Lawmaker Is Said to Have Agreed to Aid Lobbyists

By NEIL A. LEWIS and MARK MAZZETTI

WASHINGTON — One of the leading House Democrats on intelligence matters was overheard on telephone calls intercepted by the National Security Agency agreeing to seek lenient treatment from the Bush administration for two pro-Israel lobbyists who were under investigation for espionage, current and former government officials say.

The lawmaker, Representative Jane Harman of California, became the ranking Democrat on the House Intelligence Committee after the 2002 election and had ambitions to be its chairwoman when the party gained control of the House in 2006. One official who has seen transcripts of several wiretapped calls said she appeared to agree to intercede in exchange for help in persuading party leaders to give her the powerful post.

One of the very few members of Congress with broad access to the most sensitive intelligence information, including aspects of the Bush administration’s wiretapping that were disclosed in December 2005, Ms. Harman was inadvertently swept up by N.S.A. eavesdroppers who were listening in on conversations during an investigation, three current or former senior officials said. It is not clear exactly when the wiretaps occurred; they were first reported by Congressional Quarterly on its Web site.

The official with access to the transcripts said someone seeking help for the employees of the American Israel Public Affairs Committee, a prominent pro-Israel lobbying group, was recorded asking Ms. Harman, a longtime supporter of its efforts, to intervene with the Justice Department. She responded, the official recounted, by saying she would have more influence with a White House official she did not identify.

In return, the caller promised her that a wealthy California donor — the media mogul Haim Saban — would threaten to withhold campaign contributions to Representative Nancy Pelosi, the California Democrat who was expected to become House speaker after the 2006 election, if she did not select Ms. Harman for the intelligence post.

Ms. Harman denied Monday having ever spoken to anyone in the Justice Department about Steven J. Rosen and Keith Weissman, the two former analysts for Aipac. Her office issued a
statement saying, “Congresswoman Harman has never contacted the Justice Department about its prosecution of present or former Aipac employees.”

The statement did not, however, address whether Ms. Harman had contacted anyone at the White House or had participated in phone calls in which she was asked to intervene in exchange for help in being named chairwoman of the Intelligence Committee.

David Szady, the Federal Bureau of Investigation’s former top counterintelligence official who ran the investigation of Mr. Rosen and Mr. Weissman, said in an interview Monday that he was confident Ms. Harman had never intervened. “In all my dealings with her, she was always professional and never tried to intervene or get in the way of any investigation,” Mr. Szady said.

The officials who were familiar with the transcripts, speaking on condition of anonymity because the issue involved intelligence matters, also said they knew of no evidence that Ms. Harman had intervened in the case.

One of the officials said he was familiar with the transcript of “at least one phone call” in which Ms. Harman discussed weighing in with the department on the investigation of the Aipac officials and her possible chairwomanship of the Intelligence Committee. (She did not get the post.) He identified the California donor as Mr. Saban, a vocal supporter of Israel who turned the Mighty Morphin Power Rangers into a global franchise.

The CQ article, citing unnamed present and former national security officials, said a preliminary review was halted by Attorney General Alberto R. Gonzales because he wanted Ms. Harman’s support in dissuading The New York Times from running an article disclosing a program of wiretapping without warrants conducted by the National Security Agency.

Bill Keller, the executive editor of The Times, said in a statement Monday that Ms. Harman called Philip Taubman, then the Washington bureau chief of The Times, in October or November of 2004. Mr. Keller said she spoke to Mr. Taubman — apparently at the request of Gen. Michael V. Hayden, then the N.S.A. director — and urged that The Times not publish the article.

“She did not speak to me,” Mr. Keller said, “and I don’t remember her being a significant factor in my decision.”

Shortly before the article was published more than a year later, in December 2005, Mr. Taubman met with a group of Congressional leaders familiar with the eavesdropping program, including Ms. Harman. They all argued that The Times should not publish.

The former officials who spoke to The Times did not know about Mr. Gonzales’s reported role nor about Ms. Harman’s contacts with The Times. Aides to Mr. Gonzales declined to comment.
A spokesman for Mr. Saban did not return telephone calls. A spokesman for Ms. Pelosi said the speaker had no comment.

The possibility that Ms. Harman might be under investigation surfaced in news reports in 2006. The CQ report provided new details, including quotations attributed to the transcripts of one of Ms. Harman’s conversations. Ms. Harman, CQ said, told the person who requested her aid that she would “waddle in” to the matter, “if you think it would make a difference.” Before ending the call, CQ reported, Ms. Harman said, “This conversation doesn’t exist.”

It is unclear when this conversation was supposed to have taken place, but Mr. Rosen and Mr. Weissman were fired from Aipac in March 2005 and indicted a few weeks later. They were charged with violating the World War I-era Espionage Act when they shared with colleagues, journalists and Israeli Embassy officials information about Iran and Iraq they had learned from talking to high-level United States policy makers.

The trial of Mr. Rosen and Mr. Weissman seems on track to begin in June in Alexandria, Va.

David Johnston and James Risen contributed reporting.