Judith Miller's "Story": Setting the Record Straight

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"In the spring of 2002, a year before the invasion of Iraq, I was at the peak of my profession," Judith Miller writes in the prologue to "The Story: A Reporter's Journey," her compelling account of her life in journalism. Miller had been a versatile reporter at The New York Times for 25 years, but her special beat was the Arab world, Islamic extremism, terrorism, weapons of mass destruction (WMD), and war.

She was part of the Times staff that won the 2002 Pulitzer Prize for explanatory reporting for its investigation of al-Qaeda's pre-9/11 global network; she received an Emmy that year for a documentary based on her co-authored book "Germs: Biological Weapons and America's Secret War." She was nine years into a happy marriage to New York publishing eminence Jason Epstein.

Three years later, with her reporting "mired in controversy," the Times drove her out. A swarm of bloggers and more than a few fellow print journalists accused her of "hyping" the threat of WMD posed by Saddam Hussein's Iraq, thus helping President George W. Bush and his team sell a misbegotten war to the American public. At best, Miller was blamed for lacking the requisite skepticism any serious reporter must have, for ignoring facts, and distorting information. At worst, she was charged with having morphed into one of the dreaded neoconservatives who, according to this media caricature, sought to export democracy to the Arab world by sword and fire.

Miller's longtime Times colleagues—led by publisher Arthur O. Sulzberger Jr., Executive Editor Bill Keller, Managing Editor Jill Abramson, and columnist Maureen Dowd—threw her overboard in fall 2005. They had reason to have known better.

By then, the verdict on the Bush administration's handling of pre-war intelligence concerning Iraqi WMD—at least for any fair-minded person—was conclusive: Much of the intelligence passed along to the American people proved to be wrong. Saddam did not possess stockpiles of biological and chemical weapons and was not close to acquiring a nuclear bomb. Much of the intelligence remains unrefuted: Saddam had retained the capacity to make biological and chemical weapons and showed every sign, once sanctions were lifted, of intending to resume their production and renewing his pursuit of nuclear weapons. But Bush and his team had not pressured intelligence agencies to conform their analysis to preconceived White House conclusions; nor had they doctored intelligence to deceive the public.

The evidence for these conclusions came from a wide array of domestic and international sources: the intelligence community's October 2002 National Intelligence Estimate; then-CIA director George Tenet who, a few weeks before the mid-March 2003 invasion of Iraq, assured Bush that finding WMD would be a "slam dunk" and who, in a July 2003 statement, several months after the fall of Iraq, acknowledged the agency's responsibility for flawed assessments; the July 2004 report of the Senate Select Committee on Intelligence; the March 2005 report of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, led by former Sen. Chuck Robb, a Democrat, and Judge Laurence Silberman, a Republican; and the British government's 2004 Butler report as well as the assessments of intelligence agencies in France, Germany, and Israel. Neighboring Kuwait and Iran also thought Iraq possessed weapons of mass destruction. So did some of Saddam's field commanders.

Despite the bipartisan and international consensus that though the intelligence agencies made serious mistakes the Bush administration did not lie, left-wing critics, devoted New York Times readers, and the newspaper's own leadership all demanded an accounting for what they regarded as the newspaper's monstrous sin. In the eyes of the faithful, the Gray Lady had not met her obligation to discredit the Bush administration for a war they reviled—as if the job of the paper's news division were to operate as an opposition party. Miller was the most convenient scapegoat and the Times senior management dutifully delivered her up.

"There is no shortage of mistakes about Iraq," Miller writes in her book. "Good grace, and honesty, require all of us who made them to admit error." The commitment she demonstrates to getting the facts straight and the analysis correct puts to shame the pundits—from Timescontributing op-ed writerTimothy Egan to "Daily Show" host Jon Stewart—who continue to peddle what Judge Silberman recently called the "dangerous lie" that the Bush administration deliberately deceived the American people about WMD.

Miller—now a Fox News contributor, a fellow at the Manhattan Institute, and a theater critic for Tablet Magazine—writes: "When journalists make mistakes about an event—or a person—we must revisit our work to report new, contradictory information or fill in the contours or holes in an incomplete story."

In doing so in her book, she lets no one off the hook: not herself, not the Bush administration, not the CIA, not the Times—and certainly not former Special Counsel Patrick J. Fitzgerald, who since 2012 has been a partner in the Chicago office of Skadden, Arps, Slate, Meagher & Flom, a highly profitable New York City law firm.

Fitzgerald and a compliant federal judge jailed Miller for 85 days in pursuit of evidence against, among others, I. Lewis "Scooter" Libby. It was Libby, Fitzgerald would subsequently allege, who "threw sand in the eyes of the grand jury and the FBI investigators" looking into the 2003 leak of CIA operative Valerie Plame's identity. In a remarkable epilogue, Miller

offers reasons to conclude that Fitzgerald misled her into giving what she now understands to have been erroneous testimony that helped Fitzgerald in 2007 secure a conviction of Libby for obstruction of justice, making a false statement, and perjury.

Miller's account of her life and times includes good friends; remarkable colleagues; the thrill of the scoop; and the glamor, hardship, and danger of the foreign correspondent's life. Her tale leaves little doubt that, as her critics charged, she could be ambitious, headstrong, and abrasive. It also illustrates the risks run by reporters who rely heavily on sources who, unless they can speak on background or off the record, will not share what they know, or think they know. Most of all, "The Story" displays Judith Miller's devotion to journalism—a devotion that, despite the many disappointments and betrayals, endures.

Miller's parents came from different worlds. Her father was a Russian-born Jew who had become, she writes, "a successful nightclub owner and influential entertainment impresario." Her mother was a "pretty Irish Catholic showgirl." She credits her father's American success with instilling in her the conviction—fortified by her travels to the Middle East, the Soviet Union, and Africa—that notwithstanding its failings, the United States is nothing short of "a miracle."

Growing up in Las Vegas in the 1950s at the height of the Cold War, Miller was also influenced by the nearby Nevada Proving Ground, a nuclear weapons testing facility about an hour's drive from her home. She recalls sneaking out of the house as a first-grader in the predawn hours to watch a detonation: "In my childhood memory it was ripe red—beautiful and intensely terrifying."

While she absorbed some of her parents' patriotic political attitudes, she writes, "the official lies" told to protect atomic testing in the deserts of the American West and later war in the jungles of Southeast Asia fed a distrust of government authority.

Miller joined the Times in 1977 and was appointed the paper's Cairo bureau chief in 1983, responsible for covering most of the Arab Middle East. She went on to a posting in Paris, and then stints as an editor in Washington and New York.

In the summer of 1990, following Saddam Hussein's August invasion of Kuwait, she again turned to the Middle East and national security. Over the next decade she reported about the first Gulf War; Hamas's extensive donor networks in the United States; wealthy Persian Gulf financiers of terrorism including a then-obscure figure named Osama bin Laden; and secret biological weapons programs in Iraq, the former Soviet Union and, after the dissolution of the USSR, Russia. Following a 2000 trip to Afghanistan, Miller wrote numerous articles about bin Laden's jihadist networks.

Along the way, she brought out, in addition to "Germs," three other books: "One, by One, by One: Facing the Holocaust," published in 1990, which deals with the burdens and responsibilities of memory; "Saddam Hussein and the Crisis in the Gulf," co-written with

Laurie Mylroie in two months following Iraq's invasion of Kuwait; and, in 1996, "God Has Ninety-Nine Names," which chronicled the rise of militant Islam.

By December 2001, Miller was investigating claims that Iraq possessed substantial stores of WMD. Ahmad Chalabi, the controversial leader of a coalition of Iraqi dissidents, helped her locate Adnan Ihsan Saeed al-Haideri, an Iraqi engineer who had defected and who "claimed to have personally renovated secret facilities he was told were for biological, chemical, and nuclear weapons."

The December 20, 2001 article she wrote about Haideri, "Secret Sites: An Iraqi Defector Tells of Work on at Least 20 Hidden Weapons Sites," proved to be one of her most controversial. Yet, as Miller notes, she framed the story with the requisite qualifications. In the third paragraph, she stated that government officials, who had interviewed Haideri twice, were still attempting to verify his claims, which to them "seemed reliable and significant." In the next paragraph she noted that the interview "was arranged by the Iraqi National Congress, the main Iraqi opposition group, which seeks the overthrow of Mr. Hussein." And in the next sentence she observed that *if* Haideri's as yet unverified claims were verified, they would support Bush administration contentions that Saddam Hussein's weapons programs, in defiance of more than a dozen U.N. Security Council resolutions, rendered him a menace who should be removed from power.

After the post-invasion search for WMD came up empty—she was embedded with a special unit looking for them—Miller sought to investigate what appeared to be "a colossal intelligence failure." Amid mounting controversy about her reporting, however, the Times increasingly sidelined her.

In March 2004, Executive Editor Keller and Managing Editor Abramson presented Miller with a draft statement from the editors that they were planning to run on the front page singling out for criticism her reporting on Iraqi WMD.

Miller protested. She writes that she told Keller and Abramson that other Timesreporters—including Pat Tyler, John Tagliabue, James Risen, David Johnston, and Christopher Hedges—published front-page pieces based on flawed prewar intelligence, as did various Washington Post reporters.

She reminded Keller and Abramson that she had written articles casting doubt on claims about Iraqi WMD, most strikingly in a January 2003 exclusive interview with Hans Blix, the head of the U.N. investigations of Saddam's chemical and biological weapons programs. And she noted that contrary to postwar posturing, "a majority of Republican and Democratic politicians and many independent analysts asserted that Iraq was hiding some of its older chemical and biological weapons and was trying to reconstitute its nuclear program—or, at

very least, trying to preserve an ability to do so quickly when sanctions were lifted." Included in that company were former President Bill Clinton, former Vice President Al Gore, as well as Democratic Sens. Hillary R. Clinton, Edward M. Kennedy, John F. Kerry, and Joe Biden.

In May 2004, the Times published a statement from the editors, "The Times and Iraq," criticizing the newspaper's prewar WMD coverage. The article avoided criticism of "individual reporters" and instead placed the blame on "editors at several levels." Nevertheless, the whispering campaign, the personal attacks, and the charges of professional malfeasance against Miller persisted.

In August 2004, U.S. Attorney for the Northern District of Illinois Patrick J. Fitzgerald—who had been appointed by the Justice Department in December 2003, to head the Valerie Plame leak investigation—subpoenaed Miller, demanding that she give grand jury testimony about her sources. She refused to testify for two reasons. She wanted Fitzgerald to limit the scope of his inquiries to what she and Scooter Libby may have discussed about Plame and her husband, former Ambassador Joseph C. Wilson IV. And she considered Libby's original waiver of confidentiality coerced.

In the summer of 2005, after Miller's efforts to quash Fitzgerald's subpoena and her appeals had run their course, she was held in contempt and imprisoned for 85 days—the longest period an American journalist has served in jail to protect sources. It was only when Fitzgerald agreed to limit his questioning to the topic of Libby and Wilson and his wife, and when Libby immediately complied with her request to go beyond his original general waiver of confidentiality and provide a personal and clearly voluntary waiver, that she agreed to testify.

In October 2005, following Miller's grand jury testimony, Keller assigned a piece about her role in the Libby investigation. The 6,200-word article described Miller as an "intrepid" journalist but also as "divisive" and "hard to control."

A week later, as Miller documents, the Timeslaunched a three-pronged attack on her. On Friday, October 21, 2005, Keller emailed a "lengthy message to staff"—more than 1,200 Times employees—expressing regret that he had not dealt promptly with the controversy over Iraqi WMD coverage, accusing Miller of misleading Times Washington Bureau Chief Philip Taubman, and blaming her for failing to inform him about an alleged "entanglement" with Libby. On Saturday, October 22, Maureen Dowd produced a gossipy piece reveling in uglier innuendo. Keller and Sulzberger, Dowd wrote, "should have nailed her to a chair and extracted the entire story of her escapade."

And on Sunday, October 23, public editor Byron Calame opined, "the problems facing" Miller "inside and outside the newsroom will make it difficult for her to return to the paper as a reporter."

On Monday, October 24, at a hastily arranged meeting in his office, publisher Sulzberger informed Miller that he wanted her to remain at the Times, although as neither a reporter nor an editor. Miller writes that she was left with no alternative but to resign.

As part of her termination agreement with the Times, Keller made public a letter he wrote to her stating that in referring to her "entanglement" with Libby in his October 2005 email to the Times staff, he had not intended to imply an improper relationship. (Keller never did apologize to Libby, who had only met Miller three times in his life, twice in professional settings in Washington and once by chance when she was on vacation with her husband in Wyoming.) Keller also withdrew the claim that she had misled Taubman.

That is where Miller almost ends her book.

In the epilogue, however, she discloses that she now believes she gave incorrect testimony in *United States v. Libby* and that she did so because prosecutor Fitzgerald—who declined to respond to written questions about the case—withheld crucial information from her.

Of the nine journalists who testified at Libby's trial about conversations with him—including Bob Woodward of The Washington Post, Times reporter David Sanger, and syndicated columnist Robert Novak—Miller was the only one to say that Libby voluntarily revealed Plame's CIA employment. She writes that her testimony "was also crucial to Fitzgerald's assertion that the vice president had been involved, since Libby had told the grand jury that Cheney had approved his suggestion that he discuss the intelligence estimate [the October 2002 National Intelligence Estimate] about Iraq and WMD with me."

Before she appeared before the grand jury in the autumn of 2005, Miller writes, Fitzgerald led her by pointed queries to believe that a four-word question contained between parentheses in her notebook—"(wife works in Bureau?)"—was the smoking gun that proved that Libby, in a June 23, 2003 conversation, had told her about Plame's CIA employment. She so testified to the grand jury in 2005 and at trial in 2007.

Three years later, while reading Plame's book, "Fair Game," Miller was astonished to learn that "while working overseas for the CIA, Plame's cover were jobs at the State Department." This threw "a new light" on Miller's notebook jotting, because the State Department has "bureaus," while the CIA is organized into "divisions."

Miller saw that she must have begun her conversation with Libby wondering whether Wilson's wife worked at the State Department. Moreover, had a seasoned Washington insider like Libby sought to reveal Plame's CIA job, Miller realized, he would not have referred to the place she worked as a "bureau," but rather as a "division." These revelations, according to Miller, shattered her confidence in her recollection and led her to believe that Fitzgerald misled her into providing false testimony.

The prosecution had the classified file of Plame's service and Fitzgerald knew, or should have known, of Plame's State Department cover. But despite his obligation to provide exculpatory evidence to witnesses as well as to the defendant, he withheld this information not only from Judy Miller, but also from Scooter Libby's lawyers even though they had requested Plame's employment records.

It would have been easy for Miller to take her knowledge of her mistaken testimony to her grave. Who would have known? Who would have cared?

Nevertheless, as she had done with the prewar intelligence failures, Miller investigated. In addition to finding injustice to Libby she also revealed that Fitzgerald's three-and-half year pursuit of him damaged American national security.

In a 2013 interview, former Vice President Cheney told Miller that but for Fitzgerald's sidelining of Libby, the Iraq War might have turned out differently. In 2003, Libby was the principal figure in the White House arguing for the counterinsurgency strategy that President Bush only embraced in late 2006 after many wrong turns and much carnage,

and which Gen. David Petraeus successfully implemented in 2007. It is painful to contemplate how many lives—American and Iraqi—might have been spared had Libby, the foremost champion within the White House in 2003 of stabilizing Iraq through counterinsurgency operations, not been hindered by, and eventually forced to resign because of, Fitzgerald's overwrought federal investigation and prosecution.

Serendipity, a biased press, and a fanatical prosecutor combined to yoke together the fates of Scooter Libby and Judith Miller. Elite left-wing opinion demanded that the Bush administration pay for its supposed lies about Iraqi WMD. The left wanted to take down Bush or Cheney and when they couldn't destroy either, they settled for Libby.

At the same time, the left had no interest in toppling their beloved New York Times, but relished the newspaper's guilt offering of Miller. That the only lies of consequence were those they promulgated *about* Libby and Miller does not yet seem to have registered in, much less troubled, the left-liberal conscience.

Miller's sobering book, which demonstrates her devotion to getting the story right, makes a major contribution to correcting the record.

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