

**THE PEOPLE OF FLORIDA AND  
THE UNITED STATES OF AMERICA**

**Plaintiffs,**

**vs.**

**BARACK HUSSEIN OBAMA  
JOSEPH ROBINETTE BIDEN JR.,**

**Defendants.**

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**CITIZENS' GRAND JURY  
OCALA FLORIDA DIVISION**

THE PEOPLE OF FLORIDA AND THE  
UNITED STATES OF AMERICA

v.

BARACK HUSSEIN OBAMA and  
JOSEPH ROBINETTE BIDEN JR.

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# INDICTMENT

CITIZENS' GRAND JURY  
OCALA FLORIDA DIVISION

THE PEOPLE OF FLORIDA AND THE	)
UNITED STATES OF AMERICA	)
	)
v.	)
	)
BARACK HUSSEIN OBAMA, an	)
individual, and JOSEPH ROBINETTE	)
BIDEN JR., an individual,	)
	)
Defendant.	)

**INDICTMENT**

THE GRAND JURY CHARGES THAT

**GENERAL ALLEGATIONS**

At all times material to this indictment

1. Defendant BARACK HUSSEIN OBAMA (hereinafter referred to as “Defendant OBAMA”) was the President of the United States of America, who was sworn into office on January 20, 2009 and has served continuously until today.
2. On January 20, Supreme Court Chief Justice John Roberts administered the oath of office to Defendant OBAMA. Defendant OBAMA raised his right hand and affirmed “I do solemnly swear that I will faithfully execute the office of the President of the United States and will to the best of my ability preserve, protect and defend the Constitution of the United States.”
3. Defendant JOSEPH ROBINETTE BIDEN JR. (hereinafter referred to as “Defendant BIDEN”) was the Vice President of the United States of America, who was sworn

into office on January 20, 2009 and has served continuously in that capacity until today.

4. On January 20, Supreme Court Justice John Paul Stevens administered the oath of the office to Defendant BIDEN. Defendant BIDEN raised his right hand and affirmed that "I ... do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same, that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully execute the duties of the office on which I am about to embark. So help me God."
5. As dictated by Article II, Section 2 of the U.S. Constitution, the "President shall be the commander in chief of the Army and Navy of the United States." In that capacity, the President is given sensitive and classified information, information that if revealed could cost the lives of American soldiers as well as place future American troops in harms way.
6. In August 2010, Leon Panetta, the director for the Central Intelligence Agency ("CIA"), informed Defendant OBAMA that CIA analysts had discovered a compound in Abbottabad believed to be where Osama Bin Laden was located. Later in 2010, Defendant OBAMA ordered Panetta to begin exploring options for a military strike on the compound.
7. On or about March 14, 2011, Defendant OBAMA called his national security advisors into the White House Situation Room and reviewed a spreadsheet listing possible courses of action against the Abbottabad compound. Most were variations of a Joint Special Operations Command (JSOC) raid or airstrike. Following the meeting,

Defendant OBAMA instructed Vice-Admiral Bill McRaven, the Navy SEALs in charge of JSOC, to proceed with planning a raid.

8. On March 29, McRaven brought the plan to Defendant OBAMA, and Defendant OBAMA directed McRaven to commence training for the raid. The Navy SEALs team began training on April 10. After ongoing discussions between McRaven and Defendant OBAMA, Defendant OBAMA decided to go ahead with the raid, and due to weather concerns, McRaven chose Sunday May 1, 2011.
9. On or about May 1, 2011 at approximately eleven o'clock in the morning, Defendant OBAMA's top advisers began gathering around a large conference table in the situation room and a video link connected them to Panetta, at C.I.A. headquarters, and McRaven, in Afghanistan. Just before four o'clock, Panetta announced to the group in the Situation Room that the helicopters were approaching Abbottabad. Defendant OBAMA then joined Defendant BIDEN, Secretary Robert Gates, and Secretary of State Hillary Clinton.
10. Several hours later, a team of SEALs (SEALs Team Six) stepped into the room that Bin Laden was located in. The first round, a 5.56-mm. bullet, struck bin Laden in the chest. As he fell backward, the SEALs fired a second round into his head, just above his left eye. On his radio, he reported, "For God and country—Geronimo, Geronimo, Geronimo." After a pause, he added, "Geronimo E.K.I.A...enemy killed in action." ("Geronimo" was to signify that bin Laden had been found). Hearing this at the White House, OBAMA said, "We got him."
11. On or about May 4, while Defendant BIDEN was at a dinner at Washington's Ritz Carlton Hotel to mark the 50<sup>th</sup> Anniversary of the Atlantic Council. At that dinner,

Defendant BIDEN revealed, “Let me briefly acknowledge tonight’s distinguished honorees. Admiral James Stavridis is a, is the real deal. He can tell you more about and understands the incredible, the phenomenal, the just almost unbelievable capacity of his Navy SEALs and what they did last Sunday... Folks, I’d be remiss also if I didn’t say an extra word about the incredible events, extraordinary events of this past Sunday. As Vice President of the United States, as an American, I was in absolute awe of the capacity and dedication of the entire team, both the intelligence community, the CIA, the SEALs. It just was extraordinary.”

12. Prior to the Atlantic Council 50<sup>th</sup> Anniversary dinner, there was no specific mention of who had killed Osama bin Laden. Defendant OBAMA did not say it was the SEALs, nor did Defendant OBAMA’s counter-terrorism chief or his deputy national security advisor. Although there had been suspicions, Defendant BIDEN was the first to make actual reference to the SEALs.
13. Several months following the release of this classified information, insurgents shot down a U.S. military helicopter during fighting in eastern Afghanistan, killing 30 Americans, most of them belonging to the same elite Navy SEALs Team Six unit that killed Osama bin Laden, as well as seven Afghan commandos.
14. As a direct result of another leak by Defendants OBAMA and BIDEN and their agents, Shakil Afridi, a Pakistani doctor who aided the Central Intelligence Agency in tracking down Osama bin Laden, was arrested and sentenced to 33 years in jail when the Pakistani authorities discovered Afridi’s involvement with the CIA after an internal government probe. Vice Presidential nominee and Congressman Paul Ryan said, “If this is the doctor that was doing DNA samples for testing to try and find

DNA strands from the bin Laden family to help us, you know, nail down that Osama bin Laden was in Abbottabad in this compound — let me be careful in my words but be really clear,” Ryan responded. “These leaks on national security coming from the White House undermine the men and women who put risks on their lives for us. This is not helpful. I suppose it could have served some short-term political gain, could have ... told some nice story.” He continued: “But let’s ask this question: If you’re a doctor in Pakistan and the American government asks you to help in the future and you see that, what do you think you’re going to do? How are we going to get people to help us in the war on terror if this is how we treat our allies in the war on terror?”

15. William Cowan, a retired United States Marine Corps Lieutenant Colonel, was in shock- not at the release of the killing of Osama Bin Laden, but rather the immediacy of it. “Why didn't we wait some amount of time to exploit the intelligence (the SEALs Team Six) got out of that compound?”
16. Scott Taylor, former United States Navy Seal in Operation Iraqi Freedom, was stunned at the details disclosed from the Osama Bin Laden raid. “I think the disclosure of specific details of the raid, how we got there, how many people we used, what were the tactics to conduct the mission and what we did afterwards. I believe that a ten year old would understand that if you disclose how we got there, how we took down the building, what we did, how many people were there the it is going to hinder future operations and certainly hurt the success of those future operations for (Department of Defense), for military, the intelligence community as a whole.”
17. Fred Rustman, a retired Central Intelligence Agency officer, voiced particular disdain for the Defendants OBAMA and BIDEN granting access to Hollywood filmmakers to

turn the raid into a movie. "Days after the raid, Hollywood was invited into the White House so that they could receive a briefing on exactly how the raid took place," Rustman says. "What kind of sources we had. What kind of methods we used. All for the purpose of making a Hollywood movie."

18. On or about March 18, the New York Times published an article titled "U.S.

Assessment of Iranian Risks Took Tricky Path"

19. On or about March 30, 2012, Defendant OBAMA ordered the release of classified intelligence assessments and documents that detail Israel's most sensitive military zones. Released were staging grounds (air base) and logistics in Azerbaijan where Israel Defense could easily strike Iran. Israel, a United States ally, had a secret relationship with Azerbaijan or at least, it had. Azerbaijan had granted Israel access to airbases in its territory along Iran's northern border for potential use in a military strike against Iranian nuclear facilities, a report published Wednesday in Foreign Policy magazine quoted senior US officials as saying. "The Israelis have bought an airfield," an official said, "and the airfield is called Azerbaijan." ... The Foreign Policy report by journalist Mark Perry, said the OBAMA administration believes the Jerusalem-Baku relationship is raising the risk of an Israeli strike on Iran. Senior U.S. officials have said that Israel's military expansion into Azerbaijan is complicating U.S. efforts to defuse Israeli-Iranian tensions. "We're watching what Israel is doing in Azerbaijan. And we're not happy about it," one official said.

20. On June 1, 2012, the New York Times documented in great detail, in an article titled "OBAMA Order Sped Up Wave of Cyberattacks Against Iran" the President's secret decision to accelerate cyber attacks on Iran's nuclear enrichment facilities with a

computer virus that came to be known as Stuxnet. The author of the article, Mr.

David Sanger, clearly states that former and current American government officials in the Obama Administration spoke to him but refused to do so on the record because they admitted that the program is both highly classified and parts of it are ongoing.

21. As a direct result of the release of classified information regarding the cyber attacks against Iran, the Iranian regime has launched, and will launch in the future, retaliatory cyber attacks on the United States and its allies.
22. On or about October 17, 2012, Iranian hackers launched a campaign of cyber attacks against United States banks, specifically targeting Capital One Financial Corp. and BB&T Corp and openly defied United States warnings to halt. The attacks, which disrupted and harmed the banks' websites, showed the ability of the Iranian group to sustain its cyber assault on the nation's largest banks for a fifth week, even as it announced its plans to attack in advance.
23. Kurt Tidd, the Vice Admiral of the United States Navy, said on October 4, 2012, in a sworn declaration in response to a Freedom of Information Act (FOIA) request, that “because the request may seek information related to military operations and intelligence activities conducted in coordination with other nations, acknowledging the existence or non-existence of records responsive to (the) request could reveal the nature and scope of the activities with these foreign nations, and would therefore invariably implicate foreign relations of the U.S. Any response by the DoD (i.e. U.S. Department of Defense) that would be seen as a confirmation or denial of its alleged involvement in the alleged cyber-attacks could raise questions with other countries about whether or not the DoD is operating clandestinely inside their borders.



*Although it is known that DoD conducts military and intelligence operations in foreign nations, publicly disclosing a particular military or intelligence activity could cause the foreign government to respond in ways that would damage U.S. national interests.”* (emphasis added).

24. Other recent articles, such as one published by the New York Times editorial titled “Secret ‘Kill List’ Proves a Test of OBAMA’s Principles and Will” divulged critical and classified information regarding U.S. plans to expand the secret drone campaign against terrorists in Yemen and the “Horn of Africa.”
25. John McCain, Senator from Arizona, who sits on the Senate Committee on Armed Services as a Ranking Minority Member as well as the Senate Committee on Homeland Security & Government Affairs, represented that “[t]here is no legitimate reason (for the information to be) out in the public domain,” adding that releasing the information “only harms our national security and the men and women sworn to protect it.”
26. Additionally, Senator McCain added that “our enemies now know much more than they even did the day before they came out about important aspects of the nation’s unconventional offensive capability and how we use them... Such disclosures can only undermine similar ongoing or future operations and, in this sense, compromise national security. For this reason, regardless of how politically useful these leaks may be to the President, they have to stop.”
27. Furthermore, Lindsey Graham, Senator from South Carolina, who sits on the Senate Subcommittee on Defense, Subcommittee on State, Foreign Operations, and Related Programs, and the Senate Committee on Armed Services, said in reference to the

numerous security leaks, “I don’t think you have to be Sherlock Holmes to figure out what is going on here. You’ve had three leaks of intelligence that paint the president as a strong leader... I don’t think it’s an accident that you have three stories within about 45 days that paint the Obama administration as being effective in the war on terror at our national security detriment... (and was perpetrated to) make the president look good” (in an election year).

28. As further evidence of this pattern of national security disclosures, more recently was the leak of information regarding an agreement between the United States and Iran, in principle, to one-on-one negotiations over Iran’s nuclear program. However, Senator Rob Portman set forth why this too is another national security leak: “[B]oth the White House and the Iranians have said it’s not true,” Portman said. “It sounds to me like (like) another example of a national security leak from the White House. You know, they’ve done a lot of that.” “The other thing that is interesting about this story is, if it’s accurate, is that it sounds like the U.S. is taking the position that we’re going to jettison our allies,” Portman said. “And as you know, there are talks going on right now, the P5-plus-1 talks [The P5-plus-1 refers to all the members of the UN Security Council, plus Germany]. The last thing we would want to do is abandon our allies in this, and to make it a one-on-one negotiation. In fact, some of those allies have actually been more forward leaning than we’ve been, to be sure these sanctions were tough and put in place.”

**COUNT ONE**

**(50 U.S.C. § 421(a) - Disclosure of Information Identifying a Covert Agent(s))**

THE GRAND JURY FURTHER CHARGES:

29. Paragraphs 1 through 28 of the General Allegations are realleged here.
30. In or about August 2010 through May 2012, Defendant OBAMA received confidential information regarding the whereabouts of Osama bin Laden as well as various possible avenues in which American soldiers could use to pursue Osama bin Laden, whereupon on May 1, 2011 (May 2 Pakistan local time) SEALs Team Six shot and killed Osama bin Laden.
31. Over the next several days, information was released at the direction of Defendant OBAMA and his Administration, specifically through Defendant BIDEN, that the SEALs Team Six special forces soldiers shot and killed Osama bin Laden.
32. Defendant BIDEN was acting at the direction of and in accordance with Defendant OBAMA'S directive.
33. As a direct result of the divulgence of this information, an Afghanistan militant group shot down a helicopter containing 30 Americans, including members of the same elite SEALs Team Six that killed Osama bin Laden.
34. Furthermore, due to other leaks by Defendant OBAMA and Biden and their agents, the identity of Shakil Afridi, the Pakistani doctor cooperating with the Central Intelligence Agency, was made public. As a result, Afridi was arrested and sentenced to thirty-three years in prison by a Pakistani judge.
35. The information leaked was done so intentionally and wantonly without regard to, or concern for, the national security of the United States and whose only purpose was to

bolster and promote Defendant OBAMA's and Defendant BIDEN's political agendas, and harm U.S. national security.

36. Defendants herein, having had authorized access to classified information that identifies covert agents, intentionally disclosed information identifying such covert agents to individuals not authorized to receive classified information, knowing that the information disclosed so identified such covert agents and that the United States government was taking affirmative measures to conceal such covert agents intelligence relations to the United States; in that defendants disclosed the identity of the covert SEALs Team Six in violation of Title 50, United States Code, Section 421(a).

## **COUNT TWO**

(18 U.S.C. § 793(d) - Disclosure of National Defense Information to attendees of the Anniversary of the Atlantic Council)

37. Paragraphs 1 through 36 of the General Allegations are realleged here.
38. The attendees at Washington's Ritz Carlton Hotel to mark the 50<sup>th</sup> Anniversary of the Atlantic Council were not persons entitled to receive information related to national defense.
39. Defendant BIDEN was acting at the direction of and in accordance with Defendant OBAMA's directive when disclosing aforementioned classified information.
40. The information leaked was done so intentionally and wantonly without regard to, or concern for, the national security of the United States and whose only purpose was to bolster and promote Defendant OBAMA's and Defendant BIDEN's political agendas, and harm U.S. national security.

41. Defendants herein, lawfully having had access to and been entrusted with information relating to the national defense, namely, the identity of the elite SEALs Team Six, which information the possessors had reason to believe could be used to the injury of the United States and to the advantage of any foreign nation or interest, willfully communicated and transmitted, caused to be communicated and transmitted, and attempted to communicate and transmit and cause to be communicated and transmitted, the same to the attendees of the dinner marking the 50<sup>th</sup> Anniversary of the Atlantic Council, persons not entitled to receive it, in violation of Title 18, United States Code, Section 793(d).

**COUNT THREE**

**(18 U.S.C. § 793(d) - Disclosure of National Defense Information to editor and authors of the New York Times)**

42. Paragraphs 1 through 41 of the General Allegations are realleged here.

43. The editors and the author of New York Times article titled “U.S. Faces a Tricky Task in Assessment of Data on Iran” James Risen were not persons entitled to receive information related to national defense.

44. Information was leaked by or on behalf of, or at the direction of, Defendant OBAMA and Defendant BIDEN.

45. The information leaked was done so intentionally and wantonly without regard to, or concern for, the national security of the United States and whose only purpose was to bolster and promote Defendant OBAMA’s and Defendant BIDEN’S political agendas, and harm U.S. national security.

46. Defendants herein, lawfully having had access to and been entrusted with information relating to the national defense, namely, the release of classified national security information disclosing the nation's sources and methods of our intelligence agents, and military capabilities, which information the possessors had reason to believe could be used to the injury of the United States and to the advantage of any foreign nation or interest, willfully communicated and transmitted, caused to be communicated and transmitted, and attempted to communicate and transmit and cause to be communicated and transmitted, the same to the editor of the New York Times and James Risen are persons not entitled to receive it in violation of Title 18, United States Code, Section 793(d).

#### **COUNT FOUR**

#### **(18 U.S.C. § 793(d) - Disclosure of National Defense Information to editor and authors of the New York Times)**

47. Paragraphs 1 through 46 of the General Allegations are realleged here.

48. The editor and the authors of New York Times article titled "U.S. War Game Sees Perils of Israeli Strike Against Iran," Mark Mazzetti and Thom Shanker, were not persons entitled to receive information related to national defense.

49. Information was leaked by or on behalf of, or at the direction of, Defendant OBAMA and Defendant BIDEN.

50. The information leaked was done so intentionally and wantonly without regard to, or concern for, the national security of the United States and whose only purpose was to bolster and promote Defendant OBAMA's and Defendant BIDEN'S political agendas, and harm U.S. national security.

51. Defendants herein, lawfully having had access to and been entrusted with information relating to the national defense, namely, the release of classified national security information disclosing the nation's sources and methods of United States intelligence agents, and military capabilities, which information the possessors had reason to believe could be used to the injury of the United States and to the advantage of any foreign nation or interest, willfully communicated and transmitted, caused to be communicated and transmitted, and attempted to communicate and transmit and caused to be communicated and transmitted, the same to the editor of the New York Times and Mark Mazzetti and Thom Shanker, who are persons not entitled to receive it in violation of Title 18, United States Code, Section 793(d).

**COUNT FIVE**

**(18 U.S.C. § 793(d) - Disclosure of National Defense Information to editor and authors of the New York Times)**

52. Paragraphs 1 through 51 of the General Allegations are realleged here.

53. The editor and the author of New York Times article titled "Obama Order Sped Up Wave of Cyberattacks Against Iran," David Sanger, were not persons entitled to receive information related to national defense.

54. Information was leaked by or on behalf of, or at the direction of, Defendant OBAMA and Defendant BIDEN.

55. The information leaked was done so intentionally and wantonly without regard to, or concern for, the national security of the United States and whose only purpose was to bolster and promote Defendant OBAMA's and Defendant BIDEN's political agendas, and harm U.S. national security.

56. Defendants herein, lawfully having had access to and been entrusted with information relating to the national defense, namely, the release of classified national security information disclosing the nation's sources and methods of our intelligence agents, and military capabilities, which information the possessors had reason to believe could be used to the injury of the United States and to the advantage of any foreign nation or interest, willfully communicated and transmitted, caused to be communicated and transmitted, and attempted to communicate and transmit and cause to be communicated and transmitted, the same to the editor of the New York Times and David Sanger, who are persons not entitled to receive it in violation of Title 18, United States Code, Section 793(d).

**COUNT SIX**

**(18 U.S.C. § 793(d) - Disclosure of National Defense Information to Editor and Authors of the New York Times)**

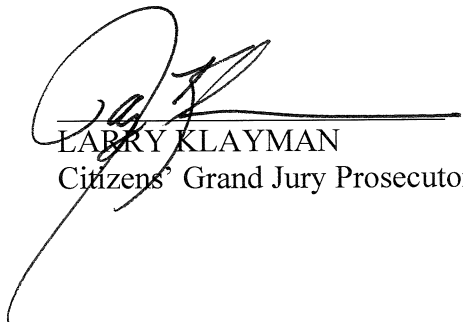
57. Paragraphs 1 through 56 of the General Allegations are realleged here.
58. The editor and the author of New York Times article titled "Secret 'Kill List' Proves a Test of Obama's Principles and Will" Jo Becker and Scott Shane were not persons entitled to receive information related to national defense.
59. Information was leaked by or on behalf of, or at the direction of, Defendant OBAMA and Defendant BIDEN.
60. The information leaked was done so intentionally and wantonly without regard to, or concern for, the national security of the United States and whose only purpose was to bolster and promote Defendant OBAMA's and BIDEN's political agendas, and harm U.S. national security.



61. Defendants herein, lawfully having had access to and been entrusted with information relating to the national defense, namely, the release of classified national security information disclosing the nation's sources and methods of our intelligence agents, and military capabilities, which information the possessors had reason to believe could be used to the injury of the United States and to the advantage of any foreign nation or interest, willfully communicated and transmitted, caused to be communicated and transmitted, and attempted to communicate and transmit and cause to be communicated and transmitted, the same to the editor of the New York Times and Jo Becker and Scott Shane, who are persons not entitled to receive it in violation of Title 18, United States Code, Section 793(d)

A TRUE BILL

\_\_\_\_\_  
FOREPERSON

  
\_\_\_\_\_  
LARRY KLAYMAN  
Citizens' Grand Jury Prosecutor

**APPLICABLE  
LAW:  
COUNT ONE**

**TITLE 50 - WAR AND NATIONAL DEFENSE****CHAPTER 15 - NATIONAL SECURITY****SUBCHAPTER IV - PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION****§ 421. Protection of identities of certain United States undercover intelligence officers, agents, informants, and sources****(a) Disclosure of information by persons having or having had access to classified information that identifies covert agent**

Whoever, having or having had authorized access to classified information that identifies a covert agent, intentionally discloses any information identifying such covert agent to any individual not authorized to receive classified information, knowing that the information disclosed so identifies such covert agent and that the United States is taking affirmative measures to conceal such covert agent's intelligence relationship to the United States, shall be fined under title 18 or imprisoned not more than 15 years, or both.

**(b) Disclosure of information by persons who learn identity of covert agents as result of having access to classified information**

Whoever, as a result of having authorized access to classified information, learns the identity of a covert agent and intentionally discloses any information identifying such covert agent to any individual not authorized to receive classified information, knowing that the information disclosed so identifies such covert agent and that the United States is taking affirmative measures to conceal such covert agent's intelligence relationship to the United States, shall be fined under title 18 or imprisoned not more than 10 years, or both.

**(c) Disclosure of information by persons in course of pattern of activities intended to identify and expose covert agents**

Whoever, in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States, discloses any information that identifies an individual as a covert agent to any individual not authorized to receive classified information, knowing that the information disclosed so identifies such individual and that the United States is taking affirmative measures to conceal such individual's classified intelligence relationship to the United States, shall be fined under title 18 or imprisoned not more than three years, or both.

**(d) Imposition of consecutive sentences**

A term of imprisonment imposed under this section shall be consecutive to any other sentence of imprisonment.

(July 26, 1947, ch. 343, title VI, § 601, as added Pub. L. 97–200, § 2(a), June 23, 1982, 96 Stat. 122; amended Pub. L. 106–120, title III, § 304(b), Dec. 3, 1999, 113 Stat. 1611; Pub. L. 111–259, title III, § 363(a), Oct. 7, 2010, 124 Stat. 2701.)

**Amendments**

2010—Subsec. (a). Pub. L. 111–259, § 363(a)(1), substituted “15 years” for “ten years”.

Subsec. (b). Pub. L. 111–259, § 363(a)(2), substituted “10 years” for “five years”.

1999—Subsec. (a). Pub. L. 106–120, § 304(b)(2)(A), substituted “shall be fined under title 18” for “shall be fined not more than \$50,000”.

Subsec. (b). Pub. L. 106–120, § 304(b)(2)(B), substituted “shall be fined under title 18” for “shall be fined not more than \$25,000”.

Subsec. (c). Pub. L. 106–120, § 304(b)(2)(C), substituted “shall be fined under title 18” for “shall be fined not more than \$15,000”.

**APPLICABLE  
LAW:  
COUNTS TWO  
THROUGH SIX**

**TITLE 18 - CRIMES AND CRIMINAL PROCEDURE**  
**PART I - CRIMES**  
**CHAPTER 37 - ESPIONAGE AND CENSORSHIP**

**§ 793. Gathering, transmitting or losing defense information**

(a) Whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, fueling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, research laboratory or station or other place connected with the national defense owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers, departments, or agencies, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, stored, or are the subject of research or development, under any contract or agreement with the United States, or any department or agency thereof, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place so designated by the President by proclamation in time of war or in case of national emergency in which anything for the use of the Army, Navy, or Air Force is being prepared or constructed or stored, information as to which prohibited place the President has determined would be prejudicial to the national defense; or

(b) Whoever, for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain, any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or

(c) Whoever, for the purpose aforesaid, receives or obtains or agrees or attempts to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts to receive or obtain it, that it has been or will be obtained, taken, made, or disposed of by any person contrary to the provisions of this chapter; or

(d) Whoever, lawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted or attempts to communicate, deliver, transmit or cause to be communicated, delivered or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or

(e) Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it; or

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

(f) Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, note, or information, relating to the national defense,

(1) through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, or

(2) having knowledge that the same has been illegally removed from its proper place of custody or delivered to anyone in violation of its trust, or lost, or stolen, abstracted, or destroyed, and fails to make prompt report of such loss, theft, abstraction, or destruction to his superior officer—

Shall be fined under this title or imprisoned not more than ten years, or both.

(g) If two or more persons conspire to violate any of the foregoing provisions of this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy.

(h) (1) Any person convicted of a violation of this section shall forfeit to the United States, irrespective of any provision of State law, any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, from any foreign government, or any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, as the result of such violation. For the purposes of this subsection, the term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1) of this subsection.

(3) The provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853 (b), (c), and (e)–(p)) shall apply to—

(A) property subject to forfeiture under this subsection;

(B) any seizure or disposition of such property; and

(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

(4) Notwithstanding section 524 (c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

(June 25, 1948, ch. 645, 62 Stat. 736; Sept. 23, 1950, ch. 1024, title I, § 18, 64 Stat. 1003; Pub. L. 99–399, title XIII, § 1306(a), Aug. 27, 1986, 100 Stat. 898; Pub. L. 103–322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 103–359, title VIII, § 804(b)(1), Oct. 14, 1994, 108 Stat. 3440; Pub. L. 104–294, title VI, § 607(b), Oct. 11, 1996, 110 Stat. 3511.)

## Historical and Revision Notes

Based on sections 31 and 36 of title 50, U.S.C., 1940 ed., War and National Defense (June 15, 1917, ch. 30, title I, §§ 1, 6, 40 Stat. 217, 219; Mar. 28, 1940, ch. 72, § 1, 54 Stat. 79).

Section consolidated sections 31 and 36 of title 50, U.S.C., 1940 ed., War and National Defense.

Words “departments or agencies” were inserted twice in conformity with definitive section 6 of this title to eliminate any possible ambiguity as to scope of section.

The words “or induces or aids another” were omitted wherever occurring as unnecessary in view of definition of “principal” in section 2 of this title.

Mandatory punishment provision was rephrased in the alternative.

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

Minor changes were made in phraseology.

### **Amendments**

1996—Subsec. (h)(1). Pub. L. 104–294 inserted at end “For the purposes of this subsection, the term ‘State’ includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”

1994—Pub. L. 103–322 substituted “fined under this title” for “fined not more than \$10,000” in undesignated par. after subsec. (f).

Subsec. (h)(3). Pub. L. 103–359 substituted “(p)” for “(o)” in two places.

1986—Subsec. (h). Pub. L. 99–399 added subsec. (h).

1950—Act Sept. 23, 1950, divided section into subdivisions, inserted laboratories and stations, and places where material or instruments for use in time of war are the subject of research or development to the list of facilities and places to which subsection (a) applies, made subsection (d) applicable only in cases in which possession, access, or control is lawful, added subsection (e) to take care of cases in which possession, access, or control, is unlawful, made subsection (f) applicable to instruments and appliances, as well as to documents, records, etc., and provided by subsection (g) a separate penalty for conspiracy to violate any provisions of this section.

### **Indictment for Violating This Section; Limitation Period**

Limitation period in connection with indictments for violating this section, see note set out under section 792 of this title.


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[Congressional Record Volume 158, Number 83 (Tuesday, June 5, 2012)]  
[Senate]  
[Pages S3717-S3720]

### Security Leaks

Mr. MCCAIN. Madam President, over the past few months there has been a disturbing stream of articles in the media and common among them, they cite elite, classified, or highly sensitive information in what appears to be a broader effort by the administration to paint a portrait of the President of the United States as a strong leader on national security issues--information for which there is no legitimate reason whatsoever to believe should be in the public domain. Indeed, the release of this information in these articles harms our national security and puts in danger the lives of the men and women who are sworn to protect it.

What price did the administration apparently pay to proliferate such a Presidential persona--highly valued in an election year? Access. Access to senior administration officials who appear to have served as anonymous sources divulging extremely sensitive military and intelligence information and operations.

With the leaks that these articles were based on, our enemies now know much more than they did the day before they came out about important aspects of our Nation's unconventional offensive capabilities and how we use them. Such disclosures can only undermine similar ongoing or future operations and, in this sense, compromise our national security. For this reason, regardless of how politically useful these leaks may have been to the President, they have to stop. These leaks have to stop.

The fact that this administration would aggressively pursue leaks perpetrated by a 22-year-old Army private in the Wikileaks matter and former CIA employees in other leaks cases but apparently sanction leaks made by senior administration officials for political purposes is simply unacceptable. It also calls for the need for a special counsel to investigate what happened.

I am also pleased to report that Chairman Carl Levin has agreed, at my request, to hold a hearing on these leaks in the Senate Armed Services Committee. The Senate Armed Services Committee has a responsibility here, and I am grateful that Chairman Levin has agreed to hold a hearing.

In the latest of the recently published articles--published on June 1, 2012, just a few days ago--the New York Times documented in rich detail the President's secret decision to accelerate cyber attacks on Iran's nuclear enrichment facilities with a computer virus that came to be known as Stuxnet. The author of the article, Mr. David Sanger, clearly states that former and current American officials spoke to him but refused to do so on the record because the program is both highly classified and parts of it are ongoing. I repeat, the administration officials discussed a most highly classified operation that is both highly classified and still ongoing, an operation that was clearly one of the most tightly held national security secrets in our country until

now. And I might point out to my colleagues that this is all about the Iranian effort to acquire nuclear weapons, which is one of the most difficult national security challenges this Nation faces.

Other recent articles divulged critical and classified information regarding U.S. plans to expand the secret drone campaign against terrorists in Yemen and the Horn of Africa. One of these pieces was a sorry excuse for journalism that the New York Times published on May 29, 2012, which Charles Krauthammer rightly observed should have been entitled ``Barack Obama--Drone Warrior.''

Finally, there was a recent so-called article about the so-called ``kill list''--the highly classified list of counterterrorism targets against whom the President has authorized lethal action--in other words, to kill. It was reported in that article on May 29, 2012, in the New York Times that David Axelrod, the President's chief political adviser--who is running the reelection campaign as we speak--began attending the meetings in which this list was discussed. I repeat, the President's campaign manager was present and attending the meetings where lists of possible people to be eliminated through drone strikes was discussed and decisions were made. The only conceivable motive for such damaging and compromising leaks of classified information is that it makes the President look good.

These are not the only times I have been frustrated about national security-related leaks coming from this administration. The administration similarly helped journalists publish some of the highly sensitive tactics, techniques, and procedures that enabled our special operations forces--including the classified name of the unit involved--to carry out the operation to kill Osama bin Laden last year. It is entirely possible that this flurry of anonymous boasting was responsible for divulging the identity of Dr. Shakil Afridi, the Pakistani doctor who assisted us in our search for Osama bin Laden and whose public exposure led to his detention and a 33-year prison sentence in Pakistan. His name was divulged by members of the administration, and he has been basically given a death sentence, a 33-year sentence in prison in Pakistan. Our friends are not the only ones who read the New York Times; our enemies do, too.

Let me be clear. I am fully in favor of transparency in government. I have spent my entire career in Congress furthering that principle. But what separates these sorts of leaks from, say, the whistleblowing that fosters open government or a free press is that these leaks expose no violations of law, abuses of authority, or threats to public health or safety. They are gratuitous and utterly self-serving.

These leaks may inhibit the Nation's ability to employ the same or similar measures in its own defense in the future. How effectively the United States can conduct unmanned drone strikes against belligerents, cyber attacks against Iran's nuclear program, or military operations against terrorists in the future depends on the secrecy with which these programs are conducted. Such activities are classified or enormously sensitive for good reason--in many cases, for reasons related to operational security or diplomacy. Their public disclosure should have no place in how this or any other administration conducts itself. These are the kinds of operations and intelligence matters no one should discuss publicly, not even the President.

With this in mind, I call on the President to take immediate and decisive action, including the appointment of a special counsel, to aggressively investigate the leak of any classified information on which the recent stories were based and, where appropriate, to prosecute those responsible. A special counsel will be needed because the articles on the U.S. cyber attacks on Iran and expanded plans by the United States to use drones in Yemen were sourced to--and I quote from the articles--``participants in the [cyber-attack] program'' and ``members of the [P]resident's national security team.'' In the cyber attacks article, in particular, the author stated that ``current and former American officials'' spoke to him anonymously about the program

because ``the effort remains highly classified and parts of it continue to this day.''

What could be worse?

The suggestion that misconduct occurred within the executive branch is right there in black and white and is why a special counsel is needed.

As part of this investigation, this special counsel should also scrutinize the book from which the New York Times cyber attacks article was adapted, which was just released yesterday, for other improper or illegal disclosures.

Where classified information regarding cyber operations was leaked, the President should assess any damage that those leaks may have caused to national security and how that damage can be mitigated.

In my view, the administration should be taking these leaks, apparently perpetrated by senior administration officials, as seriously as it pursued those made by relatively low government personnel such as the Army private in the WikiLeaks matter or the former CIA employee who provided the New York Times with classified information about U.S. attempts to sabotage the Iranian nuclear program. The failure of the administration to do so would confirm what today is only an inference--that these leaks were, in fact, sanctioned by the administration to serve a pure political purpose.

As I continue to closely monitor developments in this matter, I hope to be proved wrong.

There is a Wall Street Journal article, ``FBI Probes Leaks about Cyberattacks by U.S.''. I am glad the FBI is going to probe that. It says Mr. Sanger, in an appearance on CBS News ``Face the Nation,'', suggested that deliberate White House leaking ``wasn't my experience.''

[[Page S3719]]

He added:

I spent a year working on the story from the bottom up and then went to the administration and told them what I had. Then they had to make some decisions about how much they wanted to talk about . . . I'm sure the political side of the White House probably likes reading about the President acting with drones and cyber and so forth. National security side has got very mixed emotions about it because these are classified programs.

Mr. Sanger again is authenticating that senior members of the White House and our intelligence community decided to talk to him about classified programs. Their motivation for doing so--perhaps we don't know particularly at this time, but I don't think one could argue that these articles have all conveyed the impression that the President is a very strong warrior in carrying out his responsibilities as Commander in Chief, something I have disputed as far as Iraq, Afghanistan, and other national security issues, which I will discuss on another day.

I don't know how one could draw any conclusion but that senior members of this administration in the national security arena have either leaked or confirmed information of the most highly classified and sensitive nature. Some of these leaks have concerned ongoing operations. Since they were highly classified and sensitive information, that classification was there for a reason--the reason being that if that information was classified, it could harm our national security.

These are very serious actions on their part. They are very serious actions when ongoing operations in the war against terror and the issue of Iranian acquisition of nuclear weapons could trigger attacks either by Israel or the United States to prevent such an eventuality. We now find leaks which have exposed, not only to the American people but to the Iranians as well, exactly what American activity is of the most

sensitive nature. This is not a proud day for the United States of America.

I ask unanimous consent that following the remarks of Senator Chambliss, he and I be permitted to engage in a colloquy.

The PRESIDING OFFICER (Mr. Casey). Without objection, it is so ordered.

(Disturbance in the Visitors' Galleries)

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I wish to thank my friend from Arizona for his very direct comments on this very sensitive issue. As vice chairman of the Senate Select Committee on Intelligence, I can say without a doubt that these ongoing leaks of classified information are extraordinarily harmful to our intelligence operations.

Every day we ask our intelligence officers and agents to be out there on the frontlines, putting their life in harm's way, gathering information, meeting sources, and using a variety of highly sensitive collection techniques. Depending on where these officers are around the world, the operating environment can be both dangerous and downright hostile. This means they have to be as much or more on guard to ensure that operations don't get blown and their own lives and the lives of our sources are not jeopardized.

But each time classified information shows up in the media, the intelligence community's ability to do these dangerous assignments becomes that much more difficult. Not only do these leaks tell our enemies how we do our jobs and therefore how they can block or impede our efforts, but with each leak our friends and allies are left to wonder how much they can trust us with their own secrets.

These are not hypothetical concerns. Senator McCain alluded to a couple of anecdotes. Also, a few weeks ago, in the middle of an ongoing operation, we all--friends and enemies alike--learned the details of efforts to disrupt an al-Qaida plot to bomb a civilian aircraft. Up to that point, most Members of Congress knew nothing about this operation. That is how sensitive we were told it was. Unfortunately, rather than quietly recognize our--and, frankly, our partners'--successes and move on with the business of protecting the American people, some in the administration apparently decided that scoring political points in an election year outweighed protecting our intelligence operations as well as our liaison relationship with our intelligence partners around the world.

Whether we could have learned more from an operation that was cut short by this leak will now never be known, but we have been warned by some of our allies they will think twice before they share highly classified information with us.

Unfortunately, the leak of the airline plot was no isolated incident. From kill lists and bin Laden movies to cyber warfare, it appears nothing is off-limits, nothing is too secret, no operation is too sensitive, and no source is too valuable to be used as a prop in this election year posturing. The doctor associated with the bin Laden operation appears to be paying the price for this posturing. Following public disclosures of his involvement, he has been sentenced to 33 years in prison--a true life sentence of 33 years in prison in Pakistan. This hardly provides incentive for anyone else to help us.

These disclosures--whether quietly sanctioned or not--are simply unacceptable, and they are against the law. This administration reminds us repeatedly that they are prosecuting more people for leaking classified information than ever before, and I support that effort. But just as we hold ordinary government employees accountable for violating their oaths to protect our Nation's secrets, we must also hold the most senior administration officials accountable. Recently, the FBI began an investigation into the scenario surrounding this latest bomb plot, and I applaud the FBI's efforts. Following the public disclosure in the press reports on comments made by senior administration officials, I sent a letter to Director Mueller and asked him to please include this

aspect of these leaks in his investigation. I received a letter back today that he is indeed going to do that, and I applaud that. I don't know whether the reports are true. I have no idea. But if they are, they are serious violations of the law having been conducted by senior administration officials.

Beyond that, we still have to do more. So today I join with my good friend Senator McCain from Arizona in calling for the appointment of a special counsel to investigate this pattern of recent leaks. Leaks should never be tolerated, but leaking for political advantage is especially troubling. There must be swift and clear accountability for those responsible for playing this dangerous game with our national security.

The Senator from Arizona has been around here a lot longer than me. He has been involved in the world of national security for many years, both on the frontline himself as well as a Member of this body.

Has the Senator from Arizona ever seen anything as egregious as the purported leaks that are coming from this administration on these highly classified and sensitive number of programs that we have seen in the last few days and weeks?

Mr. McCAIN. As my colleague well knows, the leaks are part of the way the environment exists in our Nation's capital, and leaks will always be part of the relationship between media and both elected and appointed officials. I understand that. I think my colleague would agree there have been times where abuses have been uncovered and exposed because of leaks so this information was made public, and we have always applauded that.

There has also continuously been a problem of overclassification of information so government officials don't have to--be it Republican or Democratic administrations--discuss what is going on publicly.

But I have to tell my friend, I do not know a greater challenge that the United States faces in the short term than this entire issue of Iran acquiring nuclear weapons. The President of the United States said it would be ``unacceptable.'' We all know the Israelis are going through an agonizing decisionmaking process as to whether they need to attack Iran before they reach ``breakout,'' which means they have enough parts and equipment to assemble a nuclear weapon in a short period of time.

Here we are exposing something that, frankly, I was never told about. I was never informed of Stuxnet, and it is ongoing, at least according to the media reports. So aren't the Iranians going to

[[Page S3720]]

learn from this? I would ask my colleague, aren't the Iranians going to become more and more aware?

Drone strikes are now one of the leading methods of going after al-Qaida and those radical terrorists who are intent on destroying America. So now al-Qaida and our enemies, both real and others who plan to be, are very aware of the entire decisionmaking process in the White House.

I guess the most disturbing part--and I would ask my friend--it is one thing to have a private, in the WikiLeaks matter, who had access to it, low-level members of certain agencies, one in the CIA who I know was prosecuted, but this is, according to the articles that are written, the highest levels in the White House are confirming this classified information and maybe even volunteering it, for all we know.

But there, obviously, has been a very serious breach of perhaps the two most important challenges we face: the Iranian nuclear process and, of course, the continued presence and efforts of al-Qaida to attack America.

I wonder if my friend from Georgia would agree that these are two of the most challenging national security issues America faces.

Mr. CHAMBLISS. Mr. President, I think my friend from Arizona is exactly right. There have been rumors of the drone program for actually

a couple years now, maybe back almost into some period back into the Bush administration. As a member of the Intelligence Committee, we were always told--and rightfully so--this is a covert program and we simply cannot discuss it. So we never have. Now we pick up the newspaper, and over the last several weeks we have seen the President of the United States discussing the drone program. We have seen the Attorney General of the United States discussing the drone program. We have seen the National Security Adviser discussing the drone program. Yet, technically, we as Members of Congress--particularly members of the Intelligence Committee--cannot talk about this because they are covert programs.

So there is simply no question but that our enemy is better prepared today because of these various leaks and public disclosures.

Let me move to the other issue the Senator has talked about, though, the issue of the nuclear weaponization of Iran. There is no more important national security issue in the world today. It is a daily discussion at the United Nations, it is a daily discussion at the Pentagon, it is a daily discussion in Israel and in virtually every part of the Middle East that we cannot allow for the country of Iran to become nuclear weaponized. Here, all of a sudden, we see public disclosure, whether all of it is true or not, in a newspaper article on the front page of an American newspaper, detailing a purported program of attack against that Iranian program.

What are our friends in the intelligence community to think? What are our friends in Israel to think? How much cooperation are they going to now give us from the standpoint of disclosing information to the U.S. Intelligence community on any program if they can expect that--if this is, in fact, true--what they tell us is going to be on the front page of the New York Times? Not only that, but it is not coming from some private who went on the Internet and found a bunch of classified documents. It is coming from statements made, supposedly, by high-level administration officials.

It puts us in a real--not a quandary. This is not a quandary. It puts us in a position of having to defend ourselves with our allies over certain statements that purportedly are made by high senior administration officials. I simply can never remember a scenario of information being leaked where we have the level of administration officials that now supposedly have made these comments, and they are quoted by name in some instances.

Mr. MCCAIN. Could I finally add, the disturbing aspect of this is that one could draw the conclusion, from reading these articles, that it is an attempt to further the President's political ambitions for the sake of his election at the expense of our national security. That is what is disturbing about this entire situation.

I see our friend from Oregon is waiting to illuminate us, so I yield the floor. I thank my friend from Oregon for his patience.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

[...]

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## McCain Calls for Special Counsel to Investigate Leaks

June 6th, 2012 by Steven Aftergood

*Updated below*

Sen. John McCain asked the Obama Administration to appoint a special counsel to investigate recent leaks of classified information to the news media. He condemned the disclosure of classified information in several recent news stories involving U.S. cyber attacks on Iran's nuclear program and the use of drones in targeted killing programs, among others. And he accused the Obama Administration of willfully promoting the disclosures.

The leaks appear to be part of "a broader effort by the administration to paint a portrait of the President of the United States as a strong leader on national security issues," Sen. McCain [said on the Senate floor yesterday](#).

Sen. Saxby Chambliss echoed that assessment. "From kill lists and bin Laden movies to cyber warfare, it appears nothing is off-limits, nothing is too secret, no operation is too sensitive, and no source is too valuable to be used as a prop in this election year posturing."

Sen. McCain therefore demanded an urgent investigation into the leaks.

"I call on the President to take immediate and decisive action, including the appointment of a special counsel, to aggressively investigate the leak of any classified information on which the recent stories were based and, where appropriate, to prosecute those responsible," he [said](#).

Sen. McCain indicated that Sen. Carl Levin, chair of the Senate Armed Services Committee, had agreed to hold hearings on the subject.

Beyond the expression of outrage, Sen. McCain's [statement](#) had a number of other interesting features.

He noted the "unacceptable" incongruity of prosecuting lower-level personnel such as [Bradley Manning](#), [Jeffrey Sterling](#) or [John Kiriakou](#) for allegedly leaking classified information while holding senior officials blameless for what appear to be comparable offenses.

"The fact that this administration would aggressively pursue leaks perpetrated by a 22-year-old Army

private in the Wikileaks matter and former CIA employees in other leaks cases but apparently sanction leaks made by senior administration officials for political purposes is simply unacceptable,” Sen. McCain said.

Sen. Chambliss added that “This administration reminds us repeatedly that they are prosecuting more people for leaking classified information than ever before, and I support that effort. But just as we hold ordinary government employees accountable for violating their oaths to protect our Nation’s secrets, we must also hold the most senior administration officials accountable.”

Sen. McCain also made the complicating observation that leaks of classified information are normal, to be expected, and sometimes positively desirable.

“As my colleague well knows, the leaks are part of the way the environment exists in our Nation’s capital, and leaks will always be part of the relationship between media and both elected and appointed officials. I understand that. I think my colleague would agree there have been times where abuses have been uncovered and exposed because of leaks..., and we have always applauded that,” Sen. McCain said.

Further, he noted, “There has also continuously been a problem of overclassification of information so government officials don’t have to—be it Republican or Democratic administrations—discuss what is going on publicly.” But he did not call for a special counsel to investigate overclassification or propose other measures to address that problem.

Sen. Dianne Feinstein also issued a statement yesterday condemning leaks. She noted her intention to include new provisions in the pending intelligence authorization bill to require “more forceful investigations of unauthorized disclosures” and “additional authorities and resources for the U.S. government to identify and prosecute” those who leak classified information.

**Update:** The White House Press Secretary said today that “We are not going to comment on any of the specific information contained in the articles referenced by Senator McCain. This administration takes all appropriate and necessary steps to prevent leaks of classified information or sensitive information that could risk ongoing counterterrorism or intelligence operations. Any suggestion that this administration has authorized intentional leaks of classified information for political gain is grossly irresponsible.”

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## One Response to “McCain Calls for Special Counsel to Investigate Leaks”

1.



C Ronk Says:

June 6th, 2012 at 11:47 am

“But he did not call for a special counsel to investigate overclassification or propose other measures to address that problem.”

Thank you for noting this.

Legislation should also be pursued, a la the language of past executive orders on the subject,



# POLITICO

## White House, McCain tangle over leaks

By BYRON TAU |

6/6/12 4:00 PM EDT

The White House and Sen. John McCain (R-Ariz.) are embroiled in a war of words over the issue of classified leaks to journalists — with McCain calling the disclosures politically motivated for electoral purposes.

"The White House today claimed that my criticism of the Administration's involvement in, and culpability for, leaks of sensitive and classified information is 'grossly irresponsible,'" McCain said in a statement.

"It is difficult to escape the conclusion that these recent leaks of highly classified information, all of which have the effect of making the President look strong and decisive on national security in the middle of his re-election campaign, have a deeper political motivation," McCain said.

The most recently major leaks of classified information involved the president's personal involvement in a classified drone program complete with a 'kill list,' as well as the revelation of a highly classified computer worm targeted at Iran — both major New York Times scoops.

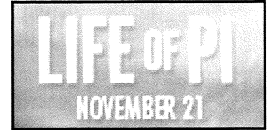
McCain called those leaks and others "grossly irresponsible" — echoing the same criticism that White House press secretary Jay Carney leveled at McCain earlier Wednesday.

"Any suggestion that this administration has authorized intentional leaks of classified information for political gain is grossly irresponsible," Carney told reporters.

"This is not a game. This is far more important than mere politics. Laws have apparently been broken. This leaking of classified information needs to be investigated, and those officials who are found to be responsible, where appropriate, should be prosecuted," McCain said.

He was joined in his outrage this week by a bipartisan group of intelligence panel leaders on the Hill.

"In recent weeks, we have become increasingly concerned at the continued leaks regarding sensitive intelligence programs and activities, including specific details of sources and methods. The accelerating pace of such disclosures, the sensitivity of the matters in question, and the harm caused to our national security interests is alarming and unacceptable," Sens. Dianne Feinstein (D-Calif.) and Saxby Chambliss (R-Ga.) and Reps. Mike Rogers (R-Mich.) and Dutch Ruppersberger (D-Md.) said in a statement.



August 15, 2012

# Ex-Officers Attack Obama Over Leaks on Bin Laden Raid

By SCOTT SHANE

WASHINGTON — In a direct attack on one of President Obama’s political strengths, a group of former special operations and C.I.A. officers started a campaign on Tuesday night accusing Mr. Obama of recklessly leaking information about the raid that killed Osama bin Laden and other security matters to gain political advantage.

The new group, called the Special Operations Opsec Education Fund, using shorthand for “operational security,” describes itself as nonpartisan, but some of its leaders have been involved in Republican campaigns and Tea Party groups. A 22-minute video called “Dishonorable Disclosures” featured on its Web site appears to be aimed squarely at the president, echoing charges made previously by Mitt Romney and other Republicans.

The Obama campaign immediately compared the effort to the “Swift Boat” advertisements against Senator John Kerry in the 2004 presidential campaign. Like that effort, which attacked Mr. Kerry’s military record in Vietnam, the Opsec site goes after Mr. Obama’s strong points on national security — specifically his role in overseeing the military-Central Intelligence Agency raid that killed Bin Laden, the founder of Al Qaeda, in May 2011.

Security officials and members of both parties in Congress have sharply criticized leaks about classified operations under Mr. Obama, and some Republicans have complained about news briefings on the Bin Laden raid and assistance to filmmakers making a movie about the operation. But the administration has also overseen an unprecedented number of prosecutions for press disclosures, and in June, Attorney General Eric H. Holder Jr. directed two United States attorneys to investigate leaks discussed in the Opsec video.

Chad Kolton, who was the spokesman for the director of national intelligence in the Bush administration and now represents the Opsec group, said that because it was classified as a 501(c)(4) educational group under tax laws, it was not required to identify its donors. He said the group had raised nearly \$1 million since June and intended to run television and Internet ads, as well as show the video in swing states.

Mr. Kolton rejected the comparison with the Swift Boat advertisements, saying they reflected

narrow differences of opinion about Mr. Kerry's war record. He said the Opsec group had a broader purpose in speaking out against leaks and the politicization of the Navy SEALs and the C.I.A., and it hoped to keep working after the election. No one who was involved in the Swift Boat campaign is working with the Opsec group, he said.

Asked whether the group was not itself bringing the SEALs and C.I.A. into the presidential campaign, Mr. Kolton said that leaks were a bipartisan concern, noting that some Democrats, including Senator Dianne Feinstein of California, chairwoman of the Intelligence Committee, had complained vociferously about them and called for a criminal inquiry.

Of the video's anti-Obama tone and content, Mr. Kolton said: "I realize you see a lot of criticism directed at the Obama administration. But that's the current administration." He said "several dozen" former military and intelligence officers were supporting the campaign.

The Opsec group shares an office suite in Alexandria, Va., with a Republican consulting firm, the Trailblazer Group. Christian Ferry, a partner in the firm, said that he had sublet space to Opsec because it included "people I know," but that Trailblazer had no role in the project.

Among the featured former members of the elite Navy special operations teams are Benjamin Smith, whose Facebook page identifies him as a model and actor who served in Iraq and later became a spokesman for the Tea Party Express and several Republican campaigns. Another former SEAL member, Scott Taylor, is the group's president and ran unsuccessfully as a Republican candidate for Congress in Virginia in 2010.

In a telephone interview, Mr. Taylor acknowledged the Republican ties of some members but said, "As many or more are apolitical."

"This issue is more than just politics," he said. "Folks from this group, including me, have buried enough of our buddies."

In an effort to portray Mr. Obama as a braggart taking credit for the accomplishments of special forces and intelligence operatives, the video omits some of his remarks in announcing Bin Laden's killing. In that late-night televised address, Mr. Obama credited 10 years of "tireless and heroic work of our military and our counterterrorism professionals," but that is edited out.

In a CNN interview last month, Adm. William H. McRaven of the Navy, who oversaw the raid as commander of the Joint Special Operations Command, said, "The president and his national security team — I'm not a political guy, but I will tell you as, as an interested observer in this — they were magnificent in how they handled it start to finish."

He added: “At the end of the day, make no mistake about it, it was the president of the United States that shouldered the burden for this operation, that made the hard decisions, that was instrumental in the planning process, because I pitched every plan to him.”

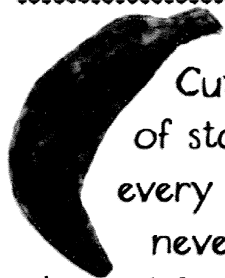
Asked about the Opsec group, Ben LaBolt, an Obama campaign spokesman, said: “The Republicans are resorting to Swift Boat tactics because when it comes to foreign policy and national security, Mitt Romney has offered nothing but reckless rhetoric. His two major foreign policy speeches never even mentioned Al Qaeda once, and he hasn’t outlined a plan for America’s relations with a single region of the world.”

Mr. LaBolt said Mr. Obama promised in 2008 to “end the war in Iraq in a responsible way and refocus on taking out Al Qaeda’s leaders, and few would question that he’s kept his word.”

*Kitty Bennett contributed research.*

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## Former Navy SEAL chides Obama for taking credit for Osama bin Laden death

ERIK ORTIZ

A group of former special operations and intelligence members is sounding off against President Barack Obama in a documentary released Wednesday that accuses him of taking credit for the death of Osama bin Laden.

The group, calling itself the Special Operations OPSEC Education Fund, is also upset about alleged security leaks under the Obama administration — saying the lapses are putting overseas military members at risk.

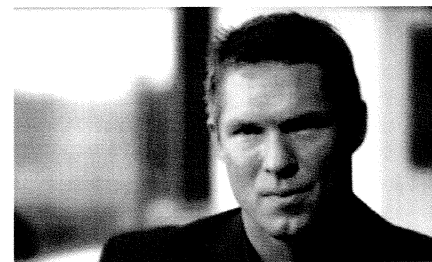
"Mr. President, you did not kill Osama bin Laden, America did," Ben Smith, identified as a Navy SEAL, says in the online documentary, "Dishonorable Disclosures." "The work that the American military has done killed Osama bin Laden. You did not."

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Ben Smith, described as a Navy SEAL in the documentary, 'Dishonorable'

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OPSECTeam via YouTube The documentary, 'Dishonorable Disclosures,' describes how security leaks under the Obama administration have threatened national security.

Scott Taylor, a former Navy SEAL and the group's president, told Reuters that politics wasn't the motivation behind creating OPSEC, but that members are worried that the current administration "has certainly leaked more than others."

OPSECTeam via YouTube Scott Taylor, a former Navy SEAL, complains that the Obama administration has allowed for more high-level leaks than other presidencies.

Taylor was reportedly unsuccessful in his 2010 bid seeking the Republican nomination for a congressional seat in Virginia.

He told the New York Times that while some members are Republican, more of them are “apolitical.”

"This issue is more than just politics," he told the newspaper. "Folks from this group, including me, have buried enough of our buddies."

During the one-year anniversary in May of bin Laden's death, Obama's re-election campaign released a Web ad that lauded the President for going after bin Laden and questioned whether Republican presidential nominee Mitt Romney would have done the same.

JIM WATSON/AFP/Getty Images President Barack Obama delivers remarks during a campaign event in Mansfield Central Park in Mansfield, Ohio, on Aug. 1.

The Times noted that while the OPSEC film shows Obama announcing the death of bin Laden, it leaves out the President giving kudos to the “tireless and heroic work of our military and our counterterrorism professionals.”

OPSEC, which registered as a nonprofit and says it has \$1 million to spend, plans to release TV ads in six battleground states this summer, including Ohio, Florida and Virginia, Reuters reported.

The White House has denied leaking high-level information, although members of Congress have criticized leaks about several classified events, including the military raid that killed bin Laden and cyber sabotage of Iran’s nuclear program.

Obama campaign spokesman Ben LaBolt compared OPSEC’s motives to the way Democratic presidential contender Sen. John Kerry was treated in 2004 when his service during the Vietnam War was questioned.

Charles Dharapak/AP Republican presidential candidate Mitt Romney campaigns in Des Moines, Iowa, in August.

“The Republicans are resorting to Swift Boat tactics because when it comes to foreign policy and national security, Mitt Romney has offered nothing but reckless rhetoric,” LaBolt said in a statement.

Romney’s campaign didn’t immediately comment Wednesday.

eortiz@nydailynews.com

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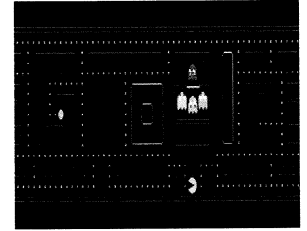
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Aug 16, 2012 11:52am

## Former SEALs, Intel Officers, Form Group Assailing White House for Leaks

(<http://abcnews.go.com/author/jake-tapper/>)

By Jake Tapper

(<http://abcnews.go.com/author/jake-tapper/>)

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A new group of former intelligence and national security officers is attacking — on the web and soon in TV ads — the Obama White House for the various scandals over leaks.

The group, which does not have to disclose its donors, is called the Special Operations Opsec Education Fund.

Obama campaign spokesman Ben LaBolt said in a statement that “the Republicans are resorting to Swift Boat tactics because when it comes to foreign policy and national security, Mitt Romney has offered nothing but reckless rhetoric. His two major foreign policy speeches never even mentioned Al Qaeda once, and he hasn’t outlined a plan for America’s relations with a single region of the world. In 2008, the President said he’d end the war in Iraq in a responsible way and refocus on taking out Al Qaeda’s leaders, and few would question that he’s kept his word.”

On its website (<http://www.opsecteam.org/>), the Special Operations Opsec Education Fund specifically cites as objectionable the disclosure of information about the **killing of OBL** (<http://content.usatoday.com/communities/theoval/post/2012/08/aide-no-spiking-the-football-on-bin-laden/1#.UCoT5qmPUTY>), the Obama campaign’s use of the killing as a campaign tool, the access to

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information about the raid given to filmmaker Kathryn Bigelow (<http://abcnews.go.com/blogs/politics/2012/05/leon-panetta-nothing-inappropriate-shared-with-bin-laden-filmmakers/>), the confirmation by the US government of the participation of the Pakistani doctor (<http://abcnews.go.com/blogs/politics/2012/05/leon-panetta-calls-pakistan-doctor-treason-sentence-disturbing/>) that resulted in his imprisonment, as well as information about (<http://news.yahoo.com/blogs/power-players-abc-news/obama-isn-t-telling-us-101948668.html>) the Stuxnet virus, the US-British-Saudi agent who foiled an al Qaeda plot, and the Kill List.

The group also seems quite motivated by the perception that President Obama took credit for the work of Navy SEALs, though in its 22-minute video "Dishonorable Disclosures" (which can be viewed HERE ([http://www.youtube.com/watch?v=X-Xfti7qtTo&feature=player\\_embedded](http://www.youtube.com/watch?v=X-Xfti7qtTo&feature=player_embedded))) the group selectively edits out comments the president made praising "the tireless and heroic work of our military and our counterterrorism professionals" and similar sentiments.

The group's mission statement reads: "STOP the politicians, President Obama and others, from politically capitalizing on US national security operations and secrets! EDUCATE the public on the importance and necessity of Operational Security in today's environment. To Do Nothing is not an option as that allows the special operations and intelligence capabilities to be degraded, and paraded around like a show dog...ACTION IS REQUIRED NOW!"

While the president and the Obama administration find themselves under fire for these leaks, the Obama administration has been more aggressive than any previous administration (<http://abcnews.go.com/blogs/politics/2012/02/the-wh-loves-aggressive-journalism-abroad-todays-qs-for-os-wh-2222012/>) in prosecuting individuals under the Espionage Act for leaking materials it deems sensitive, including some who good government groups consider to be whistle-blowers (<http://www.whistleblower.org/blog/42-2012/1767-jake-tapper-grills-wh-press-secretary-over-espionage-actwhistleblower-charges-daily-whistleblower-news>).

The Obama campaign noted that the president of OPSEC, former Navy SEAL Scott Taylor, is a failed Republican congressional candidate, and its spokesman, Chad Kolton, was President George W. Bush's former spokesman for the office of Director of National Intelligence and Office of Management and Budget, who began his career in the press office of now-Speaker John Boehner, R-Ohio.

-Jake Tapper

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## Former SEALs and CIA operatives to launch campaign blasting Obama over leaks and bragging over bin Laden death

- **Ben Smith, former SEAL, says: 'It is my civic duty to tell the president to stop leaking information to the enemy. It will get Americans killed.'**
- **Video released by OPSEC - short for Operational Security - which claims to be nonpartisan**

By [Toby Harnden](#)

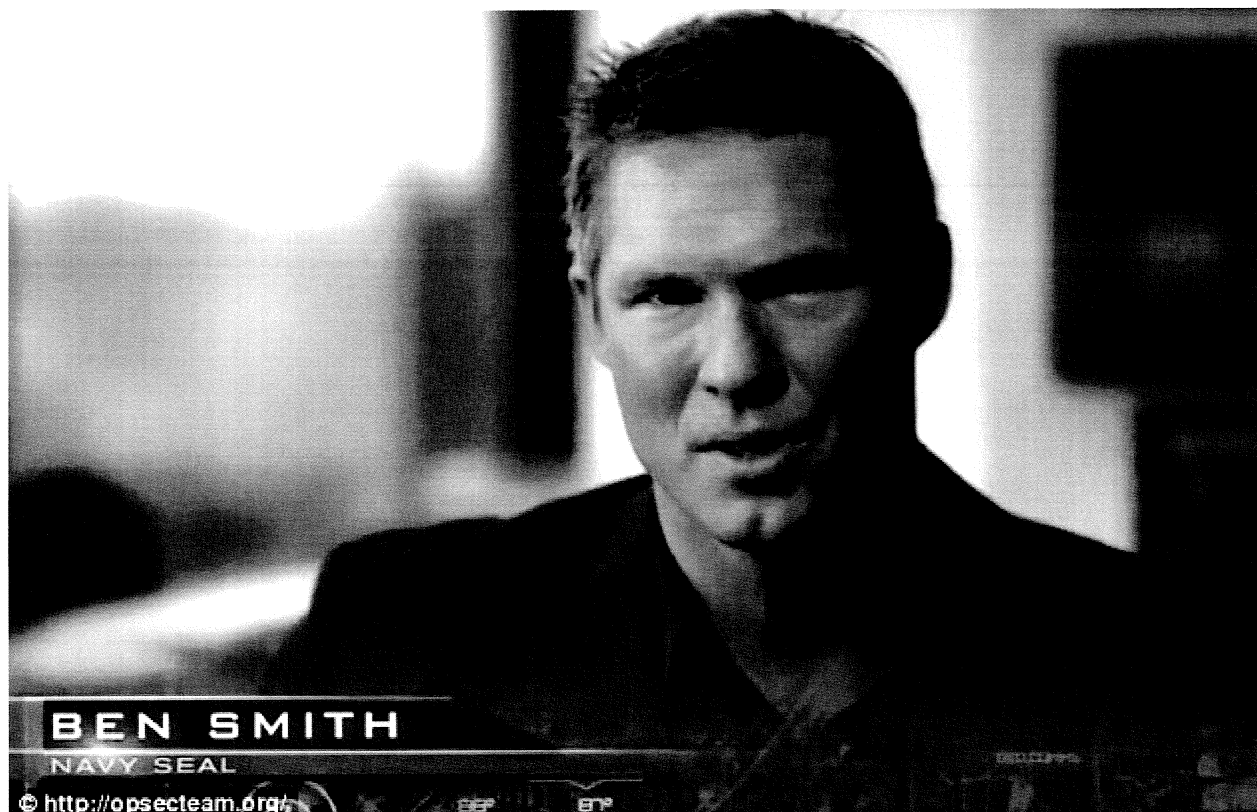
**PUBLISHED:** 13:09 EST, 15 August 2012 | **UPDATED:** 16:42 EST, 15 August 2012

A group of former U.S. Navy SEALs, other Special Forces troops and CIA operatives is to launch a national campaign to tell Barack Obama: 'Mr. President, you did not kill Osama bin Laden, America did.'

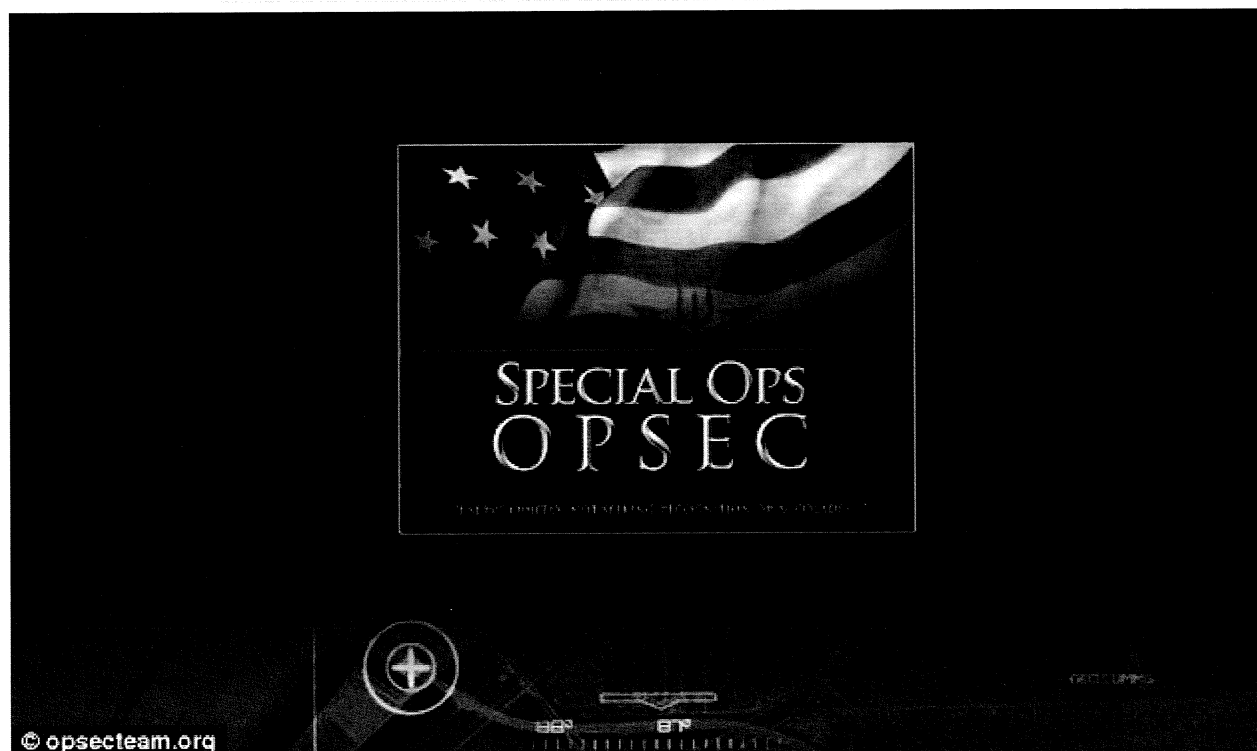
The group, calling itself OPSEC, short for Operational Security, will also highlight the slew of national security leaks from the Obama administration, which Mitt Romney has also focused on.

And in May, former and serving SEALs told MailOnline of their dismay that Obama had begun to use the killing of the terror mastermind to his own political advantage.

**Scroll down for video**



**Not in my name: Navy SEAL Ben Smith speaks out against the Obama administration's leaking of classified material**



**Spreading the message: OPSEC insists it is nonpartisan and not connected to any presidential campaign or political party**

'Intelligence and Special Operations members are angry and frustrated at how our work has been used for political advantage by officials across government, including President Obama himself who bears special

responsibility as Commander in Chief,' Scott Taylor, chairman of OPSEC and a former SEAL, told Reuters.

'We want the American people to understand the cost of these leaks and politicization both on those who serve and on our national security and to hold those in positions of leadership accountable if it doesn't stop.'

Last month, Ryan Zinke, a retired SEAL commander and Republican state senator, launched a new super PAC to run ads in swing states against Obama.

In 2004, the famous Swift Boat ads of 2004 cast doubt on Senator John Kerry's Vietnam service and could well have cost him the White House.



**Savvy: Obama pictured having breakfast today with military veterans in Cedar Rapids, Iowa. Former Navy SEALs are to launch a national campaign criticizing him for using their work to his political advantage**

Leaders of the OPSEC insist it is nonpartisan and not connected to any presidential campaign or political party.

Its opening attack on Obama is a 22-minute film. In it, Ben Smith, a former SEAL, says: 'Mr. President, you did not kill Osama bin Laden, America did. The work that the American military has done killed Osama bin Laden. You did not.'

'As a citizen, it is my civic duty to tell the president to stop leaking information to the enemy. It will get Americans killed.'

The video also contains an emotional interview with Debbie Lee, mother of Marc Alan Lee, the first Navy SEAL to be killed in Iraq, to honor her son's sacrifice for his country.

MailOnline was the first to report dissatisfaction among SEALs with what they saw as Obama's unseemly attempts to highlight his own role in the death of bin Laden.

Zinke was among those interviewed.



**Sacrifice: Debbie Lee (left) speaks on the OPSEC video. Her son Marc Alan Lee (right, with his mother) was the first Navy SEAL killed in Iraq**

Their dismay was triggered by an Obama campaign ad entitled 'One Chance'. In it President Bill Clinton

[dailymail.co.uk/news/.../Former-SEALs-CIA-operatives-slam-Obama-leaks-bin-Laden-bragging.html?...](http://dailymail.co.uk/news/.../Former-SEALs-CIA-operatives-slam-Obama-leaks-bin-Laden-bragging.html?...)

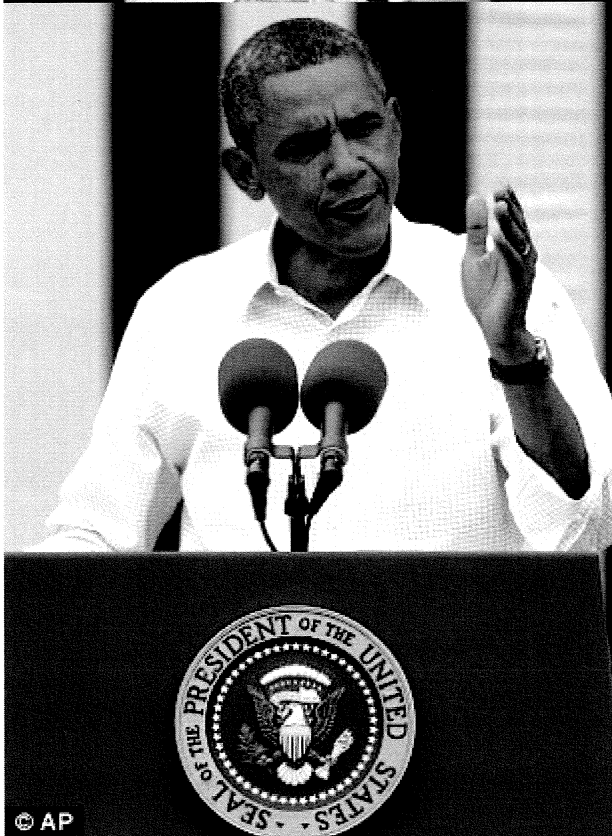
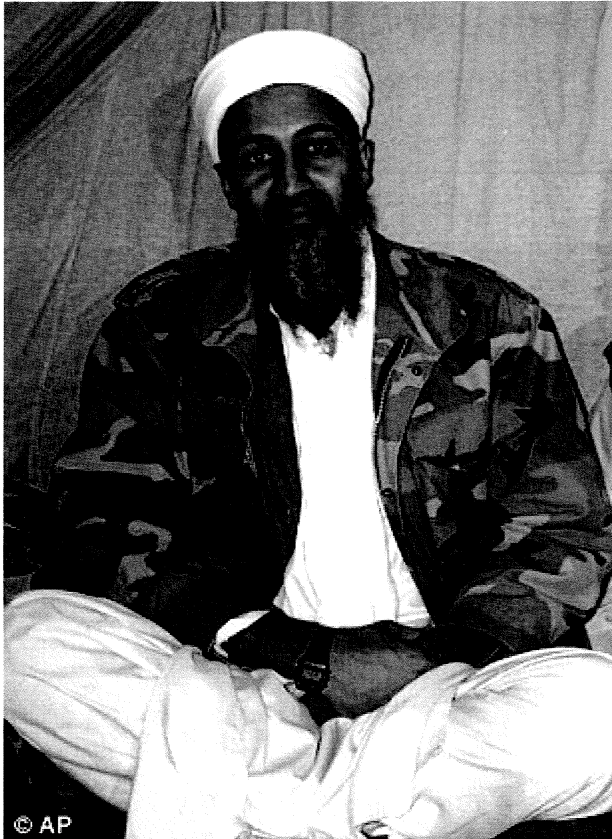
was featured saying that Obama took 'the harder and the more honorable path' in ordering that bin Laden be killed. The words 'Which path would Mitt Romney have taken?' were then displayed.

The White House also marked the first anniversary of the SEAL Team Six raid that killed bin Laden inside his compound in Abbottabad, Pakistan with a series of briefings and an NBC interview in the Situation Room designed to highlight the 'gutsy call' made by Obama.

In a press conference, Obama trumpeted his personal role and implied that Romney, who in 2008 expressed reservations about the wisdom of sending troops into Pakistan, would have let bin Laden live.



**Critical: a group of former Navy SEALs has slated Obama for national security leaks including information surrounding the death of Osama bin Laden**



**Compromised:** The video released by a group of military experts believes that the assassination of Osama bin Laden (left) was compromised by the speed in which President Obama (right) announced it to the country

'I said that I'd go after bin Laden if we had a clear shot at him, and I did,' Mr Obama said. 'If there are others who have said one thing and now suggest they'd do something else, then I'd go ahead and let them explain it.'

Obama has sought to capitalise on his foreign policy record on the stump, emphasising the death of bin Laden, the end of the Iraq war and his plans to pull troops out of Afghanistan.

But Romney and other Republicans have pointed to media stories reports about secret drone attacks, informers within al Qaeda and cyber warfare attacks against Iran that have helped boost image as a strong leader.



**Combat:** The new video suggests that Obama is fighting personal political battles using the work of the U.S. military





**Intelligence: Retired CIA officer Dave LaMorte (left) and operative Simon (right), who could not reveal his identity, spoke of the dangers that the American military were being placed in because of government leaks**



Scott Taylor, president of Special Operations OPSEC Education Fund Incorporated and a former SEAL who ran unsuccessfully for the Republican nomination for a congressional seat in Virginia in 2010, said his group was a 'watchdog organisation' but added that the Obama administration 'has certainly leaked more than others'.

Fred Rustmann, a former CIA case and now OPSEC spokesman, said its focus on leaks was 'not a partisan concern' but the Obama administration had been leaking 'to help this guy get re-elected, at the expense of peoples' lives', adding: 'We want to see that they don't do this again.'

The Obama administration is pointing to a CNN interview last month in which Admiral William McRaven, who oversaw the raid, said: 'At the end of the day, make no mistake about it, it was the president of the United States that shouldered the burden for this operation, that made the hard decisions, that was instrumental in the planning process, because I pitched every plan to him.'

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## Obama administration DID leak classified information to filmmakers on Osama bin Laden raid

- Kathryn Bigelow and Mark Boal, who made Oscar-winning film *The Hurt Locker*, given access
- Secret 'vault' where raid was planned and identity of Navy SEAL involved in mission given to filmmakers
- Controversy that film's release date before November elections would 'boost Obama's ratings'

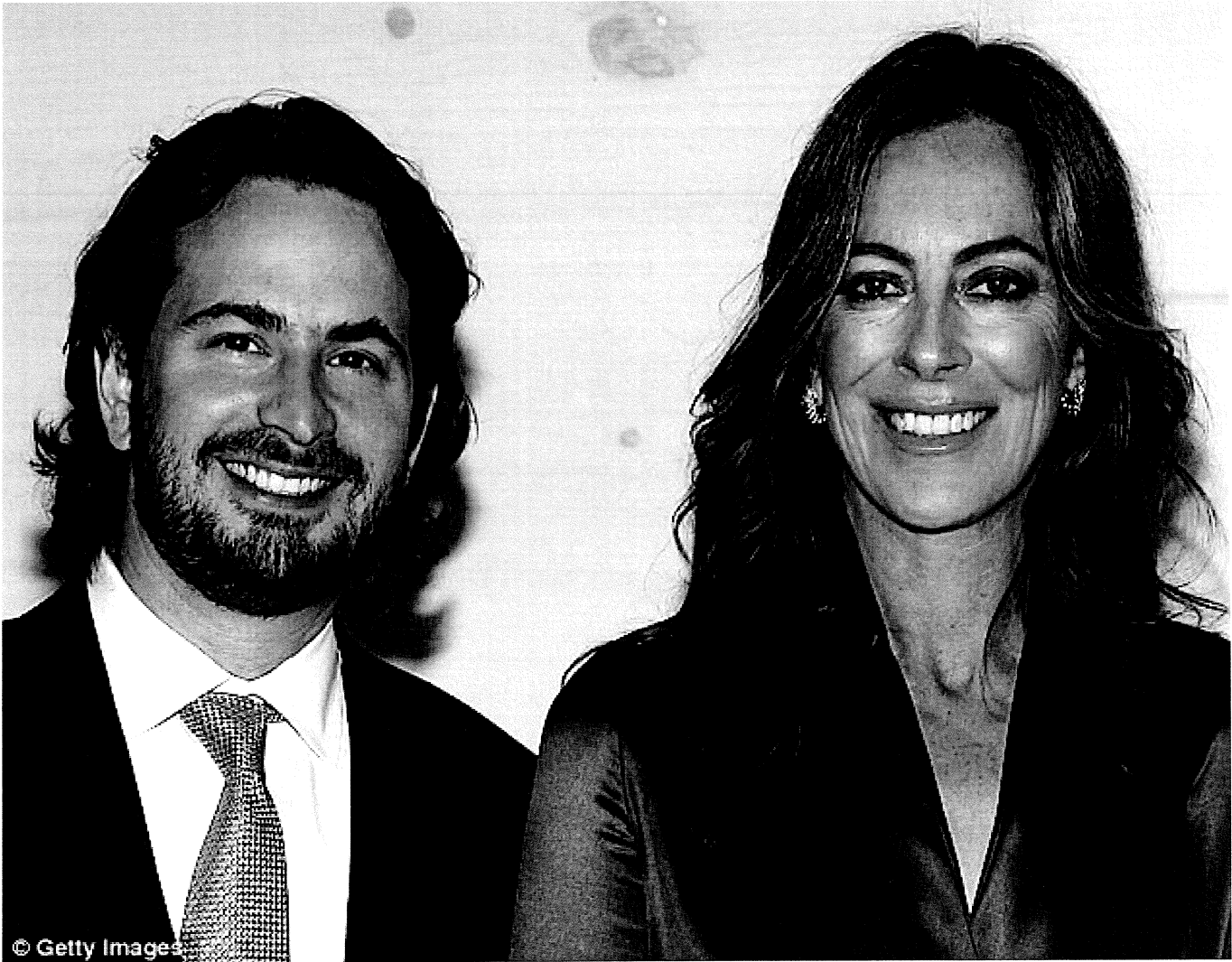
By Daily Mail Reporter

**PUBLISHED:** 08:13 EST, 23 May 2012 | **UPDATED:** 10:17 EST, 23 May 2012

The Obama administration arranged for Hollywood filmmakers to have special access to government officials involved in the commando operation that killed Osama bin Laden, it has been revealed.

Conservative legal group Judicial Watch posted what it claimed was 153 pages of Pentagon documents and 113 pages of CIA documents about the film project on its website yesterday.

The paper trail revealed that filmmakers were given access to top White House officials, the identity of a SEAL team member involved in the raid on bin Laden's compound in Pakistan and were taken to the top-secret 'vault' where the attack was planned.



**Access Hollywood: Director Kathryn Bigelow and screenwriter Mark Boal have been given special privileges to White House, CIA and Pentagon information to make a film about the mission to kill Osama bin Laden**

The exchanges were between White House, CIA, Pentagon officials and Kathryn Bigelow and Mark Boal, the director and screenwriter of *The Hurt Locker*, a 2008 film about the Iraq war that won an Oscar for Best Picture.

The film project, titled *Zero Dark Thirty* about the May 2011 raid on bin Laden's compound in Pakistan, became a focus of controversy last year when it was reported that its release date was weeks before the November 6 election - timed to boost President Obama's image to voters.

Producers have now pushed the release back to December.

The documents were obtained through a lawsuit filed under the Freedom of Information Act - which can be used to force government agencies to release undisclosed information.

Neither the CIA nor the Pentagon disputed the authenticity of the documents. A spokesman for the National Security Council said the White House would have no comment on the documents beyond those issued last August by press secretary Jay Carney, who said the Obama administration had not given the filmmakers classified information.



**Destined for Hollywood: President Obama, VP Joe Biden and Secretary of State Hillary Clinton watch the raid on bin Laden's compound in Pakistan**

The CIA and Pentagon said there was nothing unusual about their dealings with the filmmakers.

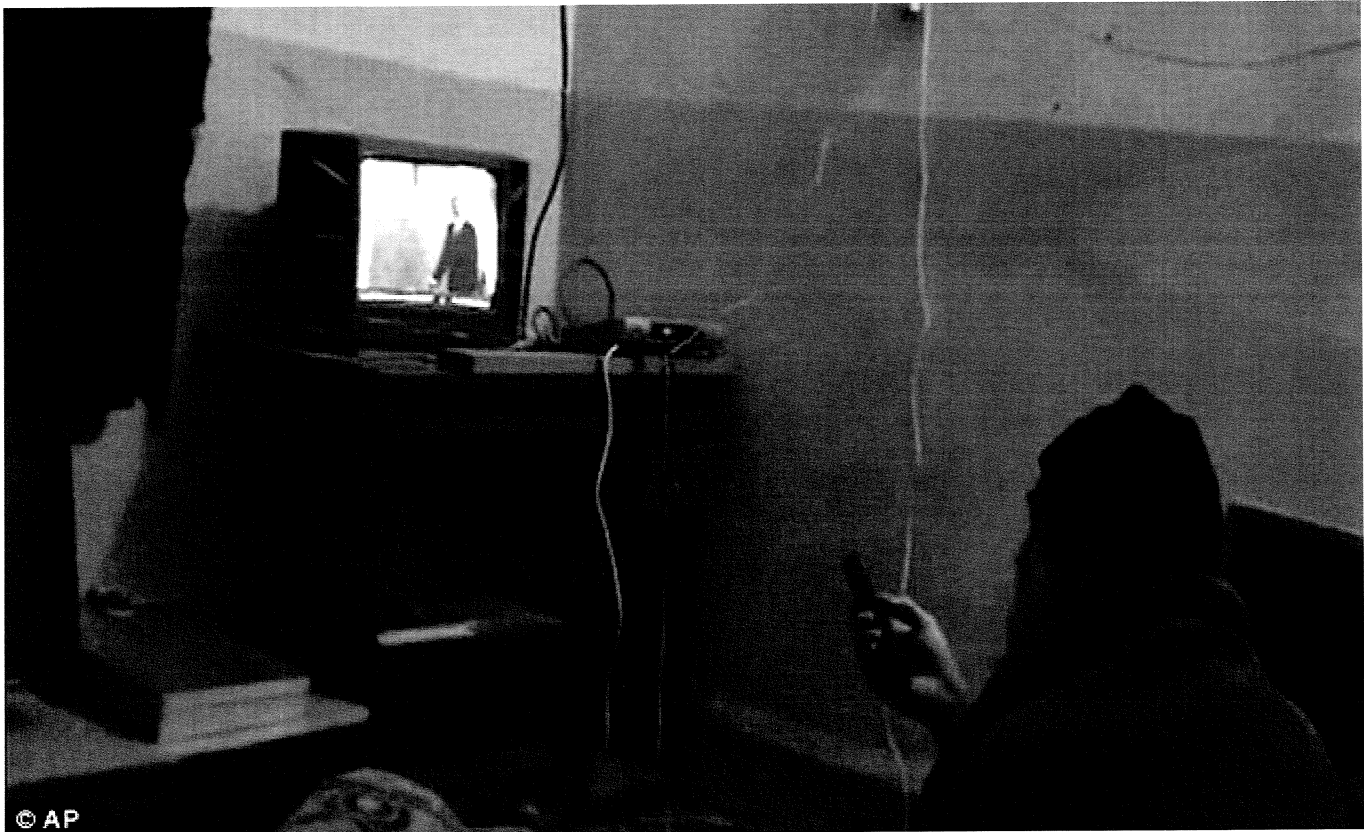
'The CIA has been open about our engagement with writers, documentary filmmakers, movie and TV producers, and others in the entertainment industry,' said Jennifer Youngblood, an agency spokeswoman.

She added: 'Our goal is an accurate portrayal of the men and women of the CIA, their vital mission and the commitment to public service that defines them.'

'The protection of national security equities is always paramount in any engagement with the entertainment industry.'

Pentagon spokesman George Little said: 'The Department of Defence, as well as other agencies and departments, regularly engage with the entertainment industry to inform projects ranging from books to documentaries to feature films.'

'Many individuals in the industry expressed interest in developing projects on what can only be described as one of the top intelligence and military successes of a generation. Our engagement on these projects was driven by a desire to inform, not by timing.'



**One to watch: A film about the Navy SEAL raid which led to the death of bin Laden in May 2011 was originally planned for release weeks before the November 6 elections - but has been pushed back**

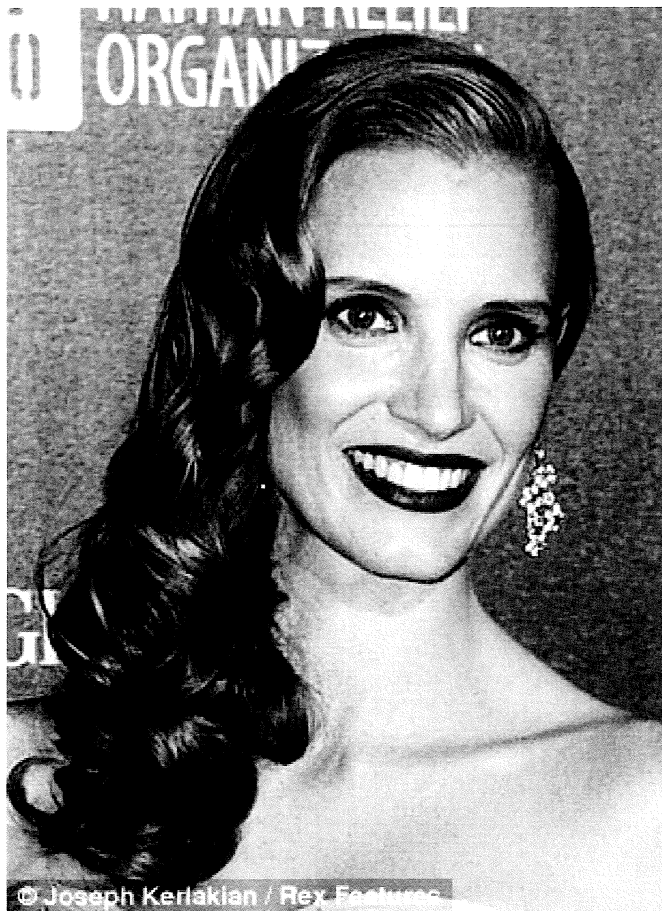
In a statement posted on its website, Judicial Watch said the documents indicated that the Pentagon granted Bigelow and Boal access to a 'planner, Operator and Commander of SEAL Team Six,' the Navy commando unit that carried out the raid during which bin Laden was killed in Abbottabad, Pakistan.

Included was a transcript of a July 14, 2011, meeting with Pentagon officials in which Bigelow and Boal indicate that Boal met with White House National Security Council official Denis McDonough and chief counter-terrorism adviser John Brennan to discuss the film project.

The transcript quotes Michael Vickers, the Pentagon's intelligence chief, giving the filmmakers the identity of a senior SEAL team member involved in the raid on the condition that 'you not reveal his name in any way as a consultant, because... he shouldn't be talking out of school'.

Judicial Watch said that it also obtained an internal CIA email that indicates Bigelow and Boal were granted access to 'the vault' - a CIA installation where some of the planning for the bin Laden raid took place.

Other correspondence released by the government indicated that although they were helping the filmmakers, Obama administration officials otherwise sought to limit media access to those involved in the bin Laden operation and other counter-terrorism insiders.



**Glamor: Jessica Chastain and Chris Pratt will reportedly star in the film titled Zero Dark Thirty scheduled for release in December**

public affairs chief, that the Defence Department 'would like to shape the story to prevent any gross inaccuracies,' but it did not 'want to make it look like the commanders think it's okay to talk to the media'.

Judicial Watch said another Pentagon email described how a representative of the Glover Park Group, a Washington lobbying firm with close ties to the Democratic Party, helped arrange the filmmakers' access to administration officials.

The Glover Park group had no immediate comment.

## **The protection of national security equities is always paramount in any engagement with the entertainment industry.**

*Jennifer Youngblood, CIA spokeswoman*

An investigation was undertaken by Judicial Watch into the Obama administration's dealings with the filmmakers after seeing press reports suggesting that the administration might have leaked classified information as source material for the film.

Maureen Dowd, a columnist for the New York Times, wrote last year that the movie was scheduled to open on October 12, just more than three weeks before the November 6 presidential election.

After the column appeared, U.S. Representative Peter King, the outspoken Republican who chairs the House Committee on Homeland Security, asked the Inspectors General of both the Pentagon and CIA to investigate the administration's dealings with the filmmakers, suggesting in a letter that he was concerned about leaks of classified information.

At the time, White House spokesman Jay Carney rejected King's suggestion that security had been compromised as 'ridiculous' and denied the White House had disclosed any classified information to the filmmakers.

The movie is being filmed in India and Jordan and stars Chris Pratt, Jessica Chastain and Joel Edgerton, according to movie website IMDB.

With release scheduled for December 19, the movie is produced by Megan Ellison, daughter of Oracle Corp chief Larry Ellison, and backed by Sony Pictures.

Media reports have said the release was delayed until after the presidential election to prevent the project from being associated with partisan politics.

As the presidential campaign has heated up, some Republicans have accused Obama and the White House of exploiting the bin Laden raid and other counter-terrorism successes for political purposes.

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## The Truth-O-Meter Says:



# The Obama administration "leaked information, deliberately or otherwise, that led to the identification of the Pakistani doctor that helped us in achieving our goals and killing bin Laden."

Special Operations OPSEC Education Fund on Wednesday, August 15th, 2012 in a web video

## Group blames Obama for linking CIA to a Pakistani doctor

Some former special forces soldiers and CIA officers have produced [a video](#) that accuses President Barack Obama of trying to score political points by leaking sensitive intelligence information.

The 20-minute video from the group Special Operations OPSEC (short for Operations Security) focuses on the administration's actions surrounding the raid that killed Osama bin Laden. The group claims it isn't favoring a candidate, but it's clear Obama is being targeted.

The video makes many points, including one about the arrest by Pakistan of a local doctor recruited by the CIA.

"With wanton disregard," OPSEC member Jamie Williamson, a retired Special Forces colonel, says in the video, "this administration leaked information, deliberately or otherwise, that led to the identification of the Pakistani doctor that helped us in achieving our goals and killing bin Laden."

Retired Maj. Gen Paul Valley follows up. "I'm not sure we have anybody in senior leadership today that understands the propriety and how risky it is on leaks," he says.

Former CIA officer Fred Rustman delivers the final summation. "What was done was stupid," Rustman says. "But it was more than stupid. It was done with malice aforethought. It was done for a political purpose. And that's what I find terrible."

We are checking several claims from the video. We've previously examined the claim that the Obama administration invited filmmakers to the White House and revealed intelligence sources and methods. We ruled that [Mostly False](#).

In this item, we'll check the claim that the Obama administration leaked the doctor's name.

We got no reply to several requests to the OPSEC group for facts that support their claim about the Pakistani doctor. From what we can tell, there aren't any.

### Raid details emerge

In the weeks after the raid, U.S. officials shared many action-packed details of the operation. The public learned about the number and type of helicopters used and the crash landing that endangered the entire mission. The administration released diagrams of the bin Laden compound where gun battles took place and the room where bin Laden was killed.

The OPSEC video suggests that the administration went even further, releasing information that led to the identification and imprisonment of the Pakistani doctor.

Early on, U.S. officials said that a bin Laden courier led intelligence officials to bin Laden's house. What the U.S. did with that information was left vague. Citing an unnamed government source, the *Boston Globe* reported two days after the raid that "They began monitoring the site day and night with pilotless surveillance aircraft and other tools."



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A video that describes the importance of secrecy in national security missions and the dangers of leaks.

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**Published:** Wednesday, August 22nd, 2012 at 12:08 p.m.

**Subjects:** [Foreign Policy](#), [Message Machine 2012](#), [Military](#), [Terrorism](#)

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**Written by:** [Jon Greenberg](#)  
**Researched by:** [Jon Greenberg](#)  
**Edited by:** [Bill Adair](#)



By June, the public knew the name of the bin Laden courier and that the CIA had set up a safe-house near the bin Laden compound. The details were sketchy but it was clear that the CIA had established an operation in Abbottabad.

### Pakistan responds and finds a nurse

The raid chilled relations with Pakistan, a key U.S. ally, because U.S. officials suspected that some Pakistani officials had been less than forthcoming in helping the U.S. track down bin Laden.

Pakistan's Directorate for Inter-Service Intelligence, often called the ISI, is the country's FBI and CIA rolled up in one. The bin Laden raid was something of an embarrassment for the agency and top Pakistani officials.

According to Saeed Shah, a reporter for McClatchy and the British newspaper the *Guardian* in Abbottabad, the ISI moved quickly to track down people who might have helped American intelligence agencies keep an eye on the bin Laden compound.

"The ISI arrested anyone associated with the house," Shah told PolitiFact.

One person they arrested was a nurse.

"She boasted about having been inside the OBL house," Shah said, adding that the boast "made its way through the community and eventually to me."

The ISI questioned and released the woman. It turned out she had been working for Shakil Afridi, the Pakistani doctor who was later arrested and jailed. The nurse likely led the ISI to Afridi, but it's also possible they would have been tipped off due the odd nature of a project Afridi was running.

To help the CIA, Afridi had set up a fake vaccination program as a ruse to get DNA samples from the bin Laden household. A close match with a son or grandchild of bin Laden would show that family members lived in the house. Bin Laden was known to keep his family with him so if they were there, chances were good that bin Laden was too. Shah reported that Pakistan had connected Afridi with the CIA and had arrested him.

Shah said he learned about Afridi from the nurse and residents of Abbotabad who knew about the vaccination program.

"There was no U.S. leak on Afridi," Shah told us.

To the contrary, he says, "the U.S. administration tried to stop me publishing the story, both the CIA and the State Dept, by approaching my editors at McClatchy," Shah said, "and also by appealing to me directly by telling me that it would put Afridi's life at risk."

Although news reports after Shah's initial story cited a U.S. government official for confirmation, the evidence indicates that Shah's reporting came from Pakistani sources and residents.

CNN's national security analyst Peter Bergen reached the same conclusion. "It is obvious that this information was leaked not by the Americans but the Pakistanis who have done their own investigation of the bin Laden raid," Bergen wrote in a CNN opinion piece.

According to Pakistan's report on Afridi, right after the raid, his CIA handler advised him and gave him the means to leave the country. Afridi thought he didn't need to. He is now serving a 33-year sentence -- not for helping the CIA, but for shady dealings with some local tribesmen.

### Our ruling

The Special Operations - OPSEC Education Fund said, "This administration leaked information, deliberately or otherwise, that led to the identification of the Pakistani doctor that helped us in achieving our goals and killing bin Laden."

The OPSEC group provides no evidence to support its claim, and journalists close to the scene in Abbottabad say it was the Pakistanis, not the Americans, who identified the doctor. The bin Laden raid triggered the ISI investigation, not anything said by U.S. officials.

In fact, the CIA had urged the doctor to leave the country and when Pakistan provided the name of the doctor, US officials tried to prevent it being published.

We see no evidence that it was the Obama administration that leaked the name. We rate it False.

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## The Bin Laden raid exposes the Obama administration's selective secrecy

The White House punishes whistleblowers even as it permits flattering leaks. So which will it be for a Navy Seal's new book?



**Glenn Greenwald**

guardian.co.uk, Thursday 23 August 2012 10.42 EDT



Osama bin Laden's compound in Abbottabad, Pakistan. Photograph: Md Nadeem/EPA

Earlier this year, the Obama administration responded to a lawsuit seeking videos and photographs of the Osama bin Laden raid by claiming (as usual) that it was all too secret to disclose. A federal court (as usual) acquiesced to those assertions and dismissed the suit, finding that "the release of the images and/or videos 'reasonably could be expected to cause exceptionally grave damage to the national security.'" The administration made the same secrecy and national security claims to deny the requests of multiple news agencies for related materials about the Bin Laden raid.

Those materials would have resolved still lingering and serious questions about that raid – questions created by the administration's numerous inconsistencies and false claims, including whether it was a "kill-not-capture" mission from the start and whether Bin Laden resisted capture in any way. Despite the decree of the always-imperious Democratic Senator John Kerry that everyone wanting answers should just "shut up and move on", actual journalists continue to ask the right questions. Shortly

after the raid, Mother Jones's Adam Weinstein, an Iraq war veteran, wrote:

"Now that Osama bin Laden rests in the briny deep, reporters and citizens alike are asking good questions about the operation that dumped him there. Was it a kill mission? What happened to everyone else in the compound? And what was up with that sea burial, anyway?

"Each of these questions fundamentally involves how Americans ought to act in combat, and as such, they deserve good answers – which haven't been fully articulated by the White House or the military."

Last August, in the same magazine, Mark Follman wrote a [comprehensive article](#) exploring many of these questions that began with this sentence:

"You don't have to be a conspiracy theorist to be still scratching your head about the end of Osama bin Laden."

Noting that "there have been multiple divergent accounts of the Navy Seals' mission in Abbottabad, Pakistan, with the story seeming to be colored by politics, sensationalism, and outright fantasy," he detailed the multiple "glaring discrepancies" in the various leaked stories which, he correctly observes, have "big implications".

An event of this magnitude deserves clear transparency and disclosure, but the Obama administration's typically reflexive invocation of secrecy claims has prevented it. What makes that so much worse, though, is that at exactly the same time that it was telling a court that the mission is too secret to permit such disclosure, the White House launched a coordinated campaign of selective media leaking that had only one purpose: to glorify the president for political gain.

Thus the same administration that resisted judicial disclosure pursuant to transparency laws [leaked bits and pieces](#) about the mission (always favorable to the president) to their [favorite media message-carriers](#); secretly [met with and shoveled information](#) to big Hollywood filmmakers planning a pre-election release of a film about the Bin Laden raid (now pushed back until December in the wake of the ensuing controversy, though the [already-released film trailer](#) – see below – will soon be inundating the nation); and then sat down with [one of America's most obsequious, military-revering news anchors](#) for an hour-long prime-time special that spoke of the raid with predictable awe but asked none of the hard questions about these lingering issues.

This is all just part-and-parcel of the administration's [modus operandi when it comes to classified information](#). The same administration that has launched an [unprecedented persecution campaign](#) against whistleblowers (who disclose information about high-level deceit and wrongdoing) routinely leaks classified information for political gain. Only Bad Leaks (ones that expose government wrongdoing) are punished, while Good Leaks (making Obama look good) are overlooked if not officially sanctioned. Similarly, as the [ACLU documented](#) in a Guardian op-ed last June, the same administration that continuously blocks courts from reviewing the legality of their conduct by invoking secrecy claims compulsively leaks classified information to the media about those very same programs in order to depict the president as our "tough" and resolute protector.

Now [comes news](#) that one of the Navy Seals who participated in the Bin Laden raid will, using a pseudonym, publish a book setting forth his first-person account about what happened. In a stroke of excellent luck for Obama's re-election effort, the book – entitled No Easy Day: The Firsthand Account of the Mission That Killed Osama bin Laden – will be released on 11 September: providing the double political whammy of exploiting the emotions of that date and putting Obama's most celebrated national

security coup front and center less than two months before the election. As the New York Times observes:

"[T]he book promises to be one of the biggest titles of the year, with the potential to rattle the presidential campaign in the final weeks before the November 6 election ... the publisher is expecting a major bestseller, with a planned print run of 300,000 copies in hardcover."

The description provided by Penguin, the book's publisher, promises a "blow-by-blow narrative of the assault, beginning with the helicopter crash that could have ended [the author's] life straight through to the radio call confirming Bin Laden's death". Although Pentagon and White House officials deny any advance knowledge of the book, the Navy Seal author is hardly attempting to conceal his identity. According to the NYT account, he provides ample biographical information that should make the process of identifying him extremely easy, including discussions of "his childhood in Alaska", the fact that he "has completed 13 combat deployments since" the 9/11 attack, and that he "retired within the past year". The book also includes accounts of "his other previously unreported Seal missions".

Given that many of the details of the Bin Laden raid remain classified, this would appear to be a clear and obvious case of the unauthorized disclosure of classified information. The same is presumably true of any details he provides about "his other previously unreported Seal missions". Alternatively, if the raid has now been declassified, then what excuse remains for continuing to conceal the video and photographic evidence in the possession of the CIA that would reflect what actually happened?

As the administration continues to persecute numerous actual whistleblowers under espionage statutes (and to legally harass the journalists who published their leaks), will there be any attempt to criminally investigate the Navy Seal who wrote this very-helpful-to-Obama book? (As a side note, remember when Democrats – who now coordinate with Hollywood studios to produce pre-election hagiography of the commander-in-chief's kill orders – used to complain bitterly about how Bush/Rove Republicans would (spoken with purse-lipped disgust) *exploit national security for political gain*?)

Allowing the government to operate behind an impenetrable wall of secrecy is destructive in its own right. But all of that becomes substantially worse when the administration is permitted to play these sorts of games with its secrecy powers: overlooking or rewarding politically beneficial leaks while severely punishing leaks that provide an important public value by exposing high-level corruption. Manipulating presidential secrecy powers in this way is an odious instrument for propaganda: it ensures that all embarrassing or incriminating information remains suppressed, and the only thing the public learns – and the eager, grateful press amplifies – are the informational crumbs doled out by the White House in order to glorify the leader. That's the very definition of state propaganda.

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## Once Helpful, National Security Leaks Becoming a Hazard for Obama Re-Election

By Chris Stirewalt

Published June 08, 2012 | FoxNews.com

**“This has to stop. When people say they don't want to work with the United States because they can't trust us to keep a secret, that's serious.”**

*-- Senate Intelligence Committee Chairwoman **Dianne Feinstein**, D-Calif., at a press conference lamenting a cascade of national security leaks.*

The brightest spot for President Obama with voters is on foreign policy. But the effort to maximize his advantage by aggressively highlighting his record may now be working against the president.

[pullquote]

In the latest FOX News poll, Obama is tied with Republican challenger Mitt Romney in a head-to-head matchup and trailing Romney on the top issues of the election, the economy, job creation and government spending.

But Obama stood tall on national security issues. Obama bested Romney by 11 points on handling of foreign policy and 13 points on dealing with terrorism.

Part of this is a result of voter support for two major developments in Obama's term – the final withdrawal from Iraq and the killing of Usama bin Laden. It also stems from the fact that Romney has no foreign-policy resume to speak of while Obama has had more than three-years of on-the-job training.

But part of the advantage comes from the fact that Team Obama has been very aggressive about depicting the president as a steely-eyed killer of terrorists.

Consider the April anniversary of the bin Laden raid, not only did Obama do the expected in taking a victory lap – he went further, popping into Afghanistan for a speech commemorating the event, inviting NBC News to the previously verboten Situation Room and, most remarkably, using the occasion to attack Romney, whom Obama's campaign said lacked the courage Obama showed in ordering Navy SEALs to kill bin Laden.

Republicans may gripe that it's tacky and un-presidential, but the polls suggest that Obama's end-zone dance on bin Laden was brash enough to cut through the media clutter. For a president who started his term clashing with a bipartisan coalition in Congress over civilian trials for foreign terrorists, his current advantage over Romney on such subjects is evidence that his audacious media strategy worked.

But, the Obama organization always has a problem with excess. And on national security, they have really gone over the top.

Dating back to the killing of bin Laden, the administration's intelligence apparatus has been leaking like a sieve and always on stories that cast Obama as a kind of warrior king.

Rather than a wry wink when the news came that bin Laden was dead, Obama went for a massive data download, briefing and leaking and even giving high-level access to movie makers.

Critics say that all of that splurping not only exposed long-secret military practices but also may have exposed the very Pakistanis who helped American forces find and kill the man behind 9/11.

As the general election season as accelerated (and not in a positive direction for the president) so too have the leaks about his involvement in killing baddies accelerated.

In consecutive weeks, the New York Times produced stories about Obama's tough tactics on terror sourced from high-level officials in the administration.

One week it was all about Obama's "kill list" and how the president personally decide which individuals, including U.S. citizens abroad, should be killed by his aggressive drone program.

The next week, it was all about how Obama had personally intervened to push for a cyber attack on Iran's nuclear weapons program even when others warned of risks. The story that emerged from all three leaks – bin Laden, "kill list," and the nuclear virus – was that of Obama the intrepid.

That was all too much for the intelligence community, one of the few bastions of bipartisanship in Washington. There is an expectation that presidents will try to capitalize on the success of covert operations, but seeing so much, for so long finally prompted a snapback.

When Sen. Diane Feinstein, D-Calif., the head of the Senate Intelligence Committee, calls you out in public, that's some serious snapback.

Glory hogging is part of the game, but only up to a point. If the spooks and their friends in Congress think that someone is putting agents or operations in danger they have ways of responding.

If someone can leak stories about the president reflecting on Thomas Aquinas' theory of just warfare before coolly ordering the death of a terrorist in Yemen, someone else can leak a story about executive actions that didn't go so well. Resentful spies might start coughing up information to counteract the president's preferred narrative.

The immediate concern for the president is having members of his own party make a veiled accusation of politically motivated leaking against his national security team. That looks bad and may spur an investigation that dredges up even more.

By using such aggressive tactics to burnish the president's image with the bin Laden killing, Team Obama has undercut the president's ability to defend himself against the charge of reckless leaking. For the Obama organization, this is a persistent problem: allowing a desire for short-term gain to trump long-term strategy.

### The Day in Quotes

**"I'm very sorry about what happened. I thought something had to be done on the 'fiscal cliff' before the election. Apparently nothing has to be done until the first of the year."**

*-- Former President Bill Clinton talking to CNN about his call earlier this week for another short-term extension of current income tax rates, a position in conflict with President Obama's call for higher taxes on top earners.*

**"I'm not sure he's going to win"**

*-- Former Pennsylvania Gov. Ed Rendell, former chairman of the Democratic National Committee, discussing President Obama's re-election on CNN.*

**"I think that I can be an asset in solidifying the conservative base of the party. But I also think that myself, my father and the movement that he started attracts a lot of independents, also. So a lot of these young people are not necessarily the conservative base."**

*-- Sen. Rand Paul, R-Ky., on "Hannity" endorsing Mitt Romney for president.*

**"President Obama's problem now isn't what Wisconsin did, it's how he looks each day—careening around, always in**

flight, a superfluous figure. No one even looks to him for leadership now. He doesn't go to Wisconsin, where the fight is. He goes to Sarah Jessica Parker's place, where the money is."

-- **Peggy Noonan**, in a column for the *Wall Street Journal*, "What's Changed After Wisconsin."

"From the beginning we've built this campaign together, from the bottom up. More people giving a little bit is the only way to compete with a few people giving a lot. So let's fight like hell and win this thing."



-- Email from **President Obama's campaign** sounding the alarm for supporters after Obama's re-election effort got swamped in May fundraising totals by the Romney organization, \$76 million to \$60 million.

#### **And Now, A Word From Charles**

"There is a term when a raving lunatic, excuse me, psychotic comes in the door. You say he is speaking world salad. This is world salad with vinaigrette on it."

-- **Charles Krauthammer** on "Special Report with Bret Baier," discussing former President Bill Clinton recanting his call for the extension of current income tax rates.

*Chris Stirewalt is digital politics editor for Fox News, and his POWER PLAY column appears Monday-Friday on FoxNews.com.*

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## 30 Americans Killed Including 22 SEALs When Afghan Insurgents Shoot Down Helicopter

By MARTHA RADDATZ, LUIS MARTINEZ and MIKE BOETTCHER

Aug. 6, 2011—

abcnews.go.com

### Total of 38 People Were on Board the Chinook When It Crashed Overnight

A helicopter was shot down today by Afghan insurgents as it was rushing to aid troops in a firefight, killing 30 Americans, including 22 Navy SEALs, most of whom belonged to Team 6, the unit whose members were involved in the raid that killed Osama bin Laden, U.S. officials said.

The Chinook helicopter was carrying a quick-reaction force to provide back-up to the troops on the ground in the eastern Afghan province of Wardak, a U.S. official said. After the crash, the forces that were involved in the firefight "broke contact" with the enemy so they could go provide perimeter security for the crash site, the official said. Additional forces were then sent to secure the crash site.

It's unclear how far away the helicopter was from the initial firefight when it went down and unclear how the troops in the firefight got to the crash location, the official said.

In addition to the 30 Americans, the official said there were seven Afghan army soldiers and an interpreter on the helicopter.

Although the Taliban have claimed to have shot the helicopter down, U.S. officials have only identified the attackers as insurgents.

On July 25, a Chinook was hit by a rocket propelled grenade fired by the Taliban. It launched in the belly of the aircraft which made a hard landing and only two soldiers were injured in that attack but this time all on board were killed.

Saturday's deaths bring the total number of coalition troops killed in Afghanistan to 334 this year, according to the Associated Press.

The last worst one-day U.S. casualty record in Afghanistan was on June 28, 2005 when 16 U.S. soldiers were killed in Kunar province after a helicopter was shot down by Taliban insurgents.

Afghan President Karzai's office released a statement on the incident.

"A NATO helicopter crashed last night in Wardak province," Karzai said in the statement. "President Karzai expressed his deep condolences because of this incident and expressed his sympathy to Barack Obama."

President Obama offered his thoughts and prayers to those killed in the crash.

"Their deaths are a reminder of the extraordinary sacrifices made by the men and women of our military and their families, including all who have served in Afghanistan," Obama said in a statement. "We will draw inspiration from their lives, and continue the work of securing our country and standing up for the values that they embodied. We also mourn the Afghans who died alongside our troops in pursuit of a more peaceful and hopeful future for their country. At this difficult hour, all Americans are united in

support of our men and women in uniform who serve so that we can live in freedom and security."

The Associated Press contributed to this report.

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## Joe Biden opens his mouth about US Navy SEALs

By [Toby Harnden](#) [US politics](#) Last updated: May 4th, 2011

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Joe Biden speaks with John Kerry at a White House supper on Monday  
(Photo: AFP)

Since President Barack Obama announced that "a small team of Americans" had killed Osama bin Laden, US government officials have carefully stuck to the line that they will not talk about which units were involved.

Obama did not say it was the SEALs. In numerous television appearances, Obama's counter-terrorism chief John Brennan didn't and his deputy national security adviser Denis McDonough didn't. Despite the numerous news reports that named the SEALs, none of the anonymous briefers from the CIA and Pentagon would confirm it.

Here's a typical response to a question about the SEALs from a senior defence official in a Pentagon briefing on Monday:

QUESTION: Can I ask you, can you confirm that it was a (Navy) SEAL team? And was this a

specially designated team that had been practising or reviewing intelligence for a while and they were the unit of choice?

SENIOR DEFENCE OFFICIAL: Not going to comment on units or numbers.

But here's what the legendarily verbose and loose-lipped Vice President Joe Biden said at a dinner at Washington's Ritz Carlton Hotel last night to mark the 50th anniversary of the Atlantic Council:

Let me briefly acknowledge tonight's distinguished honorees. Admiral James Stavridis is a, is the real deal. He can tell you more about and understands the incredible, the phenomenal, the just almost unbelievable capacity of his Navy SEALs and what they did last Sunday.

And:

Folks, I'd be remiss also if I didn't say an extra word about the incredible events, extraordinary events of this past Sunday. As Vice President of the United States, as an American, I was in absolute awe of the capacity and dedication of the entire team, both the intelligence community, the CIA, the SEALs. It just was extraordinary.

**Tags:** [Admiral James Stavridis](#), [Barack Obama](#), [CIA](#), [Denis McDonough](#), [Joe Biden](#), [John Brennan](#), [Osama bin Laden](#), [Pentagon](#), [SEALs](#), [US Navy SEALs](#)

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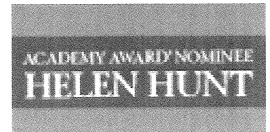
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March 17, 2012

# U.S. Faces a Tricky Task in Assessment of Data on Iran

By JAMES RISEN

WASHINGTON — While American spy agencies have believed that the Iranians halted efforts to build a nuclear bomb back in 2003, the difficulty in assessing the government's ambitions was evident two years ago, when what appeared to be alarming new intelligence emerged, according to current and former United States officials.

Intercepted communications of Iranian officials discussing their nuclear program raised concerns that the country's leaders had decided to revive efforts to develop a weapon, intelligence officials said.

That, along with a stream of other information, set off an intensive review and delayed publication of the 2010 National Intelligence Estimate, a classified report reflecting the consensus of analysts from 16 agencies. But in the end, they deemed the intercepts and other evidence unpersuasive, and they stuck to their longstanding conclusion.

The intelligence crisis that erupted in 2010, which has not been previously disclosed, only underscores how central that assessment has become to matters of war and peace.

Today, as suspicions about Iran's nuclear ambitions have provoked tough sanctions and threats of military confrontation, top administration officials have said that Iran still has not decided to pursue a weapon, reflecting the intelligence community's secret analysis. But if that assessment changes, it could lift a brake set by President Obama, who has not ruled out military options as a last resort to prevent Iran gaining nuclear arms.

Publicly and privately, American intelligence officials express confidence in the spy agencies' assertions. Still, some acknowledge significant intelligence gaps in understanding the intentions of Iran's leaders and whether they would approve the crucial steps engineering a bomb, the most covert aspect of one of the most difficult intelligence targets in the world.

Much of what analysts sift through are shards of information that are ambiguous, incomplete, sometimes not up to date, and that typically offer more insight at

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Iranians are not doing than evidence of what they are up to.

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As a result, officials caution that they cannot offer certainty. “I’d say that I have about 75 percent confidence in the assessment that they haven’t restarted the program,” said one former senior intelligence official.

Another former intelligence official said: “Iran is the hardest intelligence target there is. It is harder by far than North Korea.

“In large part, that’s because their system is so confusing,” he said, which “has the effect of making it difficult to determine who speaks authoritatively on what.”

And, he added, “We’re not on the ground, and not having our people on the ground to catch nuance is a problem.”

Iran says its nuclear program is for peaceful civilian purposes, but American intelligence agencies and the International Atomic Energy Agency have picked up evidence in recent years that some Iranian research activities that may be weapons-related have continued since 2003, officials said. That information has not been significant enough for the spy agencies to alter their view that the weapons program has not been restarted.

Mossad, Israel’s intelligence service, agrees with the American intelligence assessments, even while Israeli political leaders have been pushing for quick, aggressive action to block Iran from becoming what they describe as an existential threat to the Jewish state.

“Their people ask very hard questions, but Mossad does not disagree with the U.S. on the weapons program,” said one former senior American intelligence official, who, like others for this article, would speak only on the condition of anonymity about classified information. “There is not a lot of dispute between the U.S. and Israeli intelligence communities on the facts.”

In trying to evaluate the potential perils of Iran’s nuclear program, the United States’ spy agencies have spent years trying to track its efforts to enrich uranium and develop missile technology, and watching for any move toward weaponization — designing and building a bomb.

Hunting for signs of the resumption of a weapons program is more difficult than monitoring enrichment and missile-building activities, both of which require large investments in plants, equipment and related infrastructure. American intelligence officials said that the conversations of only a dozen or so top Iranian officials and scientists would be worth monitoring in order to determine whether the weapons program had been restarted, because



decision-making on nuclear matters is so highly compartmentalized in Iran.

“Reactors are easier to track than enrichment facilities, but obviously anything that involves a lot of construction is easier to track than scientific and intellectual work,” said Jeffrey T. Richelson, the author of “Spying on the Bomb,” a history of American nuclear intelligence. “At certain stages, it is very hard to track the weapons work unless someone is blabbing and their communications can be intercepted.”

The extent of the evidence the spy agencies have collected is unclear because most of their findings are classified, but intelligence officials say they have been throwing everything they have at the Iranian program.

While the National Security Agency eavesdrops on telephone conversations of Iranian officials and conducts other forms of electronic surveillance, the National Geospatial-Intelligence Agency analyzes radar imagery and digital images of nuclear sites. Outside analysts believe high-tech drones prowl overhead; one came down late last year deep inside Iranian territory, though American officials said they lost control of it in Afghanistan.

Meanwhile, clandestine ground sensors, which can detect electromagnetic signals or radioactive emissions that could be linked to covert nuclear activity, are placed near suspect Iranian facilities. The United States also relies heavily on information gathered by inspectors with the International Atomic Energy Agency who visit some of Iran’s nuclear-related facilities.

But collecting independent human intelligence — recruiting spies — has been by far the most difficult task for American intelligence. Some operational lapses — and the lack of an embassy as a base of operations ever since the hostage crisis three decades ago — have frequently left the C.I.A. virtually blind on the ground in Iran, according to former intelligence officials.

In 2004, for example, the C.I.A. put a whole network of Iranian agents in jeopardy after a technological mistake by an agency officer, according to former intelligence officials.

In 2005, a presidential commission that reviewed the prewar failures of the intelligence on Iraq’s supposed weapons programs faulted American intelligence on Iran, saying it included little valuable information from spies.

More recently, the C.I.A. suffered a setback in efforts to question Iranian exiles and recruit nuclear scientists. Two years ago, agency officials had to sort through the wreckage of the strange case of Shahram Amiri, an Iranian scientist who apparently defected to the United States in 2009 and then returned to Iran in 2010 after claiming he had been abducted by the C.I.A.

His case is eerily similar to that of Vitaly Yurchenko, a K.G.B. officer who defected to the United States in 1985 and went back to the Soviet Union later that year, claiming he had been drugged and kidnapped by the C.I.A.

Like Mr. Yurchenko, Mr. Amiri's case has provoked debate within the agency about whether he was a genuine defector, and whether any of the information he provided could be trusted.

The United States and Israel share intelligence on Iran, American officials said. For its spying efforts, Israel relies in part on an Iranian exile group that is labeled a terrorist organization by the United States, the Mujahedeen Khalq, or M.E.K., which is based in Iraq. The Israelis have also developed close ties in the semiautonomous region of Kurdistan in northern Iraq, and they are believed to use Kurdish agents who can move back and forth across the border into Iran.

American intelligence officials, however, are wary of relying on information from an opposition group like the M.E.K., particularly after their experience in Iraq of relying on flawed information provided by the Iraqi National Congress, an exile group run by Ahmad Chalabi.

"I'm very suspicious of anything that the M.E.K. provides," said David A. Kay, who led the C.I.A.'s fruitless effort to find weapons program in Iraq. "We all dealt with the Chalabis of the world once."

Just as in 2010, new evidence about the Iranian nuclear program delayed the National Intelligence Estimate in 2007, the last previous assessment. Current and former American officials say that a draft version of the assessment had been completed when the United States began to collect surprising intelligence suggesting that Iran had suspended its weapons program and disbanded its weapons team four years earlier.

The draft version had concluded that the Iranians were still trying to build a bomb, the same finding of a 2005 assessment. But as they scrutinized the new intelligence from several sources, including intercepted communications in which Iranian officials were heard complaining to one another about stopping the program, the American intelligence officials decided they had to change course, officials said. While enrichment activities continued, the evidence that Iran had halted its weapons program in 2003 at the direction of the supreme leader, Ayatollah Ali Khamenei, was too strong to ignore, they said.

One former senior official characterized the information as very persuasive. "I had high confidence in it," he said. "There was tremendous evidence that the program had been halted."

And today, despite criticism of that assessment from some outside observers and hawkish politicians, American intelligence analysts still believe that the Iranians have not gotten the go-ahead from Ayatollah Khamenei to revive the program.

“That assessment,” said one American official, “holds up really well.”

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March 19, 2012

# U.S. War Game Sees Perils of Israeli Strike Against Iran

By **MARK MAZZETTI** and **THOM SHANKER**

WASHINGTON — A classified war simulation held this month to assess the repercussions of an Israeli attack on Iran forecasts that the strike would lead to a wider regional war, which could draw in the United States and leave hundreds of Americans dead, according to American officials.

The officials said the so-called war game was not designed as a rehearsal for American military action — and they emphasized that the exercise's results were not the only possible outcome of a real-world conflict.

But the game has raised fears among top American planners that it may be impossible to preclude American involvement in any escalating confrontation with Iran, the officials said. In the debate among policy makers over the consequences of any Israeli attack, that reaction may give stronger voice to those in the White House, Pentagon and intelligence community who have warned that a strike could prove perilous for the United States.

The results of the war game were particularly troubling to Gen. James N. Mattis, who commands all American forces in the Middle East, Persian Gulf and Southwest Asia, according to officials who either participated in the Central Command exercise or who were briefed on the results and spoke on condition of anonymity because of its classified nature. When the exercise had concluded earlier this month, according to the officials, General Mattis told aides that an Israeli first strike would be likely to have dire consequences across the region and for United States forces there.

The two-week war game, called Internal Look, played out a narrative in which the United States found it was pulled into the conflict after Iranian missiles struck a Navy warship in the Persian Gulf, killing about 200 Americans, according to officials with knowledge of the exercise. The United States then retaliated by carrying out its own strikes on Iranian facilities.

The initial Israeli attack was assessed to have set back the Iranian nuclear program.

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a year, and the subsequent American strikes did not slow the Iranian nuclear program by more than an additional two years. However, other Pentagon planners have said that America's arsenal of long-range bombers, refueling aircraft and precision missiles could do far more damage to the Iranian nuclear program — if President Obama were to decide on a full-scale retaliation.

The exercise was designed specifically to test internal military communications and coordination among battle staffs in the Pentagon; in Tampa, Fla., where the headquarters of the Central Command is located; and in the Persian Gulf in the aftermath of an Israeli strike. But the exercise was written to assess a pressing, potential, real-world situation.

In the end, the war game reinforced to military officials the unpredictable and uncontrollable nature of a strike by Israel, and a counterstrike by Iran, the officials said.

American and Israeli intelligence services broadly agree on the progress Iran has made to enrich uranium. But they disagree on how much time there would be to prevent Iran from building a weapon if leaders in Tehran decided to go ahead with one.

With the Israelis saying publicly that the window to prevent Iran from building a nuclear bomb is closing, American officials see an Israeli attack on Iran within the next year as a possibility. They have said privately that they believe that Israel would probably give the United States little or no warning should Israeli officials make the decision to strike Iranian nuclear sites.

Officials said that, under the chain of events in the war game, Iran believed that Israel and the United States were partners in any strike against Iranian nuclear sites and therefore considered American military forces in the Persian Gulf as complicit in the attack. Iranian jets chased Israeli warplanes after the attack, and Iranians launched missiles at an American warship in the Persian Gulf, viewed as an act of war that allowed an American retaliation.

Internal Look has long been one of Central Command's most significant planning exercises, and is carried out about twice a year to assess how the headquarters, its staff and command posts in the region would respond to various real-world situations.

Over the years, it has been used to prepare for various wars in the Middle East. According to the defense Web site GlobalSecurity.org, military planners during the cold war used Internal Look to prepare for a move by the Soviet Union to seize Iranian oil fields. The American war plan at the time called for the Pentagon to march nearly six Army divisions north from the Persian Gulf to the Zagros Mountains of Iran to blunt a Soviet attack.

In December 2002, Gen. Tommy R. Franks, who was the top officer at Central Command, used

Internal Look to test the readiness of his units for the coming invasion of Iraq.

Many experts have predicted that Iran would try to carefully manage the escalation after an Israeli first strike in order to avoid giving the United States a rationale for attacking with its far superior forces. Thus, it might use proxies to set off car bombs in world capitals or funnel high explosives to insurgents in Afghanistan to attack American and NATO troops.

While using surrogates might, in the end, not be enough to hide Iran's instigation of these attacks, the government in Tehran could at least publicly deny all responsibility.

Some military specialists in the United States and in Israel who have assessed the potential ramifications of an Israeli attack believe that the last thing Iran would want is a full-scale war on its territory. Thus, they argue that Iran would not directly strike American military targets, whether warships in the Persian Gulf or bases in the region.

Their analysis, however, also includes the broad caveat that it is impossible to know the internal thinking of the senior Iranian leadership, and is informed by the awareness that even the most detailed war games cannot predict how nations and their leaders will react in the heat of conflict.

Yet these specialists continue their work, saying that any insight on how the Iranians will react to an attack will help determine whether the Israelis carry out a strike — and what the American position will be if they do.

Israeli intelligence estimates, backed by academic studies, have cast doubt on the widespread assumption that a military strike on Iranian nuclear facilities would set off a catastrophic set of events like a regional conflagration, widespread acts of terrorism and sky-high oil prices.

“A war is no picnic,” Defense Minister Ehud Barak told Israel Radio in November. But if Israel feels itself forced into action, the retaliation would be bearable, he said. “There will not be 100,000 dead or 10,000 dead or 1,000 dead. The state of Israel will not be destroyed.”



NATIONAL SECURITY AGENCY  
CENTRAL SECURITY SERVICE  
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 67276  
13 April 2012

Mr. Larry E. Klayman  
Freedom Watch  
2020 Pennsylvania Avenue NW, Suite 345  
Washington, DC 20006

Dear Mr. Klayman:

This responds to your Freedom of Information Act (FOIA) request of 5 April 2012, which was received by this office on 6 April 2012, for any and all information that refer or relate to specified articles published by the New York Times and the Foreign Policy; and, any and all records that relate to information "leaked" and published in those articles (as more fully described in the request). Your letter has been assigned Case Number 67276. Please refer to this case number when contacting us about your request.

For purposes of this request and based on the information you provided in your letter, you are considered an "all other" requester. There are no assessable fees for this request; therefore, we did not address your request for a fee waiver. Your request has been processed under the provisions of the FOIA.

We have determined that the fact of the existence or non-existence of the materials you request is a currently and properly classified matter in accordance with Executive Order 13526, as set forth in Subparagraph (c) of Section 1.4. Thus, your request is denied pursuant to the first exemption of the FOIA which provides that the FOIA does not apply to matters that are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign relations and are, in fact properly classified pursuant to such Executive Order.

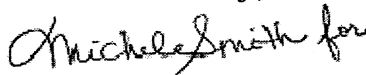
In addition, this Agency is authorized by various statutes to protect certain information concerning its activities. The third exemption of the FOIA provides for the withholding of information specifically protected from disclosure by statute. Thus, your request is also denied because the fact of the existence or non-existence of the information is exempted from disclosure



pursuant to the third exemption. The specific statutes applicable in this case are Title 18 U.S. Code 798; and Section 6, Public Law 86-36 (50 U.S. Code 402 note).

The Initial Denial Authority for NSA information is the Deputy Associate Director for Policy and Records, D. M. Janosek. As your request is being denied, you are hereby advised of this Agency's appeal procedures. Any person denied access to information may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days of the date of the initial denial letter. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJP4), National Security Agency, 9800 Savage Road STE 6248, Fort George G. Meade, MD 20755-6248. The appeal shall reference the adverse determination and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes that the determination is unwarranted. The NSA/CSS FOIA Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent any unusual circumstances.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michelle Smith for", written in dark ink.

PAMELA N. PHILLIPS

Chief

FOIA/PA Office

Encl:

a/s

Central Intelligence Agency



Washington, D.C. 20505

30 April 2012

Larry Klayman, Esq.  
Chairman and General Counsel  
Freedom Watch  
2020 Pennsylvania Avenue, NW  
Suite 345  
Washington, DC 20006

Reference: F-2012-01063

Dear Mr. Klayman:

This is further to our 12 April 2012 letter concerning your 4 April 2012 Freedom of Information Act (FOIA) request, submitted on behalf of Freedom Watch, for copies of documents concerning 49 specific items identified in your request, pertaining to "previously classified information which was released by Obama administration sources apparently on the President's behalf" concerning possible future attacks on Iran.

We have completed a thorough review of your request and have determined in accordance with section 3.6(a) of Executive Order 13526, the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request. The fact of the existence or nonexistence of requested records is currently and properly classified and is intelligence sources and methods information that is protected from disclosure by section 6 of the CIA Act of 1949, as amended, and section 102A(i)(1) of the National Security Act of 1947, as amended. Therefore, your request is denied pursuant to FOIA exemptions (b)(1) and (b)(3). I have enclosed an explanation of these exemptions for your reference and retention. As the CIA Information and Privacy Coordinator, I am the CIA official responsible for this determination. You have the right to appeal this response to the Agency Release Panel, in my care, within 45 days from the date of this letter. Please include the basis of your appeal.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michele Meeks".

Michele Meeks  
Information and Privacy Coordinator

Enclosure

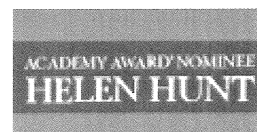
## **Explanation of Exemptions**

### **Freedom of Information Act:**

- (b)(1) exempts from disclosure information currently and properly classified, pursuant to an Executive Order;
- (b)(2) exempts from disclosure information, which pertains solely to the internal personnel rules and practices of the Agency;
- (b)(3) exempts from disclosure information that another federal statute protects, provided that the other federal statute either requires that the matters be withheld, or establishes particular criteria for withholding or refers to particular types of matters to be withheld. The (b)(3) statutes upon which the CIA relies include, but are not limited to, the CIA Act of 1949;
- (b)(4) exempts from disclosure trade secrets and commercial or financial information that is obtained from a person and that is privileged or confidential;
- (b)(5) exempts from disclosure inter-and intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) exempts from disclosure information from personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy;
- (b)(7) exempts from disclosure information compiled for law enforcement purposes to the extent that the production of the information (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source or, in the case of information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or (F) could reasonably be expected to endanger any individual's life or physical safety;
- (b)(8) exempts from disclosure information contained in reports or related to examination, operating, or condition reports prepared by, or on behalf of, or for use of an agency responsible for regulating or supervising financial institutions; and
- (b)(9) exempts from disclosure geological and geophysical information and data, including maps, concerning wells.

**April 2012**

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June 1, 2012

# Obama Order Sped Up Wave of Cyberattacks Against Iran

By DAVID E. SANGER

WASHINGTON — From his first months in office, President Obama secretly ordered increasingly sophisticated attacks on the computer systems that run Iran's main nuclear enrichment facilities, significantly expanding America's first sustained use of cyberweapons, according to participants in the program.

Mr. Obama decided to accelerate the attacks — begun in the Bush administration and code-named Olympic Games — even after an element of the program accidentally became public in the summer of 2010 because of a programming error that allowed it to escape Iran's Natanz plant and sent it around the world on the Internet. Computer security experts who began studying the worm, which had been developed by the United States and Israel, gave it a name: Stuxnet.

At a tense meeting in the White House Situation Room within days of the worm's "escape," Mr. Obama, Vice President Joseph R. Biden Jr. and the director of the Central Intelligence Agency at the time, Leon E. Panetta, considered whether America's most ambitious attempt to slow the progress of Iran's nuclear efforts had been fatally compromised.

"Should we shut this thing down?" Mr. Obama asked, according to members of the president's national security team who were in the room.

Told it was unclear how much the Iranians knew about the code, and offered evidence that it was still causing havoc, Mr. Obama decided that the cyberattacks should proceed. In the following weeks, the Natanz plant was hit by a newer version of the computer worm, and then another after that. The last of that series of attacks, a few weeks after Stuxnet was detected around the world, temporarily took out nearly 1,000 of the 5,000 centrifuges Iran had spinning at the time to purify uranium.

This account of the American and Israeli effort to undermine the Iranian nuclear program is based on interviews over the past 18 months with current and former American and Israeli officials involved in the program, as well as a range of outside experts. Some names are allowed their names to be used because the effort remains highly classified, and

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continue to this day.

These officials gave differing assessments of how successful the sabotage program was in slowing Iran's progress toward developing the ability to build nuclear weapons. Internal Obama administration estimates say the effort was set back by 18 months to two years, but some experts inside and outside the government are more skeptical, noting that Iran's enrichment levels have steadily recovered, giving the country enough fuel today for five or more weapons, with additional enrichment.

Whether Iran is still trying to design and build a weapon is in dispute. The most recent United States intelligence estimate concludes that Iran suspended major parts of its weaponization effort after 2003, though there is evidence that some remnants of it continue.

Iran initially denied that its enrichment facilities had been hit by Stuxnet, then said it had found the worm and contained it. Last year, the nation announced that it had begun its own military cyberunit, and Brig. Gen. Gholamreza Jalali, the head of Iran's Passive Defense Organization, said that the Iranian military was prepared "to fight our enemies" in "cyberspace and Internet warfare." But there has been scant evidence that it has begun to strike back.

The United States government only recently acknowledged developing cyberweapons, and it has never admitted using them. There have been reports of one-time attacks against personal computers used by members of Al Qaeda, and of contemplated attacks against the computers that run air defense systems, including during the NATO-led air attack on Libya last year. But Olympic Games was of an entirely different type and sophistication.

It appears to be the first time the United States has repeatedly used cyberweapons to cripple another country's infrastructure, achieving, with computer code, what until then could be accomplished only by bombing a country or sending in agents to plant explosives. The code itself is 50 times as big as the typical computer worm, Carey Nachenberg, a vice president of Symantec, one of the many groups that have dissected the code, said at a symposium at Stanford University in April. Those forensic investigations into the inner workings of the code, while picking apart how it worked, came to no conclusions about who was responsible.

A similar process is now under way to figure out the origins of another cyberweapon called Flame that was recently discovered to have attacked the computers of Iranian officials, sweeping up information from those machines. But the computer code appears to be at least five years old, and American officials say that it was not part of Olympic Games. They have declined to say whether the United States was responsible for the Flame attack.

Mr. Obama, according to participants in the many Situation Room meetings on Olympic Games, was acutely aware that with every attack he was pushing the United States into new territory, much as his predecessors had with the first use of atomic weapons in the 1940s, of intercontinental missiles in the 1950s and of drones in the past decade. He repeatedly expressed concerns that any American acknowledgment that it was using cyberweapons — even under the most careful and limited circumstances — could enable other countries, terrorists or hackers to justify their own attacks.

“We discussed the irony, more than once,” one of his aides said. Another said that the administration was resistant to developing a “grand theory for a weapon whose possibilities they were still discovering.” Yet Mr. Obama concluded that when it came to stopping Iran, the United States had no other choice.

If Olympic Games failed, he told aides, there would be no time for sanctions and diplomacy with Iran to work. Israel could carry out a conventional military attack, prompting a conflict that could spread throughout the region.

## **A Bush Initiative**

The impetus for Olympic Games dates from 2006, when President George W. Bush saw few good options in dealing with Iran. At the time, America’s European allies were divided about the cost that imposing sanctions on Iran would have on their own economies. Having falsely accused Saddam Hussein of reconstituting his nuclear program in Iraq, Mr. Bush had little credibility in publicly discussing another nation’s nuclear ambitions. The Iranians seemed to sense his vulnerability, and, frustrated by negotiations, they resumed enriching uranium at an underground site at Natanz, one whose existence had been exposed just three years before.

Iran’s president, Mahmoud Ahmadinejad, took reporters on a tour of the plant and described grand ambitions to install upward of 50,000 centrifuges. For a country with only one nuclear power reactor — whose fuel comes from Russia — to say that it needed fuel for its civilian nuclear program seemed dubious to Bush administration officials. They feared that the fuel could be used in another way besides providing power: to create a stockpile that could later be enriched to bomb-grade material if the Iranians made a political decision to do so.

Hawks in the Bush administration like Vice President Dick Cheney urged Mr. Bush to consider a military strike against the Iranian nuclear facilities before they could produce fuel suitable for a weapon. Several times, the administration reviewed military options and concluded that they would only further inflame a region already at war, and would have uncertain results.

For years the C.I.A. had introduced faulty parts and designs into Iran’s systems — even

tinkering with imported power supplies so that they would blow up — but the sabotage had had relatively little effect. General James E. Cartwright, who had established a small cyberoperation inside the United States Strategic Command, which is responsible for many of America's nuclear forces, joined intelligence officials in presenting a radical new idea to Mr. Bush and his national security team. It involved a far more sophisticated cyberweapon than the United States had designed before.

The goal was to gain access to the Natanz plant's industrial computer controls. That required leaping the electronic moat that cut the Natanz plant off from the Internet — called the air gap, because it physically separates the facility from the outside world. The computer code would invade the specialized computers that command the centrifuges.

The first stage in the effort was to develop a bit of computer code called a beacon that could be inserted into the computers, which were made by the German company Siemens and an Iranian manufacturer, to map their operations. The idea was to draw the equivalent of an electrical blueprint of the Natanz plant, to understand how the computers control the giant silvery centrifuges that spin at tremendous speeds. The connections were complex, and unless every circuit was understood, efforts to seize control of the centrifuges could fail.

Eventually the beacon would have to “phone home” — literally send a message back to the headquarters of the National Security Agency that would describe the structure and daily rhythms of the enrichment plant. Expectations for the plan were low; one participant said the goal was simply to “throw a little sand in the gears” and buy some time. Mr. Bush was skeptical, but lacking other options, he authorized the effort.

### **Breakthrough, Aided by Israel**

It took months for the beacons to do their work and report home, complete with maps of the electronic directories of the controllers and what amounted to blueprints of how they were connected to the centrifuges deep underground.

Then the N.S.A. and a secret Israeli unit respected by American intelligence officials for its cyberskills set to work developing the enormously complex computer worm that would become the attacker from within.

The unusually tight collaboration with Israel was driven by two imperatives. Israel's Unit 8200, a part of its military, had technical expertise that rivaled the N.S.A.'s, and the Israelis had deep intelligence about operations at Natanz that would be vital to making the cyberattack a success. But American officials had another interest, to dissuade the Israelis from carrying out their own pre-emptive strike against the Iranian nuclear facilities. To do



that, the Israelis would have to be convinced that the new line of attack was working. The only way to convince them, several officials said in interviews, was to have them deeply involved in every aspect of the program.

Soon the two countries had developed a complex worm that the Americans called “the bug.” But the bug needed to be tested. So, under enormous secrecy, the United States began building replicas of Iran’s P-1 centrifuges, an aging, unreliable design that Iran purchased from Abdul Qadeer Khan, the Pakistani nuclear chief who had begun selling fuel-making technology on the black market. Fortunately for the United States, it already owned some P-1s, thanks to the Libyan dictator, Col. Muammar el-Qaddafi.

When Colonel Qaddafi gave up his nuclear weapons program in 2003, he turned over the centrifuges he had bought from the Pakistani nuclear ring, and they were placed in storage at a weapons laboratory in Tennessee. The military and intelligence officials overseeing Olympic Games borrowed some for what they termed “destructive testing,” essentially building a virtual replica of Natanz, but spreading the test over several of the Energy Department’s national laboratories to keep even the most trusted nuclear workers from figuring out what was afoot.

Those first small-scale tests were surprisingly successful: the bug invaded the computers, lurking for days or weeks, before sending instructions to speed them up or slow them down so suddenly that their delicate parts, spinning at supersonic speeds, self-destructed. After several false starts, it worked. One day, toward the end of Mr. Bush’s term, the rubble of a centrifuge was spread out on the conference table in the Situation Room, proof of the potential power of a cyberweapon. The worm was declared ready to test against the real target: Iran’s underground enrichment plant.

“Previous cyberattacks had effects limited to other computers,” Michael V. Hayden, the former chief of the C.I.A., said, declining to describe what he knew of these attacks when he was in office. “This is the first attack of a major nature in which a cyberattack was used to effect physical destruction,” rather than just slow another computer, or hack into it to steal data.

“Somebody crossed the Rubicon,” he said.

Getting the worm into Natanz, however, was no easy trick. The United States and Israel would have to rely on engineers, maintenance workers and others — both spies and unwitting accomplices — with physical access to the plant. “That was our holy grail,” one of the architects of the plan said. “It turns out there is always an idiot around who doesn’t think much about the thumb drive in their hand.”

In fact, thumb drives turned out to be critical in spreading the first variants of the computer worm; later, more sophisticated methods were developed to deliver the malicious code.

The first attacks were small, and when the centrifuges began spinning out of control in 2008, the Iranians were mystified about the cause, according to intercepts that the United States later picked up. “The thinking was that the Iranians would blame bad parts, or bad engineering, or just incompetence,” one of the architects of the early attack said.

The Iranians were confused partly because no two attacks were exactly alike. Moreover, the code would lurk inside the plant for weeks, recording normal operations; when it attacked, it sent signals to the Natanz control room indicating that everything downstairs was operating normally. “This may have been the most brilliant part of the code,” one American official said.

Later, word circulated through the International Atomic Energy Agency, the Vienna-based nuclear watchdog, that the Iranians had grown so distrustful of their own instruments that they had assigned people to sit in the plant and radio back what they saw.

“The intent was that the failures should make them feel they were stupid, which is what happened,” the participant in the attacks said. When a few centrifuges failed, the Iranians would close down whole “stands” that linked 164 machines, looking for signs of sabotage in all of them. “They overreacted,” one official said. “We soon discovered they fired people.”

Imagery recovered by nuclear inspectors from cameras at Natanz — which the nuclear agency uses to keep track of what happens between visits — showed the results. There was some evidence of wreckage, but it was clear that the Iranians had also carted away centrifuges that had previously appeared to be working well.

But by the time Mr. Bush left office, no wholesale destruction had been accomplished. Meeting with Mr. Obama in the White House days before his inauguration, Mr. Bush urged him to preserve two classified programs, Olympic Games and the drone program in Pakistan. Mr. Obama took Mr. Bush’s advice.

## **The Stuxnet Surprise**

Mr. Obama came to office with an interest in cyberissues, but he had discussed them during the campaign mostly in terms of threats to personal privacy and the risks to infrastructure like the electrical grid and the air traffic control system. He commissioned a major study on how to improve America’s defenses and announced it with great fanfare in the East Room.

What he did not say then was that he was also learning the arts of cyberwar. The architects of Olympic Games would meet him in the Situation Room, often with what they called the “horse

blanket,” a giant foldout schematic diagram of Iran’s nuclear production facilities. Mr. Obama authorized the attacks to continue, and every few weeks — certainly after a major attack — he would get updates and authorize the next step. Sometimes it was a strike riskier and bolder than what had been tried previously.

“From his first days in office, he was deep into every step in slowing the Iranian program — the diplomacy, the sanctions, every major decision,” a senior administration official said. “And it’s safe to say that whatever other activity might have been under way was no exception to that rule.”

But the good luck did not last. In the summer of 2010, shortly after a new variant of the worm had been sent into Natanz, it became clear that the worm, which was never supposed to leave the Natanz machines, had broken free, like a zoo animal that found the keys to the cage. It fell to Mr. Panetta and two other crucial players in Olympic Games — General Cartwright, the vice chairman of the Joint Chiefs of Staff, and Michael J. Morell, the deputy director of the C.I.A. — to break the news to Mr. Obama and Mr. Biden.

An error in the code, they said, had led it to spread to an engineer’s computer when it was hooked up to the centrifuges. When the engineer left Natanz and connected the computer to the Internet, the American- and Israeli-made bug failed to recognize that its environment had changed. It began replicating itself all around the world. Suddenly, the code was exposed, though its intent would not be clear, at least to ordinary computer users.

“We think there was a modification done by the Israelis,” one of the briefers told the president, “and we don’t know if we were part of that activity.”

Mr. Obama, according to officials in the room, asked a series of questions, fearful that the code could do damage outside the plant. The answers came back in hedged terms. Mr. Biden fumed. “It’s got to be the Israelis,” he said. “They went too far.”

In fact, both the Israelis and the Americans had been aiming for a particular part of the centrifuge plant, a critical area whose loss, they had concluded, would set the Iranians back considerably. It is unclear who introduced the programming error.

The question facing Mr. Obama was whether the rest of Olympic Games was in jeopardy, now that a variant of the bug was replicating itself “in the wild,” where computer security experts can dissect it and figure out its purpose.

“I don’t think we have enough information,” Mr. Obama told the group that day, according to the officials. But in the meantime, he ordered that the cyberattacks continue. They were his best hope of disrupting the Iranian nuclear program unless economic sanctions began to bite

harder and reduced Iran's oil revenues.

Within a week, another version of the bug brought down just under 1,000 centrifuges. Olympic Games was still on.

### **A Weapon's Uncertain Future**

American cyberattacks are not limited to Iran, but the focus of attention, as one administration official put it, “has been overwhelmingly on one country.” There is no reason to believe that will remain the case for long. Some officials question why the same techniques have not been used more aggressively against North Korea. Others see chances to disrupt Chinese military plans, forces in Syria on the way to suppress the uprising there, and Qaeda operations around the world. “We’ve considered a lot more attacks than we have gone ahead with,” one former intelligence official said.

Mr. Obama has repeatedly told his aides that there are risks to using — and particularly to overusing — the weapon. In fact, no country's infrastructure is more dependent on computer systems, and thus more vulnerable to attack, than that of the United States. It is only a matter of time, most experts believe, before it becomes the target of the same kind of weapon that the Americans have used, secretly, against Iran.

*This article is adapted from “Confront and Conceal: Obama’s Secret Wars and Surprising Use of American Power,” to be published by Crown on Tuesday.*

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## Will Heads Roll for the Stuxnet Leak?

Posted By [Patrick J. Buchanan](#) On June 11, 2012 @ 11:00 pm In [Uncategorized](#) | [19 Comments](#)

Within days of SEAL Team Six's killing of Osama on that midnight mission in Pakistan, Defense Secretary Bob Gates, reading all about the raid in the press, went to the White House to tell President Obama's national security adviser pungently to "shut the [bleep] up."

Leaked secrets of that raid may have led to the imprisonment for 33 years of a Pakistani doctor who helped us locate bin Laden.

Yet, according to [Judicial Watch](#), the White House has been providing Hollywood with details of the raid for a movie that will, we may be sure, heroize our commander in chief. More troubling are two recent stories in *The New York Times*.

One, by Jo Becker and Scott Shane, [describes](#) how, at meetings in the Situation Room, Obama examines "baseball cards" of al-Qaeda targets in Pakistan and Yemen and decides on the "kill list" for drone strikes.

Most explosive was the [June 1 story by David Sanger](#), who wrote of the origins and operation of a secret U.S-Israeli cyberwar strike on Iran's uranium enrichment plant at Natanz. The Stuxnet virus we introduced into Natanz put 1,000 centrifuges out of action.

These security leaks raise moral, strategic, and legal issues.

Does Obama alone decide in the War on Terror who dies, where and when, whom it is permissible to terminate as collateral damage, who gets a reprieve? What are the criteria that this, our caesar, has settled upon for who gets whacked? Do we have a right to know?

And there is blowback to actions like these. Asked why he would target civilians, the Times Square bomber replied that U.S. drones do not spare civilians in Pakistan.

Is it wise to have it leaked that President Obama is routinely ordering assassinations? Have we forgotten our history?

After John F. Kennedy was assassinated in Dallas, we discovered that the CIA had been plotting to kill Fidel Castro, and Lee Harvey Oswald had visited the Cuban embassy in Mexico City. The Kennedys were "running a damned Murder Inc. in the Caribbean," Lyndon Johnson allegedly said.

Men targeted for assassination in their countries may feel justified in reciprocating and assassinating Americans in our country.

As for the malware, or Stuxnet virus, introduced into Natanz, was it wise to use this powerful and secret weapon against a plant that is under international inspection and enriches uranium only to 5%?

We may have disrupted Natanz for months, but we also revealed to Iran and the world our cyberwar capabilities. And we became the first nation to use cyberwar weapons on a country with which we are not at war.

If we have a right to attack Iran's nuclear facilities like Natanz and Bushehr that are under U.N. supervision, does Iran have a right to attack our nuclear plants, like Three Mile Island, with cyberwar viruses they create?

We have now alerted technologically advanced nations like Russia and China to our capabilities and impelled them to get cracking on their own cyberwar weapons, both offensive and defensive.

After President Truman informed him at Potsdam of our atom bomb, Joseph Stalin went home and ordered Soviet scientists to replicate the U.S. success. By 1949, far sooner than expected, Stalin

had the bomb.

Sanger describes how this "highly classified program," code-named "Olympic Games," was begun in the Bush years, how the worm was inserted in Natanz, and how it escaped from the centrifuges to outside computers and the world.

He quotes the president's dismayed reaction: "Should we shut this thing down?" Sanger implies that he spoke with "participants in the many Situation Room meetings on Olympic Games."

Obama seems outraged by such a suggestion: "The notion that my White House would purposely release classified national security information is offensive."

Fair enough. But presidential meetings are held in the Situation Room because they involve the most sensitive security secrets, and Olympic Games was, as Sanger relates, "a highly classified" program.

Whom did Sanger get all this from? Who leaked and why?

For this is far more serious than the leak that Joe Wilson's wife, Valerie Plame, worked for the CIA, which triggered a special prosecutor and got Dick Cheney's top aide, Lewis "Scooter" Libby, indicted and convicted.

Pvt. Bradley Manning faces a life sentence for divulging security secrets to WikiLeaks. What did he do that the leakers of the Stuxnet secrets did not do?

John McCain alleges that the leaking of security secrets — on how SEAL Team Six got Osama, on the Stuxnet virus that ravaged the Natanz plant, on the president ordering up drone strikes on a "kill list" of al-Qaeda operatives — is politically motivated.

Purpose: paint the president as a ruthless and relentless warrior against America's enemies.

Whatever the purpose, the leaks appear to be breaches of national security and violations of federal law, and two U.S. attorneys are investigating.

It is not improbable that officials on Obama's national security team, if not White House aides, will soon be addressing a federal grand jury.

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# Sen. Feinstein Calls for Hearing on Stuxnet Leaks as FBI Begins Probe

By Kim ZetterEmail Author

06.06.12

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Following a report in the *New York Times* last Friday, which quoted unnamed U.S. government sources saying the U.S. was behind the release of the Stuxnet worm, Sen. Dianne Feinstein has called for Capitol Hill hearings about the leak — but not about the extraordinary attack itself. “I am deeply disturbed by the continuing leaks of classified information to the media, most recently regarding alleged cyber efforts targeting Iran’s nuclear program,” Feinstein (D-Calif.) said in a statement released Tuesday.

The FBI has reportedly already [launched a criminal investigation into the leaks](#), according to the *Wall Street Journal*. The Obama administration has been extremely aggressive in investigating and prosecuting leakers of other information, including using subpoenas to journalists in an attempt to unmask their sources and going after email and phone records. Feinstein, chairwoman of the Intelligence Committee, disclosed that she had sent a classified

letter about the issue to President Obama and has discussed holding a joint hearing with the Senate Armed Services Committee to investigate the leaks.

She told *The Hill* that there is concern that the attack and news attributing it to the U.S. would provide justification for copycat cyberattacks against the U.S.

"This is like an avalanche. It is very detrimental and, candidly, I found it very concerning,"

Feinstein said. "There's no question that this kind of thing hurts our country," referring to the leak, not the unprecedented offensive use of a cyberattack that caused physical damage.

Sen. John McCain (R-Ariz.) announced on Tuesday that Sen. Carl Levin (D.-Mich.), chairman of the Senate Armed Services Committee, had agreed to hold a hearing on the leaks.

The move comes after the *New York Times* quoted a number of anonymous sources, including current and former U.S., Israeli and European officials, who said that Obama had ordered the Stuxnet attack against an Iranian uranium enrichment plant to continue even after he became aware that the malware used in the attack had spread beyond the intended target and was infecting computers elsewhere.

Sources told the *Times* that the cyberattack, part of a larger sabotage operation dubbed "Olympic Games," was a joint project of the U.S. and Israel, and that the worm escaped its prescribed target after the Israelis made some unspecified alterations to it. The spread of the worm ultimately led to its discovery by a computer security firm in Belarus in June 2010.

McCain, in a statement, accused the White House of leaking information about its role in Stuxnet to improve the president's reelection bid. He called for the appointment of special counsel to investigate and prosecute whoever was behind the leaks.

"The only conceivable motive for such damaging and compromising leaks of classified information is that it makes the president look good," McCain said on Tuesday. "They are merely gratuitous and utterly self-serving."

The White House has denied that it was behind the leaks.

Feinstein said she plans to add language to the next Intelligence Authorization Bill that would require notification of authorized disclosures and an explanation of the rationale behind the disclosures. She also wants more resources made available for investigating and prosecuting leaks of classified information.

The U.S.'s involvement in Stuxnet is just one in a series of recent leaks, including one that reportedly stymied an ongoing operation that involved a double agent who was helping the U.S. and allies infiltrate al Qaeda supporters in Yemen. The White House had attempted to convince the *Associated Press* to withhold the latter story, presumably to give the administration time to get the agent out of harm's way, but was unsuccessful in getting the media outlet to delay publication for more than a few days.

Other leaks have involved the U.S. drone program in Yemen and the Obama administration's "kill list."

David Sanger, the author of the *Times* piece about Stuxnet told "Face the Nation" on Sunday, that he "spent a year working the story from the bottom up, and then went to the administration and told them what I had. Then they had to make some decisions about how much they wanted to talk about it . . . I'm sure the political side of the White House probably likes reading about the president acting with drones and cyber and so forth. National-security side has got very mixed emotions about it because these are classified programs."

*Photo of Sen. Dianne Feinstein courtesy of Lawrence Livermore National Laboratory*

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## US officials leak claims of credit for Stuxnet in partnership with Israel

posted at 12:01 pm on June 1, 2012 by Ed Morrissey

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The US and Israel partnered on the Stuxnet worm years ago in a top-secret attempt to slow down the Iranian development of nuclear weapons, according to current and former US officials. After a [New York Times](#) report this morning exposed the partnership, the [Washington Post](#) got confirmation from its sources. Interestingly, both newspapers emphasize Barack Obama's role in the cyberattack strategy, while pushing the fact that George Bush actually ordered the program into existence to lower paragraphs. Here's the New York Times:

From his first months in office, [President Obama](#) secretly ordered increasingly sophisticated attacks on the computer systems that run [Iran's](#) main nuclear enrichment facilities, significantly expanding America's first sustained use of cyberweapons, according to participants in the program.

Mr. Obama decided to accelerate the attacks — begun in the Bush administration and code-named Olympic Games — even after an element of the program accidentally became public in the summer of 2010 because of a programming error that allowed it to escape Iran's Natanz plant and sent it around the world on the Internet. Computer security experts who began studying the worm, which had been developed by the United States and Israel, gave it a name: [Stuxnet](#).

At a tense meeting in the White House Situation Room within days of the worm's "escape," Mr. Obama, Vice President Joseph R. Biden Jr. and the director of the [Central Intelligence Agency](#) at the time, Leon E. Panetta, considered whether America's most ambitious attempt to slow the progress of Iran's nuclear efforts had been fatally compromised.

"Should we shut this thing down?" Mr. Obama asked, according to members of the president's national security team who were in the room.

Told it was unclear how much the Iranians knew about the code, and offered evidence that it was still causing havoc, Mr. Obama decided that the cyberattacks should proceed. In the following weeks, the Natanz plant was hit by a newer version of the computer worm, and then another after that. The last of that series of attacks, a few weeks after Stuxnet was detected around the world, temporarily took out nearly 1,000 of the 5,000 centrifuges Iran had spinning at the time to purify uranium.

The Post waits until the third paragraph:

A damaging cyberattack against Iran's nuclear program was the work of U.S. and Israeli experts and proceeded under the secret orders of President Obama, who was eager to slow that nation's apparent progress toward building an atomic bomb without launching a traditional military attack, say current and former U.S. officials.

The origins of the cyberweapon, which outside analysts dubbed Stuxnet after it was discovered in 2010, have long been debated, with most experts concluding that the United States and Israel likely collaborated on the effort. The current and former U.S. officials confirmed that long-standing suspicion Friday, after a New York Times report on the program.

The officials, speaking on the condition of anonymity to describe the classified effort they code named Olympic Games, said that it was first developed during the administration of George W. Bush and was geared toward damaging Iran's nuclear capability gradually while sowing confusion among Iranian scientists about the cause of mishaps.

This sounds a lot like the plan for Iraq, doesn't it? George Bush signed the status-of-forces agreement with Maliki while Obama promised to accelerate our transition to within 16 months. Once Obama got into office, he simply defaulted to Bush's plan while taking credit for "ending the war," which he does to this day. In this case, the New York Times and Washington Post give Obama lead credit for an operation that Bush put in place, seemingly just because Obama didn't bail out of it when something went wrong. That was a good decision by Obama, but shouldn't the lead have mentioned the President who actually launched the operation, rather than the one who didn't end it after it was already in process?

Most of us assumed Israel was involved, and that would have meant the US probably had some participation. I'm not sure how wise it is to take public ownership of the program at this point, although ambiguity would hardly keep Iran from retaliating against either country. This looks like a leak from the White House intending to give Obama some cover on the ongoing failure to deal effectively with the Iranian nuclear-weapon program.

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# Attorney General Taps Federal Prosecutors for Stuxnet Leak

Monday, June 11, 2012

Contributed By:

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Last week the [Wall Street Journal](#) [reported](#) that the FBI opened an investigation into the source of recently leaked information regarding covert operations conducted by the U.S. government.

Now Attorney General Eric Holder has appointed two federal prosecutors to lead the investigation into leaks concerning the government's use of a sophisticated cyber weapon known as Stuxnet and a foiled

attack by al Qaeda in the Arabian Peninsula.

*"These two highly-respected and experienced prosecutors will be directing separate investigations currently being conducted by the FBI. I have every confidence in their abilities to doggedly follow the facts and the evidence in the pursuit of justice, wherever it leads,"* Holder said.

Previously, FBI Director Robert Mueller had announced an investigation into the leaking of information surrounding the disruption of the a planned attack using a bomb concealed in under garments.

With the appointment of special investigators by Holder, the probe has widened to include the disclosure of the development of the Stuxnet virus, which infected systems that provided operations control for Iranian production networks, and was most likely produced to stifle Iran's nuclear weapons program.

*"Leaks such as this threaten ongoing operations, puts at risk the lives of sources, makes it much more difficult to recruit sources, and damages our relationships with our foreign partners."* Mueller said last month.

Stuxnet, which emerged in 2010, targeted Siemens Programmable Logic Controllers (PLCs) and is thought to have caused severe damage to equipment at Iranian uranium enrichment facilities, setting back the nation's weapons program by as much as several years.

Stuxnet is largely considered to be a game changer in the world of information security, as the infection did not merely cause problems with the tainted systems, but actually affected kinetic damage on the equipment those systems controlled.

The leaked information about the development of the Stuxnet virus was revealed in an article by New York Times' writer David Sanger, which prompted Holder's move to appoint special investigators.

*"Leaks such as this have ... a huge impact on our ability to do our business, not just on a particular source and the threat to the particular source, but your ability to recruit sources is severely hampered,"* Mueller said.

*"In cases such as this, the relationship with your counterparts overseas are damaged and which means that an inhibition in the willingness of others to share information with us where they don't think that information will remain secure. So it also has some long-term effects, which is why it is so important to make certain that the persons who are responsible for the leak are brought to justice,"* Mueller maintains.

Senator John McCain of Arizona suggested that the leaks may have been intentional on the part of the White House in *"an attempt to further the president's political ambitions for the sake of his re-election at the expense of our national security."*

White House spokesman Josh Earnest rebutted the speculation, stating *"It's classified for a reason, because publicizing that information would pose a significant threat to national security."*

President Obama also denied there was an intentional leak emanating from the White House, stating that *"the notion that my White House would purposefully release classified national security information is offensive. It's wrong."*

The investigation could result in multiple subpoenas, including those directed at White House officials and Time reporter Sanger.

*"[The reporters] are going to fight you tooth and nail but, eventually ... you can actually subpoena them*

- but there are strict guidelines," said former federal prosecutor Peter Zeidenberg.

Source: <http://abcnews.go.com/blogs/politics/2012/06/attorney-general-eric-holder-appoints-federal-prosecutors-for-leak-investigations/>

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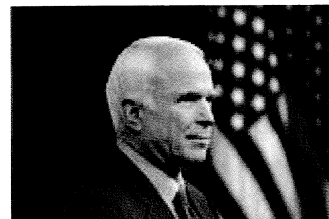
# Stuxnet details leaked to boost Obama, alleges McCain

## Cyber-gloating

By John E Dunn | [Techworld](#) | Published: 17:19 GMT, 06 June 12

The Obama administration is deliberately leaking information on US cyber-attacks against Iran in order to portray itself in a favourable light to voters, Senator John McCain has alleged.

In a Senate speech and media interviews, McCain referred to sensational [claims made by journalist David Sanger](#) last week that the Stuxnet worm attack uncovered in 2010 was part of a longer-term, organised software campaign to undermine Iran's nuclear and military capability.



"With the leaks that these articles were based on, our enemies now know much more than they even did the day before they came out about important aspects of the nation's unconventional offensive capability and how we use them," McCain told the Senate.

"Such disclosures can only undermine similar ongoing or future operations and, in this sense, compromise national security. For this reason, regardless of how politically useful these leaks may be to the president, they have to stop."

Stuxnet has long been assumed to be part of a US-Israeli campaign against the country but the detail revealed by Sanger still surprised a lot of people acclimatised to an era of 'plausible deniability'.

Far from being an embarrassment, McCain alleged that drip-feeding information on cyber-operations was politically useful.

"They're intentionally leaking information to enhance President Obama's image as a tough guy for the elections. That is unconscionable," McCain later said in interviews.

The leaks were part of a wider tendency to "boast" about operations, including attacks on anti-Western militants in Afghanistan and elsewhere, which removed the mystique of such actions.

The FBI has apparently opened an investigation into the alleged leaks, which are both detailed and yet, paradoxically, still unconfirmed. How details of the [Stuxnet 'Olympic Games' programme](#) were leaked, by whom and with what purpose is perhaps the last unsolved mystery.

Some see an investigation as absurd. If McCain's characterisation of the leak as being deliberate is correct, Sanger's Stuxnet story must have had some level of approval from senior officials so what is there to investigate? The White House has not responded to McCain's allegations.

The affair contrasts markedly with the UK's modus operandi where special forces operations and cyber-warfare are rarely referred to and as a matter of official policy otherwise neither confirmed nor denied.

Normally the Stuxnet revelations would be just another interesting security story but they arrived in the week a new and previously unknown piece of apparent cyber-malware [called 'Flame'](#) attracted huge attention. That too is now being widely blamed on the US as part of its anti-iran activities. Some now worry that the US's actions - not to mention the appearance of gloating - might set a bad precedent for other states undoubtedly wielding cyber-weapons of their own.

<http://news.techworld.com/security/3362243/stuxnet-details-leaked-to-boost-obama-alleges-mccain/>

**EVIDENCE  
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May 29, 2012

# Secret 'Kill List' Proves a Test of Obama's Principles and Will

By JO BECKER and SCOTT SHANE

WASHINGTON — This was the enemy, served up in the latest chart from the intelligence agencies: 15 Qaeda suspects in Yemen with Western ties. The mug shots and brief biographies resembled a high school yearbook layout. Several were Americans. Two were teenagers, including a girl who looked even younger than her 17 years.

President Obama, overseeing the regular Tuesday counterterrorism meeting of two dozen security officials in the White House Situation Room, took a moment to study the faces. It was Jan. 19, 2010, the end of a first year in office punctuated by terrorist plots and culminating in a brush with catastrophe over Detroit on Christmas Day, a reminder that a successful attack could derail his presidency. Yet he faced adversaries without uniforms, often indistinguishable from the civilians around them.

"How old are these people?" he asked, according to two officials present. "If they are starting to use children," he said of Al Qaeda, "we are moving into a whole different phase."

It was not a theoretical question: Mr. Obama has placed himself at the helm of a top secret "nominations" process to designate terrorists for kill or capture, of which the capture part has become largely theoretical. He had vowed to align the fight against Al Qaeda with American values; the chart, introducing people whose deaths he might soon be asked to order, underscored just what a moral and legal conundrum this could be.

Mr. Obama is the liberal law professor who campaigned against the Iraq war and torture, and then insisted on approving every new name on an expanding "kill list," poring over terrorist suspects' biographies on what one official calls the macabre "baseball cards" of an unconventional war. When a rare opportunity for a drone strike at a top terrorist arises — but his family is with him — it is the president who has reserved to himself the final moral calculation.

"He is determined that he will make these decisions about how far and wide these operations will go," said Thomas E. Donilon, his national security adviser. "His view is that he's responsible for the position of the United States in the world." He added, "He's determined to

keep the tether pretty short.”

Nothing else in Mr. Obama's first term has baffled liberal supporters and confounded conservative critics alike as his aggressive counterterrorism record. His actions have often remained inscrutable, obscured by awkward secrecy rules, polarized political commentary and the president's own deep reserve.

In interviews with The New York Times, three dozen of his current and former advisers described Mr. Obama's evolution since taking on the role, without precedent in presidential history, of personally overseeing the shadow war with Al Qaeda.

They describe a paradoxical leader who shunned the legislative deal-making required to close the detention facility at Guantánamo Bay in Cuba, but approves lethal action without hand-wringing. While he was adamant about narrowing the fight and improving relations with the Muslim world, he has followed the metastasizing enemy into new and dangerous lands. When he applies his lawyering skills to counterterrorism, it is usually to enable, not constrain, his ferocious campaign against Al Qaeda — even when it comes to killing an American cleric in Yemen, a decision that Mr. Obama told colleagues was “an easy one.”

His first term has seen private warnings from top officials about a “Whac-A-Mole” approach to counterterrorism; the invention of a new category of aerial attack following complaints of careless targeting; and presidential acquiescence in a formula for counting civilian deaths that some officials think is skewed to produce low numbers.

The administration's failure to forge a clear detention policy has created the impression among some members of Congress of a take-no-prisoners policy. And Mr. Obama's ambassador to Pakistan, Cameron P. Munter, has complained to colleagues that the C.I.A.'s strikes drive American policy there, saying “he didn't realize his main job was to kill people,” a colleague said.

Beside the president at every step is his counterterrorism adviser, John O. Brennan, who is variously compared by colleagues to a dogged police detective, tracking terrorists from his cavelike office in the White House basement, or a priest whose blessing has become indispensable to Mr. Obama, echoing the president's attempt to apply the “just war” theories of Christian philosophers to a brutal modern conflict.

But the strikes that have eviscerated Al Qaeda — just since April, there have been 14 in Yemen, and 6 in Pakistan — have also tested both men's commitment to the principles they have repeatedly said are necessary to defeat the enemy in the long term. Drones have replaced Guantánamo as the recruiting tool of choice for militants; in his 2010 guilty plea, Faisal



Shahzad, who had tried to set off a car bomb in Times Square, justified targeting civilians by telling the judge, "When the drones hit, they don't see children."

Dennis C. Blair, director of national intelligence until he was fired in May 2010, said that discussions inside the White House of long-term strategy against Al Qaeda were sidelined by the intense focus on strikes. "The steady refrain in the White House was, 'This is the only game in town' — reminded me of body counts in Vietnam," said Mr. Blair, a retired admiral who began his Navy service during that war.

Mr. Blair's criticism, dismissed by White House officials as personal pique, nonetheless resonates inside the government.

William M. Daley, Mr. Obama's chief of staff in 2011, said the president and his advisers understood that they could not keep adding new names to a kill list, from ever lower on the Qaeda totem pole. What remains unanswered is how much killing will be enough.

"One guy gets knocked off, and the guy's driver, who's No. 21, becomes 20?" Mr. Daley said, describing the internal discussion. "At what point are you just filling the bucket with numbers?"

### **'Maintain My Options'**

A phalanx of retired generals and admirals stood behind Mr. Obama on the second day of his presidency, providing martial cover as he signed several executive orders to make good on campaign pledges. Brutal interrogation techniques were banned, he declared. And the prison at Guantánamo Bay would be closed.

What the new president did not say was that the orders contained a few subtle loopholes. They reflected a still unfamiliar Barack Obama, a realist who, unlike some of his fervent supporters, was never carried away by his own rhetoric. Instead, he was already putting his lawyerly mind to carving out the maximum amount of maneuvering room to fight terrorism as he saw fit.

It was a pattern that would be seen repeatedly, from his response to Republican complaints that he wanted to read terrorists their rights, to his acceptance of the C.I.A.'s method for counting civilian casualties in drone strikes.

The day before the executive orders were issued, the C.I.A.'s top lawyer, John A. Rizzo, had called the White House in a panic. The order prohibited the agency from operating detention facilities, closing once and for all the secret overseas "black sites" where interrogators had brutalized terrorist suspects.

"The way this is written, you are going to take us out of the rendition business," Mr. Rizzo told Gregory B. Craig, Mr. Obama's White House counsel, referring to the much-criticized practice of grabbing a terrorist suspect abroad and delivering him to another country for interrogation or trial. The problem, Mr. Rizzo explained, was that the C.I.A. sometimes held such suspects for a day or two while awaiting a flight. The order appeared to outlaw that.

Mr. Craig assured him that the new president had no intention of ending rendition — only its abuse, which could lead to American complicity in torture abroad. So a new definition of "detention facility" was inserted, excluding places used to hold people "on a short-term, transitory basis." Problem solved — and no messy public explanation damped Mr. Obama's celebration.

"Pragmatism over ideology," his campaign national security team had advised in a memo in March 2008. It was counsel that only reinforced the president's instincts.

Even before he was sworn in, Mr. Obama's advisers had warned him against taking a categorical position on what would be done with Guantánamo detainees. The deft insertion of some wiggle words in the president's order showed that the advice was followed.

Some detainees would be transferred to prisons in other countries, or released, it said. Some would be prosecuted — if "feasible" — in criminal courts. Military commissions, which Mr. Obama had criticized, were not mentioned — and thus not ruled out.

As for those who could not be transferred or tried but were judged too dangerous for release? Their "disposition" would be handled by "lawful means, consistent with the national security and foreign policy interests of the United States and the interests of justice."

A few sharp-eyed observers inside and outside the government understood what the public did not. Without showing his hand, Mr. Obama had preserved three major policies — rendition, military commissions and indefinite detention — that have been targets of human rights groups since the 2001 terrorist attacks.

But a year later, with Congress trying to force him to try all terrorism suspects using revamped military commissions, he deployed his legal skills differently — to preserve trials in civilian courts.

It was shortly after Dec. 25, 2009, following a close call in which a Qaeda-trained operative named Umar Farouk Abdulmutallab had boarded a Detroit-bound airliner with a bomb sewn into his underwear.

Mr. Obama was taking a drubbing from Republicans over the government's decision to read

the suspect his rights, a prerequisite for bringing criminal charges against him in civilian court.

The president “seems to think that if he gives terrorists the rights of Americans, lets them lawyer up and reads them their Miranda rights, we won’t be at war,” former Vice President Dick Cheney charged.

Sensing vulnerability on both a practical and political level, the president summoned his attorney general, Eric H. Holder Jr., to the White House.

F.B.I. agents had questioned Mr. Abdulmutallab for 50 minutes and gained valuable intelligence before giving him the warning. They had relied on a 1984 case called *New York v. Quarles*, in which the Supreme Court ruled that statements made by a suspect in response to urgent public safety questions — the case involved the location of a gun — could be introduced into evidence even if the suspect had not been advised of the right to remain silent.

Mr. Obama, who Mr. Holder said misses the legal profession, got into a colloquy with the attorney general. How far, he asked, could *Quarles* be stretched? Mr. Holder felt that in terrorism cases, the court would allow indefinite questioning on a fairly broad range of subjects.

Satisfied with the edgy new interpretation, Mr. Obama gave his blessing, Mr. Holder recalled.

“Barack Obama believes in options: ‘Maintain my options,’ “ said Jeh C. Johnson, a campaign adviser and now general counsel of the Defense Department.

### **‘They Must All Be Militants’**

That same mind-set would be brought to bear as the president intensified what would become a withering campaign to use unmanned aircraft to kill Qaeda terrorists.

Just days after taking office, the president got word that the first strike under his administration had killed a number of innocent Pakistanis. “The president was very sharp on the thing, and said, ‘I want to know how this happened,’ “ a top White House adviser recounted.

In response to his concern, the C.I.A. downsized its munitions for more pinpoint strikes. In addition, the president tightened standards, aides say: If the agency did not have a “near certainty” that a strike would result in zero civilian deaths, Mr. Obama wanted to decide personally whether to go ahead.

The president’s directive reinforced the need for caution, counterterrorism officials said, but

did not significantly change the program. In part, that is because “the protection of innocent life was always a critical consideration,” said Michael V. Hayden, the last C.I.A. director under President George W. Bush.

It is also because Mr. Obama embraced a disputed method for counting civilian casualties that did little to box him in. It in effect counts all military-age males in a strike zone as combatants, according to several administration officials, unless there is explicit intelligence posthumously proving them innocent.

Counterterrorism officials insist this approach is one of simple logic: people in an area of known terrorist activity, or found with a top Qaeda operative, are probably up to no good. “Al Qaeda is an insular, paranoid organization — innocent neighbors don’t hitchhike rides in the back of trucks headed for the border with guns and bombs,” said one official, who requested anonymity to speak about what is still a classified program.

This counting method may partly explain the official claims of extraordinarily low collateral deaths. In a speech last year Mr. Brennan, Mr. Obama’s trusted adviser, said that not a single noncombatant had been killed in a year of strikes. And in a recent interview, a senior administration official said that the number of civilians killed in drone strikes in Pakistan under Mr. Obama was in the “single digits” — and that independent counts of scores or hundreds of civilian deaths unwittingly draw on false propaganda claims by militants.

But in interviews, three former senior intelligence officials expressed disbelief that the number could be so low. The C.I.A. accounting has so troubled some administration officials outside the agency that they have brought their concerns to the White House. One called it “guilt by association” that has led to “deceptive” estimates of civilian casualties.

“It bothers me when they say there were seven guys, so they must all be militants,” the official said. “They count the corpses and they’re not really sure who they are.”

### **‘A No-Brainer’**

About four months into his presidency, as Republicans accused him of reckless naïveté on terrorism, Mr. Obama quickly pulled together a speech defending his policies. Standing before the Constitution at the National Archives in Washington, he mentioned Guantánamo 28 times, repeating his campaign pledge to close the prison.

But it was too late, and his defensive tone suggested that Mr. Obama knew it. Though President George W. Bush and Senator John McCain, the 2008 Republican candidate, had supported closing the Guantánamo prison, Republicans in Congress had reversed course and discovered they could use the issue to portray Mr. Obama as soft on terrorism.

Walking out of the Archives, the president turned to his national security adviser at the time, Gen. James L. Jones, and admitted that he had never devised a plan to persuade Congress to shut down the prison.

“We’re never going to make that mistake again,” Mr. Obama told the retired Marine general.

General Jones said the president and his aides had assumed that closing the prison was “a no-brainer — the United States will look good around the world.” The trouble was, he added, “nobody asked, ‘O.K., let’s assume it’s a good idea, how are you going to do this?’”

It was not only Mr. Obama’s distaste for legislative backslapping and arm-twisting, but also part of a deeper pattern, said an administration official who has watched him closely: the president seemed to have “a sense that if he sketches a vision, it will happen — without his really having thought through the mechanism by which it will happen.”

In fact, both Secretary of State Hillary Rodham Clinton and the attorney general, Mr. Holder, had warned that the plan to close the Guantánamo prison was in peril, and they volunteered to fight for it on Capitol Hill, according to officials. But with Mr. Obama’s backing, his chief of staff, Rahm Emanuel, blocked them, saying health care reform had to go first.

When the administration floated a plan to transfer from Guantánamo to Northern Virginia two Uighurs, members of a largely Muslim ethnic minority from China who are considered no threat to the United States, Virginia Republicans led by Representative Frank R. Wolf denounced the idea. The administration backed down.

That show of weakness doomed the effort to close Guantánamo, the same administration official said. “Lyndon Johnson would have steamrolled the guy,” he said. “That’s not what happened. It’s like a boxing match where a cut opens over a guy’s eye.”

## **The Use of Force**

It is the strangest of bureaucratic rituals: Every week or so, more than 100 members of the government’s sprawling national security apparatus gather, by secure video teleconference, to pore over terrorist suspects’ biographies and recommend to the president who should be the next to die.

This secret “nominations” process is an invention of the Obama administration, a grim debating society that vets the PowerPoint slides bearing the names, aliases and life stories of suspected members of Al Qaeda’s branch in Yemen or its allies in Somalia’s Shabab militia.

The video conferences are run by the Pentagon, which oversees strikes in those countries, and participants do not hesitate to call out a challenge, pressing for the evidence behind accusations of ties to Al Qaeda.

"What's a Qaeda facilitator?" asked one participant, illustrating the spirit of the exchanges. "If I open a gate and you drive through it, am I a facilitator?" Given the contentious discussions, it can take five or six sessions for a name to be approved, and names go off the list if a suspect no longer appears to pose an imminent threat, the official said. A parallel, more cloistered selection process at the C.I.A. focuses largely on Pakistan, where that agency conducts strikes.

The nominations go to the White House, where by his own insistence and guided by Mr. Brennan, Mr. Obama must approve any name. He signs off on every strike in Yemen and Somalia and also on the more complex and risky strikes in Pakistan — about a third of the total.

Aides say Mr. Obama has several reasons for becoming so immersed in lethal counterterrorism operations. A student of writings on war by Augustine and Thomas Aquinas, he believes that he should take moral responsibility for such actions. And he knows that bad strikes can tarnish America's image and derail diplomacy.

"He realizes this isn't science, this is judgments made off of, most of the time, human intelligence," said Mr. Daley, the former chief of staff. "The president accepts as a fact that a certain amount of screw-ups are going to happen, and to him, that calls for a more judicious process."

But the control he exercises also appears to reflect Mr. Obama's striking self-confidence: he believes, according to several people who have worked closely with him, that his own judgment should be brought to bear on strikes.

Asked what surprised him most about Mr. Obama, Mr. Donilon, the national security adviser, answered immediately: "He's a president who is quite comfortable with the use of force on behalf of the United States."

In fact, in a 2007 campaign speech in which he vowed to pull the United States out of Iraq and refocus on Al Qaeda, Mr. Obama had trumpeted his plan to go after terrorist bases in Pakistan — even if Pakistani leaders objected. His rivals at the time, including Mitt Romney, Joseph R. Biden Jr. and Mrs. Clinton, had all pounced on what they considered a greenhorn's campaign bluster. (Mr. Romney said Mr. Obama had become "Dr. Strangelove.")

In office, however, Mr. Obama has done exactly what he had promised, coming quickly to rely on the judgment of Mr. Brennan.

Mr. Brennan, a son of Irish immigrants, is a grizzled 25-year veteran of the C.I.A. whose work as a top agency official during the brutal interrogations of the Bush administration made him a target of fierce criticism from the left. He had been forced, under fire, to withdraw his name from consideration to lead the C.I.A. under Mr. Obama, becoming counterterrorism chief instead.

Some critics of the drone strategy still vilify Mr. Brennan, suggesting that he is the C.I.A.'s agent in the White House, steering Mr. Obama to a targeted killing strategy. But in office, Mr. Brennan has surprised many former detractors by speaking forcefully for closing Guantánamo and respecting civil liberties.

Harold H. Koh, for instance, as dean of Yale Law School was a leading liberal critic of the Bush administration's counterterrorism policies. But since becoming the State Department's top lawyer, Mr. Koh said, he has found in Mr. Brennan a principled ally.

"If John Brennan is the last guy in the room with the president, I'm comfortable, because Brennan is a person of genuine moral rectitude," Mr. Koh said. "It's as though you had a priest with extremely strong moral values who was suddenly charged with leading a war."

The president values Mr. Brennan's experience in assessing intelligence, from his own agency or others, and for the sobriety with which he approaches lethal operations, other aides say.

"The purpose of these actions is to mitigate threats to U.S. persons' lives," Mr. Brennan said in an interview. "It is the option of last recourse. So the president, and I think all of us here, don't like the fact that people have to die. And so he wants to make sure that we go through a rigorous checklist: The infeasibility of capture, the certainty of the intelligence base, the imminence of the threat, all of these things."

Yet the administration's very success at killing terrorism suspects has been shadowed by a suspicion: that Mr. Obama has avoided the complications of detention by deciding, in effect, to take no prisoners alive. While scores of suspects have been killed under Mr. Obama, only one has been taken into American custody, and the president has balked at adding new prisoners to Guantánamo.

"Their policy is to take out high-value targets, versus capturing high-value targets," said Senator Saxby Chambliss of Georgia, the top Republican on the intelligence committee. "They are not going to advertise that, but that's what they are doing."

Mr. Obama's aides deny such a policy, arguing that capture is often impossible in the rugged tribal areas of Pakistan and Yemen and that many terrorist suspects are in foreign prisons

because of American tips. Still, senior officials at the Justice Department and the Pentagon acknowledge that they worry about the public perception.

“We have to be vigilant to avoid a no-quarter, or take-no-prisoners policy,” said Mr. Johnson, the Pentagon’s chief lawyer.

## **Trade-Offs**

The care that Mr. Obama and his counterterrorism chief take in choosing targets, and their reliance on a precision weapon, the drone, reflect his pledge at the outset of his presidency to reject what he called the Bush administration’s “false choice between our safety and our ideals.”

But he has found that war is a messy business, and his actions show that pursuing an enemy unbound by rules has required moral, legal and practical trade-offs that his speeches did not envision.

One early test involved Baitullah Mehsud, the leader of the Pakistani Taliban. The case was problematic on two fronts, according to interviews with both administration and Pakistani sources.

The C.I.A. worried that Mr. Mehsud, whose group then mainly targeted the Pakistan government, did not meet the Obama administration’s criteria for targeted killing: he was not an imminent threat to the United States. But Pakistani officials wanted him dead, and the American drone program rested on their tacit approval. The issue was resolved after the president and his advisers found that he represented a threat, if not to the homeland, to American personnel in Pakistan.

Then, in August 2009, the C.I.A. director, Leon E. Panetta, told Mr. Brennan that the agency had Mr. Mehsud in its sights. But taking out the Pakistani Taliban leader, Mr. Panetta warned, did not meet Mr. Obama’s standard of “near certainty” of no innocents being killed. In fact, a strike would certainly result in such deaths: he was with his wife at his in-laws’ home.

“Many times,” General Jones said, in similar circumstances, “at the 11th hour we waved off a mission simply because the target had people around them and we were able to loiter on station until they didn’t.”

But not this time. Mr. Obama, through Mr. Brennan, told the C.I.A. to take the shot, and Mr. Mehsud was killed, along with his wife and, by some reports, other family members as well, said a senior intelligence official.



The attempted bombing of an airliner a few months later, on Dec. 25, stiffened the president's resolve, aides say. It was the culmination of a series of plots, including the killing of 13 people at Fort Hood, Tex. by an Army psychiatrist who had embraced radical Islam.

Mr. Obama is a good poker player, but he has a tell when he is angry. His questions become rapid-fire, said his attorney general, Mr. Holder. "He'll inject the phrase, 'I just want to make sure you understand that.'" And it was clear to everyone, Mr. Holder said, that the president was simmering about how a 23-year-old bomber had penetrated billions of dollars of American security measures.

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When a few officials tentatively offered a defense, noting that the attack had failed because the terrorists were forced to rely on a novice bomber and an untested formula because of stepped-up airport security, Mr. Obama cut them short.

"Well, he could have gotten it right and we'd all be sitting here with an airplane that blew up and killed over a hundred people," he said, according to a participant. He asked them to use the close call to imagine in detail the consequences if the bomb had detonated. In characteristic fashion, he went around the room, asking each official to explain what had gone wrong and what needed to be done about it.

"After that, as president, it seemed like he felt in his gut the threat to the United States," said Michael E. Leiter, then director of the National Counterterrorism Center. "Even John Brennan, someone who was already a hardened veteran of counterterrorism, tightened the straps on his rucksack after that."

David Axelrod, the president's closest political adviser, began showing up at the "Terror Tuesday" meetings, his unspeaking presence a visible reminder of what everyone understood: a successful attack would overwhelm the president's other aspirations and achievements.

In the most dramatic possible way, the Fort Hood shootings in November and the attempted Christmas Day bombing had shown the new danger from Yemen. Mr. Obama, who had rejected the Bush-era concept of a global war on terrorism and had promised to narrow the American focus to Al Qaeda's core, suddenly found himself directing strikes in another complicated Muslim country.

The very first strike under his watch in Yemen, on Dec. 17, 2009, offered a stark example of the difficulties of operating in what General Jones described as an "embryonic theater that we weren't really familiar with."

It killed not only its intended target, but also two neighboring families, and left behind a trail of cluster bombs that subsequently killed more innocents. It was hardly the kind of precise

operation that Mr. Obama favored. Videos of children's bodies and angry tribesmen holding up American missile parts flooded You Tube, fueling a ferocious backlash that Yemeni officials said bolstered Al Qaeda.

The sloppy strike shook Mr. Obama and Mr. Brennan, officials said, and once again they tried to impose some discipline.

In Pakistan, Mr. Obama had approved not only "personality" strikes aimed at named, high-value terrorists, but "signature" strikes that targeted training camps and suspicious compounds in areas controlled by militants.

But some State Department officials have complained to the White House that the criteria used by the C.I.A. for identifying a terrorist "signature" were too lax. The joke was that when the C.I.A. sees "three guys doing jumping jacks," the agency thinks it is a terrorist training camp, said one senior official. Men loading a truck with fertilizer could be bombmakers — but they might also be farmers, skeptics argued.

Now, in the wake of the bad first strike in Yemen, Mr. Obama overruled military and intelligence commanders who were pushing to use signature strikes there as well.

"We are not going to war with Yemen," he admonished in one meeting, according to participants.

His guidance was formalized in a memo by General Jones, who called it a "governor, if you will, on the throttle," intended to remind everyone that "one should not assume that it's just O.K. to do these things because we spot a bad guy somewhere in the world."

Mr. Obama had drawn a line. But within two years, he stepped across it. Signature strikes in Pakistan were killing a large number of terrorist suspects, even when C.I.A. analysts were not certain beforehand of their presence. And in Yemen, roiled by the Arab Spring unrest, the Qaeda affiliate was seizing territory.

Today, the Defense Department can target suspects in Yemen whose names they do not know. Officials say the criteria are tighter than those for signature strikes, requiring evidence of a threat to the United States, and they have even given them a new name — TADS, for Terrorist Attack Disruption Strikes. But the details are a closely guarded secret — part of a pattern for a president who came into office promising transparency.

## **The Ultimate Test**

On that front, perhaps no case would test Mr. Obama's principles as starkly as that of Anwar

al-Awlaki, an American-born cleric and Qaeda propagandist hiding in Yemen, who had recently risen to prominence and had taunted the president by name in some of his online screeds.

The president "was very interested in obviously trying to understand how a guy like Awlaki developed," said General Jones. The cleric's fiery sermons had helped inspire a dozen plots, including the shootings at Fort Hood. Then he had gone "operational," plotting with Mr. Abdulmutallab and coaching him to ignite his explosives only after the airliner was over the United States.

That record, and Mr. Awlaki's calls for more attacks, presented Mr. Obama with an urgent question: Could he order the targeted killing of an American citizen, in a country with which the United States was not at war, in secret and without the benefit of a trial?

The Justice Department's Office of Legal Counsel prepared a lengthy memo justifying that extraordinary step, asserting that while the Fifth Amendment's guarantee of due process applied, it could be satisfied by internal deliberations in the executive branch.

Mr. Obama gave his approval, and Mr. Awlaki was killed in September 2011, along with a fellow propagandist, Samir Khan, an American citizen who was not on the target list but was traveling with him.

If the president had qualms about this momentous step, aides said he did not share them. Mr. Obama focused instead on the weight of the evidence showing that the cleric had joined the enemy and was plotting more terrorist attacks.

"This is an easy one," Mr. Daley recalled him saying, though the president warned that in future cases, the evidence might well not be so clear.

In the wake of Mr. Awlaki's death, some administration officials, including the attorney general, argued that the Justice Department's legal memo should be made public. In 2009, after all, Mr. Obama had released Bush administration legal opinions on interrogation over the vociferous objections of six former C.I.A. directors.

This time, contemplating his own secrets, he chose to keep the Awlaki opinion secret.

"Once it's your pop stand, you look at things a little differently," said Mr. Rizzo, the C.I.A.'s former general counsel.

Mr. Hayden, the former C.I.A. director and now an adviser to Mr. Obama's Republican challenger, Mr. Romney, commended the president's aggressive counterterrorism record,

which he said had a “Nixon to China” quality. But, he said, “secrecy has its costs” and Mr. Obama should open the strike strategy up to public scrutiny.

“This program rests on the personal legitimacy of the president, and that’s not sustainable,” Mr. Hayden said. “I have lived the life of someone taking action on the basis of secret O.L.C. memos, and it ain’t a good life. Democracies do not make war on the basis of legal memos locked in a D.O.J. safe.”

## **Tactics Over Strategy**

In his June 2009 speech in Cairo, aimed at resetting relations with the Muslim world, Mr. Obama had spoken eloquently of his childhood years in Indonesia, hearing the call to prayer “at the break of dawn and the fall of dusk.”

“The United States is not — and never will be — at war with Islam,” he declared.

But in the months that followed, some officials felt the urgency of counterterrorism strikes was crowding out consideration of a broader strategy against radicalization. Though Mrs. Clinton strongly supported the strikes, she complained to colleagues about the drones-only approach at Situation Room meetings, in which discussion would focus exclusively on the pros, cons and timing of particular strikes.

At their weekly lunch, Mrs. Clinton told the president she thought there should be more attention paid to the root causes of radicalization, and Mr. Obama agreed. But it was September 2011 before he issued an executive order setting up a sophisticated, interagency war room at the State Department to counter the jihadi narrative on an hour-by-hour basis, posting messages and video online and providing talking points to embassies.

Mr. Obama was heartened, aides say, by a letter discovered in the raid on Osama bin Laden’s compound in Pakistan. It complained that the American president had undermined Al Qaeda’s support by repeatedly declaring that the United States was at war not with Islam, but with the terrorist network. “We must be doing a good job,” Mr. Obama told his secretary of state.

Moreover, Mr. Obama’s record has not drawn anything like the sweeping criticism from allies that his predecessor faced. John B. Bellinger III, a top national security lawyer under the Bush administration, said that was because Mr. Obama’s liberal reputation and “softer packaging” have protected him. “After the global outrage over Guantánamo, it’s remarkable that the rest of the world has looked the other way while the Obama administration has conducted hundreds of drone strikes in several different countries, including killing at least some civilians,” said Mr. Bellinger, who supports the strikes.

By withdrawing from Iraq and preparing to withdraw from Afghanistan, Mr. Obama has refocused the fight on Al Qaeda and hugely reduced the death toll both of American soldiers and Muslim civilians. But in moments of reflection, Mr. Obama may have reason to wonder about unfinished business and unintended consequences.

His focus on strikes has made it impossible to forge, for now, the new relationship with the Muslim world that he had envisioned. Both Pakistan and Yemen are arguably less stable and more hostile to the United States than when Mr. Obama became president.

Justly or not, drones have become a provocative symbol of American power, running roughshod over national sovereignty and killing innocents. With China and Russia watching, the United States has set an international precedent for sending drones over borders to kill enemies.

Mr. Blair, the former director of national intelligence, said the strike campaign was dangerously seductive. "It is the politically advantageous thing to do — low cost, no U.S. casualties, gives the appearance of toughness," he said. "It plays well domestically, and it is unpopular only in other countries. Any damage it does to the national interest only shows up over the long term."

But Mr. Blair's dissent puts him in a small minority of security experts. Mr. Obama's record has eroded the political perception that Democrats are weak on national security. No one would have imagined four years ago that his counterterrorism policies would come under far more fierce attack from the American Civil Liberties Union than from Mr. Romney.

Aides say that Mr. Obama's choices, though, are not surprising. The president's reliance on strikes, said Mr. Leiter, the former head of the National Counterterrorism Center, "is far from a lurid fascination with covert action and special forces. It's much more practical. He's the president. He faces a post-Abdulmutallab situation, where he's being told people might attack the United States tomorrow."

"You can pass a lot of laws," Mr. Leiter said, "Those laws are not going to get Bin Laden dead."



# Forbes



**Greg McNeal**, Contributor

I focus on law, public policy, security & crime.

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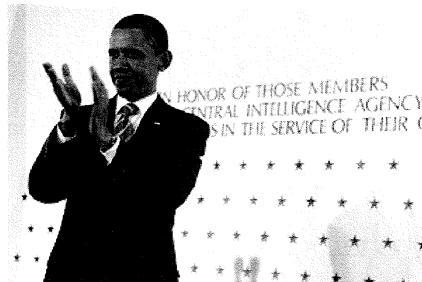
## Obama's Self-Serving Leaks, His Selective Outrage and the Need for a Special Counsel

President Obama is offended by accusations that his administration has leaked national security secrets. However, a review of the record reveals that the White House was not offended by the leaks themselves, at least not until members of Congress expressed concern about the leaks coming out of the administration. The administration's demonstrated resistance to investigating the leaks and inability to police themselves proves that a special counsel is necessary.

The entire scandal has raised profound questions about the ability of the press corps to hold this administration accountable. Why aren't journalists asking: Where was the administration's outrage prior to the accusations of leaks? Where was the administration's commitment to an investigation? Where was this administration's denunciation of the national security secrets that were revealed in the stories? We didn't see any outrage from this administration, because the "kill-list" story was a puff-piece intended to make

President Obama look good. If the leaks in the "kill-list" story were not authorized, why haven't we witnessed any officials who were quoted in the piece lose their job? Why haven't they said that the quotes were lies or that they were misquoted or misleadingly quoted? It seems clear that the Obama administration miscalculated, believing there would be no fall-out from their support of the "kill-list" or Stuxnet stories. The events of the past week have shown that the administration's plan has backfired, and now that the planted stories have gone sideways the administration is selectively outraged and in full-blown denial mode.

A review of the record reveals the absurdity of the Obama administrations protestations. Let's start with the New York Times "kill-list" story which was



LANGLEY, VA - MARCH 20: U.S. President Barack Obama applauds intelligence agency employees at the Central Intelligence Agency (CIA) headquarters May 20, 2011 in Langley, Virginia. Obama visited the intelligence headquarters to thank personal from intelligence agencies for their work in tracking down Osama bin Laden. (Image credit: Getty Images via @daylife)

riddled with quotes that would raise alarm bells in any administration that was truly concerned about the release of national security information. The sheer number of quotes demonstrates that the leaks were carefully orchestrated political leaks, which have only now “offended” the President —not because of their national security impact but because of their political impact.

## THE KILL LIST

So let’s review the record. The New York Times story regarding the “kill list” was published on May 29, 2012. The story was sourced to “three dozen” current and former administration officials.

President Obama **himself** was quoted, making the idiotic statement that al Qaeda’s use of children might mean we are “moving into a whole new phase.” (A quote that revealed an utter lack of understanding about the conflict with al Qaeda and a quote which was the type that an administration would want to deny if it were false.) The story quoted **current** national security adviser Thomas E. Donilon:

“He is determined that he will make these decisions about how far and wide these operations will go,” said Thomas E. Donilon, his national security adviser. “His view is that he’s responsible for the position of the United States in the world.” He added, “He’s determined to keep the tether pretty short.”

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“He realizes this isn’t science, this is judgments made off of, most of the time, human intelligence,” said Mr. Daley, the former chief of staff. “The president accepts as a fact that a certain amount of screw-ups are going to happen, and to him, that calls for a more judicious process.”

The story went on to quote the former Director of National Intelligence, Dennis C. Blair and quoted President Obama’s former Chief of Staff William M. Daley:

“One guy gets knocked off, and the guy’s driver, who’s No. 21, becomes 20?” Mr. Daley said, describing the internal discussion. “At what point are you just filling the bucket with numbers?”

One official admitted in the story that he was revealing classified information and asked for anonymity. That official stated:

Counterterrorism officials insist this approach [counting all military age males as combatants] is one of simple logic: people in an area of known terrorist activity, or found with a top Qaeda operative, are probably up to no good. “Al Qaeda is an insular, paranoid organization — innocent neighbors don’t hitchhike rides in the back of trucks headed for the border with guns and bombs,” said one official, who requested anonymity to speak about what is still a classified program.

Even State Department Legal Adviser Howard Koh is quoted, offering his opinion of counterterrorism adviser John Brennan and the fact that Brennan is the last person in the room during targeted killing decisions:

Harold H. Koh, for instance, as dean of Yale Law School was a leading liberal critic of the Bush administration’s counterterrorism policies. But since becoming the State Department’s top lawyer, Mr. Koh said, he has found in Mr. Brennan a principled ally. “If John Brennan is the last guy in the room with the president, I’m comfortable, because Brennan is a person of genuine moral rectitude,” Mr. Koh said. “It’s as though you had a priest with extremely strong moral values who was suddenly charged with leading a war.”

And John Brennan himself was quoted saying:



“The purpose of these actions is to mitigate threats to U.S. persons’ lives,” Mr. Brennan said in an interview. “It is the option of last recourse. So the president, and I think all of us here, don’t like the fact that people have to die. And so he wants to make sure that we go through a rigorous checklist: The infeasibility of capture, the certainty of the intelligence base, the imminence of the threat, all of these things.”

Today, President Obama demonstrated his selective outrage when he said *“The notion that my White House would purposely release classified national security information is offensive,”* he told reporters in the White House briefing room. *“It’s wrong, and people I think need to have a better sense of how I approach this office and how people around here approach this office.”* Right. That statement comes **10 days** after the New York Times story and **11 days** after a similar Newsweek story based on Dan Klaidman’s book.

Check the White House press conference transcripts for earlier expressions of outrage or statements by the administration denying the truth of the details revealed in the “kill-list” story or expressing their commitment to secrecy. On May 29th there was no mention of the story or concerns about leaks (although there was a discussion about drones). Similarly there was no mention on May 30th, or May 31st. So on a story that was littered with quotes attributed to current and former Obama administration officials, we have at least a day of silence from the administration (really two days). No outrage, pure silence. In fact, as my description below makes clear, to date we have yet to hear the White House denounce the “kill-list” story, we have yet to see a quoted official deny the accuracy of the quotes, and we have yet to see an administration official lose their job. This was clearly an orchestrated leak. Journalists should be asking why the quoted officials are still working for the President if the White House did not clear their statements. If the White House did clear their statements, which statements were not cleared? The Press Corps should be unpacking these stories line by line.

## STUXNET

Let’s jump now to the Stuxnet story. On June 1st the New York Times published their story Obama Ordered Wave of Cyberattacks Against Iran. This story effectively revealed that the United States was involved in a covert war with Iran —a huge national security leak. The story revealed the code name of the operation, allies who participated in the operations, and details of secret briefings regarding the operations. The story quoted President Obama, Vice President Biden, and then CIA Director Panetta.

What was the White House response to the story? Well, here’s the transcript.

“ Q Josh, on the Stuxnet story in the Times today, can you confirm the United States collaborating with the Israelis to launch a cyber attack on Iran?

MR. EARNEST: I’ve read the story that you’re referring to, Alister, and I’m not able to comment on any of the specifics or details that are included in that story. I can tell you more, though, about what this President’s approach to Iran has been in terms of dealing with the threat. [The quote then goes on to give the administration’s talking points regarding their policy of engagement with Iran]

Q So, Josh, you won’t comment on the actual content in the Times story, but it cites remarks that the President and the Vice President made inside the Situation Room. It seems very obvious that this is an authorized leak. So –

MR. EARNEST: Why would you say that?

Q — in the Situation Room. Obviously it’s not a national security concern to talk about it. So for what reason won’t you talk to us about it?

MR. EARNEST: I disagree with you in the strongest possible terms about your characterization of that handling of classified data. There is a reason that information is classified. It's classified for a reason, because publicizing that information would pose a significant threat to national security. So I disagree entirely with the premise of the question as you posed it.

Q So are you saying that there was — are you denying there was an authorized leak?

MR. EARNEST: I'm saying that I'm not in a position to talk to you about any of the details that were included in the story. But I am telling you that this administration — well, that it's our view, as it is the view of everybody who handles classified information, that information is classified for a reason; that it is kept secret, it is intended not to be publicized because publicizing it would pose a threat to our national security.

Q So let me ask you this. Given that, does the President intend to open an investigation into the apparent leak of this secure information?

MR. EARNEST: I don't have any information for you on that right now.

Q Josh, given that, too, though, did the administration or the White House seek to consult with The New York Times not to publish that story?

“ MR. EARNEST: I don't have any details for you in terms of the way that that story was handled.

Anyone familiar with the operations of an administration's national security operations knows that the media plays an important role in national security process. As James E. Baker, former Special Assistant to the President and Legal Adviser to the National Security Council under President Clinton (and current judge) has written, “the national security day for many policymakers will begin with a review of overnight intelligence product, and then move to the drafting and clearing of press guidance.” He goes on, “[m]ore than one national security adviser has had to remind his or her staff that reviewing the president's standing press guidance first thing in the morning is a more important task, even if repetitive, than preparing for the next inter-agency meeting.”

This understanding of national security process is critically important. From it we can see that this administration was likely aware of the front page New York Times story and the serious revelations about national security contained in the story. Despite those facts, outrage wasn't the first instinct of this administration. In fact, their first instinct upon being questioned about the story was to offer talking points about the President's Iran policy. Then when pressed about the fact that the story was a leak, the administration offered the standard talking point “information is classified for a reason.” Finally when asked if there would be an investigation, the administration was not prepared with any answer or details. If the administration was concerned about this serious breach of national security secrets, certainly one would expect a prepared statement about an investigation, yet no information about an investigation was forthcoming. Which makes sense because the administration wasn't concerned about national security fall-out, they were still basking in the glow of their self-serving campaign piece on targeted killing.

So, let's move on. On June 4th the press corps followed up on the leak story:

“ Q I have a follow-up on something we asked on Friday. In the gaggle we asked about the Stuxnet story in David Sanger's piece and whether this was an authorized leak. And subsequent to that gaggle, we were referred to David Sanger, the author of the piece — which is unusual because the White House I think should answer our questions, not the author of a piece.

MR. CARNEY: I think we made very clear that — yes?

Q My question is, was this — my colleagues and I asked, was this an authorized leak?

MR. CARNEY: No. And I think that the reason why people pointed you to the author is that he has made clear that his reporting on this initiated elsewhere. Look, our interest is always in protecting sensitive information, protecting classified information, because it's important for our national security. In fact, some people are frustrated by that approach that we take because it is so vital to the ability of our men and women both in uniform as well as in the intelligence community to protect the United States and to fulfilling their missions that we protect that information. So I think the reason why people pointed you to the author is because he knows best where he got his information and had made that clear.

At this point we are 4 days into the Stuxnet story, 5 days into the New York Times “kill list” story and 6 days into the Newsweek “kill list” story, and we have yet to hear a peep from the administration about the details leaked in the “kill list” story. Furthermore, their position on the Stuxnet story was to refer the press corps to the author of the story. In fact, the position of the White House was that the Stuxnet story, which quoted President Obama and Vice President Biden “initiated elsewhere.” Where exactly might that elsewhere be? Where can one go to find the classified details of conversations between the President, Vice President, and Director of the CIA? My guess is administration officials, I'd like to hear where else one might get that information as it seems like the kind of security flaw we should patch.

On June 5th there was no discussion of leaks during the White House Press gathering. However, on June 6th, Senator McCain alleged that

“It is difficult to escape the conclusion that these recent leaks of highly classified information, all of which have the effect of making the President look strong and decisive on national security in the middle of his re-election campaign, have a deeper political motivation. The most recently major leaks of classified information involved the president's personal involvement in a classified drone program complete with a ‘kill list,’ as well as the revelation of a highly classified computer worm targeted at Iran — both major New York Times scoops.”

Here is how the White House responded:

“Q Do you have any reaction to McCain's comments this morning about the — this morning when he said that there were leaks from the highest levels in the White House and that was unacceptable? Do you have any reaction to his comments?

MR. CARNEY: We are not going to comment on any of the specific information contained in the articles referenced by Senator McCain. This administration takes all appropriate and necessary steps to prevent leaks of classified information or sensitive information that could risk ongoing counterterrorism or intelligence operations. Any suggestion that this administration has authorized intentional leaks of classified information for political gain is grossly irresponsible.

Again, no mention of an investigation into how the press was able to quote the President, Vice President, Director of Central Intelligence and other high level officials. Just denials that the leaks came from within the administration. How could the White House know that the leaks did not come from within their administration if they didn't investigate it? How can they explain the fact that the President himself has been quoted in these stories? Why haven't any of the individuals quoted denied the veracity of the statements?

It wasn't until yesterday that we got the first acknowledgement at a White House press briefing that someone should be investigating these leaks. Carney stated “I refer you to agencies that are tasked with investigating these kinds of matters. And, again, this is something that the President insists that

his administration take all appropriate and necessary steps to prevent leaks of classified information or sensitive information that could risk our counterterrorism operations.” That referral was no doubt a reference to the fact that the FBI is now investigating the leaks, a detail learned by Senator Saxby Chambliss (the FBI is refusing to comment).

So let’s summarize. The President is outraged and offended by allegations that his administration has leaked sensitive national security information. However, it took nearly a week for his administration to admit that an investigation was warranted. The administration has to-date, not denied any of the details revealed in the “kill list” story, and no official quoted in the story has denied the veracity of the quotes or lost their job. On Stuxnet, they took nearly a week to admit that an investigation into the story was warranted, but only then referred the press to the agencies responsible for the investigation. And now we learn that those agencies may have been the source of the leaks, resulting in the partial recusal of the Department of Justice’s National Security Division from the investigation. In light of this record, how can anyone deny that a special counsel is warranted?

*Gregory S. McNeal is a professor who specializes in law and public policy. You can follow him on Twitter @GregoryMcNeal.*

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**This article is available online at:**  
<http://www.forbes.com/sites/gregorymcneal/2012/06/08/obamas-self-serving-leaks-his-selective-outrage-and-the-need-for-a-special-counsel/>

**The New York Times**

June 5, 2012

# Senators to Open Inquiry Into ‘Kill List’ and Iran Security Leaks

By THE NEW YORK TIMES

WASHINGTON — The Senate will investigate recent national security leaks to the news media after articles in The New York Times about a “kill list” for terrorists and the use of cyberweapons against Iran, a Senate official said on Tuesday.

Tara Andringa, a spokeswoman for Senator Carl Levin of Michigan, the Democratic chairman of the Armed Services Committee, said the committee would hold hearings “pertaining to recent public reports of classified information.”

Senator Dianne Feinstein, chairman of the Intelligence Committee, said in a statement: “Today I sent a classified letter to the president outlining my deep concerns about the release of this information. I made it clear that disclosures of this type endanger American lives and undermine America’s national security.” She said she had discussed the possibility of joint hearings with Mr. Levin.

The announcement of hearings came after two Republican senators, John McCain of Arizona and Saxby Chambliss of Georgia, called for the appointment of a special counsel to investigate the leaks.

“Such disclosures can only undermine similar ongoing or future operations and, in this sense, compromise national security,” Mr. McCain said on the Senate floor. “For this reason, regardless of how politically useful these leaks may be to the president, they have to stop.”

Mr. McCain referred to the articles in The Times, which detailed Mr. Obama’s engagement in the decisions of which terrorists to target, and said he personally directed the cyberefforts against Iran. Mr. McCain, the ranking Republican on the Armed Services Committee, told reporters that he believes the leaks were designed “to enhance President Obama’s image as a tough guy for the elections.”

The statement from Mr. Levin said of the hearing that “any discussion of classified information by the committee or committees would necessarily be closed.”


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JUNE 5, 2012, 8:12 PM

**Senate Will Investigate National Security Leaks About Terrorism 'Kill List'***By* MICHAEL D. SHEAR

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