

# DRONE STRIKES ON THE NYT'S CLAIM TO HAVE IMPROVED

NYT Public Editor Margaret Sullivan attempts to tell the story of why the NYT held the illegal wiretap story before the 2004 election. Amid comments from the main players, she effectively admits that the NYT only published in 2005 because James Risen's *A State of War* was about to come out.

Michael V. Hayden, who was the director of the N.S.A. and later the director of the Central Intelligence Agency, told me in an interview that he argued strenuously against publication, right up until the moment when The Times decided to go ahead. His rationale: "That this effort was designed to intercept threatening communication" and to prevent another terrorist attack.

In the end, The Times published the story with a couple of guns held to its head: First, the knowledge that the information in the article was also contained in a book by Mr. Risen, "State of War," whose publication date was bearing down like a freight train. Second, at the end, the word of a possible injunction against publishing, Mr. Risen said, provided a final push: "It was like a lightning bolt." (Mr. Hayden said that would not have happened: "Prior restraint was never in the cards.")

Like a game of chicken played on a high wire, it remains "the most stressful and traumatic time of my life," Mr. Risen recalls. Although The Times later said that further reporting strengthened the story enough to justify publishing it, few doubt that Mr. Risen's book was what

took an essentially dead story and revived it in late 2005. "Jim's book was the driving force," Mr. Lichtblau said.

Sullivan doesn't mention another part of the story: that shortly after the NYT accused Risen of violating their ethics policy because he did not tell the NYT his book covered topics he had reported on for the paper – not just the illegal wiretap program, but also MERLIN, the attempt to stall the Iranian nuclear program by dealing them faulty blueprints. He had apparently told them he was writing a book on George Tenet.

When that news broke in early 2006, I concluded that Risen probably used the threat of scooping the NYT, and a nondisclosure agreement, to actually get the illegal wiretap program into the paper.

Let's assume for a moment I'm correct in understanding the NYT spokesperson to be suggesting that Risen violated those ethical guidelines by publishing this book. Here's the scenario such an accusation seems to spell out.

(Speculation alert.) Risen attempted to publish both the NSA wiretap story and the Iran nuclear bomb story in 2004. NYT editors refused both stories. Then, in 2005 Risen takes book leave (and I should say that the NYT's book leave policy is one of the best benefits it offers its writers), misleading his editors about the content of the book. Once he returns, his editors hear rumors that the book actually features the NSA wiretap story. Only in the face of imminent publication of the book do they reconsider publishing the wiretap story. And only after Risen has gone through the trouble of forcing their hand by obscuring the content of the book.

Wow. My respect for NYT's editors grows by leaps and bounds.

This story raises two more possibilities. First, it's possible the NYT was fighting for ownership of the material not because they wanted to publish the best-selling book, but because they wanted to spike the story entirely. They had decided once to spike the story, after all, why not do the Administration the favor a second time.

Also, it's possible that Risen required the non-disclosures because he didn't trust his NYT editors to keep the contents of his book confidential. A spokesperson for Risen's publisher, Free Press, says it's routine to require non-disclosure agreements of people who get advance copies of their books. But it's not like there's much in the book that NYT's editors didn't already know—because they had already either published or refused the stories. So the only reason to require the non-disclosures is if you're afraid they might tell someone else exactly what is going to appear in the book.

Note, I also suspect that Risen used the delay – and the Christmas holiday and, probably, the distraction of editors – to publish that the government and telecoms were engaging in upstream collection within the US.

Don't worry, though, Sullivan and Risen claim, nothing similar would happen now.

What would happen now? What if Mr. Snowden had brought his information trove to The Times? By all accounts, The Times would have published the revelations – just as it did many WikiLeaks stories.

"I think our story broke the fever," Mr. Risen said. "We're much better now" about pushing back against government pressure. Jill Abramson, the executive

editor (then managing editor), has not only defended the Snowden-related stories as squarely in the public interest but has had Times reporters and editors collaborating with The Guardian and ProPublica on Snowden-sourced stories. [my emphasis]

Except that's not credible.

Consider the example of the Saudi drone base, which the NYT first reported in the 7th and 20th paragraph in an article about John Brennan's promotion to head the CIA.

Mr. Brennan, a former C.I.A. station chief in Riyadh, Saudi Arabia, has taken a particular interest in Yemen, sounding early alarms within the administration about the threat developing there, working closely with neighboring Saudi Arabia to gain approval for a secret C.I.A. drone base there that is used for American strikes, and making the impoverished desert nation a test case for American counterterrorism strategy.

[snip]

The first strike in Yemen ordered by the Obama administration, in December 2009, was by all accounts a disaster. American cruise missiles carrying cluster munitions killed dozens of civilians, including many women and children. Another strike, six months later, killed a popular deputy governor, inciting angry demonstrations and an attack that shut down a critical oil pipeline.

Not long afterward, the C.I.A. began quietly building a drone base in Saudi Arabia to carry out strikes in Yemen. American officials said that the first time the C.I.A. used the Saudi base was to kill Mr. Awlaki in September 2011.

The WaPo, which had also been sitting on the story, actually beat the NYT to the punch on publishing it, because it got tipped the NYT planned to publish.

The Washington Post had refrained from disclosing the specific location at the request of the administration, which cited concern that exposing the facility would undermine operations against an al-Qaeda affiliate regarded as the network's most potent threat to the United States, as well as potentially damage counterterrorism collaboration with Saudi Arabia.

The Post learned Tuesday night that another news organization was planning to reveal the location of the base, effectively ending an informal arrangement among several news organizations that had been aware of the location for more than a year.

All that went down on February 5.

A month later, the review copies of Mark Mazzetti's *Way of the Knife* would go out (the official publication date was April 9). Thus, it's all but certain that when the NYT decided to break the agreement, it knew these passages would appear in the book.

Saudi Arabia had given permission to the CIA to build the base on the condition that the kingdom's role be masked. Said an American official involved in the decision to build the base, "The Saudis didn't want their face on the operation."

[snip]

The CIA operated under no similar restrictions [as Djibouti imposed on the drone base JSOC used there], and by September 2011 the drone base that the spy agency had built in the Saudi desert

was completed and ready for use. David Petraeus, who by now was CIA director, ordered some of the agency's fleet of Predator and Reaper aircraft from Pakistan to Saudi Arabia.

[snip]

On September 30, a fleet of American drones took off from the base in Saudi Arabia, crossed into Yemen, and began tracking a group of men riding in a convoy across al Jawf province, an expanse of desert near the Saudi border once renowned for breeding Arabian horses.

[snip]

Two Predator drones pointed lasers on the cars, a tactic that improved the accuracy of the missile strikes, and a Reaper drone fired missiles that delivered a direct hit. Every man riding in the convoy was killed, including American citizens Anwar al-Awlaki and Samir Khan, a diabolical propagandist and the creative force behind Inspire.

The timing wasn't as tight as it was with Risen's book, which came out just two weeks after the NYT scoop. Nevertheless, the NYT had to know their reporter was going to publish the information it had been sitting on for years. So by all appearances, what Sullivan suggests won't happen any more appears to still be happening: the NYT sitting on stories until just before their reporters release stories in books. (Note that right after writing his one story on the Edward Snowden files, Scott Shane took off for book leave.)

To her credit, Sullivan also tried to get to the bottom of why the NYT sat on the drone story for so long. In that column, Dean Baquet (who back in 2006 was busy quashing the LAT's reporting on AT&T's upstream collection within weeks of Risen's original scoop) claims that

Administration sensitivity about the base simply receded.

The Times decided to reveal it now because, according to the managing editor, Dean Baquet, it was at the heart of this particular article and because examining Mr. Brennan's role demanded it.

"It was central to the story because the architect of the base and drone program is nominated to head the C.I.A.," Mr. Baquet told me on Wednesday. In past stories, he said, the location of the base "was a footnote."

The government's rationale for asking that the location be withheld was this: Revealing it might jeopardize the existence of the base and harm counterterrorism efforts. "The Saudis might shut it down because the citizenry would be very upset," he said.

Mr. Baquet added, "We have to balance that concern with reporting the news." The need to tell this particular story accurately trumped the government's concerns.

Mr. Baquet said he had a conversation with a C.I.A. official about a month ago and, at that time, agreed to continue withholding the location, as it had done for many months. More recently, though, one of the reporters working on the story told the government that The Times would reveal the location and said officials should contact Mr. Baquet if they wanted to discuss it further.

"They didn't call this time," Mr. Baquet said. He said it is The Times's practice to "give a heads up."

But, he emphasized: "We don't ask for permission. We tell them what we're going to do." [my emphasis]

Mazzetti would not only report that story in the NYT, but he also likely had it in gallery proofs, ready to go, whether or not the NYT published. It's also curious that what Baquet considered "central to the story" was effectively buried 7 and 20 paragraphs deep, as compared to the WaPo, which used it as their lede.

And the drone base story is all the more pathetic given that several other outlets had already published it (which Sullivan doesn't acknowledge in her column on it).

That is, the claim that news of the base – which had already been published in the London Times and, briefly, at Fox – would endanger it is simply not credible. The NYT (and the WaPo) chose not to publish news that had already been published, based on Administration claims of danger.

And once again, it seems, the only thing that could overcome that danger was the imminent threat of getting scooped by their own reporter.