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Last update - 10:59 23/01/2006
U.S. Jewish leaders concerned by Franklin conviction
By Shlomo Shamir and Amiram Barkat

Two days after former Pentagon analyst Larry A. Franklin was sentenced to 12 years and seven months in jail for sharing classified information with pro-Israel lobbyists, several American Jewish community leaders echoed a single refrain: There's reason to worry, but no need to feel like this is a crisis.

Franklin pleaded guilty in October to sharing the information with AIPAC lobbyists and Israeli diplomat Naor Gilon. Steve Rosen and Keith Weissman, who were fired from AIPAC in 2004, are facing charges of disclosing confidential information to Israel, apparently about Iran.

Some American Jewish leaders are concerned by the influence the trial could have on the relations between Jewish groups and the administration.

Anti-Defamation League director Abe Foxman said the Franklin affair could potentially pose a threat to all Jewish lobbyists.

Foxman said it is not clear what exactly is allowed in terms of the relationships between the administration and the media and between nongovernmental organizations and foreign governments. The lack of clarity, he said, could have a destructive influence on the activities of all U.S. Jewish groups.

Malcolm Hoenlein, executive vice chairman of the Conference of Presidents of Major Jewish Organizations, said yesterday that he found Franklin's sentence "disturbing."

"The very fact that this kind of climate can exist in the capital of the U.S. is unacceptable," he said at the Herzliya Conference.

Rosen and Weissman, he said, "are two patriotic American citizens working for a Jewish organization, who did nothing to violate the American security."

[Redacted] (WF) (FBI)
From: [Redacted] (WF) (FBI)
Sent: Tuesday, February 14, 2006 9:30 AM
To: [Redacted] (WF) (FBI)
Subject: FYI

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UNCLASSIFIED
NON-RECORD

I assume you worthies saw this...

Former Official Backs Lobbyists In Leak Case

The Washington Post
By Walter Pincus
February 14, 2006

WASHINGTON, DC -- The former head of the Justice Department's Office of Legal Policy helped write a memorandum of law calling for dismissal of Espionage Act charges against two pro-Israel lobbyists, arguing that, in receiving leaked classified information and relaying it to others, they were doing what reporters, think-tank experts and congressional staffers "do perhaps hundreds of times every day."



Viet D. Dinh, who helped draft the USA Patriot Act after the Sept. 11, 2001, attacks, has joined with lawyers defending Steven J. Rosen and Keith Weissman, former employees of the American Israel Public Affairs Committee (AIPAC), who last year became the first non-U.S. government employees to be indicted for allegedly violating provisions of the Espionage Act. "Never has a lobbyist, reporter, or any other non-government employee been charged . . . for receiving oral information the government alleges to be national defense material as part of that person's normal First Amendment protected activities," the defense memorandum states.

In addition, since no classified documents are involved, the two lobbyists are being accused of receiving oral classified information during conversations with government officials, one of whom warned Weissman that "the information he was about to receive was highly-classified 'Agency stuff,' " according to the indictment. That government official in this instance was Lawrence A. Franklin, who at the time worked in the policy office at the Pentagon. He recently pleaded guilty to violations of the Espionage Act and was provisionally sentenced to 12 years in prison, with the sentence to be reviewed depending on his cooperation with the government in the Rosen-Weissman trial and any other related investigations.

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The defense memorandum was filed under seal in U.S. District Court for the Eastern District of Virginia on Jan. 19 and, according to Rosen's attorney, Abbe D. Lowell, was unsealed last Thursday at the request of the defense. In the 90 years since the act was originally drafted, according to the Dinh memorandum, "there have been no reported prosecutions of persons outside government for repeating information that they obtained verbally, and were thus unable to know conclusively whether or to what extent that information could be repeated." Dinh, who has returned to teaching at Georgetown University Law Center after leaving the Bush administration, said in an interview yesterday that the espionage statute is very broad and vague in its language and normally requires "bad faith" on the part of those in violation.

The memorandum quotes Patrick J. Fitzgerald, special counsel in the CIA leak case, who said in a news conference that the espionage law is "a difficult statute to interpret" and "a statute you ought to carefully apply." "Prosecuting the leakee for an oral presentation . . . presents a novel case because the listener has no evident indicia for knowing what relates to national defense," Dinh said. He noted that he could find only one case in which the disclosed information may have been made only orally. In that case, an Army intelligence officer leaked defense information and only he was charged. He was acquitted, "indicating that the government should have thought twice before now trying to stretch the statute even further."

The memorandum notes that the statute contemplates the passing of physical evidence, such as documents with classification stamped not just on each page but also alongside each paragraph. One section of the law says that a person who has improperly received a classified leak commits a crime if "he willfully retains the same and fails to deliver it to the officer or employee entitled to receive it." The memorandum says that the provision cannot cover orally received information since recipients "'retain' it in memory and it is physically impossible to 'deliver' it back to the United States."

Another reason for dismissing the case, according to the memorandum, is that "if the instant indictment and theory of prosecution are allowed to stand, lobbyists who seek information prior to its official publication date and reporters publishing what they learn can be charged with violating section 793" of the espionage statute. The memorandum also points out that "on many occasions, the media boldly state that they have classified material," which they publish after soliciting and receiving leaks.

Lowell said that his client and Weissman "have been indicted as felons for doing far less than for what reporters have been awarded Pulitzer Prizes." In the memorandum, reference is made to Washington Post reporter Dana Priest's articles on CIA secret prisons for alleged terrorists, for which a leak investigation is underway. FBI agents are also investigating the leak to the New York Times about the National Security Agency's domestic surveillance program.

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[redacted]
From: [redacted]
Sent: Wednesday, February 15, 2006 8:16 PM
To: [redacted]
Subject: Fw: NY Sun article - [redacted] interviewed

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-----Original Message-----

[redacted]
Sent: Wed Feb 15 18:45:50 2006
Subject: NY Sun article - [redacted] interviewed

[redacted] what's [redacted] email?

Big Impact Seen In Israel Spy Case

BY JOSH GERSTEIN - Staff Reporter of the Sun February 13, 2006
URL: <http://www.nysun.com/article/27429>

Lawyers for two former pro-Israel lobbyists under indictment for leaking classified information have denounced the prosecution as an assault on the First Amendment and warned that a vast array of policy advocates and journalists could be in jeopardy if the case goes forward. (X) BMK

The two lobbyists, Steven Rosen and Keith Weissman, were fired from their jobs at the American Israel Public Affairs Committee last year as the probe unfolded. A former Pentagon official charged with providing classified information to the pair, Lawrence Franklin, is cooperating with prosecutors after pleading guilty. He was sentenced last month to more than 12 years in prison.

In a brief filed in January and released last week, the lawyers for Messrs. Rosen and Weissman argue that the statute barring unauthorized release of classified material has never been applied to private citizens.

"The breathtaking application of that law to this set of facts breaks new legal ground," the defense team wrote. "There has never been a successful prosecution of an alleged leak by persons outside government persons with no contractual or legal obligation to preserve classified information."

Messrs. Rosen and Weissman are scheduled to go on trial in federal court in Alexandria, Va., on April 25. The indictment charges that they received classified information from Franklin and other officials, and passed that data on to members of the press and agents of a foreign government.

Prosecutors have not offered a public description of the information that was allegedly relayed, nor have they disclosed which reporters or foreign agents were allegedly involved. However, Franklin was the Iran desk officer at the Defense Department and some of the data he has admitted to passing on appear to have pertained to Iranian influence in

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Iraq. The foreign diplomats who received classified information in the alleged scheme appear to have been Israelis.

In court papers asking that the charges be dismissed, the defense lawyers argue that the prosecution is attempting to criminalize the traditional give and take of information between lobbyists, journalists, and government officials. "This is what members of the media, members of the Washington policy community, lobbyists and members of congressional staffs do perhaps hundreds of times every day," the lawyers wrote. "The exchange of information between members of the government and non-governmental organizations is precisely what policy lobbying (as well as everyday news reporting) is all about."

The prosecution's response to the motion was filed late last month, but has not yet been made public. In an unusual arrangement, most papers filed in the case remain secret for a time while they are reviewed for classified information.

In an interview yesterday, Mr. Weissman's attorney, John Nassikas III, said the prosecution should be of concern to all those who play a role in Washington policy debates. "Hopefully, there will be some resonance out in the community over this," the lawyer said. "We think that the government prosecution is off-base and we're challenging in every way, legally and factually."

However, Mr. Nassikas acknowledged that the defense may face an uphill battle in trying to convince Judge Thomas Ellis III, who is presiding over the case, that the prosecution would inhibit the free exchange of ideas and information vital to American democracy. At Franklin's sentencing last month, the judge expressed no qualms about punishing journalists or others who wind up with classified information and pass it on. "Persons who have unauthorized possession, who come into unauthorized possession of classified information, must abide by the law," Judge Ellis said in remarks first reported by the Jewish Telegraphic Agency. "That applies to academics, lawyers, journalists, professors, whatever."

The brief filed on behalf of Messrs. Rosen and Weissman was co-authored by a conservative Georgetown University law professor and former Justice Department official, Viet Dinh. Mr. Dinh's opposition to the department's stance in this case is notable because he has generally supported aggressive prosecution tactics and was an architect of the 2001 law that broadened the government's anti-terrorism powers, the USA-PATRIOT Act.

"He's obviously an expert on constitutional law issues, and there have been a lot of constitutional law flaws in the government's application of this statute," Mr. Nassikas said. He said Mr. Dinh was enlisted by Mr. Rosen's attorney, Abbe Lowell. Messrs. Lowell and Dinh did not return calls yesterday seeking comment for this story.

The case has drawn criticism from some Jewish activists as well as a journalists' group, the Reporters Committee for Freedom of the Press, which has sought to file an amicus brief on behalf of the two ex-lobbyists.

Legal analysts often distinguish the American legal system's approach toward breaches of classified information from the tack taken in Britain, where the country's Official Secrets Act can be used to prosecute and silence journalists and ordinary citizens who come into possession of sensitive information. In America, there have been repeated, but unsuccessful, efforts to pass a similar statute that would criminalize all leaks of classified information regardless of the harm caused or the intent or identity of the leaker.

In 2000, President Clinton vetoed legislation that would have made the release of any classified information a crime.

"It would be fundamentally unfair for the Justice Department to usurp the province of Congress and create some type of Official Secrets Act through the prosecution of a test case," the defense team argued in their brief.

The brief also quotes a prominent federal prosecutor, Patrick Fitzgerald, about the perils of bringing criminal charges in connection with leaks of classified information. "You should be very careful in applying that law because there are a lot of interests that could be implicated," Mr. Fitzgerald said at a press conference last year discussing his

decision not to charge a White House aide, I. Lewis Libby, with leaking a CIA officer's identity. Mr. Libby, who has pleaded not guilty, was charged with perjury and obstruction of justice in the probe.

Details of the defense filing were first reported by an online newsletter, Secrecy News, which is published by the Federation of American Scientists.

Mr. Nassikas declined to say yesterday whether he plans to call journalists as witnesses, an effort which could prompt further legal confrontations. "Neither side has indicated what witnesses will be called at this point. It's clear there are reporters involved in the facts of the case," the attorney said.

In recent months, Messrs. Rosen and Weissman have been at odds with their former employer, Aipac, over payment of legal fees in the case. "That is not resolved," Mr. Nassikas said. He said Mr. Weissman plans to launch a legal defense fund this week to cover costs that Aipac has declined to pick up.

Efforts to reach an Aipac spokesman last night were unsuccessful.

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From: [REDACTED]
Sent: Wednesday, February 15, 2006 6:12 PM
To: [REDACTED]
Subject: FW: JTA article

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-----Original Message-----

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Sent: Wed Feb 15 18:03:42 2006
Subject: JTA article

Pre-trial strategies suggest unwanted
exposure of AIPAC's lobbying practices

By Ron Kampeas and Matthew E. Berger

WASHINGTON, Feb. 14 (JTA) — Federal investigators are asking questions about ties between lay leaders of the American Israel Public Affairs Committee and two former staffers charged in a classified-information case.

The renewed investigation comes as Viet Dinh, a former assistant U.S. attorney general and principal architect of the Patriot Act, argued in a brief on behalf of Steve Rosen and Keith Weissman, the former AIPAC staffers, that the case against them lacks merit because it violates their First Amendment rights.

Taken together, the defense and government actions suggest the shape of the trial to start April 25: The defense will argue that culling and distributing inside government information was a routine lobbying activity.

It also anticipates the media event AIPAC insiders have said they fear: One that picks apart, in a public forum, exactly how AIPAC goes about its business.

No one suggests that AIPAC's activities are in any way illegal, and the prosecutor in the case already has made clear that the organization is not suspected of wrongdoing. But AIPAC closely guards its lobbying practices, and is loath to reveal them to the general Washington community.

In his brief, Dinh, now a law professor and attorney in private practice, argues that the First Amendment protects the practice of seeking information from executive branch officials.

"This is what members of the media, members of the Washington policy community, lobbyists and members of congressional staffs do perhaps hundreds of times a day," Dinh argues, describing the acts alleged in the indictment against Rosen, the former AIPAC foreign policy director, and Weissman, a former Iran specialist.

FBI agents' questions to other former AIPAC staffers interviewed in recent weeks suggest that the government is trying to assess whether receiving and disseminating classified information was routine at AIPAC.

The former staffers told JTA that the FBI agents asked questions about Rosen's

relationship with three past AIPAC presidents — Robert Asher of Chicago, Larry Weinberg of Beverly Hills, Calif., and Edward Levy of Detroit, as well as Newton Becker, an influential AIPAC donor from Los Angeles.

The former employees all spoke on condition of anonymity, because the FBI has told them not to speak with the media.

The office of U.S. Attorney Paul McNulty, who is trying the case, would not comment.

Weinberg, reached Tuesday, refused to comment. Levy was on vacation and could not be reached, and Asher and Becker did not respond to messages.

The new round of FBI questions is important because the indictment, based on a World War I-era espionage statute, rests not simply on receipt of the allegedly classified information but on its further dissemination.

The indictment, handed down last August, alleges that Rosen and Weissman relayed the information — on Iran and on Al-Qaida — to fellow AIPAC staffers, journalists and diplomats at the Israeli Embassy in Washington.

Establishing whether Rosen also briefed board members on the allegedly classified information would bolster the defense claim that the acts described in the indictment are routine. Board members are regularly briefed, often in lengthy one-on-one phone calls, on meetings between the most senior AIPAC staffers and top administration officials.

Rosen routinely made such phone calls, a former staffer said.

"He made sure board members knew he was responsible and he was the one doing the work," the staffer said.

Proving that such briefings are routine, however, will not necessarily deter the government from going ahead with the case: Judge T.S. Ellis, who is hearing the case, has suggested that the routine nature of such exchanges does not preclude prosecution.

"Persons who have unauthorized possession, who come into unauthorized possession of classified information, must abide by the law," Ellis said last month in sentencing Larry Franklin, the former Pentagon analyst who pleaded guilty to leaking information to Rosen, Franklin and others. "That applies to academics, lawyers, journalists, professors, whatever."

A defense source said the defendants could not recall board member briefings about the central charge in the indictment, involving allegedly classified information on supposed Iranian plans to kill American and Israeli agents in northern Iraq.

However, other alleged leaks in the indictment might have been relayed to board members, JTA has learned. One in 2002 involved David Satterfield, then a deputy assistant secretary of state and now deputy ambassador to Iraq. Satterfield relayed information to Rosen on Al-Qaida, the indictment says.

McNulty's office would not comment on whether it planned to bring charges against Satterfield. Satterfield did not respond to previous JTA requests for comment.

The defense will maintain that Satterfield would have been authorized to release the information. The administration routinely used AIPAC as a conduit to influence Israel on matters where there were differences between Israel and the United States, for instance on Israeli arms sales to China. In those cases, the information might have been classified.

The information Satterfield allegedly relayed to Rosen apparently related to Iran's ties to a wanted Lebanese terrorist.

Dinh's brief was filed last month, but was made public only last week. JTA reported on the brief last month, and has been researching for several months interactions between Rosen, Weissman and government officials.

Patrick Dorton, an AIPAC spokesman, previously has said that Rosen and Weissman were fired

last March because information arising out of the FBI investigation uncovered "conduct that was not part of their job and was beneath the standards of what AIPAC expects of their employees."

A December 2000 AIPAC staff handbook does not say how to handle classified information. A 1985 internal memo by Rosen, recently obtained by JTA, outlines his plans to shift AIPAC's lobbying emphasis from Congress to the executive branch. He explicitly calls for the cultivation of mid-level, non-elected officials — a description that would include Franklin.

Outlining the advantages of such lobbying, Rosen wrote: "They work for secretive rather than open institutions and agencies. And, perhaps most important of all for effective communications, they are in many cases experts in our subject themselves, as opposed to the 'generalist' in Congress who might be convinced by a few general 'talking points' explained by a layman."

Former staffers say Rosen's memo profoundly influenced AIPAC's mission. AIPAC has never repudiated the document, though last year the organization said it had changed some lobbying practices — without specifying which ones.

"AIPAC continues to discuss perfectly appropriate and legal information with people on Capitol Hill and in all levels of the administration every single day," Dorton said Tuesday.



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TAB B

Copyright 1997 Times Newspapers Limited
The Times

November 13, 1997, Thursday

SECTION: Overseas news

LENGTH: 677 words

HEADLINE: Americans shot dead after guilty verdict on Pakistani

BYLINE: Christopher Thomas, South Asia Correspondent, and James Bone in New York

BODY:

FOUR Americans and a Pakistani were shot dead yesterday in the centre of Karachi, probably by Islamic extremists, in an apparent reprisal attack after the conviction of a Pakistani in America for the killing of two CIA employees. The Pakistani Government has ordered an inquiry, but there is little chance of catching the killers.

Further attacks on Americans were feared after the conviction in New York last night of the Pakistani mastermind of the 1993 World Trade Centre bombing.

Ramzi Yousef, a former engineering student at Swansea Institute in Wales, faces life imprisonment for plotting to kill up to a quarter of a million people by toppling one of the 110-storey twin towers of the centre onto the other.

Six people died and more than 1,000 were injured in the attack on the lower Manhattan landmark, which left Americans feeling vulnerable to international terrorism for the first time. Eyad Ismoil, a Jordanian accused of driving the truck bomb into the underground car park, was also convicted of conspiracy and faces a life term.

Yousef, a Baluchi of Palestinian descent who was raised in Kuwait, was arrested in Pakistan two years ago when a fellow Muslim radical turned him in, in the hope of the \$ 2 million reward.

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Earlier this year he was sentenced to life imprisonment for plotting the bombing of 12 American airliners over Asia. The plan was never carried out because Philippines police chanced on his bomb factory, but Yousef tested his technique by bombing a Philippines Airlines plane, killing a Japanese business man. The American authorities believe he is linked to a shadowy Islamic underground connecting groups as far afield as Afghanistan, Egypt and the Philippines.

Sheikh Omar Abdel Rahman, a blind Muslim cleric, has already been jailed in the United States with ten associates on charges related to the World Trade Centre bombing and other planned attacks.

The Americans killed in Karachi, Pakistan's most lawless city, were singled out as the car in which they were travelling passed over a bridge in heavy morning traffic. The gunmen used Kalashnikovs, which are freely available at knockdown prices throughout the country, and escaped in the confusion.

All five victims of yesterday's attack were employees of Union Texas, the US oil company. They were on their way to work, a journey of only a few minutes, and died instantly. The Americans were auditors who had just arrived in Pakistan.



A witness said that the killers had on khaki jackets and the traditional baggy shirts and trousers worn by most Pakistanis. They stepped out of their vehicle, sprayed bullets into the victims at point-blank range, checked the bodies closely to ensure they were dead, and then drove off. The stolen vehicle was abandoned in the city.

The attack was similar to the killing of two American government employees in Karachi in 1995, also targeted as they drove to work. No one has been arrested for those killings, probably a reprisal for the deportation to America of Yousef. Yesterday's murders were probably designed to avenge the guilty verdict passed by an American court on Mir Aimal Kasi, a Pakistan national who killed two CIA employees outside the agency's headquarters in Langley, near Washington, more than four years ago. He could face the death penalty.

Kasi's lawyers are pleading with a jury to spare his life and sentence him to life in prison without parole. The defence produced family members, teachers, friends and former employers to show that Kasi had lived a non-violent life before the killings. The US State Department had given a warning on Tuesday that Americans could be targets after the Kasi verdict. Mike McCurry, President Clinton's spokesman, said there was no immediate direct evidence to link the Karachi murders with the Kasi conviction, but officials were watching for any connection that developed.

Condemning yesterday's Karachi attack as barbarous and outrageous, Mr McCurry said that it would not affect Mr Clinton's visit to Pakistan next year.

LOAD-DATE: November 14, 1997

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BRIEF ON IRAN
No. 798
Tuesday, December 9, 1997
Representative Office of
The National Council of Resistance of Iran
Washington, DC

Spying on Foreign Reporters in Tehran, *Iran Zamin News Agency*, December 8

The regime's Ministry of Intelligence is doing its utmost to prevent foreign reporters from gaining access to the realities of the Iranian society.

According to reports from Iran, the regime has instructed the majority of foreign reporters to leave Tehran immediately after the summit of the Organization of Islamic Conference.

The reporters have reportedly asked to go to Qom and meet with dissident clergymen. Meanwhile, the regime has imposed more restrictions on Montazeri, former successor to Khomeini. Montazeri's comments against Khamenei in recent weeks escalated the power struggle within the regime.

Protest Gathering of Mojahedin Families in Tehran, *Iran Zamin News Agency*, December 8

According to reports from Iran, simultaneous with the Organization of Islamic Conference's meeting in Tehran, large groups of families of Mojahedin martyrs and political prisoners gathered today in the Iranian capital's Behesht-e Zahra cemetery to protest the clerical regime's repressive policies.

The families gathered despite security measures by the regime and chanted slogans against the regime's leaders, and in support of the National Liberation Army and the Resistance's leaders.

The protesters condemned the regime's efforts to take advantage of the OIC summit to legitimize their atrocities in the name of Islam.

The Revolutionary Guards attacked the gathering of Mojahedin families and arrested and took away dozens of people, including elderly mothers, the reports say.

Iran Denies It's Involvement in Killing of Four Americans, *Agence France Presse*, December 8

ISLAMABAD - Iran Monday denied its nationals were involved in the killing of four US business executives in the Pakistani city of Karachi last month.

X Police in Karachi said Sunday security agencies had detained eight Iranian nationals in connection with the murder of the Americans.

The detainees included two people suspected of involvement in the theft of the car the assailants used in the November 12 slaying, the police said.

A police official said that investigators were working on a number of theories including suspicions of an Iranian connection in the slaying.



Police were questioning the Iranians but none of them had confessed to involvement in the crime, said Saud Mirza, a senior superintendent of Karachi police.

Trail Heats Up in '94 Argentina Bombing, *The Los Angeles Times*, December 6

BUENOS AIRES--The hunt for terrorists who slaughtered 86 people in the bombing of a Jewish community center here in 1994 has picked up unexpected momentum....

Investigators believe that the attack also involved Iranian terrorists and members of Modin, a rightist political party of former military officers known for coup attempts and anti-Semitic violence.

The latest and most politically prominent investigative target is congressional Deputy Emilio Morello, a former army captain and Modin member. Under questioning by the commission last week, Morello denied allegations that he met with Iranian diplomats and traveled secretly to the Middle East....

Meanwhile, Judge Juan Jose Galeano sought another piece of the puzzle: the suspected Iranian connection. After gathering information in France and Germany on Iranian terrorism, Galeano flew to Los Angeles to re-interview witness Manouchehr Moatamer, an Iranian defector who lives in California.

Moatamer, who fled Iran in 1994, describes himself as a former well-placed Iranian operative with powerful family connections. He says he had access to meetings where intelligence officials plotted the Buenos Aires bombing. During his testimony last week in the Argentine Consulate in Los Angeles, he provided purportedly official Iranian documents on the plot to back his claims...

Iranian officials, who deny any role in the bombing, call Moatamer a con man. But investigators believe that he can help them. During his 1994 testimony in Venezuela, he predicted a bombing at the Israeli Embassy in London that occurred days later during a worldwide terror offensive.

19th Dissident Assassinated Abroad During Khatami's Tenure, *Iran Zamin News Agency*, December 5

Wednesday, December 3, terrorists dispatched by the Iranian mullahs' regime assassinated Seyyed Jamal Nikjouyan, a member of the Kurdistan Democratic Party of Iran, in Kouysenjaq, Iraqi Kurdistan.

He was the 19th dissident assassinated on Iraqi territory since Khatami has taken office.



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Karachi
MURDERS
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US CITIZENS

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DATE 07-29-2010 BY 60324 uc baw/sab/lsg

BRIEF ON IRAN
No. 806
Friday, December 19, 1997
Representative Office of
The National Council of Resistance of Iran
Washington, DC

Religious-Civil Tension Mounts in Iran, *The Wall Street Journal*, December 17

TEHRAN—...Dr. Ibrahim Yazdi, leader of the Iran Freedom Movement, was summoned to the Islamic Court Sunday evening, associated said....Dr. Yazdi hasn't communicated with associates since phoning them that night....

The court that brought in Dr. Yazdi is closely aligned with Iran's supreme leader, Ayatollah Ali Khamenei. The arrest may deepen the divisions between Ayatollah Khamenei and the country's elected leader, President Mohammad Khatami....

President Khatami has sought to play down his differences with Ayatollah Khamenei. But others, including student activists and a few religious figures, have been pushing him toward a confrontation. Last month, Ayatollah Hossein Ali Montazeri, an Iranian religious figure who once was in line to be supreme leader, gave a lecture painting Iran's presidential election as a repudiation of Ayatollah Khamenei....

In reaction, a mob pillaged Ayatollah Montazeri's home and office in Qom, Iran's theological center. Street demonstrations were held throughout Iran in support of Ayatollah Khamenei, who said critics of the country's theocratic system were guilty of "acts of treason."...

Dr. Yazdi's detainment could be a warning by Ayatollah Khamenei that he won't hesitate to move against critics now that most of the international press corps has left Tehran after the OIC meeting....

Ayatollah Montazeri isn't the only cleric critical of Ayatollah Khamenei, though....some mullahs have long doubted Ayatollah Khamenei's religious credentials, and suggest a committee be set up to replace the single leader....

In particular, the top cleric in Isfahan is reported to have given a stern warning Friday to the officially tolerated vigilantes who have ransacked newspaper offices in that city, which is a stronghold of President Khatami....

Putting Ayatollah Montazeri on trial would be a risky move, though. As one of seven top religious authorities in Iran, he has silent adherents throughout the country....

Mr. Khatami and Ayatollah Khamenei may face more conflicts next year....

Police Probe Iranian Link In US Murders, *United Press International*, December 18

* ISLAMABAD—Pakistani and U.S. investigators probing the murders of four Americans in Karachi last month are looking at a possible Iranian link.

Officials at the U.S. embassy in Islamabad have confirmed local reports Thursday that investigators are interrogating Iranians for their possible involvement in the deaths.

Reports say police in Karachi arrested more than a dozen Iranians last week. Some have since been released but police are still holding six as possible suspects. Police traced telephone calls to the apartment where the Iranians lived.

terrorist attack last month in Karachi, a southern port city, left four Houston oil company employees dead....

Women Resist Raw Deal in Islamic Iran, *Reuter*, December 15

TEHRAN (Reuters) - Women were in the vanguard of the Iranian revolution that ousted the Shah 18 years ago, but they have had a raw deal in the Islamic republic and are increasingly demanding greater rights.

Few of the countless thousands of women who poured into the streets, defying the Shah's soldiers to demonstrate for change, can have imagined that the revolution would turn the clock back more than half a century for their sex.

Yet that, according to feminist lawyer Mehrangiz Kar, is exactly what happened.

"The family protection law enacted in the last four years of the Shah's regime, which improved many things for women, was abolished and they returned to the previous law approved 66 years earlier," she told Reuters in an interview....

In the name of Islam, the ruling Shi'ite Muslim clergy reinstated laws that give men an absolute right to divorce their wives without having to produce any justification and, in the vast majority of cases, custody over the children.

Women are entitled to keep boys only up to the age of two and girls until seven. After that the father has the right to custody....

"Although the mother has a very lofty place in Iranian literature and religious tradition, legally she is next to nothing," Kar said.

Women are barred from serving as judges, although there were many on the bench before the revolution. They face explicit discrimination in the criminal law and an unwritten "glass ceiling" in employment.

A woman's evidence in court is worth only half a man's, Kar said, and for some offenses, women's evidence is not admissible at all....

Blood money for a murdered woman is only half that for a man. Moreover, in an Islamic version of Catch 22, if a murdered woman's family insists on her male killer's execution, her relatives have to pay his family the full blood money in compensation, Kar said.



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ARMED CONFLICTS REPORT 2004

DISCLOSURE
ONE
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Pakistan (1992 - first combat deaths) Update: February 2005

Summary:

2004 Sectarian fighting continued in 2004 as attacks on civilians and security forces, bombing of mosques, and drive-by shootings of politicians killed between 100 and 170 people. Most casualties were civilians who died in the year in two most serious attacks, both bombings of Sunni mosques. President Musharraf was entrenched as head of the government and army until at least 2007 by a bill approved by Pakistan's lower house. Pakistan was declared a major ally by US President Bush in recognition of Pakistan's contribution to the fight against al-Qaeda.

2003 Sectarian violence claimed approximately 100 lives this year, with Shia Muslim civilians accounting for most of the casualties. President Musharraf continued a crackdown on militant groups, to which may be linked an attempt on his life in December.

2002 Sectarian violence claimed dozens of lives this year with Islamic militants stepping up attacks against Pakistani Christians and foreigners.

2001 Sectarian violence continued in 2001 with targeted killings of prominent members of the community. In August, the Sindh provincial government initiated a crackdown on Islamic militants. According to one Pakistani media source, more than 50 people were killed in the violence during the year.

2000 Although violence has declined since the military coup of October 1999, sectarian tensions persisted between the majority Sunni and the minority Shi'ite Muslim groups in Karachi. The killing of prominent religious leaders and political activists resulted in violent protests. At least 25 people were killed in the violence.

1999 Despite the central government's imposition of Governor's Rule in late 1998 in response to Sindh violence, political and sectarian killings persisted in Karachi, albeit at a much reduced level. At least 75 were killed during the year, down from the estimated 1,000 conflict deaths in 1998.

1998 In 1998 reprisal killings between militants of the Muttahida Qami Movement (MQM) and a break-away faction increased violence in the city of Karachi.

Type of Conflict:

State formation/ Failed state.

Parties to the Conflict:

1) Government:

As of October 1999, led by Chief Executive General Pervez Musharraf following the overthrow of the government of Prime Minister Nawaz Sharif in a military coup. Under the previous Prime Minister Benazir Bhutto, the government engaged the Pakistani Police Force, Paramilitary Rangers and troops from the Frontier Corps (Constabulary) in the conflict.

2) Armed groups:

Several parties opposed to the government (and each other) are involved in the violence. These are seen to be primarily ethnic or religious groups.

(a) Jeay Sindh (Qadir Magsi Group) representing Sindh nationalists;

(b) Mohajir-Qaumi-Movement (M-Q-M) led by Altaf Hussain (in exile in London since 1992) representing Mohajirs (migrants) who moved to Pakistan in 1947 when India was partitioned. Name changed to Muttahida Qami Movement in 1998;

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(c) M-Q-M (Haqiqi), a breakaway faction led by Afaq Ahmed;

Millat-e Islami-ye Pakistan (MIP), previously known as Sipah-Sabaha-Pakistan, which represents Sunni Moslems with support from fundamentalist groups in Saudi Arabia and Libya;

Islami Tahrik-e Pakistan (ITP), previously known as Tehrik-I-Jaffaria-Pakistan, which represents Shi'ite Moslems with some financial support from Iran. Led by Mohammad Baqar Najfi;

(d) Lashkar-e-Jhangvi, suspected of having links with Osama Bin Laden and al-Qaeda.

In addition, criminal elements, some working through the above groups, also contribute to the violence, a legacy of Pakistan involvement in the war in Afghanistan and the related drug trade.

In January 2002, President Musharraf banned five Islamic militant groups including, Sipah-Sabaha-Pakistan and Tehrik-I-Jaffaria. This ban was extended in 2003 following the renaming of several of the groups.

The ban imposed on three Islamic organizations by the Pakistani government over the weekend, in a move that saw dozens of Islamic activists rounded up across the country, was the continuation of a ban imposed last year, according to a senior government official. This is a continuation of the old ban on groups that had become active under new names. Information Minister Sheikh Rashid Ahmad told IRIN...

Among the outlawed groups were the Sunni organisation, Sipah-e-Sahab-ye Pakistan, which later re-emerged as Millat-e Islami-ye Pakistan (MIP); and its rival, the Shi'ah group, Yahrk-e Jaffari-ye Pakistan, which, thereafter, renamed itself Islami Tahrik-e Pakistan (ITP). Both the new organisations have been banned... [IRIN, November 17, 2003]

Status of Fighting:

2004 Armed violence continued in the form of attacks on civilians, bombing of mosques, drive-by shootings of politicians and attacks on security forces. The most serious incidents of the year were March and October bombings of Sunni mosques that killed over 80 people and wounded hundreds more.

Extremist strikes and sectarian attacks across the country together with mini-insurgencies in two of Pakistan's four provinces have increased public insecurity and criticism of President Pervez Musharraf. [BBC News, July 1, 2004]

Police in the Pakistani city of Karachi have fired tear gas at thousands of angry mourners after an attack on a Shia mosque killed at least 20. Trouble erupted after funeral prayers for 14 of those killed in Monday's attack, which officials believe was a sectarian suicide

bombing. The funerals follow overnight unrest in which three people died in clashes with the police. **[BBC News, June 1, 2004]**

Pakistan police say a bomb has wounded 13 police and soldiers in the south-western city of Quetta. Those injured were travelling in a truck when the blast occurred. Police have yet to identify the attackers. One report said a bomb on a bicycle had been detonated by remote control; another said a grenade was thrown from a motorcycle. Quetta has been a target for Islamic militants - in March over 40 people died in an attack on Shia Muslims. **[BBC News, May 24, 2004]**

A car bomb that exploded on Thursday outside a bible society office in the southern port city of Karachi, injuring at least 12 people and damaging the wall of a church close by, was actually an attack against law-enforcement agencies, according to a government official. **[IRIN, January 16, 2004]**

2003 Fighting between Sunni and Shia communities spread to the southwestern region of the country. In most instances of violence, Shia civilians were indiscriminately attacked, allegedly by extremist Sunni militant groups. The worst such case was the July bombing of a Shia mosque in Quetta, which resulted in 60 deaths. Militants employed guerrilla tactics, such as bombings and drive-by shootings. Extremist sectarian groups opposed to President Musharraf's policies, including his administration's alliance with the US in the war on terror, sustained attacks on government security forces and narrowly failed to assassinate Musharraf in December.

Pakistan President Pervez Musharraf narrowly escaped an assassination attempt when a bomb exploded just after his motorcade had passed by... Officials said it was too early to say who was behind the attack, but the most likely suspects are radical hardliners opposed to Musharraf's policy on Afghanistan, his crackdown on extremism and his efforts to reform Islamic schools, The Associated Press reported. **[CNN.com, December 14, 2003]**

Angry crowds rampaged through Pakistan's capital on Tuesday, a day after a prominent Sunni leader was shot dead near Islamabad... Maulana Azam Tariq, the leader of the Milat-e Islamiya, was gunned down by unknown assailants on Monday... **[IRIN, October 7, 2003]**

Hazaras Shia community leaders have called for increased security, despite life returning to normal following a Sunni militant attack on a mosque in the southwestern Pakistani city of Quetta on 4 July. The Lashkar-e-Jhangvi organisation claimed responsibility for the attack in which 60 people died...

Thousands of Sunni and Shia Muslims have been killed in Pakistan over the past two decades in sectarian violence... [which has been] mostly limited to the eastern Punjab and the southern Sindh provinces. However, in recent months, Hazaras living in Quetta, capital of the mostly tribal southwestern Balochistan Province, have become a target. **[IRIN, July 17, 2003]**

Unknown snipers gunned down nine Shiite Muslims at their place of worship in Karachi, a southern port city in Pakistan, a police officer told AFP [Agence France Presse]... Two men came on a motorcycle and one of them took out a gun looking like a Kalashnikov and sprayed bullets on the people going inside the Imambargah for evening prayer, Anwer Hussain, an eyewitness and survivor told AFP. **[The Age, February 23, 2003]**

2002 Fighting continued between Sunni and Shia communities. In addition, government officials, Pakistani Christians and foreigners were targeted by militant Muslim groups.

Masked gunmen have shot dead three Shia Muslims and injured two others outside a mosque in Pakistan... It was not clear who was behind the shooting, but violence between opposing militants from the majority Sunni and minority Shia communities has claimed hundred of lives in Pakistan in recent years. **[BBC News, June 18, 2002]**

A total of 10 parcel bombs were sent to officials in Karachi on 16 and 17 October. Three of them exploded, injuring nine people, while the others were defused... The parcel bombs appeared to be aimed at the Pakistani establishment, officials say. **[BBC News, October 31, 2002]**

The Christian community in Pakistan has been the worst hit by extremist attacks over the past year - more Christians have died in these incidents than from any other community. The targeting of the hospital and school, and now the Karachi charity, are the latest in a series of attacks against specifically Christian missions or places of worship. **[BBC News, September 25, 2002]**

Karachi witnessed an attack on the US consulate in June and a suicide bombing against French naval engineers in May. **[BBC News, September 25, 2002]**

2001 Sectarian violence persisted in 2001 with attacks by extremists from all sides.

Sunni extremists changed their strategy to targeting prominent community members such as doctors, lawyers and businessmen.

Police in Pakistan's largest city Karachi are under intense pressure to end an upsurge in sectarian murders of doctors and other professionals in the city. Extremists from the majority Sunni community have been blamed for the killing of four Shia doctors since April, as well as the high profile murder of the head of Pakistan State Oil, Shaukat Mirza. Fanatics from both sides have carried out many deadly attacks in Karachi over the years, but the new tactic is to target prominent personalities in the community. [BBC, September 3, 2001]

2000 Although violence has declined since the military coup of October 1999, sectarian tensions persisted between the majority Sunni and the minority Shi'ite Muslim groups in Karachi. The killing of prominent religious leaders and political activists resulted in violent protests. In September, Pakistani police arrested 250 members of the hardline Sunni Muslim group, Sipah-e-Sahaaba. Other police and army operations targeted the two leading ethnically-based parties in Sindh, the Jeay Sindh Qaumi Mahaz (JSQM) and Muttahida Qaumi Movement (MQM).

[Sources: BBC News, 13 September 2000, 21 September 2000]

Armed gunmen ambushed a school van, killing five Sunni Muslims and wounding three others in the latest round of religious violence in Karachi, Pakistan, police said. The attack led to violent protests, with hundreds of Sunni Muslim students pelting police with stones, setting cars on fire and vandalizing billboards. [Reuters and Associated Press, 28 January 2001]

A prominent Pakistani religious leader has been shot dead in Karachi ... Dr Qureshi, is a former leader of Jamaat-e Islami (Party of Islam) and a former member of the Sindh provincial assembly. In recent years, Dr Qureshi had supported calls for Islamic law to be introduced in Pakistan. [BBC News, 18 December 2000]

A leader of a small Pakistani Shi'ite Muslim group has been shot dead in the southern city of Karachi. Police say Sardar Hussain Jafri, who headed the little-known group called the Voice of Shia, died on the spot. A person who identified himself as Riaz Basra, leader of the extremist anti-Shi'ite group, Lashkar-e-Jhangvi, phoned the BBC shortly after the attack to claim responsibility. [BBC News, 15 May 2000]

Paramilitary rangers and police in Sindh province launched a crackdown against activists and leaders of the JSQM and the MQM on February 19, 2000 after the two parties jointly called for a strike against the government's dismissal of 400 Pakistan Steel Mills workers. Paramilitary troops and rangers responded with search and siege operations in the cities and a search for JSQM activists in rural areas of Sindh, resulting in the arrest of about forty activists. [Human Rights Watch 2001 World Report]

1999 Despite the central government's imposition of Governor's Rule in late 1998 in response to Sindh violence, political and sectarian killings persisted in Karachi, albeit at a much reduced level. The intensity of the violence dropped even further after the military assumed federal powers in an October coup.

Politically motivated violence and sectarian violence continued to be a problem, although in the weeks following the October 12 coup there were few if any reported cases of such violence. Governor's Rule, imposed to correct a serious law and order problem created in part by political tensions in the province, continued in Sindh until the coup. [Pakistan Country Report on Human Rights Practices for 1999, Bureau of Democracy, Human Rights, and Labor, US Department of State, February, 2000]

1998 In 1998 tit-for-tat killings between the Muttahida Qami Movement (MQM) and a break-away faction increased the level of violence in Karachi.

The MQM, which changed its name to Muttahida Qami Movement from the Mohajir Qami Movement, is locked in a bloody conflict with a dissident faction called the MQM Haqiqi. Hundreds of people have died in recent months in tit-for-tat killings by the militants of the two factions. [The Associated Press, November 20, 1998]

Since the early summer more than 100 people in the city have died in gun battles between rival political factions each month. In recent days the violence has gathered pace. [The Guardian Weekly, October 18, 1998, p5]

Number of Deaths:

Total: Estimates range upwards from 5,000.

Thousands of Sunni and Shia Muslims have been killed in Pakistan over the past two decades in sectarian violence fuelled by

extremist outfits of the two Muslim sects. - [IRIN, July 17, 2003]

The MQM launched an armed uprising in 1993 after the city government was dismissed, and brought Karachi to its knees, leaving more than 5,000 people dead and crippling the economy of Pakistan's main commercial centre. Karachi's descent reached its nadir last year when more than 2,000 people, including 242 police officers, died in nightly street battles. - [City Watch - Karachi pays high price for peace, John Stackhouse, *Globe and Mail*, October 26, 1996]

2004 Between 100 and 170 people, primarily civilians, were reported killed in sporadic intercommunal violence.

troops have been called in to maintain order in the Pakistani city of Multan after a car bomb killed at least 40 people at a meeting of Sunni Muslims. - [BBC News, October 7, 2004]

At least 11 people have died in a gun attack on the motorcade of the army commander in Pakistan's southern city of Karachi, the authorities say. [BBC News, June 10, 2004]

Police in the Pakistani city of Karachi have fired tear gas at thousands of angry mourners after an attack on a Shia mosque killed at least 20. - [BBC News, June 1, 2004]

A bomb attack on a packed Shia mosque in the southern Pakistani city of Karachi has left at least 15 people dead, officials say. - [BBC News, May 7, 2004]

At least 42 people have been killed and over 100 wounded in an attack on Shia Muslims in the Pakistani city of Quetta, hospital officials say. - [BBC News, March 2, 2004]

2003 Independent media reports indicate that approximately 100 hundred people, the majority of them Shia Muslim civilians, were killed in 2003.

Sectarian violence and tensions continued to be a serious problem throughout the country... At least 100 persons were killed in sectarian violence during the year, most carried out by unidentified gunmen. - [US State Department of State, Country Reports on Human Rights Practices - 2003, February 25, 2004]

2002 A number of media reports estimate that dozens of people were killed in sectarian violence and attacks on government officials.

There have been several attacks on foreign targets in Sindh including:...

\$ A suicide attack on a navy bus in Karachi in May which killed 14 people....

\$ A car bomb at the US consulate in Karachi in June, which killed 12 people. - [BBC News, September 24, 2002]

At least 36 people have been killed and about 100 injured in several violent attacks this year against Christian and western targets... Police in Karachi have arrested dozens of alleged Muslim extremists in connection with the recent attacks on Christian targets. - [BBC News, September 29, 2002]

2001 According to at least one Pakistani media source, more than 50 people were killed in sectarian violence in Karachi.

The highest number of terrorist attacks was recorded in Karachi where in 33 incidents, 54 persons were killed. The second [highest] remained FATA, where 61 persons were killed in seven incidents of sectarian violence. Dera Ismail Khan remained [third highest] where 10 people were killed and 19 injured in 6 terrorist attacks. 14 people were killed and 8 injured in 5 attacks in Lahore, 4 killed and 3 injured in 3 incidents in Multan, 4 killed in 2 at Mailsy. - [PakNews, August 21, 2001]

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2000 At least 25 people were killed in Karachi, mostly due to sectarian violence.

Earlier, gunmen riding in two cars intercepted a van belonging to the Wafaq-ul Madrisa Sunni Muslim school on a congested road and opened fire with automatic assault rifles, witnesses said. Three clerics, a teenage student and the driver were killed immediately, while three other people, including a policeman guarding the van, were wounded, police said. - [Reuters and Associated Press, 28 January 2001]

Pakistani lawyer and Shiite leader has been shot dead by unidentified gunmen in Karachi. Waqar Naqvi, a senior member of the Shiite group, Tehrik-e-Jaffria, was killed along with his teenage son and his driver as he was taking his children to school. No group has said it carried out the killings, but a spokesman for Tehrik-e-Jaffria Hasan Turabi blamed a militant Sunni Muslim group - Sipaha Sahaba Pakistan. - [BBC News, 7 April 2000]

There has been widespread disruption in the Pakistani city of Karachi, following the killing of a prominent Sunni Muslim scholar Mullah Yusuf Ludhianvi. Mr Ludhianvi's driver was also killed and his son seriously wounded. [BBC News, 18 May 2000]

1999 At least 75 people were killed in Karachi due to political violence.

Despite improved security conditions under Governor's Rule, there were 75 deaths that were presumed to be the result of political violence in Karachi. [Pakistan Country Report on Human Rights Practices for 1999, Bureau of Democracy, Human Rights, and Labor, US Department of State, February, 2000]

1998 More than 1,000 people died in violence.

[Associated Press, November 20, 1998]

At least 750 people have been killed in Karachi this year, mainly, says the MQM, as a result of attacks on itself by a breakaway faction. [The Economist, November 7, 1998]

Political Developments:

2004 President Pervez Musharraf will remain head of the army and government until at least 2007, after a bill passed in Pakistan's lower house extended his tenure in both roles. Musharraf also named Shaukat Aziz, a political novice, as Prime Minister in August. Although the government ordered an inquiry into a March attack on civilians, several strikes were called (mainly in Sindh province) to protest government handling of the conflict. The Sindh provincial government failed to form a coalition of national unity with the seven opposition parties in an attempt to stem the tide of conflict and the minister of the Sindh province resigned after violence escalated in June. US President Bush declared Pakistan a major ally in recognition of its contribution to the fight against al-Qaeda allowing Pakistan access to special benefits including expanded foreign aid and priority delivery of military equipment.

Pakistan's lower house of parliament has passed a bill allowing Gen Pervez Musharraf to remain as both president and head of the army. The bill will allow the president to keep both posts until 2007. [BBC News, October 14, 2004]

The reins of power have once again been handed over in Pakistan. And once again, it's a man hand-picked by the country's military ruler, Gen Pervez Musharraf. And though it has all been done constitutionally, the question being asked is whether a political novice like Shaukat Aziz has the competence and capability to deal with the country's complex political and law and order situation, or even bigger issues like combating al-Qaeda-backed terrorism. [BBC News, August 28, 2004]

In Pakistan the chief minister of the southern province of Sindh has resigned after a series of violent incidents over the last few weeks. The provincial governor told reporters that chief minister Ali Mohammed Mehr had resigned for personal reasons. [BBC News, June 7, 2004]

A strike called by Pakistan's hardline Islamic parties in response to a week of sectarian violence has been almost fully observed in Karachi. There were sporadic reports of unrest as worshippers attended Friday prayers in the tense southern city. [BBC News, June 4, 2004]

The governing Pakistan Muslim League party (PML) in the southern province of Sindh has offered to form a coalition with seven opposition parties. It wants to form a government of national unity in Sindh to tackle the law and order crisis there. The move comes after three days of violence between Shias and Sunnis left over 23 people dead in the provincial capital, Karachi. But there is disagreement as to who should be the chief minister. [BBC News, June 3, 2004]

Authorities in Pakistan have ordered an inquiry into an attack on Shia Muslims which left at least 43 people dead as they marked the holy day of Ashura. A curfew is in place in the city of Quetta where the attack took place, with soldiers patrolling its streets. [BBC News, March 3, 2004]

2003 The leader of the militant Sunni organization Millat-e Islami-ye Pakistan (MIP) was assassinated in October, leading to rioting in Islamabad. The government sustained a crackdown on banned Sunni and Shia militant groups and arrested their leaders. President Musharraf continued to support US initiatives in the war on terror in neighbouring Afghanistan, a position not welcomed by many Pakistani citizens.

The ITP (Islami Tahrik-e Pakistan) leader, Sajid Naqvi, was arrested in a late-night raid in Islamabad, but it was not clear whether his arrest was in his capacity as the leader of the sectarian outfit, or because he is alleged to have been involved in the murder of his chief rival, Azam Tariq, of the MIP, who was gunned down in a hail of bullets by unknown assailants early last month near the Pakistani capital. - [RIN, November 17, 2003]

2002 In January, the government banned five militant Islamic groups, including the Sipah-Sabaha-Pakistan and Tehrik-I-Jaffaria. A number of groups reacted to the ban and to Pakistan's support of the US-led war on terror by attacking foreigners and Pakistani Christians, prompting the Christian community to demand protection from the government and the international community. The government responded by introducing new security measures around non-Muslim places of worship. Fighting continued between the Sunni and Shia communities in Sindh despite government efforts to increase security in the province.

A suicide bomber blew up a bus yesterday in Pakistan's port city of Karachi, killing 14 people - most of them French nationals - including himself... Many experts say it is pointed retaliation at Pakistani President Pervez Musharraf's crackdown on Islamic militant groups and for allowing US troops to cross the Pakistani border to hunt down Al Qaeda fighters... Some experts are pointing to Muttahida Quami Movement... - [The Christian Science Monitor, May 9, 2002]

2001 In August the government of the Province of Sindh initiated a crackdown on Islamic militants, arresting more than 200 people in raids.

Police in Pakistan have detained more than 200 people in raids on militant Islamic homes and offices in Karachi and the southern Sindh province. The crackdown was launched after the Sindh provincial governor imposed a ban on fundraising in the name of jihad, or holy war. - [CNN, August 22, 2001]

2000 Facing increasing pressure from the international community to restore democracy, military leader General Pervez Musharraf ruled out the possibility of holding general elections or reviving the suspended Pakistan parliament within the next two years.

[Sources: BBC News, 12 October 2000; BBC News, 13 October 2000]

1999 On October 12, Prime Minister Mian Nawaz Sharif was ousted from power in a bloodless military coup led by Army Chief of Staff General Pervez Musharraf.

On October 12, the elected civilian government of Prime Minister Mian Nawaz Sharif was overthrown in a bloodless coup led by Army Chief of Staff General Pervez Musharraf. - [Pakistan Country Report on Human Rights Practices for 1999, Bureau of Democracy, Human Rights, and Labor, US Department of State, February, 2000]

1998 A month after the MQM walked out of the provincial government coalition, the federal prime minister, Nawaz Sharif, declared Governor's Rule (a state of emergency) in Karachi, called out the army to quell the violence, and announced the establishment of military courts for the city.

Prime Minister Nawaz Sharif today declared a state of emergency and called out the army to quell violence that has killed more than 1,000 people in the port city of Karachi. Sharif also announced the establishment of military courts in Karachi... - [Associated Press, November 20, 1998]

The MQM has since walked out of the Sindh coalition, and on October 30th the federal prime minister, Nawaz Sharif, placed the province under direct rule from Islamabad. - [The Economist, November 7, 1998, p41]

Last week Mr. Sharif bolstered his position even further. The lower house of the National Assembly passed a Bill imposing Islamic law on the country despite stiff resistance from a coalition of opposition parties. - [The Guardian Weekly, October 18, 1998, p5]

Background:

The migration of Indian Muslims (mohajirs) into Sindh province following the 1947 India-Pakistan partition, combined with a more recent influx of large numbers of Pashtuns and Punjabis, created economic tensions with the indigenous, generally poorer, Muslim population. These have fed a

complexity of conflict. Sindhis are calling for a Sindhi state; the mohajirs, led by the MQM, are seeking a separate state around the provincial capital, Karachi; and there are sectarian differences between the majority Sunni and minority Shi'ite Muslims. The proximity of the Afghanistan war has fed the violence by providing weapons, criminal elements, including drug traffickers, and reported foreign support for Muslim extremism. From June 1992 to November 1994 the Pakistan Army was deployed in a major, and ultimately unsuccessful, operation to control Karachi and after the army's withdrawal, police and paramilitary troops contributed to a rising toll of shooting deaths in the city. Following early 1997 elections, the MQM joined the majority Muslim League in the national and Sindh provincial governments. A month after the MQM walked out of the provincial government coalition in late 1998, the then federal prime minister, Nawaz Sharif, declared Governor's Rule (a state of emergency) in Karachi, called out the army to quell the violence, and announced the establishment of military courts for the city. Since a coup in October 1999, the Pakistan government has been controlled by the military under General Pervez Musharraf and sectarian violence has declined. The Pakistani government intensified its crackdown on militant sectarian groups following the 2001 US invasion and occupation of Afghanistan, fueling further resentment between the extremist groups and the government. Several attempts have been made in recent years on President Musharraf's life.

In Sindh, open gun battles between the Muhajir Qaumi Movement (MQM), which represents Urdu-speaking migrants from India, Sindh landlord *lashkars* (private militias) and the army are daily occurrences. The MQM has begun to press for the separation of Karachi from the rest of the province. Violence threatens to paralyze the capital, even though the army has had direct responsibility for its administration since June, 1992. A plan announced recently to replace the military presence with police and rangers is unlikely to ease tensions. - [City Watch] Karachi killings point to deeper strife, - Oxford Analytica, *Globe and Mail*, December 5, 1994]

In Karachi | Drug trafficking started to increase significantly after 1979, and the profits were reportedly used to fund the procurement and supply of weapons to the [Afghani] Mujahideen. The port city of Karachi was an obvious exit point for drugs. By 1983, violence had started to be a daily feature of the city life. But it was the closure of the Punjab route into India by 1982 that started to escalate armed violence, indiscriminate use of automatic weapons, and drug trafficking. The Army had to be deployed to control the armed conflict which had a multifarious dimension, not the least being the easy availability of lethal man-portable weapons. - [Light Weapons and Conflict in Southern Asia, - by Jasjit Singh, *Light Weapons and International Security*, BASIC et al, December 1995, pp 60]

Arms Sources:

The Pakistani government recently imported weapons from the United States, Netherlands, Italy, France, China, Belarus, and Ukraine. The alliance formed between Pakistan and the US in the war on terror has led to an increase in US military assistance to Islamabad. The government also depends on domestic supplies. The rebel movements have been supplied by the "Afghan Pipeline" - US weapons during the 1980s, and Eastern European arms since.

[Sources: *World Military Expenditures and Arms Transfers 1999-2000*, *The Military Balance 2000-2001*; SIPRI Yearbook, 2002]

Country-region watch - Pakistan and the United States are slated to begin talks this week on arms sales, with Washington now ready to loosen its long-standing ban on sales of important military equipment to Pakistan ... [in the 1990s] Washington started an arms embargo... to protest Pakistan's nuclear program... But Pakistan's alliance with the United States in its war against terrorism has radically changed the situation. After meeting with Pakistani President Pervez Musharraf in June, President Bush promised Pakistan up to \$1.5 billion in military aid. - [Voice of America, September 16, 2003]

Pakistani security forces have recovered a cache of arms... that were being smuggled from the country's tribal areas, police said Wednesday... Five Russian missiles, five rocket launchers with shells, 12 Kalashnikov rifles, several other guns and thousands of rounds of ammunition... were coming from the tribal area of Bara near the Afghan border, said senior secret police officer Ashraf Khan. These are all modern, foreign-made arms. The large quantity indicates that they were meant for some subversive activity or for use in sectarian violence in Punjab province. - Khan told AFP. - [Agence France Presse, January 1, 2003]

A major defence exhibition is opening today Tuesday in Pakistan's largest city, Karachi. The show is intended to focus Pakistan's attempts to launch into the arms export market; more than forty foreign delegations are due to attend... Most of the armaments factories in Pakistan are state-run and produce weapons for the armed forces, but the BBC Islamabad correspondent says they're seen as under-utilized and a drain on public spending. - [BBC News, 14 November 2000]

Subin (former Director of the Fulbright Foundation) observes that often officials of the party military committee (who received the weapons) would sign a false receipt for more arms than had actually been received. The difference was then sold to private arms dealers by ISI officers, the profit being shared by both parties. A great deal of money appeared to have been made in this manner and was invested largely in the drug trade. - [Southern Asia: The Narcotics and Weapons Linkage, - Tara Kartha, *Light Weapons and International Security*, BASIC et al, December 1995, p.73].

The influx of arms into Pakistan as a consequence of the war in Afghanistan in the 1980s has provided weapons to militant groups on all sides: Sindhis, Mohajirs and Pashtuns. [South Asian Security in the 1990s, Raju G.C. Thomas, Adelphi Paper 278, July 1993, p.28.]

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TIME

NATION

Friday, Oct. 20, 2006

Exclusive: Feds Probe a Top Democrat's Relationship with AIPAC

The Department of Justice is investigating whether Rep. Jane Harman and the pro-Israel group worked together to get her reappointed as the top Democrat on the House Intelligence Committee

By TIMOTHY J. BURGER/WASHINGTON

Did a Democratic member of Congress improperly enlist the support of a major pro-Israel lobbying group to try to win a top committee assignment? That's the question at the heart of an ongoing investigation by the FBI and Justice Department prosecutors, who are examining whether Rep. Jane Harman of California and the American Israel Public Affairs Committee (AIPAC) may have violated the law in a scheme to get Harman reappointed as the top Democrat on the House intelligence committee, according to knowledgeable sources in and out of the U.S. government.

The sources tell TIME that the investigation by Justice and the Federal Bureau of Investigation, which has simmered out of sight since about the middle of last year, is examining whether Harman and AIPAC arranged for wealthy supporters to lobby House Democratic leader Nancy Pelosi on Harman's behalf. Harman said Thursday in a voicemail message that any investigation of — or allegation of improper conduct by — her would be "irresponsible, laughable and scurrilous." On Friday, Washington GOP super lawyer Ted Olson left voicemail messages underscoring that Harman has no knowledge of any investigation. "Congresswoman Harman has asked me to follow up on calls you've had," Olson said. "She is not aware of any such investigation, does not believe that it is occurring, and wanted to make sure that you and your editors knew that as far as she knows, that's not true... No one from the Justice Department has contacted her." It is not, however, a given that Harman would know that she is under investigation. In a follow-up phone call from California, Olson said Harman hired him this morning because she takes seriously the possibility of a media report about an investigation of her, even though she does not believe it herself.

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A spokesman for AIPAC, a powerful Washington-based organization with more than 100,000 members across the U.S., denied any wrongdoing by the group and stressed that it is not taking sides in regards to the committee assignment. Spokespersons for Justice and the FBI declined to comment. The case is a spin-off of a probe that has already led to charges under the Espionage Act against two AIPAC lobbyists, whose case is still pending, and to a 12-and-a-half-year prison sentence for former Defense Intelligence Agency official Lawrence A. Franklin. Franklin pleaded guilty a year ago

<http://www.time.com/time/nation/printout/0,8816,1549069,00.html>

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to three felony counts involving improper disclosure and handling of classified information about the Middle East and terrorism to the two lobbyists, who in turn are accused of passing it on to a journalist and a foreign government, widely believed to be Israel. The two lobbyists, who have denied any wrongdoing but were dismissed by AIPAC in April of 2005, were indicted on felony counts of conspiring with government officials to receive classified information they were not authorized to have access to and providing national defense information to people not entitled to receive it.

Around mid-2005, the investigation expanded to cover aspects of Harman's quiet but aggressive campaign to persuade House Minority Leader Nancy Pelosi to reappoint her to the prestigious position on the House intel panel. The alleged campaign to support Harman for the leadership post came amid media reports that Pelosi had soured on her California colleague and might name Rep. Alcee Hastings of Florida, himself a major supporter of Israel, to succeed Harman.

The sources say the probe also involves whether, in exchange for the help from AIPAC, Harman agreed to help try to persuade the Administration to go lighter on the AIPAC officials caught up in the ongoing investigation. If that happened, it might be construed as an illegal quid pro quo, depending on the context of the situation. But the sources caution that there has been no decision to charge anyone and that it is unclear whether Harman and AIPAC acted on the idea.

AIPAC spokesman Patrick Dorton denies that the organization has engaged in any improper conduct. "Both Congressman Hastings and Congresswoman Harman are strong leaders on issues of importance to the pro-Israel community and would be exemplary Democratic leaders for the House intelligence committee," Dorton said. "AIPAC would never engage in a quid pro quo in relation to a federal investigation or any federal matter and the notion that it would do so is preposterous. AIPAC is not aware that the Justice Department is looking into issues involving the intelligence committee, and has not been asked any questions or contacted by the government on this matter, but certainly would cooperate with any inquiry." Dorton added that AIPAC has previously been assured that the organization and its current employees are not being investigated. In this same investigation, the Justice Department has previously suggested that AIPAC had questionable motives in trying to help a valued government contact remain in a sensitive national security post. The Justice Department alleges in its indictment of Franklin that he asked one of the two AIPAC lobbyists to "put in a good word" for him in seeking assignment to the National Security Council. The document says the AIPAC official noted that such a job would put Franklin "by the elbow of the President" and said he would "do what I can."

AIPAC lists praise from Pelosi among a series of quotes from world leaders on its website: "The special relationship between the United States and Israel is as strong as it is because of your [AIPAC's] fidelity to that partnership..." But congressional sources say Pelosi has been infuriated by

pressure from some major donors lobbying on behalf of Harman. In a story touching on tensions between Pelosi and Harman, an alternative California publication, *LA Weekly*, reported in May that Harman "had some major contributors call Pelosi to impress upon her the importance of keeping Jane in place. According to these members, this tactic, too, hasn't endeared Harman to Pelosi."

A congressional source tells *TIME* that the lobbying for Harman has included a phone call several months ago from entertainment industry billionaire and major Democratic party contributor Haim Saban. A Saban spokeswoman said he could not be reached for comment. A phone call pushing for a particular member's committee assignment might be unwelcome, but it would not normally be illegal on its own. And it is unclear whether Saban — who made much of his fortune with the Mighty Morphin Power Rangers children's franchise — knew that lobbying Pelosi might be viewed by others as part of a larger alleged plan.

Saban has donated at least \$3,000 to Harman's campaign, according to Federal Election Commission records, and the Saban Center for Middle East Policy, which he sponsors at the prestigious Brookings Institution, boasts Harman among its biggest fans. "When the Saban Center talks, I listen," Harman said at a Saban Center briefing in February on U.S. strategy in Iraq. Harman quipped that, in order to attend the session at Brookings, she had to "blow off" a senior intelligence official's appearance before a House committee.

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FBI

Keith Weissman and Steven Rosen Are PhDs and Middle East Experts Who Did Some Lobbying.

Thomas O'Donnell didn't reveal his job when he phoned Keith Weissman in 2004 and got the policy analyst's wife. He says he didn't want to scare her. When Weissman returned the call and found out O'Donnell was an FBI agent, his first reaction was to attempt a joke: "What did I do?" "I'm sure you didn't do anything," O'Donnell told him. He wanted to meet that day, for five or ten minutes, and get Weissman's help on something "that I can't talk about on the telephone."

Weissman was calling from his cell phone, standing outside a New Balance shoe store near Boston. He turned down the invitation to meet with O'Donnell; "That's a little too cryptic for me. I'm on vacation with my family."

O'Donnell was in Boston, and he offered an explanation for why he was there. He said he had been sent for the Democratic National Convention "and some other matters." The political convention, where the FBI kept watch for violent demonstrators, had wrapped up a few days earlier at Boston's Fleet Center.

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*Mark Matthews (mmatth2112@aol.com) is a former Baltimore Sun diplomatic and Middle East correspondent. He is the author of *Lost Years: Bush, Sharon and Failure in the Middle East*, published last fall.*

Weissman agreed to meet O'Donnell in Washington six days later and "have a cup of coffee and [find] a quiet place and we can talk."

When Weissman pressed O'Donnell, seeking to find out what the FBI was after, he was told, according to an FBI transcript, that the bureau wanted to tap "your expertise with some different countries . . . that you've studied and written on and done some research. It's that kind of stuff."

That was plausible. Weissman, then 52, was a senior analyst for the American Israel Public Affairs Committee (AIPAC), Washington's most influential pro-Israel lob-



■ Steven Rosen, former director of foreign-policy issues for the American Israel Public Affairs Committee, is charged with receiving and sharing secret defense information.

bying group, where he had worked since 1993. His job combined research and efforts to influence US government policy. He had a good grasp of the political and cultural currents of the Middle East, having studied in Iran and Egypt and earned a PhD in Middle East history at the University of Chicago.

Weissman's wife, Deborah, a lawyer and former investigator with the Securities and Exchange Commission, became anxious when told of the FBI meeting. She urged her husband to take someone with him to the appointment, such as AIPAC general counsel Philip Friedman. Her instincts were sound. O'Donnell's assurance to Weissman that "I'm sure you didn't do anything" was a feint.

O'Donnell worked at the FBI's Washington Field Office at Fourth and F streets, Northwest. The city-block-size WFO, as it's known, serves as the nerve center of the government's low-key but expansive efforts to track leaks of secrets to foreign countries. Its targets aren't just America's enemies; allies and friends hunger after each other's closely held information.

Russian espionage continues unabated after the collapse of the Soviet Union. An American agent in Paris was caught trying to steal French trade secrets. Despite

Photograph of Rosen by Matthew Worden/Weissman by Kevin Wolf/AP Photo

They Thought They Were Doing What Washington Insiders Always Do. BY MARK MATTHEWS

disclaimers, Israel is reported to be on a lookout for any information that will help preserve a military edge over regional enemies and expand its exports of weaponry and technology. The United States, in turn, is alert for signs that Israel is selling military hardware to China.

"There has been, for some time, serious concern about Israeli espionage in the U.S.," says Vincent Cannistraro, a former CIA veteran who also held intelligence posts at the White House and Pentagon. At the FBI, he adds, "puts Israel up alongside China as espionage threats."

In 2000, CBS's *60 Minutes* broadcast the disguised voice of an unnamed CIA official saying, "We believe that there have been numerous documented instances in which the Israelis have successfully recruited US persons to spy for them."

O'Donnell's call prompted Weissman to try to reach his boss, Steven Rosen, AIPAC's director of foreign-policy issues. Rosen, then 62, was a former academic. A political scientist with a PhD from Syracuse, he had taught at Brandeis, the University of Pittsburgh, and Australian National University and cowrote a textbook, *The Logic of International Relations*. He joined AIPAC in 1982 after four years with the Rand Corporation, where he held top-secret security clearance to work on

projects for the CIA. While at Rand, he became acquainted with a promising young graduate student, Condoleezza Rice, who was working there temporarily.

Weissman didn't want to call Steven Rosen's cell phone; he thought his boss should be sitting down when he heard about the FBI call. As it turned out, Rosen also had gotten a message from an FBI agent who wanted to talk to him about a "field investigation."

When the two AIPAC officials speculated over the phone about what the FBI was after, they turned up one possibility: The



■ Former AIPAC analyst Keith Weissman was also charged in the secrecy investigation. Convictions could mean ten years in prison for Weissman and up to 20 years for Rosen.

investigators' interest had been piqued by information the lobbyists had supplied to the *Washington Post* two weeks earlier. Still, Rosen was reluctant to act defensive, which would suggest that their organization was involved in "nefarious things."

Rosen returned the FBI's call and spoke with agent Catherine Hanna. "Is this a criminal matter?" he asked.

"No," she replied.

That afternoon, Hanna and partner Robert Porath went to Rosen's AIPAC office on First Street near Union Station. The agents told Rosen that the FBI was updating the security clearance of Pentagon analyst Lawrence Franklin and was interviewing his contacts as part of a background investigation. Franklin was the Pentagon desk officer for Iran, a subject of deep interest to Rosen. The FBI had turned up some possible security issues, the agents said, including the fact that Franklin may have stored classified documents at his house.

According to the agents' notes, Rosen said he had met with Franklin about three times, but the two had never discussed classified information, nor had Franklin shared any with him. Asking for classified information, Rosen told the agents, was "a quick way to ruin relationships."

Weissman kept his appointment the

next week with O'Donnell and another agent, William McDermott, at the Sun Spot Cafe, adjacent to the lobby of AIPAC's office building. Over a beverage and cigarette, Weissman described having met with Franklin four or five times over the previous two years to talk about non-Arab Middle East countries, primarily Iran, according to a court document. The agents asked him if Franklin had ever disclosed classified information to him or anyone else he knew, and they noted his answer: "No."

The two AIPAC officials' hunch that a phone call to the *Post* had found its way onto the FBI's radar was correct. They had shared what law-enforcement officials considered "national-defense information" with *Post* reporter Glenn Kessler about stepped-up Iranian activity in Iraq. The government would later charge that Rosen described it to Kessler as "agency information" from an "American intelligence source."

But that call to the *Post* was a small piece of the story. And contrary to what agent Hanna told Rosen, this *was* "a criminal matter." By the time the agents approached Rosen and Weissman, they were nearing the final stages of an investigation into leaks of classified information that would wreck the two men's careers and throw one of Washington's most powerful lobby groups on the defensive.

The FBI probe included hours of wiretaps approved by the secret Foreign Intelligence Surveillance Court in Washington and surveillance of meetings at Washington-area restaurants. It also included a

search of AIPAC's offices in 2002 that appears to have been surreptitiously conducted, because the offices' entrance is monitored 24 hours a day and no one appeared with a search warrant around that time.

Federal prosecutors theorized that Rosen and Weissman had engaged in a five-year conspiracy to cultivate government sources with the aim of obtaining sensitive "national-defense information," which they would pass on to colleagues at AIPAC, Israeli officials, and journalists. By August 2005, prosecutors persuaded a federal grand jury in Alexandria that the two AIPAC officials were not only assiduous in collecting classified information but almost flamboyant in sharing it with others.

"When it comes to classified infor-

mation, there is a clear line in the law," then-US attorney Paul McNulty said when the indictments were announced in August 2005. "Today's charges are about crossing that line."

Rosen, Weissman, and Franklin were accused under a rarely used section of the World War I-era Espionage Act.

A conviction could land Weissman, a father of three, in prison for up to ten years and Rosen, also a father of three who faces an additional charge, for up to 20. But the potential impact extends beyond these two men and AIPAC. It could also send a chill through the ranks of Washington lobbyists and consultants for foreign governments.

To influence the US government or even react knowledgeably to US actions, many countries think an embassy staffed with diplomats isn't enough. They're willing to pay large fees to hire Americans with contacts at high levels and an understanding of how policymakers



■ Former Pentagon analyst Lawrence Franklin, middle, pleaded guilty to conspiracy and helped the FBI set up a sting. Lawyer Plato Cacheris, left, hopes his client's cooperation will mean a lighter sentence.

think. Often these are ex-government officials. While barred from lobbying former colleagues immediately upon leaving office, they nonetheless bring valuable experience and eventually get inside for meetings and to open doors for foreign visitors.

For instance, when India was negotiating its 2006 civilian nuclear agreement with the Bush administration—fraught with strategic implications for both countries—it enlisted the lobbying firm Barbour Griffith & Rogers for advice. The firm had previously signed on the former US ambassador to New Delhi, Robert Blackwill. Although Blackwill wasn't involved in getting the firm's India contract, he has since been a prominent advocate for a new US/India partnership.

Robert Litt, a defense lawyer who has represented people caught up in leak investigations, sees the indictment of Rosen and Weissman as part of a broad crackdown on leaks by the Bush administration: "People formerly in the intelligence community are looking at [the AIPAC case] and the leak investigations with great trepidation."

But a conviction is by no means a sure thing, due in part to an aggressive three-year fight by the defense team, led by Abbe Lowell for Rosen and by John Nassikas III for Weissman. The lawyers' no-stone-unturned litigation fills a foot-thick file of motions and rebuttals in US District Court in Alexandria. A series of rulings by the resolutely even-handed presiding judge, T.S. Ellis III, has knocked some of the stuffing out of the government's case and required the Bush administration to put some of its top officials on the witness stand.

In fact, what the US attorney called the "clear line in the law" isn't clear at all, particularly where the question of intent comes into play. When the case comes to trial in late April, assistant US attorneys Kevin DiGregory and William N. Hammerstrom Jr. will have to meet a big burden of proof. Showing that Rosen and Weissman obtained, talked about, and relayed sensitive national-defense information won't be enough. Prosecutors will have to prove that the two men did so knowing that if the information were revealed, it would damage US national security and also knowing that disclosing it was illegal.

Convincing a jury that Rosen and Weissman possessed this criminal state of mind won't be easy. To counter the charge, defense lawyers intend to lay bare the largely hidden world of back-channel Washington diplomacy. They will try to show that senior officials regularly gave AIPAC officials sensitive information with the full expectation that it would be passed along to Israelis and others. In that way, they will contend that AIPAC played a role in developing US foreign policy.

Over prosecutors' objections, defendants won court approval to subpoena 15 current and former top administration officials. Their names read like the lineup for a crisis meeting in the White House Situation Room during President Bush's first term: national-security adviser Condoleezza Rice (now secre-

Photograph of Franklin by Joe Raedwala/Getty Images, Washington Field Office by Matthew Worden

tary of State); current national-security adviser Stephen Hadley; Richard Armitage, former deputy secretary of State; William Burns, US ambassador to Russia; Marc Grossman, former undersecretary of State for political affairs; David Satterfield, now the State Department's coordinator for Iraq; Elliott Abrams, deputy national-security adviser; Paul Wolfowitz, former deputy secretary of Defense; and Douglas Feith, former undersecretary of Defense.

Judge Ellis didn't okay these subpoenas lightly. He did so after being persuaded that each of these officials would be able to testify about specific meetings or conversations—either with the two defendants or with others at AIPAC—that dealt with information comparable in sensitivity to the kind Rosen and Weissman allegedly obtained and passed on.

Ellis also knew that the subpoenas might derail the case. If the administration balks at allowing sworn testimony by senior officials about sensitive conversations, the case against Rosen and Weissman could be dismissed.

The line between information that can and can't get passed is blurred by the amount of officially sanctioned daily intelligence sharing between the United States and its allies. Such exchanges are particularly intense between the United States and Israel, which regularly trade information and assessments on terrorism and other perceived threats.

"It's absurd for anyone to think that the Israelis have to enlist people to spy," says Sandra Charles, a former Pentagon and National Security Council official who consults in Washington for Persian Gulf Arab governments. "They can go to the highest levels of the administration if they want to find out what the thinking is on US policy."

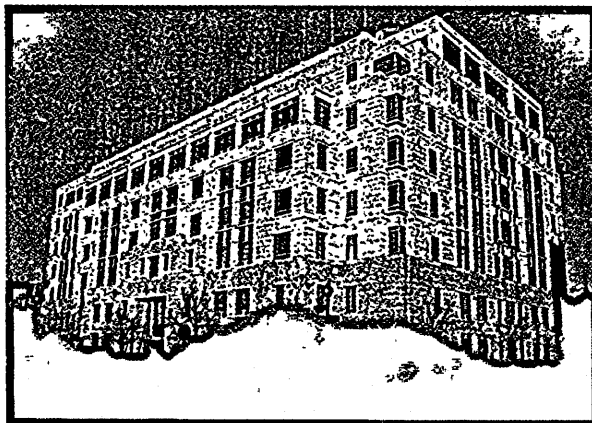
To James Zogby, president of the Arab American Institute, the case casts a shadow not only over AIPAC but also over other groups, such as his, that engage in what he calls "ethnic lobbying." But he says he doesn't have any sympathy for Rosen and Weissman. Like AIPAC lobbyists, Zogby has met with senior American policymakers and been asked to convey signals to and from foreign officials—in his case, Arab leaders. "[US officials] would say to me, 'You're going to the Gulf—ask this,' or 'If we say this to

[Yasser] Arafat, what will he say?'"

"Everybody in this business knows the difference" between that kind of discreet communication and what Rosen and Weissman are charged with, Zogby claims. "Their choice was to pass on information they knew was sensitive to Israel."

Just how sensitive will be disputed at the trial. Rosen and Weissman were accused of transferring not classified documents, only information they had been given orally. The trial itself will include a mass of classified material that the government has reluctantly decided to divulge. Ellis ordered that it be stripped of markings such as "top secret" or "no for" (no foreign nationals), which could give the jury an impression that the information was closely held when in fact it might not have been.

If civilian lobbyists such as Rosen and Weissman can be punished for obtaining and discussing classified information, what about journalists and researchers who uncover data the government pre-



■ The FBI's Washington Field Office—known as the WFO—is the nerve center of the government's effort to track leaks of secret information to foreign countries.

fers to keep hidden? McNulty contended in 2005 that "those not authorized to receive classified information must resist the temptation to acquire it."

Press-freedom advocates view the case as a potential blow to newsgathering, coming on top of court and prosecutorial pressure on reporters to divulge confidential sources. Think tanks and interest groups that specialize in collecting and analyzing information on national security are worried as well.

John Pike, who directs GlobalSecurity.org, an organization skilled at unearthing national-security data from open sources, says the indictment raises this question: "How many degrees of separation can remove you from the obligation to protect information that was originally classified?"

Just when the FBI opened its AIPAC probe isn't clear.

"It started a long time before I got there," says David Szady, a veteran counterespionage officer and leak investigator who in 2001 was named to the new FBI post of national counterintelligence executive. He declines to comment further.

Why the probe began remains a mystery. A Justice Department spokesman declined to comment on the case. Speculation centers on 1990s suspicion of an Israeli "mole" in the national-security apparatus, ongoing surveillance of Israelis that turned up contacts with AIPAC, or a general law-enforcement search for leakers. The question of why AIPAC lobbyists were singled out prompted darker theories, summed up in a headline on a *Wall Street Journal* opinion piece by Dorothy Rabinowitz: **FIRST THEY CAME FOR THE JEWS.**

Justice Department lawyers knew that a probe of AIPAC would be controversial. A senior participant at the time says:

"It was obvious to me and to many others that an investigation of this nature was going to receive a lot of attention because of the significance of the organization involved."

Regularly ranked as one of the most effective lobbying organizations in Washington, AIPAC strives to forge closer political, strategic, and military ties between the United States and Israel. The group combines grassroots organizing, fundraisers capable of pulling in tens of millions of dollars a year, and a skilled Washington staff that finds willing legislative sponsors among friends in both parties.

When preparing a major arms sale to Arab allies, the Pentagon will often brief AIPAC specialists before the deal is put before Congress.

"For anyone who deals with the Middle East," consultant Sandra Charles says, "AIPAC is one of those realities you learn to work with."

Each year, AIPAC draws thousands from across the country to its Washington convention to hear speeches by the President, Cabinet secretaries, top congressional leaders, and Israeli politicians. Then AIPAC members move on to Capitol Hill to lobby members of Congress. AIPAC has consistently lined up a large congressional majority in support of military and economic aid for Israel and cooperation between the two

(CONTINUED ON PAGE 166)

"This Is the FBI"

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countries in a variety of spheres from missile defense to homeland security. The aid package for Israel tends to be the engine that gets the whole US foreign-aid budget through Congress.

While nonpartisan and not directly involved in political campaigns, AIPAC keeps its membership of more than 100,000 apprised of congressional votes important to Israel. This kind of scrutiny can have an intimidating effect on lawmakers because it has the potential to influence where AIPAC members send their campaign contributions. Critics have contended that AIPAC should be required to register as a political-action committee. But neither the courts nor the Federal Election Commission has forced the issue.

Other detractors contend that because it lobbies for aid and policies that benefit Israel, AIPAC ought to register with the Justice Department as a foreign agent. But unlike organizations and firms that represent foreign interests and governments, AIPAC doesn't get money from and is not contractually linked to Israel.

Crucial to AIPAC's influence on US policy is its ability to keep Congress and executive-branch policymakers informed of actual or potential threats to Israel and alerted to dangerous political trends in surrounding Middle East countries. This is where Rosen and Weissman came in.

Rosen played a big role in expanding the organization's influence beyond Congress into the executive branch, meeting behind the scenes with well-placed officials and the journalists who cover them. Generally hawkish but nonideological, Rosen specialized in hard-nosed, sometimes prescient analysis of the major actors in the Middle East and Washington. A father of two sons, ages 25 and 8, and a 22-year-old daughter, Rosen has been married and divorced six times. Five years ago, he reunited with his first wife after 39 years apart.

The indictment shows that investigators recorded conversations among Rosen, Weissman, and Israeli officials starting in April 1999, when Rosen allegedly disclosed to an Israeli diplomat that he had "picked up an extremely sensitive piece of intelligence." He described the information as code-word protected, meaning that access to it was highly restricted. Two months later, Weissman allegedly told the same diplomat that he knew of a "secret classified FBI report" on the 1996 Khobar Towers bombing in Saudi Arabia.

In December 2000, both men met over lunch with Kenneth Pollack, then a Persian Gulf specialist on the National Security

Council staff under President Bill Clinton. Afterward, Rosen allegedly talked to a reporter about then-classified US strategy options against Iraq. In January 2002, Rosen met with David Satterfield, a senior State Department Middle East official, about the sharing of intelligence between the United States and Israel following the Karine A episode, in which the Israelis seized a large Palestinian arms shipment. The episode damaged the US relationship with Yasser Arafat. The government alleges that, in a memo to other AIPAC staffers, Rosen included classified information he had picked up.

The lobbyists' contacts with Lawrence Franklin developed in 2002 when the defense analyst joined the Pentagon's newly formed Office of Special Plans under Douglas Feith.

Rosen had been watching with growing alarm the signs that Tehran's cleric-dominated regime was seeking to develop a nuclear weapon, compounding the danger posed by Iran's support for terrorist and

Franklin requested an urgent meeting with Weissman, telling him lives were in danger.

guerrilla movements in Lebanon, the West Bank, and the Gaza Strip and its export of an extremist ideology. He shared some of the frustration of Israeli leaders, who, from former prime minister Yitzhak Rabin onward, saw Iran as a threat to the Jewish state's existence and pressed for greater attention from Washington. As confrontation loomed between the United States and Iraq, Rosen worried that the United States would be pulled into a quagmire, unable to respond to what he considered a graver threat from Iran.

From his midlevel perch at the Pentagon, Franklin chafed at what he saw as a failure by the Bush administration to come to grips with the Iranian danger. He reached out to Rosen and Weissman, hoping they would bring their influence to bear on the NSC and, if possible, help him secure a job at the White House. This would put him, in Rosen's words, "by the elbow of the President." Rosen, according to the indictment, promised to "do what I can."

At the time that the AIPAC men and Franklin were first in touch with each other, getting tough on Iran was not a White House priority. Administration policy was fixated on ousting Saddam Hussein from power in Iraq. As Bush worked to build domestic and international support for regime change in Iraq, the administration expected to enlist help from Iraqi Shiites,

conditionists of the Iranian regime. Days after Rosen called the Pentagon seeking to make contact with an Iran expert and got Franklin's name, the Bush administration hosted a get-together of Iraqi exiles in Washington. It included a representative of the Tehran-based Supreme Council of the Islamic Revolution. Ahmad Chalabi, who led the Iraqi National Congress and was the Pentagon's chief ally among Iraqi exiles, would later take up residence in the Iranian capital in the weeks before the US-led invasion of Iraq.

According to letters in the case file, in September 2002, the month after Rosen and Franklin first spoke, the FBI conducted a search at AIPAC headquarters. What it produced, if anything, remains under seal. An AIPAC spokesman says the organization wasn't aware of any search at that time. To cultivate Franklin, Weissman at one point took him to an Orioles game in Baltimore. Franklin, who was also an Air Force Reserve officer, held not only a top-secret security clearance but also one entitling him to SCI, "sensitive compartmented information," the kind kept at a secure site and granted on a need-to-know basis to a limited number of individuals.

During a series of meetings in 2003, Franklin spilled several pieces of allegedly classified information, from policy options against Iran to specific intelligence about attacks on US forces in Iraq. On a couple of occasions, Rosen or Weissman allegedly passed along what he'd learned to Israeli diplomats or journalists.

Franklin, likewise, relayed sensitive information to an Israeli diplomat and to the media. On May 21, 2004, he disclosed what prosecutors described as "top secret/SCI" information to journalists from CBS about what prosecutors would later cryptically claim concerned "meetings involving two Middle East officials."

That evening, CBS correspondent Lesley Stahl reported on evidence that onetime Pentagon favorite Ahmad Chalabi "personally gave Iranian intelligence officers information so sensitive that if revealed it could, quote, 'get Americans killed.'" Later in the broadcast, she reported that the information Chalabi had allegedly passed was so sensitive that US officials "at the highest levels" had prevailed on CBS not to broadcast it.

Five weeks later, the FBI closed in on Franklin. Armed with a warrant, agents searched his workspace and turned up a June 25, 2003, classified document. Franklin admitted he had given information derived from the document to Rosen and Weissman. Agents then searched his house in Kearneysville, West Virginia, and found more than 80 classified documents he had

brought home illegally over three decades. Franklin was vulnerable. He had a record of security breaches for taking documents home. Lacking substantial assets and with a wife afflicted with crippling rheumatoid arthritis, Franklin did not hire a lawyer; instead, he agreed to cooperate with the FBI.

Authorities enlisted Franklin in a sting: In July 2004, he attempted to arrange meetings with Rosen and Weissman, armed with the kind of information that clearly would be of interest to Israel. At one point, he requested an urgent meeting with Weissman, telling him lives were in danger. When the two met, Franklin, who was wired, warned him that Iran had discovered the presence of Israeli agents in northern Iraq. The information was highly classified "agency stuff," and Weissman could get in trouble for having it, Franklin told him.

Weissman in turn told that to Rosen, and the two contacted Naor Gilon, a political officer at the Israeli Embassy. Rosen and Weissman also called Glenn Kessler at the *Post* to report an increased threat to US soldiers in Iraq from Iranian-backed militias.

Franklin also helped the FBI with a counterintelligence probe of Chalabi, who has denied divulging any US secrets. Among those he called was Francis Brooke, a Chalabi aide in Washington. According to Brooke, Franklin also called active members of the Iraqi National Congress, Chalabi's political party.

"He was asking questions about Ahmad Chalabi and my dealings with Iranian officials," Brooke says. He recalls that Franklin said, "There's a lot of stuff going on. You should tell me the straight story. I'm in contact with journalists, and I could spin it for you."

Says Brooke: "I thought he was off his rocker."

The Chalabi probe foundered, but the AIPAC investigation gained momentum. The calls to Naor Gilon and Kessler provided what prosecutors considered new evidence that Rosen and Weissman had violated a section of the 1917 Espionage Act, barring the possession and transfer of "national-defense information" by anyone not authorized to have it.

Three weeks after their meeting with Weissman at the Sun Spot Cafe, FBI agents knocked on Rosen's door in Silver Spring shortly before 8 AM. They told Rosen they knew Franklin had provided classified information to an Israeli official. What would Rosen say, they asked him, if the Israeli official told Franklin that the information had already been supplied to him by Rosen? According to the agents' report, "Rosen said he had done nothing wrong."

Law agents confronted Weissman outside his home in Bethesda. They played him a recording of the July conversation between Weissman and Franklin. "Look," Weissman told them, "I was told by people at the office not to talk to you."

That afternoon, the FBI searched Rosen's office at AIPAC headquarters, this time presenting a search warrant. CNN cameras filmed the agents entering the building. Apparently tipped off before the raid, CBS called AIPAC with questions.

Initially, AIPAC circled the wagons around its two officials, defending them in public statements, assigning them legal counsel, and paying the legal fees. Rosen and Weissman both received bonuses at the end of 2004. But the investigation continued. Although AIPAC was assured in December that it was not a target, four senior AIPAC staffers were called to testify before a federal grand jury in Alexandria.

According to defense documents, in February 2005, US attorney Paul McNulty—who later became deputy attorney general—met with AIPAC's executive di-

Weissman and Rosen were fired. AIPAC also halted payment of their legal fees.

rector and AIPAC lawyers and urged them to cooperate. AIPAC's counsel called lawyers for Rosen and Weissman the next day, telling them that McNulty "would like to end it with minimal damage to AIPAC. He is fighting with the FBI to limit the investigation to Steve Rosen and Keith Weissman and to avoid expanding it." Prosecutors disclosed to AIPAC lawyers some evidence they had obtained under a secret warrant.

Rosen and Weissman were fired. AIPAC also halted payment of their legal fees. At the time, the Justice Department viewed an organization's payment of legal fees for employees under investigation as a sign of a lack of cooperation with the probe. An AIPAC spokesman, Patrick Dorton, denied that the organization had acted under government pressure: "Any suggestion that AIPAC acted at the government's behest is completely false. Our decisions on dismissal and legal fees were made independently, based on the facts and our commitment to doing the right thing in a very difficult situation."

One source close to AIPAC noted that Weissman and Rosen had refused to waive their rights to sue the organization. Recently, Dorton repeated a statement he had made at the time of the indictment: "Rosen and Weissman were dismissed because they engaged in conduct that was not part of their jobs and because this conduct did not

comport with the standards that AIPAC expects and requires of its employees."

Franklin, despite helping with the sting, was indicted along with the two AIPAC lobbyists. He pleaded guilty to two conspiracy counts in October 2005 and drew a 12-year prison sentence. Judge Ellis held the sentence in abeyance until the AIPAC case is over. The attorney Franklin acquired late in the probe, Plato Cacheris, expects his client to be called as a witness. He hopes, as a result of Franklin's cooperation with the prosecution, that his sentence will be reduced to a "minimal" term.

The FBI's investigation didn't end with the conspiracy indictments of Rosen and Weissman in August 2005, a year after Weissman got that initial phone call in Boston. One reason may have been a gap in the government's case. The two men were charged with oral receipt and transmission of national-defense information. There is no evidence that classified documents ever exchanged hands.

The next year, the FBI and one of the prosecutors approached the family of the late muckraking columnist Jack Anderson, seeking access to his archive. Anderson's son Kevin told a congressional panel that he was told they "wanted access to Dad's documents to see if either Rosen's or Weissman's fingerprints were on any government documents." Anderson's widow initially consented to the request, but the family collectively decided to refuse.

When the trial gets under way, parts of it will be closed to the public. Judge Ellis has allowed the introduction of some classified evidence that only the jurors will see or hear in full. He also has allowed the defense to probe potential jurors for indications of anti-Jewish bias.

AIPAC has regained its place as one of Washington's premier lobbying groups and is building a new headquarters. Within the last few months, AIPAC agreed to pay Rosen's and Weissman's legal fees, which have climbed into the millions of dollars. No explanation was given, although the decision came after Ellis ruled that any government pressure on AIPAC was "inappropriate and fraught with the risk of constitutional harm."

Franklin, Rosen, and Weissman have all failed to find permanent employment while the case is pending. Franklin works at odd jobs, his lawyer says. Rosen received financial help from friends and has done part-time consulting. Weissman spends a good deal of time with his children—his daughter is studying Arabic at college; one son is a high-school senior, and another is in middle school—walking his two golden retrievers and pondering book projects, including one on rock 'n' roll. **W**

Defense For AIPAC Spy Suspects: Data At Core Of Case Was Not Really 'Top Secret'

Haaretz.com

05:33

By Josh Gerstein

November 3, 2008

RICHMOND, VA -- The defense of two pro-Israel lobbyists accused of illegally obtaining and disclosing American national security secrets will argue that some of the data the men allegedly conspired to reveal came directly from the Israeli government and was not truly secret, defense lawyers told a federal appeals court last week.

Three judges from the U.S. Court of Appeals spent more than 90 minutes Wednesday wrestling with the issue of how much classified information the defense should be permitted to introduce in the case of Steven Rosen and Keith Weissman, former employees of the American Israel Public Affairs Committee (AIPAC). The beginning of the unusual court session was held in public, but the lawyers and the judges retreated behind closed doors in a specially-cleared and guarded courtroom to discuss the most sensitive aspects of the case about halfway through the hearing. As they waited for the arguments to begin, defense lawyers leafed through fat binders marked in orange with the words, "TOP SECRET."

Rosen and Weissman were indicted in 2005 on charges that they gathered secrets from U.S. officials and passed the confidential information to journalists, Israeli diplomats and others in violation of the United States Espionage Act. Rosen and Weissman are not charged with receiving or distributing any classified documents, but solely with relaying information orally. Some free speech advocates have argued that what the two men allegedly did is not much different from what journalists do every day. Prosecutors have indicated that covert wiretaps captured the men acknowledging they knew the data was classified.

Trial dates for the pair, who were fired from AIPAC, have been repeatedly canceled as wrangling dragged on over what classified information could be revealed at trial, which could take place as soon as February. A parade of prominent witnesses are expected, including Secretary of State Condoleezza Rice, former U.S. Army General Anthony Zinni and leaders of U.S.-based pro-Israel groups. Rosen and Weissman, who have pled not guilty, face the possibility of lengthy prison terms if convicted. A Pentagon analyst who admitted leaking information to the duo, Lawrence Franklin, was sentenced to more than 12 years in prison and is cooperating with prosecutors.

The government filed the appeal last week, arguing that the trial judge, T.S. Ellis III, erred when he ruled the defense was entitled to use a classified State Department document and another from the Federal Bureau of Investigation. "That information is not actually relevant to the crime that was charged," an attorney in the Justice Department's counterespionage section, Thomas Reilly, told the judges. Rosen's attorney, Abbe Lowell, said the State Department document shows that Israel was circulating the intelligence reports Rosen is accused of disclosing to other AIPAC employees and a foreigner not named in the indictment. "You have to be able to prove what the Israelis knew," Lowell said. "In our defense, it is important that this information, discussed down the line by our client, is Israel-based."

Lowell did not detail the Israeli information in the open session, but declassified court records indicate the document describes intelligence about the Karine A, a ship seized by Israel in 2002 in the Red Sea. Israel said the vessel was loaded with rifles, anti-tank missiles, rockets, mortars and other weapons destined for the Gaza Strip. Sources close to the case said the State Department memo relates to a briefing Israeli Gen. Yossi Kuperwasser gave American diplomats about the Karine A during a trip to Washington in January, 2002. Rosen got a similar briefing from Kuperwasser the same day.

Lowell suggested that the State Department memo was nearly identical to a note Rosen sent to fellow AIPAC employees. "You'd be able to draw a line between the allegation and the assertion and where it's

from," Lowell said. Lowell also said a former State Department official, Carl Ford Jr., was prepared to testify that the bulk of the memo was actually unclassified. "Who gets to define what's classified is the Executive Branch," Reilly insisted. The nature of the FBI document was less clear, but a lawyer for Weissman, Baruch Weiss, said prosecutors want to prevent the defense from disputing which portion of the report made it so sensitive. "The government wants to use the part of the document that is helpful to them and they don't want us to use the part of the document that is helpful to us," Weiss said.

The appeals judges, Robert King, Roger Gregory and Dennis Shedd, issued no immediate decision, but Shedd said he was reluctant to disturb the rulings Ellis arrived at after protracted hearings. "You have a very high hill to climb, especially with the time the judge spent in this case," he told Reilly. All three appeals jurists expressed skepticism about the government's claim that the ruling on classified information opened up Judge Ellis' other decisions for immediate appeal. "That would be a change to what we normally apply," Shedd said. Generally, federal prosecutors in America cannot appeal pre-trial rulings on legal and evidentiary issues and defendants can do so only if they are convicted. Weiss said those basic rules should be kept despite the classified information issue. "I was a prosecutor myself. Many times, I lost things I'd have loved to appeal," Weiss said. "I was stuck."

Reilly argued a law passed in 1980 to govern the use of classified information in criminal cases made clear that Congress wanted court proceedings involving national secrets handled differently. "The point is to get it right before classified information is disclosed," he said. Through his attorney, Rosen asked to be admitted to the secret portion of the argument but was never allowed in. The three-judge panel assigned to the case is fairly diverse politically, with Shedd appointed to the bench by the elder Bush, King named by President Clinton, and Gregory on the panel via an unusual recess appointment from Clinton and a subsequent nod from the current President Bush. Either the defense or prosecution could ask for reconsideration of the appeals judges' ruling by the full 11-judge bench of the 4th Circuit or review by the Supreme Court, but such requests are rarely granted.

[REDACTED] (FBI)

From: [REDACTED] (FBI)
Sent: Tuesday, March 17, 2009 9:11 AM
To: [REDACTED] (FBI)
Subject: RE: Uzi

UNCLASSIFIED
NON-RECORD

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b7C

You should see the actual paper today. It is not only on the front page, it is the top story all the way across the front page.

From: [REDACTED] (FBI)
Sent: Tuesday, March 17, 2009 8:51 AM
To: [REDACTED] (FBI)
Subject: Uzi

UNCLASSIFIED
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Note the author

Israel's National Security Aide Barred From U.S.

The Washington Times
By Eli Lake
March 17, 2009

TEL AVIV, ISRAEL -- Uzi Arad, who is expected to serve as national security adviser in the next Israeli government, has been barred from entering the United States for nearly two years on the grounds that he is an intelligence risk.

Mr. Arad, a former member and director of intelligence for the Mossad, Israel's spy service, is mentioned in the indictment of Lawrence Franklin, a former Pentagon analyst who pleaded guilty in 2005 to providing classified information about Iran in a conversation with two employees of the American Israel Public Affairs Committee (AIPAC). Beyond Mr. Arad's status, Prime Minister-designate Benjamin Netanyahu is likely to face difficulties abroad because of his choice, announced Monday, of Avigdor Lieberman to serve as foreign minister in a narrow new rightist government.

Mr. Lieberman, head of the Israel Is Our Home party, has advocated requiring Israel's 1.46 million Arabs to take a loyalty test or risk expulsion. The choice of Mr. Arad for national security adviser has been reported in the Israeli press and was confirmed by sources close to Mr. Netanyahu, who has been tasked with forming the next government. Mr. Arad acknowledged to The Washington Times that he has not been able to obtain a visa to come to the United States but said the Israeli government is trying to change that. "The director general of the Israel Foreign Ministry did tell his American counterparts that there has been no cause to deny me a visa," Mr. Arad told The Times.

Israeli and U.S. officials said Mr. Arad has been denied a U.S. visa since June 2007 under section 212 3(a) of the Immigration and Nationality Act. This gives consular officers and the Justice Department authority to bar people who may seek "to violate any law of the United States relating to espionage or sabotage" from entering the country. Mr. Arad was a member of the Mossad spy service from 1975 to 1997. After retiring, he became Mr. Netanyahu's foreign policy adviser. While in the Mossad, Mr. Arad worked mainly on analysis, but he also served as a liaison for intelligence operations with allied services such as the CIA.

In the past 21 months, prominent Israelis and Americans have quietly but unsuccessfully pressed U.S. officials to grant Mr. Arad a visa. "Overtures were made, and, by and large, there was not a satisfactory answer," said Herb London, president of the Hudson Institute, where Mr. Arad worked from 1972 to 1975 after obtaining a doctorate from Princeton University. "He has invited luminaries from around the world to talk about foreign policy at the annual Herzliya conference," Mr. London said. "There are people from the left and the right who recognize that he has extraordinary insight into the foreign policy issues of our time."

In a June 18, 2007, letter to U.S. officials, the president of the Interdisciplinary Center at Herzliya, Uriel Reichman, wrote, "I very much hope that such visa will indeed be granted as expeditiously as possible since professor Arad's travels to the United States are essential for his work at the Interdisciplinary Center." One mystery about Mr. Arad's difficulties in obtaining a visa is that Mr. Franklin did not plead guilty to spying. Indeed, the U.S. attorney handling the case against Mr. Franklin and two former AIPAC employees, Steven J. Rosen and Keith Weissman, charged all three men with mishandling national defense information, a count listed in the U.S. code under the Espionage Act but less serious than being an agent of a foreign power.

Mr. Rosen and Mr. Weissman are fighting the charges, which are controversial because they are the first private citizens to be accused of leaking classified information. The indictment against Mr. Franklin makes two references to "a person previously associated with an intelligence agency of [foreign official's] country." Two former U.S. officials and a former Israeli official have confirmed that Mr. Arad is the "person." The passage refers to a meeting between Mr. Franklin and Mr. Arad on Feb. 20, 2004, at the Pentagon cafeteria and an earlier recommendation by an Israeli diplomat that Mr. Franklin meet with Mr. Arad.

In his letter, Mr. Reichman referenced the section of the Immigration and Nationality Act that deals with espionage issues, saying, "it being absolutely certain to me and to all who know him, that none of the causes specified ... apply to him." A Washington immigration lawyer, Glen Wasserstein, said Mr. Arad was being barred under the section of law that "allows the government to deny entry to those foreign nationals it deems as spies or saboteurs, and those who help or assist in such spying or sabotage." Mr. Wasserstein said the president or attorney general could waive the restriction on the visa.

Buck Revell, a former associate director of the FBI who oversaw counterintelligence investigations at the bureau, added that as national security adviser, Mr. Arad would not be in a position to engage in espionage or intelligence activities. Nonetheless, Mr. Revell said, the suspicion surrounding Mr. Arad could hamper U.S.-Israel relations. "The [Israeli] national security council chairman has access to all of Israel's intelligence and all the intelligence we share with them, normally," Mr. Revell said.

"Whether or not our agencies would restrict any type of intelligence from going to him would be very problematic. That is something they will have to deal with." A senior official of the incoming Netanyahu administration, who spoke on the condition that he not be named because of the sensitivity of the issue, told The Times that he expects Mr. Arad to be able to travel to the United States for official business. "This is an issue that the new government of Israel trusts can be resolved," the official said.

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Leniency For AIPAC Leaker

Politico.com
10:48 PM EST
By Josh Gerstein
June 11, 2009

ALEXANDRIA, VA -- A federal judge has virtually wiped out the prison sentence of more than 12 years he first imposed on a Pentagon analyst who pled guilty to leaking classified information to two pro-Israel lobbyists.

At a hearing Thursday evening in Alexandria, Va., Judge T.S. Ellis reduced the sentence for the former defense official, Larry Franklin, to probation plus 10 months in "community confinement," likely a halfway house. Prosecutors had asked the judge to drop the sentence to 8 years in light of Franklin's cooperation, while a defense lawyer for Franklin, Plato Cacheris, asked for "no sentence at all." In explaining his decision to dramatically reduce Franklin's sentence, Ellis cited the lack of punishment and light punishments imposed on other leakers, as well as Franklin's cooperation in the prosecution of the two lobbyists later fired from the American Israel Public Affairs committee, Steven Rosen and Keith Weissman.

Last month, days before the case against the pair was set to go to trial, the government dropped the prosecution. The **Justice Department** said legal rulings in the case and the threat of new disclosures of classified information made a trial inadvisable. "It's a very difficult and unusual situation," Ellis said. "This one is unique." The judge said he did not quibble with the government's decision to drop the Rosen and Weissman prosecutions, but that the move was "significant" and had "some relevance" to what punishment Franklin should receive. He said it was "very disputable" whether some of the information at the heart of the case was actually the kind of "national defense information" it is illegal to relay outside the government.

Ellis railed Thursday against people who leak classified information, including those who leaked national intelligence estimates about Iran and revealed the existence of the warrantless wiretapping program maintained by the National Security Agency. However, he also said he had no problem with people who disclosed such information as an act of civil disobedience and accepted what followed. "Disclosing it was okay, if a person is willing to stand up and say, 'I did it. Give me the consequences,'" the judge said. Ellis said he wanted Franklin's punishment to serve as a "beacon" to other officials that they would face serious consequences if they committed similar breaches.

"Secrets are important to a nation. If we couldn't keep our secrets, we would be at great risk," the judge said. Franklin pled guilty in 2005 to three felony counts involving illegal distribution and possession of classified information. He had been free pending the trial for the two ex-Aipac officials. His attorney, Plato Cacheris, said the former policy analyst had trouble finding good work. "He's been digging ditches. He's been cleaning cesspools," the attorney said. The information that Franklin gave to the two AIPAC lobbyists has never been officially detailed, but it related to the threat Iran posed to U.S. forces in the region. He also acknowledged numerous meetings with an Israeli diplomat, Naor Gilon.

In a plea for leniency Thursday, Franklin said he was motivated solely by "love of our republic and by the safety of our military personnel that were about to go into Iraq." He insisted he wasn't trying to leak anything, but simply to use a back channel to alert "a particular NSC source" to the dangers in Iraq. The ex-Pentagon analyst didn't know at the time that Rosen and Weissman worked for the pro-Israel lobbying group. Franklin said he wanted to spend time instructing young people "about the threat that civilization faces from those who would replace us," who he indicated were the forces of "radical Islam." "One object of our adversaries is to force us to change internally. What I did was playing into that objective," Franklin said.

Franklin said he was "grateful to be in a country where the rule of law and a respect for human rights is

vibrant." Ellis quickly interrupted. "You believe rule of law is important?.....I've lived in countries where there isn't rule of law. I was born in one," the Colombian-born jurist said. "And what really [matters] is whether government officials obey the law." Franklin said he did believe in the rule of law and he acknowledged "serious errors in judgment." That triggered another salvo from the judge. "An error is putting on the wrong color tie," Ellis said. "We're talking about crimes."

Earlier, Cacheris argued that the government's request of eight years imprisonment for Franklin "smacks of vengeance" stemming from the decision to abandon the prosecution against Rosen and Weissman. "It's just not justified," the defense attorney said. He insisted the decision to drop the case against the two ex-lobbyists "was not because of anything Mr. Franklin did." Cacheris's description of Franklin's cooperation also produced some intriguing news. "He's given them other cases involving people who cannot come into this country," the defense lawyer said cryptically. Cacheris also suggested that Franklin was the target of witness tampering in the Aipac case.

"Someone came to approach Franklin to have him, in effect, disappear," the defense attorney said. He said Franklin immediately reported the incident to authorities. Cacheris did not elaborate on the episode, but it could help explain why the FBI sought to interview Jewish leaders several years ago about attempts to provide financial assistance or employment to Rosen and Weissman. Prosecutor Neil Hammerstrom suggested Franklin deserved more severe punishment than Rosen and Weissman, had they been convicted.

"In many ways, he was a more significant violator than Rosen and Weissman ever were alleged to be," the prosecutor said. "If you don't have people like Mr. Franklin in government doing that, you don't have people [outside] passing classified information." Hammerstrom also noted that Franklin took top-secret information to his home even after being disciplined for such activity. "You have before you an individual that just can't seem to follow the law when it comes to classified information," the prosecutor said. He said Franklin deserved credit for cooperating, but that his assistance had not been "ideal."

In response to a question from Ellis Thursday, Franklin confirmed speculation that his rendezvous with Rosen and Weissman was arranged by Michael Makovsky, a former energy analyst for the Pentagon. Makovsky, who has left the government, was not charged in the case and was expected to be a witness at the trial of Rosen and Weissman. Before the main hearing Thursday, lawyers spent nearly half an hour arguing behind closed doors about whether the re-sentencing should be open to the public.

The judge eventually allowed the press and public into the courtroom, though he said portions of court filings about Franklin's sentence will remain under seal. As the hearing concluded in the case, which has been the subject of hard-fought legal battles for nearly four years, the judge struggled to maintain his composure. He praised prosecutors and defense lawyers. "You all did a very good job," said Ellis, who is now semi-retired.