

# Democratic defender of NSA spying was wiretapped in Israeli spy probe

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Democratic Congresswoman Jane Harman of California was recorded in 2005 on a National Security Agency (NSA) wiretap of a suspected Israeli intelligence agent, according to current and former government officials cited in press reports. The recorded conversation, they indicated, dealt with an apparent quid pro quo arrangement involving Harman's promise to seek leniency for two indicted pro-Israeli lobbyists in return for support for her bid to become chair of the House Intelligence Committee.

The revelation has further exposed the internecine struggles within the US state apparatus as well as the intimate involvement of the Democratic Party and the media in the assault on democratic rights.

According to the story first broken by the *Congressional Quarterly* web site, Harman, at the time the ranking Democrat on the House Intelligence Committee, was recorded in a discussion with the suspected Israeli agent in which she agreed to intercede on behalf of two officials of the American Israeli Public Affairs Committee (AIPAC), Steve Rosen, the group's foreign policy director, and Keith Weissman, its senior Middle East analyst.

The two were indicted in 2005 on espionage-related charges stemming from their receiving secret documents dealing with US policy towards Iran from Lawrence Franklin, the Pentagon's top Iran analyst. Franklin pleaded guilty for his role in the affair and was sentenced to 12 years in prison.

According to national security officials who spoke on condition of anonymity to Jeff Stein of the *Congressional Quarterly*, the transcript of the recording shows Harman telling the suspected Israeli agent that she would "waddle into" the AIPAC case "if you think it'll make a difference."

The *New York Times*, which also spoke to three officials familiar with the transcript, said that the suspected agent asked Harman to intervene with the Justice Department, and she responded that "she would have more influence with a White House official she did not identify."

The *Times* reported that the suspected agent promised to reciprocate by inducing the Israeli-American media mogul Haim Saban, a major contributor to the Democratic Party, to threaten to withhold contributions from California Democratic Congresswoman Nancy Pelosi, who at the time was slated to become House speaker, unless she tapped Harman to head the intelligence panel. Such a deal would amount to illegal influence peddling to a foreign agent, and the Justice Department initiated an

investigation.

According to the *Congressional Quarterly*, the transcript shows Harman, apparently aware of the incriminating character of the discussion with the suspected Israeli agent, ending the phone call after telling him, "This conversation doesn't exist."

Most of this information surfaced two-and-a-half years ago. In October 2006, *Time* magazine reported that "Justice Department prosecutors... are examining whether Rep. Jane Harman of California and the American Israeli Public Affairs Committee (AIPAC) may have violated the law in a scheme to get Harman reappointed as the top Democrat on the House Intelligence Committee." The article continued by citing government sources saying that the investigation involved "whether, in exchange for help from AIPAC, Harman agreed to help try to persuade the administration to go lighter on the AIPAC officials caught up in the ongoing investigation."

What is new in this week's reports, however, is that Harman was wiretapped discussing this alleged deal, and, even more importantly, the way in which the investigation was ultimately quashed.

Earlier reports had indicated that the probe was halted because of "lack of evidence," a claim belied by the existence of the wiretap. As *Congressional Quarterly* reports, the Justice Department concluded that Harman had committed a crime and was ready to begin a full-scale investigation of the congresswoman. It went so far as to obtain the approval of then-CIA Director Porter Goss for going to the secret Foreign Intelligence Surveillance Court to seek a warrant to place a wiretap on Harman herself.

The investigation was dropped thanks to the intercession of Attorney General Alberto Gonzales, who, according to two officials cited in Stein's article, said he "needed Jane" to help in defending the Bush administration's illegal warrantless wiretapping operation, run by the NSA, which was about to be disclosed by a report in the *New York Times*.

Harman had already provided key support to the criminal activities of the Bush administration, as the *Congressional Quarterly* reported, having lobbied the *New York Times* on the eve of the 2004 election not to run the story.

The *Times* Tuesday confirmed this part of the story. It cited a statement issued by *Times* Executive Editor Bill Keller saying that Harman had called the newspaper's Washington bureau chief, Philip Taubman, "in October or November of 2004" and, at the request of then-NSA Director Michael Hayden, asked the *Times*

not to publish the story.

In the end, the newspaper held back the revelations concerning the wiretapping of millions of Americans for a full year. Keller's statement that Harman contacted the paper in "October or November" of 2004 is typical of the duplicity of the newspaper's editor.

Keller already admitted in an interview with the *Times* public editor in August 2006 that the discussion on killing the article had been "dragging on for weeks" before the November 2, 2004 election. The newspaper's decision to withhold the information from the American people that they were being subjected to illegal and unconstitutional domestic surveillance represented complicity in this attack on democratic rights and undoubtedly played a role in delivering Bush a second term. And, as confirmed by Keller, Harman played an active role in this cover-up.

When the *Times* finally broke the story on the NSA domestic spying, Harman denounced the newspaper, charging that "its disclosure has damaged critical intelligence capabilities." She further described the government employees who had blown the whistle on this illegal operation as "despicable" and suggested that the *Times* itself should be prosecuted.

In response to this week's revelations, Harman issued a statement claiming, "I never engaged in any such activity. Those who are peddling these false accusations should be ashamed of themselves." Her office, meanwhile, dismissed the story, acknowledging as "unremarkable facts" that Harman "is and has long been a supporter of AIPAC, and that some members of AIPAC regarded her as well-qualified to chair the House Intelligence Committee following the 2006 elections."

No doubt AIPAC found Harman "well-qualified" because she was prepared to promote the policies of the Israeli state, including the attempt to steer Washington toward a military confrontation with Iran, precisely the aim of the espionage of which Franklin, Rosen and Weissman are accused.

The California congresswoman went further in an interview Tuesday on MSNBC, the cable television news channel, calling the wiretapping of her conversation with the suspected Israeli agent an "abuse of power" that could threaten any legislator.

"This isn't about me," she said. "This is about any member of Congress. Members of Congress have been calling my office this morning asking whether perhaps in their own conversations with advocacy groups... maybe they were inadvertently picked up on some kind of an eavesdrop with or without a warrant."

There is no doubt that the threat of spying on members of Congress is genuine. As the *Times* reported last week, the NSA under the Bush administration attempted to bug telephone and email communications of a congressman after he went to the Middle East and spoke with someone the agency considered an "extremist." The surveillance was called off only because of the agency's fear that it would be exposed and create a political scandal.

In Harman's case, the rush by the Bush Justice Department to seek a FISA warrant to bug the communications of a member of Congress is no doubt an indication of the increasing police state atmosphere in Washington.

Nonetheless, the hypocrisy of Harman invoking these threats in

her own defense is breathtaking. She vehemently defended the illegal, warrantless wiretapping of ordinary Americans by the NSA, but is now protesting that her own conversation was recorded as the result of a legal, court-ordered wiretap issued against a suspected foreign intelligence agent.

There has been speculation by some liberal commentators that the breaking of the Harman story is part of an attempt by elements in the national security apparatus and former Bush administration officials to "change the story" following the release of previously classified Justice Department memos revealing in gruesome detail the administration's authorization and justification of torture.

The *Congressional Quarterly's* Stein has denied this, stating that he had had the information for some time but had only recently found the time to complete the article.

Undoubtedly, there are some officials implicated in the torture scandal and other illegal attacks on democratic rights under the Bush administration who derive some satisfaction in seeing a leading Democrat like Harman implicated in related crimes.

The reality, however, is that the revelations demonstrate the intimate and indispensable collaboration and complicity of the Democrats in all of the criminal actions of the Bush administration, from launching a war of aggression based upon lies against Iraq, to the systematic use of torture, to the unconstitutional and illegal spying on American citizens.

Harman personally played a prominent role in all of these crimes. She promoted the lies about "weapons of mass destruction" and supposed ties between Baghdad and Al Qaeda before the war. She, along with Pelosi, was among the four members of Congress to be fully briefed on the CIA's torture—including waterboarding—of detainees in "black sites" scattered around the world. Neither she nor anyone else made the slightest protest over these criminal actions, while they kept them secret from the American people.

It is not a question of "changing the story," as the revelations about Harman are entirely bound up with the revelations about the Bush administration itself. It is a further manifestation of the intense crisis of the US political establishment and the advanced decay of American democracy. These processes are only accelerating as the Obama administration defends those responsible for torture and other crimes under the Bush administration, while continuing the attacks on democratic rights.



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