

New York Times reporter Judith Miller testifies on exposure of CIA agent

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After spending 85 days in jail, *New York Times* senior correspondent Judith Miller was released last week in exchange for testimony she gave to a federal grand jury investigating the leak of Valerie Plame's identity as a covert CIA agent.

Miller and the *Times* had maintained that her earlier decision to refuse to testify and accept imprisonment on civil contempt charges was a principled defense of freedom of the press and, in particular, the ability of reporters to use unnamed confidential sources without being forced to disclose them through state intimidation.

There is no doubt that such press freedoms are under attack and must be defended. The use of state power to coerce journalists into revealing confidential sources threatens to suppress any form of independent and critical reporting on the operations of the government. The jailing of a reporter represents one of the most egregious forms of government intimidation and deserves to be condemned.

However, there are other issues and interests in Miller's case that pertain not to the press's freedom to inform the public, but rather the government's manipulation of a pliant media to deceive the people and intimidate its political opponents. Rather than exposing government wrongdoing, Miller's actions appear to be aimed at covering it up.

Miller herself played a prominent role as a conduit for government propaganda about "weapons of mass destruction" in the period leading up to the war in Iraq, and she shared the Bush administration's concerns as these lies began to unravel. The agreement Miller and her lawyers reached with Special Prosecutor Patrick Fitzgerald on her testimony strongly suggests that it was these latter interests that were paramount in her case.

Miller was hardly protecting a persecuted whistleblower exposing government secrets. Rather, as she reportedly testified to the grand jury, her source was I. Lewis "Scooter" Libby, Vice President Dick Cheney's chief of staff and reputedly one of the most powerful figures in the administration.

Their conversations came in July 2003, just days after the *Times* had published an opinion column by Joseph Wilson, the former US ambassador who had been sent to Niger the year before to investigate claims that the African country had negotiated sales of uranium to Iraq for use in nuclear weapons production. Wilson had reported back to the US government that the purported intelligence pointing to such sales was fraudulent. When the Bush administration continued making the false uranium claims, Wilson went public, causing deep political embarrassment and anger in the White House.

Wilson's revelation hit the administration hard by exposing its deliberate fabrication of a pretext for war under conditions in which the US occupation was confronting a growing insurgency, and no evidence of "weapons of mass destruction," the supposed motive for the war, had turned up in Iraq.

In an act of political retaliation, administration officials leaked to the press the fact that Wilson's wife was Valerie Plame, a covert CIA operative involved in weapons-proliferation intelligence. They suggested

that she had organized Wilson's trip as a kind of nepotistic boondoggle. As a result, a week after the Wilson column, the right-wing columnist Robert Novak published a piece identifying Plame.

Then-Attorney General John Ashcroft appointed Fitzgerald in December 2003 to conduct a federal probe into whether, in leaking the CIA operative's identity, federal officials had committed a crime—specifically, violation of the 1982 Intelligence Identities Protection Act, a right-wing statute that punishes the exposure of covert agents.

For nearly two years, the White House denied that Bush's chief political aide Karl Rove and Cheney's chief of staff Libby had anything to do with leaking Plame's identity. It is now clear, however, that both were responsible for circulating the information to the press as part of a smear campaign designed to punish Wilson and discredit his exposure of government lies about the war in Iraq.

Judith Miller had two interviews with Libby during the week between the appearance of Wilson's and Novak's columns. After meeting him once, she had a phone conversation with the vice presidential aide in which, according to a *Washington Post* story citing a source familiar with Libby's account, he "said he had learned that Wilson's wife had a role in sending him on the trip and that she worked for the CIA." According to the *Post's* source, Libby claimed he did not name Plame nor know that she was a covert agent.

Miller never wrote a story on the Wilson-Plame connection for the *New York Times*.

Citing "a source close to Miller," the *Washington Post* reported October 1 that the *Times* reporter's testimony before Fitzgerald's grand jury "does not implicate Libby as intentionally identifying Plame."

Miller claims her decision to testify and thereby end her imprisonment came as a result of two changes. For the first time, Libby had "personally and voluntarily" released her from any obligation to protect his identity as a source.

Second, Miller said, she and her lawyers were able to negotiate an agreement with the special prosecutor to narrow "the nature and scope" of questioning, apparently to what Libby had told her about Plame. This excluded related areas of inquiry such as other things that the two of them may have discussed, as well as her interactions with other government sources.

The first claim has been sharply disputed by Libby's attorney, who insists that Miller's lawyer was told over a year ago that Libby had released her from any confidentiality agreement. Indeed, reporters for *Time* magazine, the *Washington Post* and NBC News were all told the same thing, and all of them testified before the grand jury. Moreover, Libby had himself told federal investigators that he had discussed Wilson's trip with Miller.

The *Washington Post* reported that Libby's attorney, Joseph A. Tate, on Monday wrote a blistering letter to Miller's lawyer, Floyd Abrams, insisting that he had made it clear more than a year ago that Libby's waiver of confidentiality at that time was completely voluntary.

Paraphrasing Tate's position, the *Post* reported: "Miller In May 2003, she revealed in an e-mail exchange with attorneys are responsible for Miller's 85 days in jail.... [S]he was given permission a year ago to tell a prosecutor about private conversations she had with Libby." Miller has maintained that she could not accept the waiver as voluntary without Libby speaking to her personally, a condition that she never communicated to the vice president's aide.

The idea that Libby might have been "coerced" into waiving his request for confidentiality is difficult to swallow. While no doubt such waivers can be extracted from government whistleblowers under pain of termination, Libby is himself one of the key US policy makers, and any decision regarding his attitude toward the grand jury would have been worked out as part of a common strategy with Bush, Cheney and Rove.

Libby himself wrote to Miller while she was in jail. The letters were of a highly personal nature, indicating that the relationship between the two was less that of a reporter and her source than that between political allies. "Dear Judy," read one of them, "Your reporting, and you are missed.... You will have stories to cover—Iraqi elections and suicide bombers, biological threats and the Iranian nuclear program.... Come back to work and to life."

Among Miller's many visitors while she was jailed was John Bolton, the right-wing State Department official who was installed by Bush as US ambassador to the United Nations.

Miller's decision to testify provoked consternation among some journalists who had defended her. The *Washington Post* in an October 1 column by Howard Kurtz quoted unnamed reporters at the *New York Times* who suggested that her decision to go to jail was from the outset an attempt to salvage her reputation from the exposure of her fabricated "weapons of mass destruction" stories. Other journalists were quoted as saying that Miller reversed herself in the face of possible criminal contempt charges or the convening of second grand jury, either of which could have lengthened her jail term significantly.

While these considerations may have played a role in her decision, the deal struck with the special prosecutor over the scope of her questioning appears likely to have been the most decisive issue.

Any investigation into the leaking of Plame's identity—part of a general campaign to suppress revelations about the administration's conspiracy to drag the American people into a war based upon lies—could directly implicate Miller not merely as a reporter, but as a co-conspirator. How else is one to explain why Miller and the *Times* were more determined than Libby himself to maintain the confidentiality of her source?

Throughout the buildup to the Iraq war and in its aftermath, Miller played the role not of an investigative reporter, but of a propagandist for the administration's war policy and a conduit for fabricated intelligence supposedly revealing non-existent Iraqi weapons of mass destruction.

In September 2002, she co-authored a *Times* story headlined "US Says Hussein Intensifies Quest for A-Bomb Part," which charged the Iraqi regime with purchasing "aluminum tubes" that could be used in the production of nuclear weapons. It was that story, combined with the phony intelligence about African uranium, that formed the basis of the administration's repeated claims that Iraq posed a nuclear threat to America.

Miller served on a panel of "experts"—specializing in "militant Islam" and "biological warfare"—for the Middle East Forum, a pro-Zionist lobbying group that promoted war with Iraq as a means of defending Israel and securing US oil supplies. She also enjoyed close political ties to the right-wing civilian leadership in the Pentagon centered on Donald Rumsfeld, Paul Wolfowitz and Douglas Feith.

Her stories for the *Times* were based almost entirely on Pentagon assertions, and, in particular, those of the Office of Special Operations, the intelligence-manufacturing group set up by Rumsfeld and Feith to produce evidence of Iraqi WMD after the CIA failed to provide the pretext for war that the administration was looking for.

In May 2003, she revealed in an e-mail exchange with bureau chief John Burns that Ahmed Chalabi, head of the US-financed exile group Iraqi National Congress, had "provided most of the front page exclusives on WMD" that bore her byline. Chalabi was at that time an intimate of the Pentagon leadership, and his claims were roundly rejected as false and politically motivated by both the US State Department and the CIA.

While in Iraq in 2003 after the US invasion, Miller had herself "embedded" with a military team tasked with searching for Iraqi weapons stockpiles. The *Washington Post* cited military sources charging Miller with "hijacking" the unit, serving as a liaison between it and Chalabi, and threatening senior officers that she would go to Rumsfeld if they sought to shut down the fruitless WMD search.

During the course of her reporting, she produced false stories based entirely on Pentagon assertions that American troops had found mobile biological weapons labs and that an Iraqi scientist had admitted to holding weapons materials until the eve of the invasion.

It was after returning from this adventure in Iraq that Miller held her meeting with Libby. Given her record, such a discussion would be less an interview between a reporter and her source than a meeting between co-conspirators on how best to contain the fallout from the mounting exposures of the lies of the administration—and the *New York Times*.

With Miller's testimony in hand, Fitzgerald's probe is reportedly complete, and he is expected to issue his findings shortly. This could take the form of indictments against top administration officials or a conclusion that there is insufficient evidence to charge anyone.

The *Washington Post* reported Oct. 2, however, that two lawyers familiar with the probe indicated that Fitzgerald could "bring charges of a criminal conspiracy perpetrated by a group of senior Bush administration officials," a case that would be more easily proven than violation of the agent identities act.

At his press conference Tuesday, Bush brushed aside a question as to whether he would fire anyone in the administration who is indicted, insisting that the special prosecutor had instructed the White House not to discuss the case.

Whatever the special prosecutor's decision, the strange case of Judith Miller underscores the necessity for a genuinely independent investigation into the lies told to the American people and the world to justify an illegal war. Such an investigation would have to expose the real motives and interests concealed by the false claims about WMD. It would also need to examine how the administration was allowed to get away with it, through both complicity by the Democratic Party and the willingness of the mass media—including the *New York Times*—to serve as a propaganda agency for US militarism.



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