

ALL THE NEWS THAT'S NOT FIT TO PRINT

Michael Roston asks an intriguing question: did the NYT refuse to print Shenon's story about Rove's back-channel communications with Philip Zelikow?

While some questions have been raised about the accuracy of Shenon's report, there's another matter that we need to address: why didn't Shenon's story run in the New York Times itself? Why was it saved for his book instead of run above the fold in America's paper of record?

The Commission's report came out in the Summer of 2004, and you'd have to think that some of this story about executive director Philip Zelikow's dilution of the report would have been in Shenon's hands sooner. It's hard to imagine that he wouldn't tell his Times' editors about this. White House interference in such an esteemed commission, trying to make sense of the 9/11 attacks and their aftermath as it did, would be a story of the year in whatever year it emerged. So why 2008 instead of 2004 or 2005 or 2006? Did it really take so long for any of the disenchanted commission staff to be willing to come forward?

Now, Shenon has been off the 9/11 Commission beat for some time, publishing only one story on it since 2004. So maybe there's a very simple answer. But as Roston reminds us, as I've posted before, and as Shenon himself reminds us in the other big NYT story of the week, the NYT has a history of leaving some of its reporters' best scoops off the pages of the Gray Lady. In his story reporting that James Risen has been subpoenaed for the source for a chapter in his book, *State of War*, Shenon reveals that the chapter in question is one not included in the

stuff the NYT printed.

Mr. Risen's lawyer, David N. Kelley, who was the United States attorney in Manhattan early in the Bush administration, said in an interview that the subpoena sought the source of information for a specific chapter of the book "State of War."

The chapter asserted that the C.I.A. had unsuccessfully tried, beginning in the Clinton administration, to infiltrate Iran's nuclear program. None of the material in that chapter appeared in The New York Times.

Now, before I talk about this material in detail, let me first respond to questions those who can't tell the difference between Judy Miller and James Risen might raise. I support Risen's fight against this subpoena. After all, unlike Miller, he doesn't have a recent history of outing his sources—including Libby, he hasn't recently exposed another CIA affiliate, and there is not a great deal of evidence that Risen is protecting his source to cover up a deliberate crime. Further, consider the irony: Risen would most likely *not* be protected under the proposed Federal shield law, as there is an exception for National Security cases that (I suspect) will make it easier to pursue journalists for this kind of leak; whereas Judy might be protected.

Also, two interesting details. This subpoena came out of ED VA, not DC. So it's almost certainly a CIA thing, and probably only secondarily out of DOJ. And note that Dave Kelley, Risen's lawyer, resides at the intersection of Pat Fitzgerald (with whom Kelley fought terrorism in SDNY) and Floyd Abrams (his partner). So I imagine when Kelley says,

Jim has adhered to the highest traditions of journalism. He is the highest caliber of reporter that you can

find, and he will keep his commitment to the confidentiality of his sources.

Those may be loaded words.

So now look at what the CIA/DOJ is likely after. The chapter in question has details about the US decision to support Iran's MEK even though it's a terrorist organization, Iranian attempts to help us on the GWOT (the same stuff that Flynt Leverett got censored on), and a description of a female officer inadvertently revealing all of CIA's agents in Iraq. While any of these might be the sensitive information in question, and the exposure of CIA's Iranian agents involved a double agent, by far the most likely item of interest is MERLIN, the operation in which the CIA used a Russian defector to provide Iran with nuclear blueprints. The Russian took one look at the blueprints and recognized they were faulty, so on his own initiative he included a note hinting the Iranians ought to consult experts before using the blueprint.

The operation, codenamed Merlin and approved by the Clinton administration, was intended to send Iranian scientists down a technological dead end, according to this account. They would spend years building a warhead which would fail to detonate. Instead, Risen writes, the operation may have helped Iran to "accelerate its weapons development" by extracting important information from the blueprints and ignoring the flaws.

This part of the chapter directly deals with sources and methods and the kinds of operations that, once exposed I would imagine, really hinder the CIA's ability to pull the trick a second time (though ever since NK's "nukes" went off in a fizzle I've wondered if they got dealt the crummy blueprint, too). So for the moment, let's assume this is what they CIA/ED VA is looking for.

Risen focuses on the roles of three people: the Russian, about whom he says,

It is not known whether the Russian ever communicated again with the Iranians, or whether they tried to contact him.

The Russian's CIA case officer, who,

... grew so concerned about whether he had aided the Iranian nuclear program that he went to the Senate Select Committee on Intelligence to tell congressional investigators about the problems with the program. But no action was ever taken.

And a "senior CIA officer" who sent the Russian out on the operation.

Risen also describes the roles of two agencies: how the NSA, which had broken the codes of the Ministry of Intelligence and Security, intercepted news that an Iranian had changed his schedule and flown home to Tehran. And how the "Z Division" of Los Alamos inserted the flaw into the blueprints; the flaw was supposed to be undetectable, but didn't turn out that way. Given the interest focused on both the NSA (for its wiretapping programs) and Los Alamos (for its crummy security), either might be of interest.

Finally, Risen cites from "several former CIA officials."

So presumably, the grand jury investigation may be interested in any of those sources.

All of which brings me back to how I started this post: this was not published in the NYT. The NYT spokeswoman gets very terse when asked about this subpoena:

Ms. Mathis would not say why the material about the C.I.A. program involving Iran appeared in Mr. Risen's book but not in pages of The Times. "We

don't discuss matters not published in
The Times," she said.

Which makes me wonder, all the more, why this didn't appear in the NYT. Is this another program that BushCo, after being alerted to the story, asked the NYT to spike (though I should reiterate—MERLIN was dreamt up under Clinton). Or did the NYT doubt the veracity of the story for some reason (though, as I've pointed out, Risen appears to have a number of sources for it)?