

## Open Source

Why Bush should order his staff to release Novak and other reporters from confidentiality pledges

by Michael Tomasky

President Bush spoke to the press at some length yesterday on the Joseph Wilson-Valerie Plame matter. He said:

I don't know if we're going to find out the senior administration official. Now, this is a large administration, and there's a lot of senior officials. I don't have any idea. I'd like to. I want to know the truth. That's why I've instructed this staff of mine to cooperate fully with the investigators—full disclosure, everything we know the investigators will find out. I have no idea whether we'll find out who the leaker is—partially because, in all due respect to your profession, you do a very good job of protecting the leakers. But we'll find out.

That's a little more committal than O.J. Simpson's vow to find the "real" killer, but only a little. "I have no idea" sounds as if Bush is talking about something over which he has no control. But the subject here isn't whether it will rain tomorrow. He's the *president*. If he genuinely does want to know, he can bring about this outcome in two simple ways—the first straightforward, the second dramatic.

First, he can just order the leaker(s) to come forward. "Look," Bush could say. "My father believes that someone who exposes the name of an undercover intelligence operative is a traitor. My father is an honorable man. And while we'll have to let the courts sort out this matter legally, my father's right morally. Whoever did this should come forward now, tender his or her resignation, offer the necessary apologies and face the consequences. I promised to bring 'honor and dignity' to this office, and I will keep that promise."

That would do the trick, it seems to me, rather quickly. And if it's true, as White House spokesman Scott McClellan and others have asserted, that big shots like Karl Rove, I. Lewis Libby and Elliott Abrams neither leaked nor authorized, and that the quarry is someone down the food chain, it shouldn't even be that tough for Bush to make such a statement politically. The pundits would be singing his praises, and he'd go up in the polls. But of course it's highly unlikely he'll do this: It's completely against this administration's secretive and blustery nature.

So rule that one out. Which brings me to Bush's Option B. This is where it gets interesting: Bush could order his staff to release Bob Novak, the columnist who first published Plame's name, and any other reporters to whom Plame's identity was revealed from any pledge of confidentiality they may have made.

At first blush, this is a shocking thing for a journalist to suggest. The rule of source protection is supposed to be our trade's cardinal commandment.

But think of it like this. We all know (or hope) that morally, the source-confidentiality rule is really intended to protect powerless people and those performing a clear public good—whistle-blowers, those exposing uncomfortable truths or high-level corruption, the Deep Throats and Jeffrey Wigands of the world. No one, myself very much included, would ever want any journalist to expose the names of sources in this category. Doing so would be a clear ethical violation and might well put a source's life at risk.

In this case, though, something very different happened. Here, the government (and whether it was Rove or Libby or a deputy assistant undersecretary, it was "the government") used the Fourth Estate (Novak and the others) to a) perpetrate a smear

job on Joe Wilson, b) put his wife's life potentially at risk, c) behave unethically, d) quite probably behave illegally and e) commit, in the eyes of the president's father, we may infer, treason. Deep Throat *exposed* a crime. The current leaker(s) probably *committed* one. And he, she or they did so on the most cynical basis, confident in the knowledge that he, she or they would get away with the smear precisely because of the source-confidentiality rule. In effect, the rule is now covering not for the Fourth Estate but for the government itself—and in a case where a crime may have been committed. Is this really what the rule is for?

This is one of those situations in which journalistic morality is at odds with normal, human morality. If, in your private life, your friend Jack used you to spread a smear of your friend Tim, you'd be furious at Jack. And even though you might have told Jack at the time that you'd keep his role secret, well, once you learned his true motive, you'd have to reconsider. You'd almost certainly expose him, and the people around you who were aware of the context would in all likelihood applaud you, because Jack was up to no good, and that's the moral bottom line.

These are murky ethical waters, and I readily state that, if I had been one of the leakees, I would think all this through and, in the end, honor my confidentiality promise (and by the way: Yes, I'd be saying these same things if a Democratic administration had compromised national security and put an operative's life at risk). Until, that is, my source released me from it, at which point the ethical quandary would be nullified. Bush, if he really is committed to the zestful pursuit of the truth, not to mention honor and dignity, has the power to make that happen.