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REAL INSIDERS

A pro-Israel lobby and an F.B.I. sting.

by JEFFREY GOLDBERG

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Several years ago, I had dinner at Galileo, a Washington restaurant, with Steven Rosen, who was then the director of foreign-policy issues at the American Israel Public Affairs Committee. The group, which is better known by its acronym, AIPAC, lobbies for Israel's financial and physical security. Like many lobbyists, Rosen cultivated reporters, hoping to influence their writing while keeping his name out of print. He is a voluble man, and liked to demonstrate his erudition and dispense aphorisms. One that he often repeated could serve as the credo of K Street, the Rodeo Drive of Washington's influence industry: "A lobby is like a night flower: it thrives in the dark and dies in the sun."

Lobbyists tend to believe that legislators are susceptible to



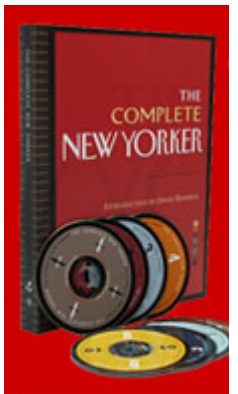
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persuasion in ways that executive-branch bureaucrats are not, and before Rosen came to AIPAC, in 1982 (he had been at the RAND Corporation, the defense-oriented think tank), the group focussed mainly on Congress. But Rosen arrived brandishing a new idea: that the organization could influence the outcome of policy disputes within the executive branch—in particular, the Pentagon, the State Department, and the National Security Council.

Rosen began to court officials. He traded in gossip and speculation, and his reports to AIPAC's leaders helped them track currents in Middle East policymaking before those currents coalesced into executive orders. Rosen also used his contacts to carry AIPAC's agenda to the White House. An early success came in 1983, when he helped lobby for a strategic coöperation agreement between Israel and the United States, which was signed over the objections of Caspar Weinberger, the Secretary of Defense, and which led to a new level of intelligence sharing and military sales.

AIPAC is a leviathan among lobbies, as influential in its sphere as the National Rifle Association and the American Association of Retired Persons are in theirs, although it is, by comparison, much smaller. (AIPAC has about a hundred thousand members, the N.R.A. more than four million.) President Bush, speaking at the



annual AIPAC conference in May of 2004, said, “You’ve always understood and warned against the evil ambition of terrorism and their networks. In a dangerous new century, your work is more vital than ever.” AIPAC is unique in the top tier of lobbies because its concerns are the economic health and security of a foreign nation, and because its members are drawn almost entirely from a single ethnic group.

AIPAC’s professional staff—it employs about a hundred people at its headquarters, two blocks from the Capitol—analyzes congressional voting records and shares the results with its members, who can then contribute money to candidates directly or to a network of proIsrael political-action committees. The Center for Responsive Politics, a public-policy group, estimates that between 1990 and 2004 these PACs gave candidates and parties more than twenty million dollars.

Robert H. Asher, a former AIPAC president, told me that the PACs are usually given euphemistic names. “I started a PAC called Citizens Concerned for the National Interest,” he said. Asher, who is from Chicago, is a retired manufacturer of lamps and shades, and a member of the so-called Gang of Four—former presidents of AIPAC, who steered the group’s policies for more than two decades. (The three others are Larry Weinberg, a California real-estate developer and a former

owner of the Portland Trail Blazers; Edward Levy, a construction-materials executive from Detroit; and Mayer “Bubba” Mitchell, a retired builder based in Mobile, Alabama.)

AIPAC, Asher explained, is loyal to its friends and merciless to its enemies. In 1982, Asher led a campaign to defeat Paul Findley, a Republican congressman from Springfield, Illinois, who once referred to himself as “Yasir Arafat’s best friend in Congress,” and who later compared Arafat to Gandhi and Martin Luther King, Jr.

“There was a real desire to help Findley out of Congress,” Asher said. He identified an obscure Democratic lawyer in Springfield, Richard Durbin, as someone who could defeat Findley. “We met at my apartment in Chicago, and I recruited him to run for Congress,” he recalled. “I probed his views and I explained things that I had learned mostly from AIPAC. I wanted to make sure we were supporting someone who was not only against Paul Findley but also a friend of Israel.”

Asher went on, “He beat Findley with a lot of help from Jews, in-state and out-of-state. Now, how did the Jewish money find him? I travelled around the country talking about how we had the opportunity to defeat someone unfriendly to Israel. And the gates opened.” Durbin, who went on to win a Senate seat, is now the Democratic whip. He is a fierce

critic of Bush's Iraq policy but, like AIPAC, generally supports the Administration's approach to the Israeli-Palestinian conflict. Durbin says that he considers Asher to be his "most loyal friend in the Jewish community."

Mayer Mitchell led a similar campaign, three years ago, to defeat Earl Hilliard, an Alabama congressman who was a critic of Israel. Mitchell helped direct support to a young Harvard Law School graduate named Artur Davis, who challenged Hilliard in the Democratic primary, and he solicited donations from AIPAC supporters across America. Davis won the primary, and the seat. "I asked Bubba how he felt after Davis won," Asher said, "and he said, 'Just like you did when Durbin got elected.'" Mitchell declined to comment.

AIPAC's leaders can be immoderately frank about the group's influence. At dinner that night with Steven Rosen, I mentioned a controversy that had enveloped AIPAC in 1992. David Steiner, a New Jersey real-estate developer who was then serving as AIPAC's president, was caught on tape boasting that he had "cut a deal" with the Administration of George H. W. Bush to provide more aid to Israel. Steiner also said that he was "negotiating" with the incoming Clinton Administration over the appointment of a pro-Israel Secretary of State. "We have a dozen people in his"—Clinton's—"headquarters . . . and

they are all going to get big jobs,” Steiner said. Soon after the tape’s existence was disclosed, Steiner resigned his post. I asked Rosen if AIPAC suffered a loss of influence after the Steiner affair. A half smile appeared on his face, and he pushed a napkin across the table. “You see this napkin?” he said. “In twenty-four hours, we could have the signatures of seventy senators on this napkin.”

Rosen was influential from the start. He was originally recruited for the job by Larry Weinberg, one of the Gang of Four, and he helped choose the group’s leaders, including the current executive director, Howard Kohr, a Republican who began his AIPAC career as Rosen’s deputy. Rosen, who can be argumentative and impolitic, was never a candidate for the top post. “He’s a bit of a *kochleffl*”—the Yiddish term for a pot-stirrer, or meddler—Martin Indyk, who also served as Rosen’s deputy, and who went on to become President Clinton’s Ambassador to Israel, says. Rosen has had an unusually eventful private life, marrying and divorcing six times (he is living again with his first wife), and he has a well-developed sense of paranoia. When we met, he would sometimes lower his voice, even when he was preparing to deliver an anodyne pronouncement. “Hostile ears are always listening,” he was fond of saying.

Nevertheless, he is a keen analyst

of Middle East politics, and a savvy bureaucratic infighter. His views on the Israeli-Palestinian conflict are not notably hawkish; he once called himself “too right for the left, and too left for the right.” He is a hard-liner on only one subject—Iran—and this preoccupation helped shape AIPAC’s position: that Iran poses a greater threat to Israel than any other nation. In this way, AIPAC is in agreement with a long line of Israeli leaders, including Prime Minister Ariel Sharon, who fears Iran’s nuclear intentions more than he ever feared Saddam Hussein’s. (AIPAC lobbied Congress in favor of the Iraq war, but Iraq has not been one of its chief concerns.) Rosen’s main role at AIPAC, he once told me, was to collect evidence of “Iranian perfidy” and share it with the United States.

Unlike American neoconservatives, who have openly supported the Likud Party over the more liberal Labor Party, AIPAC does not generally take sides in Israeli politics. But on Iran AIPAC’s views resemble those of the neoconservatives. In 1996, Rosen and other AIPAC staff members helped write, and engineer the passage of, the Iran and Libya Sanctions Act, which imposed sanctions on foreign oil companies doing business with those two countries; AIPAC is determined, above all, to deny Iran the ability to manufacture nuclear weapons. Iran was a main focus of this year’s AIPAC policy

conference, which was held in May at the Washington Convention Center. Ariel Sharon and Secretary of State Condoleezza Rice, among others, addressed five thousand AIPAC members. One hall of the convention center was taken up by a Disney-style walk-through display of an Iranian nuclear facility. It was kitsch, but not ineffective, and Rosen undoubtedly would have appreciated it. Rosen, however, was not there. He was fired earlier this year by Howard Kohr, nine months after he became implicated in an F.B.I. espionage investigation. Rosen's lawyer, Abbe Lowell, expects him to be indicted on charges of passing secret information about Iranian intelligence activities in Iraq to an official of the Israeli Embassy and to a Washington *Post* reporter. A junior colleague, Keith Weissman, who served as an Iran analyst for AIPAC until he, too, was fired, may face similar charges.

The person who, in essence, ended Rosen's career is a fifty-eight-year-old Pentagon analyst named Lawrence Anthony Franklin, who is even more preoccupied with Iran than Steven Rosen. Franklin, until recently the Pentagon's Iran desk officer, was indicted last month on espionage charges. The Justice Department has accused him of giving "national-defense information" to Rosen and Weissman, and

classified information to an Israeli official. Franklin has pleaded not guilty; a tentative trial date is set for September. If convicted, he will face at least ten years in prison.

I first met Franklin in November of 2002. Paul Wolfowitz, then the Deputy Secretary of Defense, was receiving the Henry M. (Scoop) Jackson award from the Jewish Institute for National Security Affairs, a conservative-leaning group that tries to build close relations between the American and Israeli militaries. In the ballroom of the Ritz-Carlton Hotel at Pentagon City, a shopping mall, were a number of American generals and the Israeli Ambassador to the United States, Danny Ayalon.

Franklin, a trim man with blond hair and a military bearing, is a colonel in the Air Force Reserve who spent several years as an analyst at the Defense Intelligence Agency. He has a doctorate in Asian studies and describes himself as a capable speaker of Farsi. In addition, he was a Catholic in a largely Jewish network of Pentagon Iran hawks.

Franklin was particularly close to the neoconservative Harold Rhode, an official in the Office of Net Assessment, the Pentagon's in-house think tank. Franklin was also close to Michael Ledeen, who, twenty years ago, played an important role in the Iran-Contra scandal by helping arrange meetings between the American

government and the Iranian arms dealer Manucher Ghorbanifar. Ledeen, now a resident scholar at the American Enterprise Institute, is one of the most outspoken advocates in Washington of confrontation with the Tehran regime.

The conversation at the banquet, and just about everywhere else in official Washington at that time, centered on the coming war in Iraq. “We may well hope that with the demise of a truly evil and despotic regime in Iraq, we will see the liberation of one of the most talented peoples in the Arab world,” Wolfowitz said in his speech. Franklin did not seem especially concerned with the topic at hand. As we stood outside the banquet hall, he said that Iran, not Iraq, would turn out to be the most difficult challenge in the war on terror.

Then, as now, the Administration was divided on the question of Iran. Many of the political appointees at the Defense Department hoped that America would support dissidents in an attempt to overthrow Iran’s ruling clerics, while the State Department argued for containment. Even within the Defense Department, many officials believed that it would be imprudent to make regime change in Tehran a top priority. “There are neocons who thought Iran should come sooner and neocons who thought it should come later,” Reuel Marc Gerech, of the American Enterprise

Institute, told me. As for Franklin, Gerecht, a former Iran specialist in the C.I.A.'s Directorate of Operations, said, "It's fair to say that Larry was impatient with Bush Administration policy on Iran." In the Pentagon's policy office, I learned later, it was sometimes said that Franklin inhabited a place called Planet Franklin. Gerecht referred to him as "sweet, bumbling Larry."

A year later, on a reporting assignment in Israel, I ran into Franklin at the Herzliya Conference, which is the Davos of the Israeli security establishment. He said that he was there on Defense Department business. We talked briefly about Iraq—it was eight months after the invasion—and, as we spoke, General Moshe Ya'alon, then the Israeli Army chief of staff, swept into the room surrounded by bodyguards and uniformed aides. "Wow," Franklin said.

We stepped outside, and he talked only about Iran's threat to America. "Our intelligence is blind," he said. "It's the most dangerous country in the world to the U.S., and we have nothing on the ground. We don't understand anything that goes on. I mean, the C.I.A. doesn't have anything. This goes way deeper than Tenet"—George Tenet, who was the director of central intelligence at the time. He continued, "Do you know how dangerous Iran is to our forces in the Gulf? We have great force-concentration issues now"—

the presence of American troops in Iraq—“and the Iranians are very interested in making life difficult for American forces. They have the capability. You watch what they’re doing in Iraq. Their infiltration is everywhere.”

Franklin seemed more frustrated with American policy in Iran than he had the year before. “We don’t understand that it’s doable—regime change is doable,” he said. “The people are so desperate to become free, and the mullahs are so unpopular. They’re so pro-American, the people.” Referring to the Bush Administration, he said, “That’s what they don’t understand,” and he added, “And they also don’t understand how anti-American the mullahs are.” Franklin was convinced that the Iranians would commit acts of terrorism against Americans, on American soil. “These guys are a threat to us in Iraq and even at home,” he said.

Franklin was not a high-ranking Pentagon official; he was five steps removed in the hierarchy from Douglas Feith, the Under-Secretary for Policy. For two years, though, he had been trying to change American policy. His efforts took many forms, including calls to reporters, meetings with Rosen and Weissman and with the political counsellor at the Israeli Embassy, Naor Gilon. According to Tracy O’Grady-Walsh, a Pentagon spokeswoman, he was not acting on behalf of his superiors: “If Larry Franklin was

formally or informally lobbying, he was doing it on his own.”

Franklin also sought information from Iranian dissidents who might aid his cause. In December of 2001, he and Rhode met in Rome with Michael Ledeen and a group of Iranians, including Manucher Ghorbanifar. Ledeen, who helped arrange the meeting, told me that the dissidents gave Franklin and Rhode information about Iranian threats against American soldiers in Afghanistan. (Rhode did not return calls seeking comment.) Franklin was initially skeptical about the meeting, Ledeen said, but emerged believing that America could do business with these dissidents.

Franklin’s meetings with Gilon and with the two AIPAC men make up the heart of the indictment against him. The indictment alleges that Rosen—“CC-1,” or “Co-Conspirator 1”—called the Pentagon in early August of 2002, looking for the name of an Iran specialist. He made contact with Franklin a short time later, but, according to the indictment, they did not meet until February of 2003. In their meetings, according to several people with knowledge of the conversations, Franklin told the lobbyists that Secretary of State Colin Powell was resisting attempts by the Pentagon to formulate a tougher Iran policy. He apparently hoped to use AIPAC to lobby the Administration.

The Franklin indictment suggests that the F.B.I. had been watching Rosen as well; for instance, it alleges that, in February of 2003, Rosen, on his way to a meeting with Franklin, told someone on the phone that he “was excited to meet with a ‘Pentagon guy’ because this person was a ‘real insider.’ ”

Franklin, Rosen, and Weissman met openly four times in 2003. At one point, the indictment reads, somewhat mysteriously, “On or about March 10, 2003, Franklin, CC-1 and CC-2” — Rosen and Weissman — “met at Union Station early in the morning. In the course of the meeting, the three men moved from one restaurant to another restaurant and then finished the meeting in an empty restaurant.”

On June 26, 2003, at a lunch at the Tivoli Restaurant, near the Pentagon, Franklin reportedly told Rosen and Weissman about a draft of a National Security Presidential Directive that outlined a series of tougher steps that the U.S. could take against the Iranian leadership. The draft was written by a young Pentagon aide named Michael Rubin (who is now affiliated with the American Enterprise Institute). Franklin did not hand over a copy of the draft, but he described its contents, and, according to the indictment, talked about the “state of internal United States government deliberations.” The indictment also alleges that Franklin gave the two men “highly classified” information about

potential attacks on American forces in Iraq.

In mid-August of 2002, according to the indictment, Franklin met with Gilon—identified simply as “FO,” or “foreign official”—at a restaurant, and Gilon explained to Franklin that he was the “policy” person at the Embassy. The two met regularly, the indictment alleges, often at the Pentagon Officers’ Athletic Club, to discuss “foreign policy issues,” particularly regarding a “Middle Eastern country”—Iran, by all accounts—and “its nuclear program.” The indictment suggests that Franklin was receiving information and policy advice from Gilon; after one meeting, Franklin drafted an “Action Memo” to his supervisors incorporating Gilon’s suggestions. Gilon is an expert on weapons proliferation, according to Danny Ayalon, the Israeli Ambassador, and has briefed reporters about Israel’s position on Iran.

According to Lawrence Di Rita, a Pentagon spokesman, it is part of the “job description” of Defense Department desk officers to meet with their foreign counterparts. “Desk officers meet with foreign officials all the time, not with ministers, but interactions with people at their level,” he said. The indictment contends, however, that on two occasions Franklin gave Gilon classified information.

The issue of Israel’s activities in Washington is unusually sensitive. Twenty years ago, a civilian Naval

Intelligence analyst named Jonathan Pollard was caught stealing American secrets on behalf of an Israeli intelligence cell—a “rogue” cell, the Israelis later claimed. Pollard said that he was driven to treason because, as a Jew, he could not abide what he saw as America’s unwillingness to share crucial intelligence with Israel. Pollard’s actions were an embarrassment for American Jews, who fear the accusation of “dual loyalty”—the idea that they split their allegiance between the United States and Israel. For Israel, the case was a moral and political disaster. And there are some in the American intelligence community who suspect that Israel has never stopped spying on the United States.

Earlier this month, Ayalon told me that Israel does not “collect any intelligence on the United States, period, full stop. We won’t do anything to risk this most important relationship.” In any case, he said, there was no need to spy, “because coöperation is so intimate and effective between Israel and the U.S.” Ayalon also said that Gilon, who is returning to Jerusalem later this summer, remains an important member of his staff; in recent months, Gilon has attended meetings at the State Department, the Pentagon, and the White House.

In June of 2004, F.B.I. agents searched Franklin’s Pentagon office and his home in West

Virginia, and allegedly found eighty-three classified documents. Some had to do with the Iran debate, but some pertained to Al Qaeda and Iraq. (A separate federal indictment, citing the documents, has been handed down in West Virginia.) According to a person with knowledge of Franklin's case, the agents told Franklin that Rosen and Weissman were working against America's interests. Franklin faced ruin—the documents found in his house could cost him his job, the agents said. Franklin, who did not have a lawyer, agreed to cooperate in the investigation of Rosen and Weissman, although apparently he was not given in return a specific promise of leniency. Soon, he was wired, and was asked to contact the two AIPAC employees. On July 21st, Franklin called Weissman and said that he had to speak to him immediately—that it was a matter of life and death. They arranged to meet outside the Nordstrom's department store at Pentagon City.

A month before that meeting, *The New Yorker* had published an article by Seymour Hersh about the activities of Israeli intelligence agents in northern Iraq. Franklin, who held a top-secret security clearance, allegedly told Weissman that he had new, classified information indicating that Iranian agents were planning to kidnap and kill the Israelis referred to by Hersh. American intelligence knew about the threat, Franklin said, but Israel might not.

He also said that the Iranians had infiltrated southern Iraq, and were planning attacks on American soldiers. Rosen and Weissman, Franklin hoped, could insure that senior Administration officials received this news. It is unclear whether what Franklin relayed was true or whether it had been manufactured by the F.B.I. The Bureau has refused to comment on the case.

Weissman hurried back to AIPAC's headquarters and briefed Rosen and Howard Kohr, AIPAC's executive director.

According to AIPAC sources, Rosen and Weissman asked Kohr to give the information to Elliott Abrams, the senior Middle East official on the National Security Council. Kohr didn't get in touch with Abrams, but Rosen and Weissman made two calls. They called Gilon and told him about the threat to Israeli agents in Iraq, and then they called Glenn Kessler, a diplomatic correspondent at the *Washington Post*, and told him about the threat to Americans.

A month later, on the morning of August 27, 2004, F.B.I. agents visited Rosen at his home, in Silver Spring, Maryland, seeking to question him. Rosen quickly called AIPAC's lawyers. That night, CBS News reported that an unnamed Israeli "mole" had been discovered in the Pentagon, and that the mole had been passing documents to two officials of AIPAC, who were passing the

documents on to Israeli officials.

Within days, the names of Franklin, Rosen, and Weissman were made public. The F.B.I. informed Franklin that he was going to be charged with illegal possession of classified documents. Franklin was said by friends to be frightened, and surprised. He said that he could not afford to hire a lawyer. The F.B.I. arranged for a court-appointed attorney to represent him. The lawyer, a former federal prosecutor, advised him to plead guilty to espionage charges, and receive a prison sentence of six to eight years.

At about this time, Franklin received a call from Michael Ledeen, his ally in matters of Iran policy. “I called him and said, ‘Larry, what’s going on?’ ” Ledeen recalled. “He said, ‘Don’t worry. Sharansky’ ”—Natan Sharansky, the former Soviet dissident—“ ‘survived years in the Gulag, and I’ll survive prison, too.’ I said, ‘What are you talking about?’ He told me what was going on. I asked him if he had a good lawyer.” Ledeen called the criminal-defense attorney Plato Cacheris. “I knew him from when he served as Fawn’s attorney,” Ledeen said, referring to Fawn Hall, who was Colonel Oliver North’s secretary at the time of the Iran-Contra affair. Cacheris has also represented Monica Lewinsky and the F.B.I. agent Robert Hanssen, who spied for Moscow. Cacheris offered to represent

Franklin pro bono, and Franklin accepted the offer.

AIPAC launched a special appeal for donations—for the organization, not for Rosen and Weissman. “Your generosity at this time will help ensure that false allegations do not hamper our ability or yours to work for a strong U.S.-Israel relationship and a safe and secure Israel,” AIPAC’s leaders wrote in the letter accompanying the appeal.

But in December four AIPAC officials, including Kohr, were subpoenaed to testify before a grand jury in Alexandria, Virginia. In March, AIPAC’s principal lawyer, Nathan Lewin, met with the U.S. Attorney for the Eastern District of Virginia, Paul McNulty, who agreed to let Lewin see some of the evidence of the Pentagon City sting. According to an AIPAC source, an eleven-second portion of the telephone conversation between Rosen, Weissman, and the *Post’s* Glenn Kessler, which the F.B.I. had recorded, was played for Lewin. In that conversation, Rosen is alleged to have told Kessler about Iranian agents in southern Iraq—information that Weissman had received from Franklin. In the part of the conversation that Lewin heard, Rosen jokes about “not getting in trouble” over the information. He also notes, “At least we have no Official Secrets Act”—the British law that makes journalists liable to prosecution if they publish classified material.

Prosecutors argued to Lewin that this statement proved that Rosen and Weissman were aware that the information Franklin had given them was classified, and that Rosen must therefore have known that he was passing classified information to Gilon, a foreign official. Lewin, who declined to comment on the case, recommended that AIPAC fire Rosen and Weissman. He also told the board that McNulty had promised that AIPAC itself would not be a target of the espionage investigation. An AIPAC spokesman, Patrick Dorton, said of the firing, “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.”

When I asked Abbe Lowell, Rosen’s lawyer, about the firings, he said, “Steve Rosen’s dealings with Larry Franklin were akin to his dealings with executive-branch officials for more than two decades and were well known, encouraged, and appreciated by AIPAC.”

Last month, I met with Lowell and Rosen in Lowell’s office, which these days is a center of Washington scandal management. (He also represents the fallen lobbyist Jack Abramoff.) Lowell had instructed Rosen not to discuss specifics of the case, but Rosen expressed disbelief that his career

had been ended by an F.B.I. investigation. "I'm being looked at for things I've done for twenty-three years, which other foreign-policy groups, hundreds of foreign-policy groups, are doing," Rosen said, and went on, "Our job at AIPAC was to understand what the government is doing, in order to help form better policies, in the interests of the U.S. I've never done anything illegal or harmful to the U.S. I never even dreamed of doing anything harmful to the U.S." Later, he said, "We did not knowingly receive classified information from Larry Franklin." Lowell added, "When the facts are known, this will be a case not about Rosen and Weissman's actions but about the government's actions." Lowell said that he would not rehearse his arguments against any charges until there is an indictment.

Rosen said that he was particularly upset by the allegation that, because he had informed Gilon that Israeli lives might be in danger, he was a spy for Israel. "If I had been given information that British or Australian soldiers were going to be kidnapped or killed in Iraq, I think I would have done the same thing," he said. "I'd have tried to warn them by calling friends at those embassies." He wants to believe that he could return to AIPAC if he is exonerated, but this does not seem likely. AIPAC leaders are downplaying Rosen's importance to the organization. "AIPAC is

focussed primarily on legislative lobbying,” Dorton told me.

Rosen’s severance pay will end in September, although AIPAC, in accordance with its bylaws, will continue to pay legal fees for Rosen and Weissman.

Rosen’s defenders are critical of AIPAC for its handling of the controversy. Martin Indyk, who is now the director of the Saban Center for Middle East Policy, a think tank within the Brookings Institution, thinks that AIPAC made a tactical mistake by cutting off the two men. “It appears they’ve abandoned their own on the battlefield,” he says. “Because they cut Steve off, they leave him no choice.” Indyk wouldn’t elaborate, but the implication was clear: Rosen and Weissman will defend themselves by arguing that they were working in concert with the highest officials of the organization, including Kohr.

Until there is an indictment, the government’s full case against Rosen and Weissman cannot be known; no one in the Justice Department will comment. The laws concerning the dissemination of government secrets are sometimes ambiguous and often unenforced, and prosecutors in such cases face complex choices. According to Lee Strickland, a former chief privacy officer of the C.I.A., prosecutors pressing espionage charges against Rosen and Weissman would have to prove that the information the two men gave to Gilon not merely was

classified but rose to the level of “national-defense information,” meaning that it could cause dire harm to the United States. Yet a reporter who called the Embassy to discuss the same information in the course of preparing a story—thus violating the same statute—would almost certainly not be prosecuted. Strickland continued, “Twice in the Clinton Administration we had proposals to broaden the statutes to include the recipients, not just the leakers, of classified information. The *New York Times* and the *Washington Post* went bat-shit about this legislation. They saw it as an attempt to shut down leaks.” If American law did punish those who receive, and then pass on, or publish, privileged information, much of the Washington press corps would be in jail, according to Lee Levine, a First Amendment lawyer. So would a great many government officials, elected and appointed, for whom classified information is the currency of conversation with reporters and lobbyists.

Strickland, who said that he had spent much of his career at the C.I.A. “shutting down” leaks, called the AIPAC affair “uncharted territory.” It is uncommon, he said, for an espionage case to be built on the oral transmission of national-defense information. He also said, “Intent is always an element. If I were a defense attorney, I would argue that this was a form of entrapment. The F.B.I. agents deliberately set my client up, put

him in a moral quandary.” He added, however, that although a jury might recognize the quandary, the law does not. “Just because you have information that would help a foreign country doesn’t make it your job to pass that information.”

Even some of AIPAC’s most vigorous critics do not see the Rosen affair as a traditional espionage case. James Bamford, who is the author of well-received books about the National Security Agency, and an often vocal critic of Israel and the pro-Israel lobby, sees the case as a cautionary tale about one lobbying group’s disproportionate influence: “What Pollard did was espionage. This is a much different and more unique animal—this is the selling of ideology, trying to sell a viewpoint.” He continued, “Larry Franklin is not going to knock on George Bush’s door, but he can get AIPAC, which is a pressure group, and the Israeli government, which is an enormous pressure group, to try to get the American government to change its policy to a more aggressive policy.”

Bamford, who believes that Weissman and Rosen may indeed be guilty of soliciting information and passing it to a foreign government, sees the case as a kind of brushback pitch, a way of limiting AIPAC’s long—and, in Bamford’s view, dangerous—reach.

Other AIPAC critics see the lobby’s behavior as business as

usual in Washington. “The No. 1 game in Washington is making people talking to you feel like you’re an insider, that you’ve got information no one else has,” Sam Gejdenson, a former Democratic congressman from Connecticut, says. When Gejdenson opposed a proposal to increase Israel’s foreign-aid allocation at the expense of more economically needy countries, AIPAC, he said, responded by “sitting on its hands” during his reelection campaigns, despite the fact that he is Jewish. “It’s like any other lobbying group,” he said. “Its job isn’t to come up with the best ideas for mankind, or the U.S. It’s narrowly focussed.”

AIPAC officials insist that the case has not affected the organization’s effectiveness. But its operations have certainly been hindered by the controversy of the past year, and the F.B.I. sting may force lobbyists of all sorts to be more careful about trying to penetrate the executive branch—and about leaking to reporters. And AIPAC now seems acutely sensitive to the appearance of dual loyalty. The theme of this year’s AIPAC conference was “Israel, an American Value,” and, for the first time, “Hatikvah,” the Israeli national anthem, was not sung. The only anthem heard was “The Star-Spangled Banner.” †



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as Netscape 7+ and Internet Explorer 6+.