

EDITORIAL: Leak Proof (National Review)

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For three weeks this summer, Washington, D.C., was obsessed with 16 words. It was one of those firestorms that threaten to take down the presidency and get their own logos on cable-news channels, and then are forgotten. The controversy centered on President Bush's claim, during the State of the Union address, that British intelligence believed that Saddam Hussein had sought uranium in Africa. British intelligence did believe that, and believes it still. But because the CIA had no evidence to support the British view, and because one Joseph Wilson had concluded on the CIA's behalf that no uranium had been acquired from Niger, it was alleged that Bush had told lies to take us to war. Wilson wrote an op-ed piece in the New York Times suggesting that Vice President Dick Cheney had sent him to Niger to find evidence of a uranium purchase and then ignored his findings. The administration handled the flap badly, saying that it had been a mistake to include the British claim in the speech. The concession only emboldened the critics. But eventually, the controversy died down.

Until now. One phony scandal has begotten another. The new Watergate -- yes, the comparison has been made -- consists of the accusation that the Bush White House retaliated against Wilson by blowing the cover of his wife, a CIA agent. The Justice Department is investigating. Democrats say that's not enough: They want a special prosecutor, or even an independent counsel, outside the control of the putatively nefarious John Ashcroft.

It seems unlikely that any law-breaking actually occurred. The statute that makes it a felony to reveal a CIA agent's identity applies only to intentional exposures by officials with authorized access to classified information. The officials must have reason to believe that the CIA is taking active steps to conceal the agent's identity. It is not clear that whoever leaked the fact that Mrs. Wilson works for the CIA knew that she was involved in covert operations or that her identity was a secret. If a leader did not know these things -- and there was confusion about Mrs. Wilson's work at the CIA months after the leak -- he did not commit a crime. Nor did the CIA take many steps to conceal her identity. When columnist Robert Novak contacted the CIA about the leak, it confirmed her employment while asking him, mildly, not to report her name.

The same people who think they know that the administration committed a crime also think they know its motive. The leak was "payback," an attempt to intimidate other members of the intelligence community from speaking out against Bush's policies. We admit to thinking, ourselves, that the CIA could stand to do rather less undermining of administration policy. But the motive may not have been retaliatory. The news coverage of this affair has ignored the fact that Joseph Wilson had fostered the impression that Cheney had sent him on his mission to Niger. What the leaker explained was that Wilson had been suggested for the mission by his wife, who works for the CIA. In the context of the argument that dominated Washington in July, the leak does not look so sinister.

The administration's critics could be wrong about the law and about motives while still being right about the turpitude of the leak. But a moral evaluation necessitates a wider lens. The CIA's

nonchalance about the leak back in July is relevant to that evaluation. If keeping Mrs. Wilson's name out of the papers was important to national security, maybe someone should have advised Mr. Wilson not to write high-profile op-eds about jobs undertaken for the CIA that could expose his wife's employment. When Novak called Joseph Wilson to ask about his wife's job, Wilson didn't urge him not to write anything that would endanger her career, her life, or the nation's security -- all of which he now claims to be worried about, while grinning for the cameras.

There remains the possibility that a crime was committed. The Justice Department investigation should proceed, the administration should honor its promises to cooperate with it, and if any lawbreakers are identified, they should be fired and prosecuted. The government should also attend to more important tasks, such as the reform of an intelligence agency that has shown more interest in politics than in fixing its own failures.