In Politics, Leaking Stories Is a Fine Art

Washington insiders have long honed the skill, learning exactly when, or to whom, to disclose secrets in order to advance their agenda.

by Richard T. Cooper and Faye Fiore, ***Los Angeles Times***, April 9, 2006

WASHINGTON — Months after U.S. troops stormed into Iraq, the Pentagon drafted a top-secret document using classified intelligence to spell out Baghdad's involvement with Al Qaeda. It supported one of President Bush's strongest arguments for the war.

Within days, big chunks of the classified report appeared verbatim in a conservative magazine, the Weekly Standard, complete with the paragraph numbers that are a telltale feature of Defense Department documents.

Headlined "Case Closed: The U.S. Government's Secret Memo Detailing Cooperation Between Saddam Hussein and Osama bin Laden," the article said the intelligence left no doubt that Iraqi President Hussein had been in league with Al Qaeda.

It was a classic leak — the kind of national security breach that the Bush administration had often reacted to with indignation.

But instead of complaining, officials held up the article as proof of the Hussein-Bin Laden nexus. Vice President Dick Cheney told the Rocky Mountain News: "One place you ought to go look is an article … in the Weekly Standard here a few weeks ago." That is "your best source of information" about Hussein and Bin Laden, he said.

Even at the time, most members of the intelligence community believed the relationship between Hussein and Bin Laden was relatively unimportant and considered the leaked memo a distortion of evidence.

The episode unfolded in late 2003 and early 2004 at a time when critics were beginning to question Bush's case for going to war. And it reflected one of the most basic facts of life in Washington: Though high-level officials often portray leaks as renegade acts that betray the public trust, leaks are just as likely to be fully approved, calculated actions by loyal members of an administration — moves designed to advance an agenda, thwart enemies and manipulate public opinion.

Such leaks are a primary reason so much Washington reporting is based on anonymous sources — and why critics often question the motives of the unnamed person.

Sometimes, planning for important leaks starts in the White House.

It was disclosed Thursday that former Cheney aide I. Lewis "Scooter" Libby had testified that the president approved a leak in July 2003 of selected material from a different classified report. The information was meant to bolster another administration argument for the Iraq war. The White House has not denied leaking the material.

Critics say such leaks helped Bush in the buildup to the war.

"Leaking is a matter of White House policy to implement an agenda," said Lanny J. Davis, former special counsel to President Clinton and a government insider. "That has been the case since the founding of the republic."

Literally. Founding Father Alexander Hamilton, whose face adorns the $10 bill, played a crucial role in winning popular support for the Constitution. But his dream of becoming president was dashed when someone told a scandal-mongering journalist about an affair Hamilton had had with a married woman.

The leak, Hamilton believed, came from the camp of rival James Madison, who went on to become the fourth president of the United States.

Today, leaking has become such a basic part of the way Washington works that officials hold meetings to decide when, where and how to leak. They cultivate reporters who can be counted on to make good use of leaks. They draft memos spelling out official leak policies so that lower-level officials will know how to leak correctly.

The whole business has taken on the wink-and-a-nod quality of the scene in the movie "Casablanca" when the prefect of police, played by Claude Rains, declares that he's "shocked" to discover gambling in the cafe owned by Humphrey Bogart's character — and hardly bats an eye when a waiter rushes up to deliver his own winnings.

Some Washington insiders have trouble imagining how the capital would work without leaks. "It's rather democratic actually," said one House GOP staffer. "It's war by other means. It has always been thus. Can it really be any other way?"

John Martin, former internal security chief of the Justice Department, once said that if leaks were prosecuted aggressively, the capital would have to be relocated to the federal prison in Lewisburg, Pa. "The biggest leakers are White House aides, Cabinet secretaries, generals and admirals and members of Congress," he said.

Over time, the number of different kinds of leaks and the purposes they are crafted to serve have multiplied. There are so-called trial-balloon leaks to test reaction to an idea before it is officially put forward. There are leaks designed to shoot down trial balloons.

Some leaks are designed to encourage news coverage, others to kill or limit it.

Shrewdly placed leaks can elicit prominent coverage for routine news, the news manager's equivalent of turning chicken feet into chicken salad.

In mid-March, for example, the White House leaked copies of a new National Security Strategy report to four newspapers: the New York Times, the Washington Post, the Wall Street Journal and the Financial Times.

The report did little more than restate well-known policy, but it got prominent play in all four papers. After all, most news organizations treat "exclusives" better than stories that most have access to. And the articles generally conveyed the message the White House wanted to send: a warning to Iran that it had moved that country to the top of the U.S. threats list.

Later, a White House spokesman blandly explained that a deliberate decision had been made by top strategists to leak the report to those particular papers in an effort to reach specific audiences.

To achieve an opposite effect, blunting unfavorable news, officials may use the hiding-in-plain-sight strategy. They leak such news to the Associated Press, a national wire service that most media organizations subscribe to. The theory is that if everyone has the story, no one will make a big deal out of it.

It doesn't work if the news is really important, but those cases are the exception.

A variation on this strategy is leaking something unfavorable on a Friday night, knowing that news gets less attention at the start of a weekend than on other days.

Not only will the leaked story attract less public attention, the thinking goes, but rival news organizations can more easily ignore or downplay it.

More substantive leaks might be designed to promote one side of an argument over another. The Weekly Standard leak was a particularly clever example of this because it not only answered critics and laid out the administration's argument, but it also prevented effective rebuttal.

The original classified document had been prepared by then-Undersecretary of Defense Douglas J. Feith, using material culled from CIA and other intelligence agency files.

Behind the scenes, when intelligence community officials saw the document, they complained bitterly that Feith's staff had highlighted unreliable reports and otherwise distorted the seriousness of the Baghdad-Al Qaeda relationship.

But because the document — prepared for the Senate Intelligence Committee — remained classified, these critics could not publicly challenge the assertion that the article was the "best source of information" on the subject.

Not all leaks are part of a calculated government plan.

Some leaks are designed to halt or discredit a plan or policy that an insider does not support, or to bring out the truth. The leaker may be a partisan, an anonymous whistle-blower or a high-minded public servant.

And reporters work hard to obtain inside information, often spending months and years cultivating confidential sources who can give them important information or confirm tips.

"Leaks are good," said Joan Claybrook, president of the advocacy group Public Citizen. "There is too much secrecy in our government. Sometimes the government knows about a problem and it takes a leak to embarrass the bureaucracy and get them to do something about it."

The Bush administration has applied its own approach to the art of leaking. Perhaps more so than any of its recent predecessors, the Bush White House has sought to stamp out and punish unfriendly leaks from inside the government by trying to criminalize them.

Whereas its predecessors sometimes went through the motions of investigating leaks, the Bush White House has thrown the full weight of the Justice Department into some leak probes. Reversing years of established practice, the administration has sought to bring criminal charges against those who receive confidential information along with those who disclose it.

Reporters have been called before grand juries and jailed to compel them to identify the sources of leaks.

Some Bush aides say the president becomes furious about even garden-variety leaks, such as feeding an advance copy of a routine speech to papers. So adamant was Bush on the subject, these aides say, and so necessary did they consider calculated leaking to be, that they adopted a policy of running even seemingly innocuous leaks past him for approval.

At the same time, the administration has been accused of selectively leaking confidential information when that served its ends — most famously with the unmasking of covert CIA operative Valerie Plame, the case that led to Libby's indictment for allegedly lying to federal investigators.

Plame's husband, former Ambassador Joseph C. Wilson IV, had criticized the White House's prewar claim that Hussein had tried to buy nuclear materials in Africa.

According to court documents, Libby told a grand jury that he was ordered to leak selected information from a National Intelligence Estimate — information chosen because it undercut Wilson's criticism.

Libby said he asked Cheney whether doing so was permissible and was told that Bush had approved the leak, according to the court papers. Libby said he subsequently passed the intelligence information along to New York Times reporter Judith Miller, but she never reported it.

(Miller spent 85 days in jail for refusing to disclose who in the government had told her that Wilson's wife was a covert CIA operative; that leak was separate from the nuclear intelligence leak, though Libby was involved in both.)

The Plame leak resulted in a far-reaching investigation of top administration officials by a special prosecutor. It not only has snared Libby but threatens other senior officials as well.

In a less publicized case several years ago, Sen. Richard J. Durbin (D-Ill.) charged that White House officials leaked information that reflected unfavorably on his conduct on the Senate Intelligence Committee. The White House denied leaking the material, but Durbin said several reporters told him they were tipped off by the White House. Durbin had been challenging some of the administration's claims about the Iraq war, and he denounced the leak as an attempt to intimidate him.

Conversely, some reporters found that during Bush's first term, while his administration used leaks to attack opponents, it was less likely to engage in the more traditional kinds of leaks that feed information to reporters to shape or spin the news.

More recently, that type of leaking seems to have become more common, perhaps because the president's declining approval ratings have made it harder for the White House to get the kind of coverage it wants.

Managing the news through leaks can be a risky business, as Davis, the Clinton insider, discovered in 1997.

It was during a congressional investigation of a campaign funding scandal that threatened to engulf the president. At issue were a series of White House coffees that Clinton had held for Democratic supporters.

The White House insisted Clinton had never hit his guests up for campaign contributions, which would have violated a federal law against such fundraising on government property.

For months, the White House said it had fully complied with a congressional subpoena for all documents and other material relating to the coffees. Then someone

on the president's staff discovered that the sessions had been videotaped. Congressional Republicans were sure to accuse the White House of trying to conceal evidence.

Davis huddled with presidential Press Secretary Mike McCurry and Clinton's counsel, former Watergate prosecutor Charles F.C. Ruff. "Oh, my God, we have to get these out, we have to leak them," Davis recalled saying.

McCurry agreed. Ruff did not, insisting he had promised congressional investigators that they would be the first to get any documents under subpoena.

The meeting ended in stalemate. It was Friday, the eve of Rosh Hashana, and Davis flew to Fort Lauderdale, Fla., to be with his 77-year-old mother while he mulled the tapes problem.

At the airport, she asked him what was going on in Washington and he blurted out the facts about the undisclosed videotapes. At that moment, Davis recalled, he got a call from Michael Weisskopf, a Time magazine reporter who had heard rumors of something new on the coffees.

"All I can tell you: Something is going to break. I can't tell you what until I have permission," Davis said.

His mother, who had met Weisskopf, squealed excitedly, "Tell Michael about the tapes!"

"What tapes?" Weisskopf demanded. "Do you have videotapes?"

"It didn't come from me," Davis said.

"But it's coming from your mother!"

The next day, a Saturday, Time broke the story, carrying Davis' assurance that they contained nothing incriminating — just "Bill Clinton being Bill Clinton: eating Danish, drinking coffee and schmoozing." The story was on the Sunday talk shows too.

But by Monday, when the White House made all the tapes available to reporters — hour after boring hour of them — the potentially devastating story had begun to die.

The credit for a masterful bit of leaking belonged, however, not to veteran news spinner Davis but to his indiscreet, aging but still loud-voiced mother.

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