WOODWARD'S SECRETS

Jeebus: Goldsmith may be getting a hang of this blogging thing, but I'm not: John Rizzo, not John Brennan. So the stuff I originally said about Brennan doesn't make any sense.

I may not always agree with Jack Goldsmith, but he's getting a hang of this blogging thing. Today, he posts the answer John Brennan gave him to the question of how Bob Woodward got very specific details of a meeting that a number of Obama's top advisors had to leave because they didn't have the appropriate clearance.

> The first Chapter of Bob Woodward's *Obama's Wars* describes Barack Obama's first post-election intelligence briefing from Director of National Intelligence Mike McConnell, on November 6, 2008. The chapter shows McConnell, at the direction of President Bush, excluding many Obama aides (including Clinton Chief of Staff John Podesta and former Deputy National Security Advisor James Steinberg) from the briefing. Because the briefing contained highly classified information about "sources and methods," McConnell explained, only those "designated to take a top national security cabinet post" could attend. **Woodward then recounts this highly classified intelligence briefing in great detail, including several highly classified CIA and NSA programs, and their code names**.
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> After reading this chapter, **I wondered how a meeting involving classified information so sensitive that a close Obama aide and former top national security official could not attend could the following year be recounted in such loving detail in the first chapter of a best-selling book**. Woodward clearly got his information from participants in the meeting or their close aides. Was it

> right for these people to speak to Woodward about these matters? Was it legal? I sent these questions to John Rizzo, the just-retired thirty-four year veteran CIA lawyer who has seen his share of leaked classified information over the years.
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> John responded:
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> > Simple. **When a President himself is a key source and directs or at least signals to his Administration to cooperate with the author, that for all intents and purposes means the book becomes one big authorized disclosure.** That's what Obama did for Woodward, and that's what Bush did for Woodward in his three books during that Administration, which also were packed with hitherto sensitive information. That's what is remarkable and unique about Woodward's standing.

Now, Goldsmith appears offended that Obama and Bush would treat classified information so lightly.

Me, I'm more interested in what this says about Woodward's (and, while we're talking about it, Judy Miller's) position in the information management function.

~~John Brennan–a guy who oversaw targeting for Cheney's illegal wiretap program and therefore presumably had the highest clearance in two Administrations–lackadaisically says that if the President wants something leaked, it becomes legal to leak it.~~

In Judy Miller's case, we saw how this selective leaking ensured the Administration could declassify its politicized case for war, while ensuring those who disputed the case were kept

silent under threat of prosecution.

Woodward is even more interesting. Woodward knew to ask certain pointed questions of Richard Armitage—the same questions, as it turns out, that Bob Novak asked to elicit information about Valerie Plame's purported role in Joe Wilson's trip to Niger. But according to John Brennan, at least, even if Richard Armitage leaked Plame's role intentionally, **it would not be illegal**. And remember, too, that on July 8 or 9 (this is reflected in notes introduced at trial; you'll have to take my word for it though, because I don't have my records with me), the VP's office did give Woodward detailed information about the Iraq NIE. In other words, we know Woodward was a part of the OVP's strategy for rebutting Joe Wilson in what was effectively a political hit.

More generally, though, consider what this suggests about the excuse that Cheney was prepared to use for having ordered the leak of Plame's identity. ~~John Brennan, at least, argues that if the President "signals to his Administration" that he wants certain information out there, it's legal to leak it. I don't necessarily buy that, mind you.~~

~~But it suggests one of Obama's key advisors buys off on the idea that it's cool for the President to selectively declassify information (you know, like leaks to the press about targeting Anwar al-Awlaki, even if you later invoke state secrets about it) for political gain.~~