

# This CIA Officer Spoke Out About Torture. Now's He's in Prison for Espionage

Tyler Bass : 30-38 minutes : 8/20/2013

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**John Kiriakou, an ex-CIA officer, was the first official to speak publicly about waterboarding, and was later convicted for revealing the name of a colleague. (Image by [Troy Page](#))**

On the night of March 28, 2002, John Kiriakou, a decorated officer at the Central Intelligence Agency, led a team that raided a suspicious house in Faisalabad, Pakistan, and made what the U.S. would call its first post-9/11 capture of a major al-Qaeda leader. After a shoot-out that almost killed him, Abu Zubaydah was rushed to a hospital and nursed back to life by the CIA. During subsequent interrogations at a “black site” in Thailand and at the Guantanamo Bay prison, he was waterboarded eighty-three times. (Later it turned out that Zubaydah [wasn't, in fact, strongly connected to al Qaeda](#).)

In January of this year, the 15-year CIA veteran was sentenced to two and a half years in prison on charges of revealing classified information, including the name of a covert CIA operative. But he and his supporters claim that the government's case against him was a matter of political retaliation, part of an aggressive targeting that began when he became the first CIA employee to speak publicly, in 2007, about the CIA's use of waterboarding.

## Videos by VICE

His prosecution, they say, was payback for disclosing a secret and well-liked program, and one that Kiriakou would argue was ineffective and wrong. Though he blames the reporter he says betrayed him, Kiriakou admits to disclosing the name of a CIA officer. He can't help wonder, however, how that disclosure merited the government's aggressive approach.

“I've never believed my case was about a leak,” the father of five said in January after his sentencing. “I've always believed my case was about torture.”

Kiriakou, who retired from the CIA in 2004, first rose to national attention thanks to [a 2007 interview with ABC News](#). He described Zubaydah's initial treatment, and so became the first person to reveal the CIA's waterboarding program. While his knowledge of the waterboarding program was second-hand, at the time he offered reluctant support, though he would discover later that he had been lied to about its efficacy. But in 2007, in his soft tenor, Kiriakou told reporter Brian Ross that Americans and Congress needed to be talking about this stuff. “Because I think as a country this is something we have to decide that we want to do as a matter of policy. It shouldn't be secret. It should be part of a national conversation.”

## Former CIA Agent considers waterboarding illegal



### ABC News interview with John Kiriakou, 2007

Kiriakou is considered to be the sixth government employee to be charged with disclosing secret information under the Obama administration, which, despite the President's signing of the Whistleblower Protection Enhancement Act last year, has carried out more whistleblower indictments than any other administration in history. (Snowden was the seventh whistleblower to be charged with spilling state secrets.)

"The people who ordered the torture, the lawyers who justified it, the people who carried it out, and those who destroyed the videotapes of it—none of them are being held accountable," Jesselyn Radack, John Kiriakou's attorney, said recently. "The only person going to jail in connection with this is the person who blew the whistle on it. In fact, if John had actually tortured someone, I don't think he would be going to jail."

In a June 16th letter from Loretto, Pennsylvania, where Kiriakou is a few months into his two year sentence, the ex-spy made clear his contempt for the FBI, which had tried and failed to entrap him in a 2010 sting operation. He also made a more unexpected claim: that he wasn't just the victim of political vengeance, but of a journalist who failed to protect him.

"Cole emailed me in late 2007 saying that he would 'never reveal your identity to anyone at any time,'" Kiriakou wrote, referring to a former ABC News producer named in the indictment as Journalist A, and whose real name is Matthew Cole. "That was a lie. He never had any intent to protect my identity ... In the end, Cole was a coward who sought only to protect himself. I have nothing but contempt for him."

According to Kiriakou and to government evidence, it was Cole who, while working on a book about a disastrous CIA rendition in Italy, asked Kiriakou if he could identify the CIA officer in charge of the rendition program. Kiriakou said he couldn't remember. The next day, he wrote back with the name, saying "It came to me last night." Cole then sent that name to a defense investigator at Guantanamo Bay. When the name ended up in a classified court filing, the FBI's attentions were aroused.

## Abu Zubaydah was waterboarded 83 times under US custody

“My guy came through with his memory,” Cole wrote in an August 19, 2008 email to a Guantanamo investigator, as he passed along the name. It’s unclear how the government obtained this email, but it was this final piece of evidence that linked the leaks to Kiriakou.

Kiriakou insists he thought Fletcher had retired; in fact, he was then working overseas. He also insists that in giving the name to a Guantanamo investigator, Cole had violated a verbal agreement and flouted the standard practice of protecting sources.

Cole, who now works as an [investigative reporter for NBC News](#) and has become [an advocate for digital security among journalists](#), would not comment on the indictment, why he provided exclusive information to Guantánamo Bay investigators, or how the government obtained his correspondence with those investigators. But in an email to Motherboard, he rejected Kiriakou’s claims.

“I am neither confirming nor denying John Kiriakou was a source of mine,” Cole wrote by email. “Any assertion or claim by Mr. Kiriakou or anyone else that I gave up his name or identity or as a source of information is wrong, incorrect and misinformed. I want this to be abundantly clear. At NO time, ever, in any way, have I ever shared John Kiriakou’s name vis-a-vis his role as a possible source of mine. I am not doing so now.”

Amidst increasing government scrutiny of leakers and worries about clandestine electronic surveillance, the Kiriakou case raises difficult questions about the role that journalists play in the possession and release of secret information. While Bradley Manning was acquitted last month of “aiding the enemy”—a charge journalists said could have had massive repercussions for press freedom—Kiriakou’s story points to the risks that leakers face in speaking to journalists and that journalists face as they try to protect their sources.

Last month, a federal appeals court ruled that James Risen, a Times reporter, may be compelled to testify against former CIA officer Jeffrey Sterling. Risen has sworn he will go to jail rather than testify about his sources. Sterling himself faces prosecution for having allegedly provided details of the CIA’s ill-fated Operation Merlin, chronicled in Risen’s 2006 State of War. Critics of the CIA operation say it may have had the counterproductive effect of accelerating the progress of Iran’s nuclear program.

Under the Espionage Act of 1917, which was passed shortly after the U.S. entered World War I, even private citizens who don’t work for the government but who obtain classified information through unofficial channels can be charged with disclosing it. The government has never filed such a case against a journalist, although in an indictment revealed this year against a State Department leaker, it named James Rosen, a reporter for Fox News, as a criminal co-conspirator with one of his alleged sources. In 2005, prosecutors filed espionage charges against two ex-lobbyists for the American Israel Public Affairs Committee, but the prosecution was abandoned in 2009.

As Guardian correspondent Glenn Greenwald faces accusations that he himself has violated the Espionage Act and [blackmailed the government](#), journalists are facing new challenges in their quest to publish secrets and protect sources. The destruction of hard drives at the Guardian’s offices in London was one vivid example of those challenges; more extreme still was the [detention at Heathrow airport of Greenwald’s partner, David Miranda](#) over the weekend, under the UK’s Terrorism Act—a possibly unlawful act the US [knew about in advance](#).

Illustration of Camp X-Ray by [Molly Crabapple](#)

## Plugging the leak

The hunt for Kiriakou and the people he spoke to began at Guantanamo Bay. The Obama administration has called waterboarding torture; torture is illegal in the United States, but under legal provisions during the Bush administration, it became standard operating procedure. In 2010, Justice Department officials [overruled a recommendation](#) by its ethics office to pursue the Bush-era lawyers

who sanctioned the tactics, and decided not to charge C.I.A. officials for [destroying videotapes](#) of the interrogations.

Last August, Attorney General Eric Holder announced that no one would be prosecuted for the deaths of a prisoner in Afghanistan in 2002 and another in Iraq in 2003, thus ending the government's chance to criminally prosecute any individuals involved in harsh interrogations. The department later presented a Distinguished Service Award to prosecutors involved in the investigation.

Ethics aside, the effectiveness of the interrogation program is still debated among CIA officials, while a 60,000 page Congressional report on the practices [remains classified](#).

But even if waterboarding can instill intense fear, former government officials dismiss it as counterproductive. "There was no actionable intelligence gained from using enhanced interrogation techniques on Abu Zubaydah that wasn't, or couldn't have been, gained from regular tactics," former FBI agent Ali Soufan, who interrogated Zubaydah without using torture, wrote in [a 2009 New York Times op-ed](#). He claims he succeeded in getting actionable intelligence—like the identity of "dirty" bomber José Padilla—in ways harsher approaches couldn't.

In a formerly top-secret [Justice Department memo from May 2005](#), CIA general counsel John Rizzo claimed that "enhanced techniques" used against Khalid Sheikh Mohammed, the 9/11 "mastermind," "led to the discovery of a ... plot ... 'to use East Asian operatives to crash a hijacked airliner into' a building in Los Angeles."

Kiriakou says Mohammed's desperation from his treatment alone had made him an unreliable source. He wrote, "KSM had gotten to the point where he would have confessed to kidnapping the Lindbergh baby."

In 2008, a year after Kiriakou confirmed the use of waterboarding and called it torture in his interview with ABC News, defense lawyers for Guantanamo detainees and the ACLU began what they called [the John Adams Project](#), which involved a campaign to gather evidence, some of it classified, that could be used to substantiate violations of human rights by CIA officers.

Later that year, in a front-page *New York Times* story by Scott Shane about the detention and waterboarding of Khalid Sheikh Mohammed at Guantánamo Bay, the name of a key figure appeared: Deuce Martinez, a CIA contractor who was involved in the interrogation of "high value detainees," and whose trust-building questioning of Mohammed had proved fruitful, without the use of waterboarding.

The following year, in 2009, sealed legal papers filed by defense investigators at Guantánamo contained another, more sensitive identity, this time of a CIA officer directly involved in renditions and interrogations. According to a former government official [who spoke to Firedoglake's Kevin Gozstola](#), by the time that attorneys were attempting to identify CIA waterboarders, the CIA officer, Thomas Donahue Fletcher, was already known by name among human rights activists. During Kiriakou's time at the CIA, Fletcher, who was identified by [Cryptocomb](#) and a number of blogs in October 2012, was reportedly in charge of the CIA's Rendition, Detention, Interrogation program; according to the official, he took part in "sadistic acts of horrendous conduct against the detainees."

As the attorneys for terror detainees marshaled evidence of possible crimes committed under the waterboarding program, FBI investigators began their own investigation. Concerned that the revelations could endanger the lives of CIA officers, the government sought to determine how Shane and the lawyers got those names, and from whom.

An excerpt from [the August 2009 criminal complaint against John Kiriakou](#)

## Blowing covers

Every government employee who has access to classified information is bound by oath to keep their secrets secret. Leaking the name of a covert CIA employee in particular became a criminal offense in 1982, prompted in part by the assassination of Richard Welch, the CIA station chief in Athens. After

Welch was outed in European and American media in 1975, a gang of terrorists – likely associated with the left-wing Greek “17 November” and “Popular Revolutionary Struggle groups” – surrounded his car as he and his wife were returning from a Christmas party, informed him he had been “found guilty of crimes against the Greek people,” and shot him point-blank in the chest three times.

In the 1990s, Kiriakou was also stationed in Athens, and in an eerie coincidence, also came under roadside attack. This, Kiriakou later surmised, was a random carjacking, not an assassination attempt. “Here was [my] fancy BMW, worth more than five times an average Greek’s annual income, and it’s jammed with electronics to boot,” he wrote in his 2009 book *The Reluctant Spy*. “I was nothing more or less than a convenient target of opportunity.” (In attempting to publish classified information in that book, about a classified device that can track cell phones, the CIA later claimed that Kiriakou had lied to them, a charge included in his indictment.)

Despite the risks, the dispensing of sensitive information to journalists by current and former CIA officers is not a new practice, and sometimes more egregious cases of leaking go unpunished. During and after the legal proceedings, Kiriakou and his lawyer, Jesselyn Radack, argued that his prosecution was selective and political, retribution for blowing the whistle on waterboarding.

Though the *Times*’ Scott Shane relied on 23 other sources for his detainee reporting, including former CIA Executive Director Buzzy Krongard, only Kiriakou was charged. And while Scooter Libby, Dick Cheney’s former chief of staff, had been convicted by a jury to thirty months in prison for helping to leak, with malice, the top secret identity of Valerie Plame, George W. Bush commuted the prison sentence in his last days in office. Dick Cheney and other government officials who helped leak Plame’s name faced no prosecution. All of those involved claimed they did not know that Plame was under cover.

That is in stark contrast to Kiriakou’s case. Fletcher was not under as deep cover as Plame was, and his name never saw the light of day until it was published online in the midst of legal proceedings. And never, the defense argued, was it leaked “with malice.” Kiriakou insists his thirty months at the penitentiary at Loretto, Pennsylvania, reflect the government’s methods of retribution.

Radack—[herself a government whistleblower](#)—claims that Washington’s double standard was evident in the fact that CIA and FBI personnel who also reportedly leaked classified information to Guantanamo Bay lawyers have never been charged with a crime.

“The government knew that Stephen Lee [formerly of the CIA], who also has tweeted and sometimes written under his pseudonym, [Frank] Naif... and [FBI agent] Stephen Gaudin, were in fact the main two people ... who gave most of the [torturers] names to the John Adams Project,” Radack said via telephone. “The government knew that but they went after John.” (Lee has since shuttered his [Twitter account](#) and [blog](#); and abandoned [his Examiner column](#). In 2009, he [told CQ Politics](#) that the CIA censors who had to screen his columns were subjecting him to “low-level” harassment by stalling their clearing of his time-sensitive publications.)

**A rendition airplane spotted at Shannon Air Force Base, Ireland, 2007. Learn more about [a project to track every rendition flight](#).**

## Taking names

In January 2012, the Justice Department charged Kiriakou with leaking classified information. In its indictment three months later, the government alleged that after Kiriakou became a public source to ABC News in its reporting on waterboarding, he spoke to three reporters, named in the indictment as Journalists A, B, and C. It was to these reporters that Kiriakou corroborated the identity of Officer A, Thomas Fletcher. (Martinez, named as Officer B, was not technically under cover—[one reason the Times cited for publishing his name](#)—and the government later dropped its charges against Kiriakou related to him.)

Kiriakou’s [federal indictment](#) charged that Cole passed Fletcher’s name to Guantánamo lawyers, who included it in a confidential brief. The author of the indictment, an FBI agent, added that the classified



information passed by Kiriakou was never published in the open. Wrote the FBI agent in the indictment, “Neither Journalist A [Matthew Cole] nor any other journalist to my knowledge has published the name of any CIA officers allegedly involved with interrogation.”

Last year, in a deal with prosecutors intended to minimize his sentencing, Kiriakou apologized for leaking Fletcher’s name and pled guilty to violating the Intelligence Identities Protection Act, a law that hadn’t sent anyone to prison for 27 years. He became the second CIA official to be convicted under the act, and the first for passing along classified information to a reporter. (Last year, after alleging that some of their detainee clients had been shown photos of clandestine CIA officers, the Justice Department [cleared the Guantanamo defense investigators of any wrongdoing](#); no photos of Fletcher were recovered at Guantanamo.)

“Oaths do matter,” David H. Petraeus, then C.I.A. director, said at the time. “And there are indeed consequences for those who believe they are above the laws that protect our fellow officers and enable American intelligence agencies to operate with the requisite degree of secrecy.”

Just weeks later, Petraeus would fall from grace after FBI agents, conducting a separate investigation, discovered emails that revealed an extramarital affair. To make its case against Kiriakou, the FBI would also search emails, using a search warrant on two of Kiriakou’s email accounts.

Unclear is how the FBI obtained communications between Cole and Sifton. It’s possible, Radack says, that Cole or Sifton or both may have yielded Kiriakou’s name and their emails to prosecutors in secret. Had Cole, Sifton, or any other journalist or attorney been compelled to testify before a grand jury, he or she would actually have a legal obligation to not discuss having done so.

The former head of the John Adams Project and now advocacy director at Human Rights Watch Asia, did not respond to requests for comment on how the Justice Department obtained any emails he exchanged with Cole.

Cole, now an investigative reporter for NBC, would not comment. But at an event at the National Press Club in Washington, DC, last October, the day after Kiriakou pled guilty, Matthew Cole discussed the ways that governments pursue journalists and their sources. Cole reminded the audience that he had not been identified in any court documents and he was “limited in what he could say.” And then he offered the good news and the bad news.

“The bad news is that everything we do in our life today leaves a digital trail,” Cole said. “And the capability of the government, which is by and large who the adversary is from the perspective of who wants to look at it at some point, is endless. That’s the bad news. The good news is that most of the time, that’s not likely to happen.”

Instead of subpoenaing journalists, a difficult legal tactic, Cole noted, “there is some wiggle room.” He continued: “It’s not clear how much has been used, using the ability to see who a potential suspect or source has communicated with just by looking at IP addresses.”

There was another clue. In announcing the indictment, Patrick Fitzgerald cited the “significant assistance” of the Air Force Office of Special Investigations, which boasts a highly advanced cyber investigative team—the sort that could, [Marcy Wheeler writes](#), “track Internet traffic between two nodes, which would allow you to discover who had contacted whom without subpoenaing actual email archives.”

Of course, post Snowden, that technique sounds downright old fashioned. The PRISM program revealed by the former NSA contractor could have been used to tap the emails of journalists, even if they weren’t, per rules of the FISA court, [communicating with foreign targets](#). And while it’s not clear to what extent FBI investigators were or are able to access PRISM tools, but prior to the Snowden leaks, the FBI described its interest in monitoring domestic internet communications in real time through backdoors at internet service providers, to avoid [what law enforcement officials call communications “going dark.”](#)

It's not clear whether such a system already exists, or how it may be being used. In 2010, a government audit faulted the FBI for [repeatedly violating privacy laws](#) in procuring reporters' and citizens' phone records using so-called National Security Letters. In recent years, the bureau has issued about 40,000 such letters annually.

"There are a lot of legal limits in place to protect journalists or their communications, but there are virtually none for the people who talk to you or would talk to you," Cole said in October. "There is a moral and legal and ethical obligation, I think, to protect people who are effectively breaking the law to share information."

#### **Anchor Brian Ross and reporter Matthew Cole in a 2007 ABC News report on the Osama bin Laden operation**

During Kiriakou's legal battle, the mystery of the government's source put the Kiriakou's defense team in a paradoxical position: asking for permission to subpoena journalists that the government had not named—essentially forcing them to out their anonymous source—in an attempt to identify who had turned over evidence about Kiriakou, and what that evidence was. Ironically then, the whistleblower was threatening what the secrecy scholar Steven Aftergood [wrote](#) looked like "a new challenge to press independence." His lawyers lamented that the government had forced their hand. The government was also in an awkward position, as Kevin Gosztola wrote in November:

All three of the witnesses are likely to claim "reporter's privilege." If that happens, the government will be arguing in one leaks case (US v. Sterling) that reporters do not have the privilege to protect themselves from being forced to testify and in another (US v. Kiriakou) that reporters do have a privilege to protect themselves from providing testimony...The government just wants to demonstrate and prove that it is not waging a war on whistleblowers and has ample legal justification for prosecuting people like Kiriakou, even if they cause no harm whatsoever to national security.

Cole wasn't the only journalist implicated. Scott Shane of the Times and Richard Esposito, another producer at ABC, were Journalists B and C. Another reporter, Julie Tate, who was on the torture beat at *The Washington Post* when the leaks happened, was named as Researcher 1.

But it's Cole's role that has raised the most eyebrows. If Cole provided defense attorneys with exclusive access to private information he had gleaned for a story, Politico's Josh Gerstein [wrote in May](#), he was "straddling the line between traditional journalism and information gathering for lawyers representing Guantánamo detainees."

Radack also said that Cole did in fact defy the terms of a conversational arrangement. "When [Kiriakou] gave [Fletcher's] name to Matthew Cole, John Kiriakou's understanding is that it was for Cole's book, not that Cole was going to turn around and, in an investigator capacity, give it to [John] Sifton."

## **Silent whistles**

Early promises by the Obama administration were vehement about fostering transparency by ensuring protection for whistleblowers. At change.gov, Obama's pledge to "protect whistleblowers" is included in the administration's agenda:

Often the best source of information about waste, fraud, and abuse in government is an existing government employee committed to public integrity and willing to speak out. Such acts of courage and patriotism, which can sometimes save lives and often save taxpayer dollars, should be encouraged rather than stifled. We need to empower federal employees as watchdogs of wrongdoing and partners in performance. Barack Obama will strengthen whistleblower laws to protect federal workers who expose waste, fraud, and abuse of authority in government.

But pressures by government prosecutors against whistleblowers and the journalists they speak to have reached new highs. Despite popular outrage at metadata collection and FISA courts' secrecy, a number of government officials have accused the Guardian journalist Glenn Greenwald of criminal

acts. Similiar suggestions have been circulated about Julian Assange, for whom the United States is [already reportedly assembling a grand jury in defense-industry rich Alexandria, Va.](#)

While the Espionage Act has rarely been used, and never against a person outside government or the military, that tradition could change. On June 12 Rep. Peter King (R-N.Y.) suggested to Fox News's Megyn Kelly that Greenwald should be charged under anti-leaking laws – joining many who have called for him to be tried under the Espionage Act for his reporting on “damaging” leaks by Edward Snowden.

**Photo of Glenn Greenwald by [Steve Rhodes](#)**

“[Snowden] has said that he has the names of CIA agents and assets around the world, and they’re threatening to disclose that,” Rep. King said. “When you have someone who has disclosed secrets like this and threatens to release more, then to me, yes, there has to be – legal action should be taken against [Greenwald]. This is a very unusual case with life-and-death implications for Americans.”

The argument in favor of leakers like Snowden and Kiriakou is that they help to illuminate crimes committed under a fog of secrecy that has left even members of Congress in the dark. Pursuing leaks so aggressively has already had a chilling effect on officials’ willingness to talk, journalists and transparency advocates say. Without those leaks, revelations about torture or wiretapping might not have come to light.

After Snowden’s revelations about the NSA dragnetting domestic telephony metadata forced the declassification of the practice, James Clapper, the Director of National Intelligence, appeared to [walk back](#), as “erroneous,” his previous public statements about domestic monitoring. In a June 21 letter to Senator Dianne Feinstein, who leads Congress in overseeing clandestine programs as chair of the Intelligence Committee, Clapper referred to statements made at a March 12 hearing that were untrue.

At that hearing, Senator Ron Wyden (D-Ore.) asked, “Does the NSA collect any type of data at all on millions or hundreds of millions of Americans?”

Clapper denied that NSA did, adding that any collection was done “[n]ot wittingly. There are cases where [the NSA] could inadvertently perhaps collect but not wittingly.”

In the response letter, Clapper wrote, “I realized later that Senator Wyden was asking about Section 215 metadata collection, rather than content collection. Thus, my response was clearly erroneous—for which I apologize.”

*“I have grave doubts as to the efficacy of extant whistleblower protections as they relate to national security,” Kiriakou wrote to me in June. “There really are no protections, and a whistleblower must weigh the truth against continuation of his life as he knows it. Meanwhile, at the senior levels, policymakers are free to leak for political reasons with no consequences.”*

Unlike telephone “metadata,” what legally constitutes a “whistleblower,” is narrowly defined by U.S. law. Bona fide whistleblowers are legally protected only insofar as they contact their immediate superiors, an inspector general or a member of Congress. Snowden has claimed that those channels were not effective enough, and like other whistleblowers from the NSA and CIA before him, insists that secrecy and deception were required to conceal criminal activity.

*“I have grave doubts as to the efficacy of extant whistleblower protections as they relate to national security,” Kiriakou wrote to me in June, a week after the first of Snowden’s revelations. “There really are no protections, and a whistleblower must weigh the truth against continuation of his life as he knows it. Meanwhile, at the senior levels, policymakers are free to leak for political reasons with no consequences.”*

**Kiriakou at the Jefferson Memorial (from the upcoming documentary [Silenced](#). Courtesy Morninglight Films, Inc.)**



# Life at Loretto

Prior to prison, Kiriakou faced an onslaught of legal fees; he still owes six-figures in bills. After his wife retired under pressure from her job as a CIA analyst on Iran, his family briefly went on food stamps. Behind bars, he wrote in May, his life had changed even more dramatically. He said that after he broke his finger, medical attention was withheld. He also described a petty, retaliatory shakedown by prison officials, who, he claimed, were trying to instigate violence against him—in one instance, with an imam who was convicted for refusing to testify in [the Lackawanna Six case](#).

Prison officials, [he wrote in May](#), “told [the imam] that I had made a call to Washington after [Kiriakou and the other prisoner] met, and that I had been instructed to kill him! We both laughed at the hamhandedness by which the SIS tried to get us to attack each other. If we had, we would have spent the rest of our sentences in the [unintelligible] SHU – solitary. Instead, we’re friendly, we exchange greetings in Arabic and English, and we chat.”

The more serious abuse, argue Kiriakou and his defenders, is that perpetrated by the government against the whistleblowers and journalists who wish to keep governments honest and accountable. In response to recent seizures of telephone records from its reporters by the Justice Department—to say nothing of seizures made more regularly in secret—Associated Press CEO Gary Pruitt [described](#) a chilling effect. “[L]ong-time sources have become nervous and anxious about talking to us even on stories that aren’t about national security.”

As Kiriakou’s case demonstrates, a climate of intense and contradictory scrutiny of criminal leaks means that whistleblowers and the journalists who protect them are not just afraid of the government, but also have cause to worry about the journalists they talk to.

While Kiriakou looks forward to being reunited with his family, he says he’s comforted by the feeling that no matter what he told reporters in confidence, he was ultimately vindicated in part, charged with the lesser crime of revealing a name, and not with exposing a secret program that flouted the law.

“The CIA argued that my 2007 interview was espionage as described in the Espionage Act of 1917,” Kiriakou wrote to me. “Thank God the Justice Department disagreed. You are right that information relating to a crime may not be legally classified. I revealed illegality, and I think the Bush Administration concluded that it couldn’t win that fight.”

Kiriakou also noted a parallel between waterboarding and the surveillance programs revealed by Edward Snowden. “I think [NSA chief General Keith] Alexander clings to the myth of effectiveness because the alternative simply makes us monsters.”

Kiriakou is scheduled for release in late 2015.

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*Additional reporting by Alex Pasternack. This story has been updated to include statements made by Matthew Cole at the National Press Club; Abu Zubaydah’s affiliation with al Qaeda has also been clarified. It was originally titled “How the U.S. Jailed the Waterboarding Whistleblower.”*

Read John’s June letter from Loretto to Tyler Bass [here](#).

## **Read more about leaks and secrecy:**

- [The “Secrets” War](#)
- [How to Build a Secret Facebook](#)
- [The Motherboard Guide to Avoiding the NSA](#)
- [Interrogating Reality: The Black Mirror of ‘Zero Dark Thirty’](#)
- [But Is It Whistleblowing? Thomas Drake Rails Against the Dark Art of Surveillance at MoMA](#)
- [John Kiriakou Will Tell You Everything You Need to Know About Transparency Under Obama](#)