

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

IN RE: GRAND JURY SUBPOENA, JAMES RISEN

Case No.: 1:08dm61 -- LMB

UNDER SEAL

AFFIDAVIT OF ANNA KASTEN NELSON

DISTRICT OF COLUMBIA) ss.:

1. I am Anna Kasten Nelson, the Distinguished Historian in Residence at the American University in Washington, D.C., where I teach courses related to the history of U.S. Foreign Policy. I have also taught history at George Washington University and Tulane University and was a Distinguished Visiting Professor in history at Arizona State University in 1992.

2. I have also been a member of the staff of the Public Documents Commission, which was formed after President Nixon's efforts to destroy his tapes and the U.S. State Department Historical Advisory Committee. I was one of five presidential appointees to the John F. Kennedy Assassination Records Review Board. Each of these was formed to release historical records to the public.

3. I am writing in support of investigative journalist James Risen, who I understand has refused to reveal to the Government the names of confidential source(s) used for Chapter Nine of his book, *State of War: The Secret History of the CIA and the Bush Administration* (“*State of War*”). The work of journalists such as Mr. Risen is essential to historians such as myself. Compelling him and other journalists like him to testify about the identity of their confidential source(s) would, in my view, have a direct impact on the work of many historians.

4. Historians no longer limit themselves to writing about past centuries. Every year, we see countless historical treatises and articles in scholarly and public interest journals about the rise of the United States as a world power in the last half century. Traditionally, historians have looked to official government records as their primary sources. These materials, however, are often not open to researchers for 25 to 30 years and, even then, are frequently censored for purported national security information or privacy reasons. Thus, researchers seeking to understand the immediate past now frequently look to investigative journalism to provide the first cut of history.

5. In January 2004, for example, I published an article about a woman chosen by Secretary of Defense George Marshall to be an Assistant Secretary in the Defense Department in 1950. She was attacked by supporters of Sen. Joseph McCarthy. Among my most important sources were three articles published at that time in the *Washington Post*. Those articles — which were based on information received from anonymous sources — helped me determine that masked by false accusations of communist

party membership was a deep anti-Semitism among the woman's opponents. Thus, the journalist who had informed his readers also was in a unique position to inform a future historian.

6. Investigative journalism is a particularly indispensable source when it comes to historical research and writing into matters of foreign policy and intelligence. Indeed, most of what we know about the recent use of intelligence in the making of foreign policy — which began in earnest with the beginning of the Cold War and passage of the National Security Act of 1947 — originally emerged in articles and books by investigative journalists. Without these journalists, historians would simply be unaware of key elements of their narratives.


7. That journalists write the first draft of history is much more than a cliché when it comes to national security policy. Newspapers like *The New York Times* and books like *State of War* have been important research tools for those of us examining the use of intelligence by America at home and abroad. Since we have only official government documents and statements, we rely upon journalists to tell us what they saw and heard, which is indispensable to our understanding and analysis of events we could not possibly witness.

8. If Mr. Risen and other investigative journalists are unable to report effectively on matters of intelligence, the historical record will be incomplete, if not erroneous. After World War II, for example, many scholarly books and articles were published explaining the course of the war and the crucial role of intelligence. Many of these accounts were wrong or misleading, however, because they were written before the release of information about the Ultra code breaking machine.

9. In this case, future historians would be hard-pressed to present accurate and informative portrayals of our current foreign policy without the benefit of reporting by journalists like Mr. Risen on the use of human and signal intelligence. Indeed, Mr. Risen's reporting in Chapter 9 of *State of War* deals with an issue that almost certainly will be the subject of countless historical analyses: the incompetence and mismanagement of certain intelligence efforts in Iran. This will be a critically important subject to historians in light of, among other things, recent changes to the National Intelligence Estimate regarding Iran's supposed nuclear capabilities.

10. Consider, as well, the extent to which historians will rely on the work of investigative journalists to explain and evaluate our intelligence agencies' failures to evaluate Iraq's WMD capabilities and the ensuing consequences of those failures. Without the work of investigative reporters, and the information provided by their confidential sources, historians would be left to write the history of the Iraq War buildup based in large part on the official, often self-serving, statements of government and military officials.

11. Although our own books and articles are stuffed with footnotes, we historians understand that investigative journalists, as observers of the present, must protect their sources. If they do not, the American people will never learn about corruption, incompetence, excessive government secrecy, flaws in homeland security, or disastrous decisions made by policy makers who are advised by their intelligence chiefs. We must depend upon journalists and journalists must be permitted to depend upon confidential sources. If not, the historic record will ultimately suffer.



Anna Nelson

Date: February 13, 2008

Witnessed by me this 13 day of February, 2008,



(Notary Public)

My commission expires on: Oct. 14, 2011