he told me, so he tied Abu Zubaydah to the bed with a sheet. The Pakistanis "started bringing in V.I.P.s just to gawk at him," he said, but the prisoner was mostly unconscious.

"When he was able to speak, it was practically breathless," Kiriakou recalled. "Our conversations were very short. The first thing he said—he was clearly out of it—was to ask for a glass of red wine." On another occasion, Kiriakou said, Abu Zubaydah wept and begged him to smother him with a pillow. When the C.I.A. plane arrived, a group of C.I.A. and F.B.I. officers wheeled Abu Zubaydah aboard, and Kiriakou did not see him again.

Kiriakou returned to C.I.A. headquarters in the summer of 2002. There were rumors that "enhanced interrogations" had been organized within a branch referred to as R.D.I., for Rendition, Detention, and Interrogation. From agency colleagues and operations cables, Kiriakou gleaned that waterboarding, prolonged sleep deprivation, and other harsh methods had been employed on Abu Zubaydah. At one point, a colleague asked Kiriakou if he wanted to be trained in the new techniques as an

## AN ADVENTURE

1.  
It came to me one night as I was falling asleep  
that I had finished with those amorous adventures  
to which I had long been a slave. Finished with love?  
my heart murmured. To which I responded that many profound discoveries  
awaited us, hoping, at the same time, I would not be asked  
to name them. For I could not name them. But the belief that they existed—  
surely this counted for something?

2.  
The next night brought the same thought,  
this time concerning poetry, and in the nights that followed  
various other passions and sensations were, in the same way,  
set aside forever, and each night my heart  
protested its future, like a small child being deprived of a favorite toy.  
But these farewells, I said, are the way of things.  
And once more I alluded to the vast territory  
opening to us with each valediction. And with that phrase I became  
a glorious knight riding into the setting sun, and my heart  
became the steed underneath me.

3.  
I was, you will understand, entering the kingdom of death,  
though why this landscape was so conventional  
I could not say. Here, too, the days were very long  
while the years were very short. The sun sank over the far mountain.  
The stars shone, the moon waxed and waned. Soon  
faces from the past appeared to me:  
my mother and father, my infant sister; they had not, it seemed,  
finished what they had to say, though now  
I could hear them because my heart was still.

interrogator. He consulted an agency mentor, who warned him, he recalled, that the techniques "might well cross a dangerous moral and legal line," and he declined.

Late in 2002, Grenier, the former Islamabad chief, asked Kiriakou to work as his executive assistant at C.I.A. headquarters in Langley, Virginia, to prepare for the invasion of Iraq. Kiriakou's first wife and his sons had settled in Ohio; the job meant that he could more easily visit the boys. He spent a year with Grenier, but when his request for a more flexible schedule was rejected he grew frustrated and decided to retire.

As he prepared to leave, Kiriakou heard about a performance evaluation that gave him very poor marks, and he was furious. The final approval of the report fell to Mary Margaret Graham, who had overseen European operations dur-

ing Kiriakou's tour in Athens. Kiriakou met with Graham in her office, and, by his account, he vowed to tell the *Washington Post* about an unorthodox agent-recruiting operation that she had allegedly approved, which included a night out with strippers and prostitutes. They argued, and afterward, Kiriakou said, Graham "sent a 'burn notice'" to the agency's human-resources department which described him as a "horrible person and a bad officer who should never be rehired."

Graham, who has since retired, declined to comment, but she authorized an active intelligence official familiar with the episode to say that there were "no threats to go to the press" during her meeting with Kiriakou. "There was just a frank conversation about performance that any responsible manager would want to have in the circumstances." The officer

4.

At this point, I attained the precipice  
but the trail did not, I saw, descend on the other side;  
rather, having flattened out, it continued at this altitude  
as far as the eye could see, though gradually  
the mountain that supported it completely dissolved  
so that I found myself riding steadily through the air—  
All around, the dead were cheering me on,  
the joy of finding them obliterated  
by the task of responding to them—

5.

As we had all been flesh together,  
now we were mist.  
As we had been before objects with shadows,  
now we were substance without form, like evaporated chemicals.  
Neigh, neigh, said my heart,  
or perhaps nay, nay—it was hard to know.

6.

Here the vision ended. I was in my bed, the morning sun  
contentedly rising, the feather comforter  
mounded in white drifts over my lower body.  
You had been with me—  
there was a dent in the second pillowcase.  
We had escaped from death—  
or was this the view from the precipice?

—Louise Glück

added, “Mary Margaret has a long and distinguished service record; to suggest otherwise is baseless.”

Kiriakou soon discovered, as many C.I.A. officers had before him, that his career as a spy could serve as remunerative raw material for the entertainment industry. The 2005 film “Syriana,” starring George Clooney, was inspired by the career of the former C.I.A. officer Robert Baer. The 2006 film “The Good Shepherd,” with Matt Damon, offered the fictionalized “untold” story of the birth of the agency. (“Zero Dark Thirty” is the most recent example of the genre.) After retiring, Kiriakou met Richard Klein, a former speechwriter and State Department official under the Clinton Administration, who had become a managing director at McLarty Associates, a Washington-based consulting firm. One

of Klein’s jobs was to help movie studios and producers secure permission to shoot films in developing or unstable countries. He hired Kiriakou to serve on a board made up of former C.I.A. officers, diplomats, and F.B.I. agents, who reviewed scripts about spies or terrorism to make them more realistic.

In the summer of 2007, Paramount Pictures sought help for “The Kite Runner,” the movie based on Khaled Hosseini’s best-selling novel about two boys growing up amid the violence in Kabul. The filmmakers had hired four young Afghan actors. As the release neared, the actors’ families told Paramount that they felt unsafe. Klein sent Kiriakou to Kabul to investigate, and Kiriakou found reason for concern. Ultimately, Paramount agreed to pay for the boys to enroll in private schools in a nearby Persian Gulf country. The film, which was shot

mostly in China, was released in December, 2007.

About a year later, Sacha Baron Cohen retained McLarty to help on a follow-up to his 2006 hit “Borat.” Baron Cohen wanted to make a similar film, “Brüno,” in which he would play an over-the-top gay Austrian fashion journalist. He asked about a particular gag he had in mind, as Kiriakou recalled it: “I want to get in front of bona-fide terrorists—I’m thinking Al Qaeda, maybe Hezbollah—and I want to show them Polaroids of men having anal sex and ask them if it constitutes torture.”

Kiriakou said that he advised Baron Cohen to “stay away from the religious types, because they will kill you, your crew, and they will go out into the streets and kill people who remind them of you.” He suggested that Baron Cohen film in Damascus. Syria was peaceful at the time and home to retired leftist Palestinian revolutionaries who might cooperate. The endeavor did not end well; after the film was released, in 2009, a Palestinian interviewed onscreen by Baron Cohen sued for slander. (A spokesman for Baron Cohen declined to comment.)

In 2007, ABC News came calling. As an active C.I.A. officer, Kiriakou had signed nine nondisclosure agreements pledging to keep the agency’s secrets for life. Such contracts are a routine aspect of C.I.A. employment. A retiree who writes an article or a book usually must submit the work for review before publication, to be sure that it discloses nothing classified. But there are vast gray areas. If journalists have already published secret information, a former C.I.A. officer might be free to speak or write about it, since it’s so widely known.

Kiriakou told me that he thought his remarks to Brian Ross about waterboarding fell into that category. He said he had received permission from Deloitte to go on ABC, but afterward the firm asked him to resign; he said that its partners told him that he had been too brash. (A Deloitte spokesman declined to comment about the cause of his departure.) When I mentioned to Kiriakou that some of his former colleagues thought that he had talked freely to ABC News because he wanted to burnish his prospects as a Hollywood adviser and Washington consultant, he bridled. “Ridiculous,” he said. “Do you know what this

cost me? I lost the best job I ever had.”

There was another twist: at least one claim that Kiriakou made on camera turned out to be false. He had told ABC News that Abu Zubaydah had broken down after about thirty seconds. In fact, Abu Zubaydah had been waterboarded eighty-three times in August of 2002 alone, according to a Justice Department memo. When journalists pointed out this error, Kiriakou blamed C.I.A. colleagues who he said had deliberately misled him in order to make the harsh interrogations seem like a success. These colleagues “told me it worked,” Kiriakou recalled. “And that was a lie.”

Soon after the ABC News interview aired, the network offered Kiriakou a consulting contract worth several thousand dollars a month. He also started work on “The Reluctant Spy,” and he ultimately received a fifty-thousand-dollar advance for the book. His motivation for writing the memoir, he said, was to “tell some cool stories, make a little money.”

In the manuscript, which he submitted to the C.I.A. for prepublication review, Kiriakou sharpened his criticisms of torture and of the Bush Administration. “Even if torture works, it cannot be tolerated—not in one case or a thousand or a million,” he wrote. Nevertheless, he regarded his memoir as a “pro-agency book” that celebrated the excitement of a C.I.A. career and its opportunities for public service. He wrote flattering portraits of some of his former supervisors, including Grenier, the former Islamabad chief, and Cofer Black, the head of the Counterterrorist Center before and after September 11th. But he was unsparing in his criticism of others, particularly Graham. He wrote that his final conversations with her were “like being pecked to death by ducks.”

Grenier was furious about the book, according to several people who received e-mails from him after it came out. Grenier, who now works in investment banking in Washington, wrote at the time that Kiriakou’s memoir was riddled with inaccuracies and contained invented scenes. Kiriakou wrote that Grenier had asked him to help lead counterterrorism operations in Pakistan; Grenier said that was false. Kiriakou wrote that he was present in Faisalabad when Abu Zubaydah was captured; Grenier told me he was sure

that was not the case, and that he had confirmed his recollection with many other officers involved in the operation.

Kiriakou hired a lawyer and threatened to sue Grenier. The feud eventually cooled, but Grenier declined to speak to him again. Grenier told me that Kiriakou had exploited his reputation as a respected former C.I.A. leader to promote his book. “What I found particularly insulting was the implication that my integrity was for sale, that by giving me favorable treatment in the book he could buy my silence,” Grenier said.

At one point, I asked Kiriakou if he wasn’t just a charming serial embellisher. He laughed. “I tell a good story, a fun story,” he said. “People fall back on the idea that I embellish.” But he insisted that he has “always worked hard to tell the truth. I’ll kill my own credibility if I say something that’s not true.” Kiriakou admits that the book contained a few errors, but he said Grenier’s complaints were “minor, piddling things.” Mike Ruby, a former *U.S. News & World Report* editor who was credited as a ghostwriter on “The Reluctant Spy,” said that he had relied largely on Kiriakou’s recollections and had conducted no additional interviews. Still, he said, “I had no reason not to believe what John was telling me, and I didn’t after the fact, either.”

Kiriakou had become a familiar type of Washington entrepreneur: a former intelligence insider turned author, commentator, consultant, and investigator. George Tenet, the former C.I.A. director, reportedly earned a four-million-dollar advance for his memoir, “At the Center of the Storm.” Mike McConnell, a former Director of National Intelligence, earned as much as four million dollars a year as an executive at the consulting firm Booz Allen Hamilton. A dozen other former C.I.A. leaders and senior officers had published memoirs after September 11th, or had such books in the works; they discussed their exploits and counterterrorism policy on “60 Minutes” and other television news programs.

But Kiriakou was a relatively junior former officer, and his public comments were both critical and sensitive. After his ABC interview, and without Kiriakou’s knowledge, the C.I.A. filed a crimes report with the Justice Department’s National Security Division, asserting that

Kiriakou’s statements violated federal secrecy laws. When Kiriakou continued to give more TV interviews, the agency quietly filed more crimes reports. At first, prosecutors there took no action, but before long Kiriakou’s name crossed their radar from a different direction.

In early 2008, the American Civil Liberties Union and the National Association of Criminal Defense Lawyers launched the John Adams Project, to aid in the defense of Al Qaeda prisoners held at Guantánamo Bay. The project’s name commemorates the second President’s decision to defend British soldiers accused of carrying out the Boston Massacre. Trial lawyers from New York and elsewhere volunteered to help military defense lawyers. The Guantánamo defendants now included Khalid Sheikh Mohammed, the admitted mastermind of the September 11th attacks, and Abu Zubaydah, who had been transferred by the Bush Administration from C.I.A. custody to Guantánamo in 2006.

The John Adams lawyers sought evidence that their clients had been tortured by the C.I.A., which could discredit any confessions the accused might have made. To present such a defense, the prisoners might need to identify the C.I.A. officers who had abused them. The defense teams also wanted to know how the C.I.A. detention program had been organized, so that they could file requests for documents. They hired a Washington, D.C., public-interest investigations firm run by John Sifton, a human-rights researcher who is now with Human Rights Watch as the advocacy director for Asia.

Sifton knew many of the Washington journalists who had been reporting on the C.I.A. interrogation program; he sometimes swapped information with them. In early January of 2009, he submitted to Guantánamo defense lawyers a confidential twenty-eight-page memo that provided the names of eighty-one people he believed to be C.I.A. officers, contractors, and pilots. Some of the names had already been published in the press; others had not. Defense lawyers for Khalid Sheikh Mohammed used Sifton’s research to prepare a filing—submitted as a classified document under seal, so that the public could not access it—to a Guantánamo military court. This “motion to compel discovery” requested



C.I.A. documents for the defense; the motion listed the names of C.I.A. officers Sifton had ferreted out.

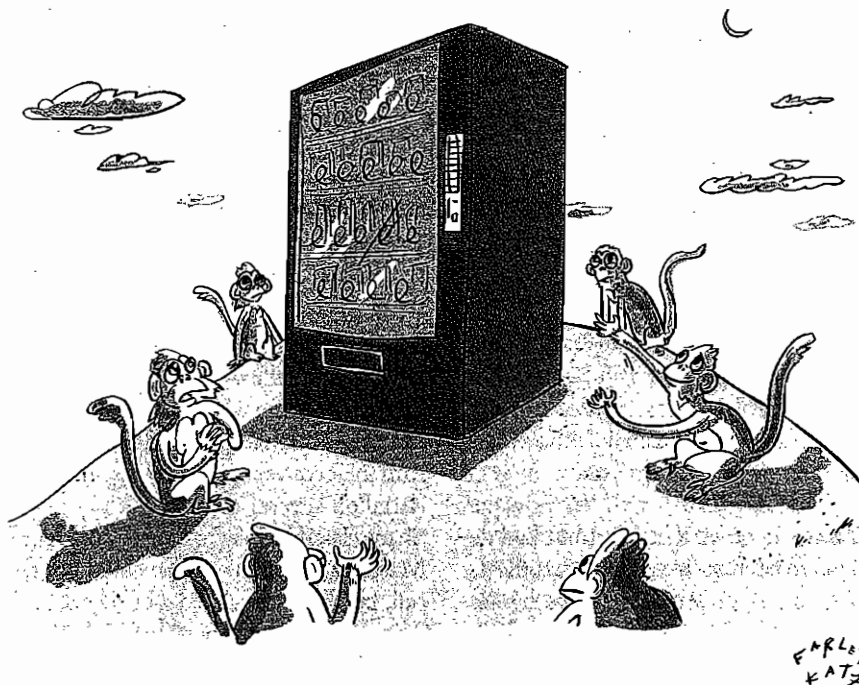
The C.I.A., shocked that defense lawyers had so many names, filed a crimes report about the filing with the Justice Department on March 19th. Soon afterward, in the cells of Al Qaeda prisoners, Guantánamo guards found thirty-two pages of photographs of the C.I.A. officers. Sifton's firm had assembled the photos, mainly by downloading from the Internet pictures of retired C.I.A. officers who had gone on television or spoken in public. In two cases, however, Sifton's team had surreptitiously snapped pictures of retired officers in public places.

In 2010, Attorney General Eric Holder asked U.S. Attorney Patrick Fitzgerald, who had handled the Valerie Plame affair, to take charge of the investigation. Holder chose Fitzgerald because "he's a hard-ass," a former senior Justice official told me. "Taking this case seriously was the right thing to do," but it was also designed to send "a signal" to the C.I.A., emphasizing, on behalf of the Obama Administration, that "we're not opposed to protecting you guys."

Fitzgerald assembled a team of prosecutors and F.B.I. agents. For more than two years, they secretly investigated the A.C.L.U. and other defense lawyers working at Guantánamo on behalf of Al Qaeda detainees. There was ample reason for the defense lawyers to be nervous. In 2005, federal prosecutors had convicted Lynne Stewart, a lawyer who had long represented controversial clients, for aiding improper communication by a jihadist defendant; Stewart remains in prison on a ten-year sentence.

One focus of the Fitzgerald investigation was how the defense teams had acquired the names of C.I.A. officers working undercover. The laws that prohibit the disclosure of the names of C.I.A. officers carry heavy penalties, but they can be vague. The C.I.A. uses several degrees of "cover" to hide the identity of officers; whether naming a particular person is a crime can depend on what form of cover the officer was granted. And, with few prosecutions, the legal precedents are not well established.

Fitzgerald eventually interviewed Sifton and Joshua Dratel, a defense lawyer who helped lead the John Adams team, and concluded that the team had broken



*"If only we had a system of currency other than throwing feces."*

no laws. They had taken care not to overstep legal boundaries and had documented their decisions. They had decided not to take photos of any C.I.A. officers who still maintained covert status and whose names had never been made public. When they provided photos to prisoners at Guantánamo, they followed a double-blind protocol, so that neither the prisoners nor the individuals providing the pictures knew which ones showed real C.I.A. officers and which showed random look-alikes—the same procedure used in police lineups.

Dratel told me that Fitzgerald had handled the matter sensitively, but he also blamed the investigation on a behind-the-scenes campaign by C.I.A. leaders who, in Dratel's view, sought to intimidate those defense lawyers who had raised the issue of agency torture. The C.I.A. tried to use the Fitzgerald inquiry, in effect, "to chill investigation or advocacy" that touched on abusive interrogations. The C.I.A. denied any such intention. "C.I.A. leaders were appropriately concerned with how disclosures of classified information could harm the security of agency officers" and they "focussed exclusively on this important matter," Todd D. Ebitz, an agency spokesman, said.

Fitzgerald retired from the Justice

Department last year; Neil MacBride, the U.S. Attorney for the Eastern District of Virginia, inherited his investigation. MacBride concurred that there were no grounds for criminal charges against the John Adams lawyers or Sifton. But two years of investigation had produced one target for prosecution: John Kiriakou.

It is not clear when Kiriakou first came to the attention of Fitzgerald and the F.B.I. Since September 11th, the F.B.I. has acquired broad authority to subpoena e-mail in national-security cases, without a criminal warrant. At some point after 2008, the F.B.I. obtained scores of e-mails that Kiriakou had exchanged with journalists, including Scott Shane, of the *Times*.

One batch dated from late 2007 and early 2008, when Shane had approached Kiriakou about a story he was developing on the interrogation of Abu Zubaydah. Shane was investigating Deuce Martinez, a former C.I.A. officer who had worked directly with interrogators who had waterboarded detainees. After the September 11th attacks, Kiriakou had worked with Martinez at the agency's Counterterrorist Center, and he considered him a friend. Kiriakou showed Shane one of



Martinez's business cards, which contained phone numbers and an e-mail address. As Shane tried to contact Martinez to obtain an interview, Kiriakou proved to be an unusually solicitous source. He e-mailed Shane in April, "Please let me know if I can be of any further help."

On June 22nd, the *Times* published Shane's story: a penetrating portrait of the C.I.A.'s "enhanced interrogations." The story focussed on Martinez's role in the questioning of Abu Zubaydah. Unnamed C.I.A. officers and contractors had subjected Abu Zubaydah to waterboarding; Martinez had acted as a "good cop," building trust with the prisoner. The article noted that Martinez had declined to be interviewed, and that the account of his role was obtained from interviews with anonymous "colleagues." The story exposed Martinez to the public and, potentially, to Al Qaeda. Soon after it appeared, Kiriakou e-mailed Martinez. "My only contact with the author was three days before the article was published," Kiriakou told him, falsely. "He called me and asked if we could talk. I declined. He then asked if I thought he should mention you by name. I said absolutely not." He added, "While it might not be illegal to name you, it would certainly be immoral."

Fitzgerald's investigators obtained other e-mails from Kiriakou from July and August of that year, after Shane's story had appeared. These revealed exchanges between Kiriakou and Matthew Cole, the freelance journalist, who was working on

a book about a controversial C.I.A. operation involving an Al Qaeda suspect in Milan, Italy. By e-mail, Kiriakou provided Cole with the name of an undercover C.I.A. officer. Cole passed the name to John Sifton while he was gathering information for the John Adams team.

Early in 2012, an F.B.I. agent invited Kiriakou to a meeting at the Bureau's Washington Field Office, near Union Station. Kiriakou assumed that the F.B.I. wanted his help as an informal consultant, so he came without an attorney. In fact, the F.B.I. had arranged to secretly record their conversation. The agents asked Kiriakou several times if he had given Shane classified information about Deuce Martinez. Kiriakou said he could not recall, but finally declared, "Heavens, no." The agents asked about the C.I.A. name that had leaked from Kiriakou to Cole to the John Adams team. Kiriakou said he had no recollection of leaking protected names to anyone. "Once they get these names, I mean, this is scary," he said. After two hours of questioning, Kiriakou realized that he was the target of the F.B.I.'s investigation. He demanded to see an attorney, and the interview ended.

The final indictment against Kiriakou charged him with five felony counts. One arose from his role as a source for Shane, another from misleading statements he allegedly made to the C.I.A.'s Publications Review Board while seeking clearance to publish his memoir. The other charges sprang from the e-mails Kiriakou had exchanged with Cole; he pleaded

guilty to one count relating to the Cole e-mails.

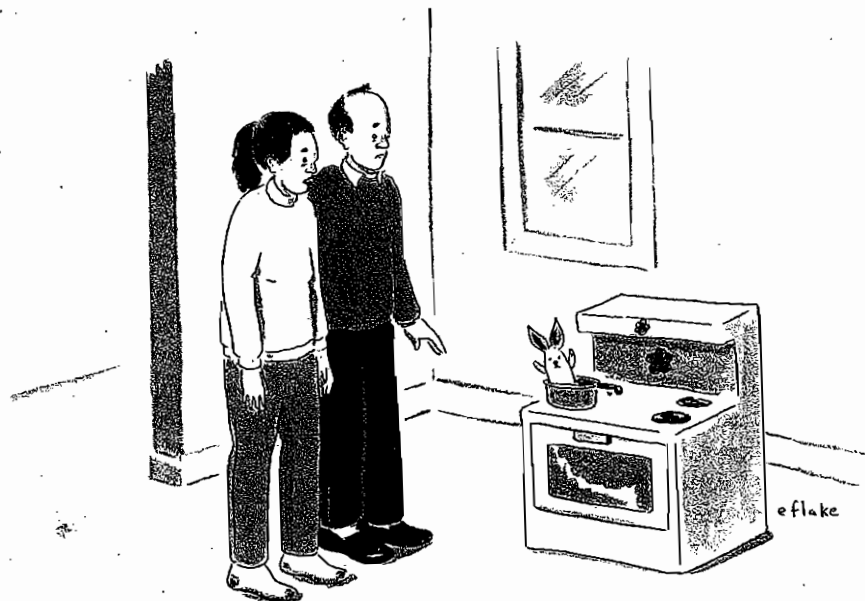
In a recent interview with the *Times*, Kiriakou said that he did not think the officer he named to Cole was under deep cover. He gave me the same explanation during an interview last December. But recently he told me that he should have known that the officer he named might be subject to legal protections, and that the disclosure to Cole "was a terrible mistake."

The term "whistle-blower" has always been ambiguous; one person's whistle-blower is another's grandstanding gadfly. Still, the term has specific legal meanings. Congress has passed laws to protect and even reward government employees who expose abuse, fraud, or other crimes within the government. Last autumn, President Obama signed the latest legislation, the Whistleblower Protection Enhancement Act, a rare bipartisan achievement in a divided Congress. But the laws governing whistle-blowers who work in the intelligence community are weaker than those protecting other federal employees. To address this gap, last year President Obama issued a Presidential Policy Directive instructing the intelligence agencies to create a stronger system of whistle-blower protection.

Even so, it can be risky for an intelligence officer to express dissent to supervisors or through official channels. Some of Kiriakou's supporters say that his openness with journalists should be understood in these terms. Because there was no other realistic way for him to get his criticisms of C.I.A. interrogation practices to the public, he was—at least in spirit—a true whistle-blower.

Kiriakou has placed himself in a slightly different category. He insisted, "What I was doing in my mind was defending the organization." He felt that the Bush Administration, under pressure from the press reporting about torture, had started to imply that abusive interrogation "was sort of a rogue C.I.A. operation" carried out by "a bunch of guys who love their country and took counterterrorism very seriously, but things may have gotten out of hand." In fact, torture "was a policy," endorsed by the White House and vetted by Administration lawyers.

Neil MacBride, the U.S. Attorney presiding over the Eastern District, which has overseen a number of high-



"Looks like somebody's having a fight with her little boyfriend."

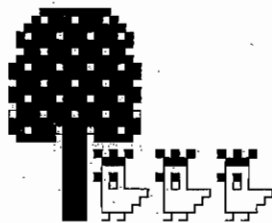
profile terrorism cases and has a reputation for unyielding prosecutions, told me that he stands firmly behind the decision to send Kiriakou to prison. "He's clearly not a whistle-blower," MacBride said, noting that Kiriakou did not emerge as a dissenter from inside the C.I.A.'s interrogation program. "He didn't water-board, nor was he one of the interrogators. He knew about it. Well, I'm sure a lot of people knew about it."

In a sentencing memo filed in January, MacBride said that the charges against Kiriakou were only "the tip of the iceberg," and contended that Kiriakou "had disclosed to journalists information about dozens of C.I.A. officers, including numerous covert officers of the National Clandestine Service." (The prosecutors offered no specific evidence to back up this assertion.) MacBride declined to speculate on Kiriakou's motives, but he added, "If the Justice Department was not going to prosecute somebody like Kiriakou, the intelligence community, I think, could rightfully ask, 'Who are you ever going to prosecute?'"

But one might ask a different question. Which matters more: Kiriakou's motives and his reliability, or the fact that, however inelegantly, he helped to reveal that a sitting President ordered international crimes? Does the emphasis on the messenger obscure the message? "Whistle-blowers' motives are often complicated," Jameel Jaffer, of the A.C.L.U., said. Disclosures that are in the public interest, even if they are made for selfish reasons, deserve protection nonetheless. "The truth is that the *New York Times'* motives were also complicated when they published the Pentagon Papers," Jaffer said. "At the end of the day, without national-security whistle-blowers who are willing to risk their careers, or more, in order to expose government abuses, we really wouldn't know very much about these extreme policies that were put in place under the last Administration." Even if such a leaker deserves sanctions, Jaffer added, a fine or community service is a more appropriate punishment than years in prison.

**K**iriakou's transgressions seem minor in comparison with the secret, and still unexamined, history of abusive interrogations. The Bush Administration established torture as government pol-

icy, yet little is known about how that policy was carried out over years by intelligence officers, government lawyers, and medical doctors. President Obama has declined to look into the history of the C.I.A.'s interrogation program, even by way of a relatively toothless "truth commission" or blue-ribbon panel. He has said that he prefers to "look forward," not back. Last December, the Democratic staff of the Senate Select Committee on Intelligence completed a



six-thousand-page classified report on the C.I.A. interrogations. Obama has said nothing about the report; it is not clear whether the Administration will declassify its findings. In February, John Brennan, Obama's C.I.A. director, said, during his Senate confirmation hearing, that what he had read of the report so far had disturbed him, but he also expressed caution about releasing it.

The President's studied silence about torture accountability, and his refusal to put uncomfortable facts about abusive interrogations before the public, has colored the reaction of human-rights activists to Kiriakou's prosecution. "If John had tortured people, he would be safer than if he blew the whistle," said Kathleen McClellan, one of his attorneys at the Government Accountability Project, which defends government employees who speak out against fraud and abuse.

The Obama Administration's vigorous prosecution of leaks may yet cost it dearly. Recently, F.B.I. agents have been interviewing Administration officials about any role they might have had in providing classified information to David Sanger, of the *Times*, who last year disclosed the Administration's role in cyber attacks on Iran's nuclear program. Investigators have "increased pressure on current and former senior government officials," according to the *Washington Post*, and have interviewed many of Obama's national-security aides. If prosecutors find that senior

White House officials broke the law while communicating with Sanger, President Obama may be unable to prevent high-level indictments.

**O**n a frigid night in late January, Kiriakou arrived at Busboys and Poets, a club on Fourteenth Street in Washington, D.C., dressed in a suit and a pink-and-white striped dress shirt, open at the collar. The Government Accountability Project was unveiling a portrait of him by the painter Robert Shetterly. The honor was the latest in a series: an educational foundation recently gave Kiriakou an award for courage, and he mentioned to me that Oliver Stone and Yoko Ono had e-mailed him to pledge their support.

Standing beside the painting, Kiriakou unfolded a paper with prepared remarks. "I have to pass everything through my attorneys," he explained. "They say I have a tendency to slander people, which I have to admit I do." He described having his portrait painted as "overwhelming and humbling," and added, "I hope the country has gained something from the debate I helped to initiate." When he finished, a jazz singer performed a song about torture.

Kiriakou appeared two mornings later at the Alexandria courthouse. In a sixth-floor courtroom, he stood before Judge Leonie Brinkema to await his final sentence. When Brinkema asked him if he wanted to speak, he declined. "Perhaps you've already said too much," the Judge remarked. She said she felt bound by the terms of Kiriakou's plea agreement, but that she was sorry to accept it. Thirty months in prison, Brinkema said, was "way too light."

Before he entered prison, Kiriakou told me he was trying "very, very hard not to be bitter." He has spoken to others who have done time. "Psychologically, I'm ready," he said. In prison, he intends to write about his case, the torture issue, and the C.I.A., and to prepare for his return to society when the sentence is up. He said a consulting firm in northern Virginia has offered him a job as director of communications when he is released, probably in 2015, and he has received many requests to make speeches.

"I am going to wear this like a badge of honor," he said. ♦