

JANE HARMAN: STUPID AND RECKLESS, NOT THE VICTIM OF ILLEGAL WIRETAPS

There are a lot of reasons to be appalled by the story of Harman's agreement to pressure DOJ in exchange for help getting a Chairmanship, and by Gonzales' decision to drop an investigation so he could protect himself.

But the fact that Harman was picked up on a wiretap is not one of them.

The CQ story makes it clear that this wiretap was court approved and was directed not at Harman, but at the suspected Israeli spy whom she was talking to.

What is new is that Harman is said to have been picked up on a court-approved NSA tap directed at alleged Israel covert action operations in Washington. [my emphasis]

Now, we know from the court documents in the AIPAC case that there have been wiretaps involved going back years—probably as early as 2002. And it has been reported that the original focus of the investigation was Naor Gilon, an Israeli widely suspected of being a spy, not Larry Franklin or any other American.

In other words, the investigation—and the wiretaps—were the classic, proper use of FISA: for an intelligence investigation targeting suspected agents of a foreign power operating in the US. And it goes without saying that we all better hope the NSA listens closely to conversations between powerful members of Congress and suspected spies, and that when they make quid pro quo deals, that conversation gets looked at much more closely. This was a totally proper use of NSA wiretaps.

What is absolutely astounding, however, is that someone well-versed in intelligence like Harman got on the phone with someone reported to be under investigation at least a year earlier, agreed to a quid pro quo, and then said (so the NSA could hear her), "This conversation doesn't exist."