

Condoleezza Rice to face subpoena in espionage case

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Rice to face subpoena in espionage case

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Secretary of State Condoleezza Rice and some of President Bush's top foreign policy advisers must testify about their conversations with pro-Israel lobbyists, a federal judge ruled Friday in a trial over the misuse of classified information.

The two lobbyists, who are accused of passing U.S. secrets to an Israeli official, argue that Rice and others can verify their claim that the United States regularly uses the American Israel Public Affairs Committee to send back-channel communications to Israel.

Lobbyists Steven Rosen and Keith Weissman subpoenaed Rice, National Security Adviser Stephen Hadley, Deputy National Security Adviser Elliott Abrams and a dozen others to testify.

Federal prosecutors unsuccessfully challenged the subpoenas. If the officials ultimately testify, the trial in federal court in suburban Alexandria, Va. could offer a behind-the-scenes look at the way U.S. foreign policy is crafted.

The lobbyists are accused of receiving classified information from a now-convicted Pentagon official and relaying it to an Israeli official and the press. The information included details about the al-Qaida terror network, U.S. policy in Iran and the bombing of the Khobar Towers dormitory in Saudi Arabia, federal prosecutors said.

But defense attorneys argued that top U.S. officials regularly used the lobbyists as a go-between as they crafted Middle East policy. If so, attorneys say, how are Rosen and Weissman supposed to know the same behavior that's expected of them on one day is criminal the next?

U.S. District Judge T.S. Ellis III said the lobbyists have a right to argue that "they believed the meetings charged in the indictment were simply further examples of the government's use of AIPAC as a diplomatic back channel."

Rosen's attorney, Abbe Lowell, cheered the ruling.

“For over two years, we have been explaining that our clients’ conduct was lawful and completely consistent with how the U.S. government dealt with AIPAC and other foreign policy groups,” Lowell said on behalf of both defendants. “We look forward to the trial.”

“This is what goes on in the foreign policy establishment every day in Washington,” Weissman’s attorneys, John Nassikas and Baruch Weiss, added in a statement.

Ellis, an appointee of President Reagan, left open the possibility that the Bush administration may challenge the subpoenas on the grounds they would reveal privileged information. But the judge said his ruling Friday “may trump a valid governmental privilege.”

If so, that could force the government to decide whether to allow the testimony or drop the case.

Neither the State Department nor the Justice Department would comment on the ruling.

Among those subpoenaed in the case were: former Deputy Secretary of Defense Paul Wolfowitz; former Deputy Secretary of State Richard Armitage; and Marc Grossman, former undersecretary of state for political affairs.

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