

# DOJ GOES NUCLEAR ON GOLDMAN AND APUZZO

While the AP doesn't say it in their [report](#) that DOJ got two months of unnamed reporters' call records, but this effectively means they've gone nuclear on Goldman and Apuzzo for breaking a story the White House was going to break the following day anyway.

Prosecutors took records showing incoming and outgoing calls for work and personal numbers for individual reporters, plus for general AP offices in New York, Washington and Hartford, Conn. The government also seized those records for the main phone number for AP in the House of Representatives press gallery.

The Justice Department disclosed the seizure in a letter the AP received Friday.

[snip]

In the letter notifying the AP received Friday, the Justice Department offered no explanation for the seizure, according to Pruitt's letter and attorneys for the AP. The records were presumably obtained from phone companies earlier this year although the government letter did not explain that. None of the information provided by the government to the AP suggested the actual phone conversations were monitored.

As a reminder, [here's a history](#) of the White House's attempts to dubiously claim they weren't planning on releasing the information themselves, as they had the last time a Saudi infiltrator tipped us to a plot.

When the AP [first broke the story](#) on

UndieBomb 2.0, it explained that it had held the story but decided to publish before the Administration made an official announcement on what would have been Tuesday, May 8.

The AP learned about the thwarted plot last week but agreed to White House and CIA requests not to publish it immediately because the sensitive intelligence operation was still under way.

Once those concerns were allayed, the AP decided to disclose the plot Monday despite requests from the Obama administration to wait for an official announcement Tuesday. [my emphasis]

Since that time, the Administration has tried to claim they never intended to make an official announcement about the "plot." They did so for a [May 9 LAT story](#).

U.S. intelligence officials had planned to keep the bomb sting secret, a senior official said, but the Associated Press learned of the operation last week. The AP delayed posting the story at the request of the Obama administration, but then broke the news Monday.

[snip]

"We were told on Monday that the operation was complete and that the White House was planning to announce it Tuesday," he said.

Then the White House [tried misdirection](#) for a Mark Hosenball story

last week—both blaming AP for information about the Saudi infiltrator the AP didn't break, and attributing Brennan's comments implying the plot involved an infiltrator to hasty White House efforts to ~~feed the news cycles~~ respond to the story.

According to National Security Council spokesman Tommy Vietor, due to its sensitivity, the AP initially agreed to a White House request to delay publication of the story for several days.

But according to three government officials, a final deal on timing of publication fell apart over the AP's insistence that no U.S. official would respond to the story for one clear hour after its release.

[snip]

The White House places the blame squarely on AP, calling the claim that Brennan contributed to a leak "ridiculous."

"It is well known that we use a range of intelligence capabilities to penetrate and monitor terrorist groups," according to an official statement from the White House national security staff.

"None of these sources or methods was disclosed by this statement. The egregious leak here was to the Associated Press. The White House fought to prevent this information from being reported and ultimately worked to delay its publication for operational security

reasons. No one is more upset than us about this disclosure, and we support efforts to prevent leaks like this which harm our national security," the statement said.

The original AP story, however, made no mention of an undercover informant or allied "control" over the operation, indicating only that the fate of the would-be suicide bomber was unknown.  
[my emphasis]

Now, there are several problems with this latest White House story. The allegation of a quid pro quo rests on the premise that the Administration was also about to release the information; it's just a different version of the request to hold the story until an official White House announcement. Furthermore, if the White House didn't want this information out there, then why brief Richard Clarke and Fran Fragos Townsend, who went from there to prime time news shows and magnified the story?

Meanwhile, John Brennan, who leaked the most damaging part of this (that it was just a Saudi sting), has since been promoted to run the CIA, even though, at least [according to James Clapper's definition](#), he's a leaker.

Also, note the language used here: "seized." Not "subpoenaed."

That, plus the description of these as "phone records" suggests DOJ may well have relied on a National Security Letter to get journalist contacts, as [I've long been predicting they've been doing](#).

Update, per the more detailed AP update: Apparently the letter says they were subpoenaed.

Update: Actually, [the letter itself](#) doesn't say they were subpoenaed, and given that no notice was provided, it seems like NSLs are a likely candidate.

Last Friday afternoon, AP General Counsel Laura Malone received a letter from the office of United States Attorney Ronald C. Machen Jr. advising that, at some unidentified time earlier this year, the Department obtained telephone toll records for more than 20 separate telephone lines assigned to the AP and its journalists. The records that were secretly obtained cover a full two-month period in early 2012 and, at least as described in Mr. Machen's letter, include all such records for, among other phone lines, an AP general phone number in New York City as well as AP bureaus in New York City, Washington, D.C., Hartford, Connecticut, and at the House of Representatives. This action was taken without advance notice to AP or to any of the affected journalists, and even after the fact no notice has been sent to individual journalists whose home phones and cell phone records were seized by the Department.

This entire leak investigation was always a witch hunt, because sources in the Middle East were blabbing about it anyway, because John Brennan was blabbing too, and because the White House planned to blab about it the following day.

But that, apparently, didn't stop DOJ from throwing its most aggressive weapons against Adam Goldman and Matt Apuzzo, who first broke the story.