

RISEN GETS SUBPOENAED FOR MERLIN STORY. AGAIN.

Charlie Savage reports that James Risen just got subpoenaed to reveal the source for the chapter of his book, *State of War*, in which he described a wacky effort to sell Iran faulty blueprints for a nuclear bomb.

The Obama administration is seeking to compel a writer to testify about his confidential sources for a 2006 book about the Central Intelligence Agency, a rare step that was authorized by Attorney General Eric H. Holder Jr. The author, James Risen, who is a reporter for The New York Times, received a subpoena on Monday requiring him to provide documents and to testify May 4 before a grand jury in Alexandria, Va., about his sources for a chapter of his book, "State of War: The Secret History of the C.I.A. and the Bush Administration." The chapter largely focuses on problems with a covert C.I.A. effort to disrupt alleged Iranian nuclear weapons research.

Mr. Risen referred questions to his lawyer, Joel Kurtzberg, a partner at Cahill Gordon & Reindel L.L.P., who said that Mr. Risen would not comply with the demand and would ask a judge to quash the subpoena.

That's really weird, because (as Savage notes) the same thing happened two years ago.

A federal grand jury has issued a subpoena to a reporter of The New York Times, apparently to try to force him to reveal his confidential sources for a 2006 book on the Central Intelligence Agency, one of the reporter's lawyers

said Thursday. The subpoena was delivered last week to the New York law firm that is representing the reporter, James Risen, and ordered him to appear before a grand jury in Alexandria, Va., on Feb. 7.

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.

The two big differences (note that both of Risen's named lawyers are at the same firm) are the new Attorney General and the new prosecutor: Savage's story notes this renewed effort to get Risen's testimony is being led by William Welch, who led the disgraced Public Integrity section before the Stevens debacle, and who also indicted Thomas Drake, the NSA whistleblower, a few weeks back.

Which, by itself, suggests that Eric Holder made the decision to sic William Welch, a prosecutor discredited by the Stevens case, on a bunch of old leak cases.

Whatever happened to looking forward, not backward?

One more note. I made some wildarsed speculations the last time this happened about who DOJ was really after. I'll let you all read that post rather than repeat what may well be irresponsible (though elaborate) speculation. What I would like to repeat from that post, though, is that this whole case—particularly if my speculations are correct—takes place, for the second time, against the background of efforts to make a WMD case against Iran.

It's bad enough that they're demanding James Risen's sources, again (and note that this proves my caution about the proposed shield law, which makes explicit exception in national security cases like this one). But it just makes it all the worse that they're doing so about an Iran-related scheme against the background of efforts to pressure Iran.