

Holder: No 'Double Standard' in Decision Not to Prosecute DOJ Leaker

Posted By [Andrew Ramonas](#) On May 4, 2011 @ 1:34 pm In [News](#) | [No Comments](#)

A former Justice Department lawyer who admitted leaking information to The New York Times about the once-top secret warrantless wiretapping program was not spared prosecution because of a "double standard," Attorney General **Eric Holder** said Wednesday.

Responding to questions from Sen. **Charles Grassley** (R-Iowa) at a Senate Judiciary Committee oversight hearing, Holder declined to provide specifics on why **Thomas Tamm** was not prosecuted for disclosing the controversial **George W. Bush** administration program. But the Attorney General said decisions on national security cases are often made by balancing national security interests with the advantages of prosecuting an individual. Former Public Integrity Section chief **William Welch** handled the leak investigation.

"But I can say, with regards to this matter, the decision was made on the merits by career professionals without any notion of a double standard," said Holder, who has spoken out in the past about the danger of leaks.

Grassley, the top Senate Judiciary Committee Republican, said the decision not to prosecute Tamm "sends a very, very bad signal."

"I am concerned that the decision not to prosecute anyone related to this specific leak may indicate a reluctance to enforce the law," Grassley said. "Leaks of classified information threaten the lives of our agents and allies in the field. They also threaten the integrity of our government, especially in the foreign relations context."

The revelation of the warrantless wiretapping program made national headlines in 2005, earning The Times a Pulitzer Prize. Bush personally urged the newspaper not to publish its report, saying that its publication might endanger American lives.

Sen. **Jeff Sessions** (R-Ala.) asked Holder to provide him with all the information he could related to the decision not to prosecute Tamm.

"I know The New York Times has been a fan of your terrorism policy and the president's terrorism policy," Sessions said. "I'm not in agreement with that. It causes me concern that what appears to be an admission of wrongdoing was not prosecuted."

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