

# IT'S NOT THE PAKISTANIS FROM WHOM PAPERS WERE WITHHOLDING DAVIS' CIA AFFILIATION

Glenn and I both complained after the US media admitted yesterday it had been sitting on the very obvious news that Raymond Davis was a spook. But I got a number of questions from people who seem to miss the point. Why did I argue for years that Bob Novak shouldn't have published Valerie Plame's identity, yet was now arguing that newspapers should have revealed Davis' affiliation? This article from Michael Calderone gets closer to—but does not directly address—what I think the difference is.

Consider the whole reason why—at least as far as our government claims—we keep spies' identities secret. It's to make sure our adversaries don't know who we've got spying on them. Just as random example (just about all these cautionary claims use a similar formulation), here's what Robert Gates said about the danger that Wikileaks would reveal the identities of our sources to (in this case) our enemies in Afghanistan.

Intelligence sources and methods, as well as military tactics, techniques and procedures, will become known to our adversaries.

The whole point is to keep spies and their sources' identities secret from our enemies. (In spite of what some have reported about Aldrich Ames and Valerie Plame and Brewster and Jennings, CIA documents I've seen in the Plame case made it clear that the Agency believed Plame's identity was still secret when Novak published her identity; I also suspect that B&J's cover role was misunderstood.)

But consider this case. From the very earliest reports on Davis in Pakistan, he has been alleged to be a spook and/or Blackwater. Indeed, as Calderone points out, the people protesting in the streets of Pakistan have long been operating on the assumption that he is a spy.

But the shooting had already sparked a diplomatic crisis, with Pakistani protesters calling for violent retribution against Davis and burning American flags and an effigy of the CIA agent on the street. (The protest against Davis pictured above took place a week ago). And in the Pakistani media—where conspiracy theories involving the CIA are commonplace—Davis had already been pegged as a spy.

Furthermore, we have every reason to believe that Pakistani intelligence (replete with its ties to Al Qaeda and the Taliban) know and knew who Davis is. Members of the ISI have said as much, for starters. Plus, there are the many allegations that the two men whom Davis killed had ties to ISI; if, as it appears, the ISI was tracking Davis, then it's a sure bet they knew before he was arrested that he was some kind of spook. And if they didn't know before they arrested him, then there are the items they captured with him, not least his phone, which allegedly had numbers of people in the tribal regions. Thus, regardless of what Davis has said, the ISI likely already has a good idea who his sources are.

So almost all the people we'd like to keep Davis' identity secret from—the Pakistani government and the Pakistani people—already either knew or have been operating based on the assumption that he is a spy. The one exception, of course, is the Taliban or other extremists, who would no doubt like to know whom Davis was speaking to in their ranks. But to the extent they haven't already guessed those details, the Pakistani government now must be trusted to keep them secret, if they will. There's no more or

less that the Taliban and Al Qaeda will learn about Davis based solely on US reporting confirming he is a spy.

In other words, had they revealed his CIA affiliation, American newspapers would not have revealed anything to the key people we're supposed to be protecting Davis' identity from; those people already knew or assumed it.

So the people from whom American newspapers were withholding the truth about Davis' identity were not America's adversaries, but the American readers who hadn't already read all the Pakistani coverage on Davis.

So why do it? Why did the government ask—and the newspapers accede—to keeping Davis' identity from the American people?

It's possible that the US government believed that so long as no one had officially confirmed Davis' identity (to the extent they have, which they have only insofar as newspapers have made it clear the government has freed them to publish these details now), it would put him at less risk in Pakistan. Perhaps they figured it would be easier for Asif Zardari's government to at least move Davis into a safer location so long as they were able to pretend he was a diplomat. But that seems to misread the source of pressure on the Pakistani government—the people in the street and those egging them on—who are already quite certain that Davis is a spy.

Perhaps, too, they were just engaging in a kabuki with the Pakistanis, giving them as much space as possible to pretend they don't know Davis is a spy, making it easier for our allies within the Pakistani government to operate as if they believed that he was just a diplomat. Though, it seems like enough people in the ISI want this information to be public to prevent that kabuki from working.

The government may have asked newspapers to prevent Americans from discovering that our government is engaged in a similar kabuki. Thus

far, the State Department has pretty consistently crafted its words for ambiguity: Davis is a member of the administrative and technical staff at the consulate, he is entitled to immunity; the State Department continues that line, even as everyone knows it's more complicated than that. But last week, President Obama went further than that (as Glenn points out).

With respect to Mr. Davis, our diplomat in Pakistan, we've got a very simple principle here that every country in the world that is party to the Vienna Convention on Diplomatic Relations has upheld in the past and should uphold in the future. And that is if – if our diplomats are in another country, then they are not subject to that country's local prosecution.

We respect it with respect to diplomats who are here. We expect Pakistan, that's a signatory and recognize Mr. Davis as a diplomat, to abide by the same convention.

By not confirming what everyone watching this process closely no doubt already knew, the American press lowered the cost for Obama of making statements like this in an effort to get Davis released. (Me, I think he'd be best served simply repeating the State Department line, that Davis is a consulate technical staffer.)

Now that may well be the most honorable reason for the government to ask newspapers to hold this news (though not necessarily an appropriate reason for newspapers to agree to do so), though if that's the reason I doubt it'll work.

But there is one other reason—the one I referenced when I noted how ambiguous the reporting on Davis' precise position remains: if there is a reason why Davis' precise status would be either politically explosive in the US (still a Blackwater employee) or illegal (a JSOC

one), then the government would love to invoke Davis' safety as a way to avoid any political consequences for being caught having deployed Davis for the mission he's on. But if that's the goal, then newspapers are still actively helping the government cover-up. Even 24 hours later, there is still no clarity on his role, though some of the more obedient newspapers are reporting a government official claiming, dubiously, that Davis was just a security person.

The newspapers may have believed government cautions that by publicizing Davis' status it would make him less safe (though that claim really doesn't seem credible). But to the extent they're still not reporting what Davis was doing, they seem more likely to be shielding the government from having to admit uncomfortable details about what we're doing in Pakistan—and who's doing it.