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September 29, 2003

The Honorable Tom Davis
Chairman
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am writing regarding recent disturbing allegations that White House officials breached national security law by disclosing the identity of a CIA agent. I request that the Committee hold hearings to investigate this matter.

Background

On July 14, 2003, columnist Robert D. Novak wrote an op-ed that appeared in the *Chicago Sun-Times,* the *New York Times,* the *Washington Post,* and many other major newspapers publicly identifying Valerie Plame — the wife of Ambassador Joseph C. Wilson, IV — as a covert CIA agent.[1] Mr. Novak's column cited "two senior administration officials" as the source of the information.[2] According to CIA Spokesman Bill Harlow, this "outing" of a covert intelligence agent had a destructive effect on her career and potentially on the lives of her contacts: "People spend years in the business developing contacts overseas who can be placed in danger. This sets a precedent which can result in people being targeted and killed."[3]

Recently, the *Washington Post* has reported that these actions were taken specifically by White House officials and were not limited to a single media outlet. According to the

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[1] Robert D. Novak, *The Mission to Niger,* Chicago Sun-Times (July 14, 2003).

[2] *Id.*

[3] *U.S. Probes Leak of CIA Agent's Identity,* USA Today (Sept. 29, 2003).

Washington Post, a senior administration official said that "two top White House officials called at least six Washington journalists and disclosed the identity and occupation of Wilson's wife."[4]

Ambassador Wilson has provided a similar account, reporting that "four reporters from three television networks called him in July and told him that White House officials had contacted them to encourage stories that would include his wife's identity."[5]

Publicly identifying Ambassador Wilson's wife appears to have been intended to punish him for criticizing the Administration's policy on Iraq. The *Washington Post* cited several sources "familiar with the conversations" between White House officials and journalists as saying these White House actions were an attempt to undercut Ambassador Wilson's credibility.[6] Mr. Novak's column appeared eight days after Ambassador Wilson wrote his own *New York Times* op-ed revealing that he was the envoy sent by the Bush Administration to investigate claims that Iraq had sought uranium from Niger.[7] According to the *Washington Post*, a senior Administration official said that once Ambassador Wilson reported publicly that the Niger claim was bogus, the White House took actions "meant purely and simply for revenge."[8]

To date, the White House does not appear to be taking this national security breach seriously. President Bush reportedly "has no plans to ask his staff members whether they played a role."[9] On Saturday, White House Spokesman Scott McClellan said: "I don't have any information beyond an anonymous source in a media report to suggest there is anything to this."[10] Contrary to this statement, however, the CIA has sent to the Justice Department a request to examine this allegation.[11]

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[4] *Bush Administration Is Focus of Inquiry,* Washington Post (Sept. 28, 2003) (emphasis added).

[5] *Bush Aides Say They'll Cooperate with Probe into Intelligence Leak,* Washington Post (Sept. 29, 2003). Only Mr. Novak ran the story identifying Ms. Plame.

[6] *Bush Administration Is Focus of Inquiry, supra* note 4.

[7] Ambassador Joseph C. Wilson, IV, *What I Didn't Find in Africa,* New York Times (July 6, 2003).

[8] *Bush Administration Is Focus of Inquiry, supra* note 4. Ambassador Wilson also felt that these actions were meant to deter future critics. *See Ex-U.S. Envoy Cites Intimidation Tactics; Aim Said to Be to Silence Critics,* Washington Times (Aug. 6, 2003) ("This was clearly designed to intimidate others from coming forward").

[9] *Bush Aides Say They'll Cooperate with Probe into Intelligence Leak, supra* note 5.

[10] *Bush Administration Is Focus of Inquiry, supra* note 4.

This White House reaction to potential leaks by its own officials appears markedly different than its reaction to other leaks. For example, when asked about a congressional leak regarding the attacks of September 11, 2001, White House Spokesman Ari Fleischer detailed not only the President's deep concern, but also the internal investigations requested of the congressional committees implicated. According to Mr. Fleischer:

> [T]he President does have very deep concerns about anything that would be inappropriately leaked that could in any way endanger America's ability to gather intelligence information, anything that could harm our ability to maintain sources and methods, and anything that could interfere with America's ability to fight the war on terrorism.[12]

Yet in this case, it is not even clear if the White House will conduct its own internal investigation into its own officials leaking the identity of a covert CIA agent. Moreover, there is no indication that the White House has even taken such basic steps as asking White House employees to retain relevant records.

Committee Precedent

In prior years, this Committee extensively investigated a wide range of allegations relating to the Clinton Administration. Under the previous chairman, the Committee issued over 1,000 subpoenas concerning the Clinton Administration. Senior presidential advisors spent hundreds of hours testifying before the Committee. These aides included White House Chief of Staff Erskine Bowles, White House Chief of Staff Mack McLarty, Deputy Chief of Staff and Assistant to the President Harold Ickes, Counsel to the President Charles Ruff, and Senior Advisor and Deputy Counsel to the President Bruce Lindsey, among others. The Committee also demanded and received from the White House phone records and WAVES records of visitors to the White House residence, among many other White House documents.

Many of the Committee's investigations concerned allegations with similarities to the recent allegations relating to the Bush White House. For example, the White House Travel Office Investigation involved accusations that the White House inappropriately impugned the reputation of Travel Office employees. The FBI Files Investigation involved allegations that the

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[11] *Id.*

[12] White House, Press Briefing by Ari Fleischer (June 20, 2002) (online at www.whitehouse.gov/news/releases/2002/06/20020620-12.html).

White House requested FBI files on former Administration employees for political purposes such as preparing an "enemies list."

Regardless of one's views on the merits of the Committee's previous investigations, the importance of the allegations involving Ambassador Wilson's wife cannot be disputed. Neither the Travel Office nor the FBI files inquiries involved an allegation that White House conduct threatened national security. While the FBI files matter concerned how the White House accessed and maintained sensitive files, not even White House foes claimed that the White House released those files publicly. And while the Travel Office matter involved allegations that the White House publicly smeared government employees, none of these employees were covert CIA operatives, and there were no allegations that the disclosures placed lives in jeopardy.

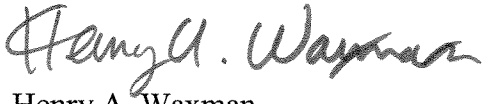
Conclusion

Congressional oversight of the Wilson case is imperative. In recent months, public questions regarding the way the Bush Administration handled intelligence on Iraq have been mounting. Public skepticism about the appropriateness of Bush Administration conduct was only heightened by the findings last week by the leaders of the House Select Committee on Intelligence that the information used about Iraq was "largely outdated, 'circumstantial' and 'fragmentary' information with 'too many uncertainties' to conclude that Iraq had weapons of mass destruction and ties to al Qaeda."[13] As the primary investigative committee in the House of Representatives, it is the Committee's responsibility to ensure that the public receives a full accounting of what happened in the Wilson matter.

Initial steps the Committee should take are (1) to request a copy of the CIA request to the Department of Justice that DOJ investigate the matter and (2) to call a hearing to receive testimony from relevant individuals such as Ambassador Wilson on this matter.

I appreciate your consideration of this request.

Sincerely,



Henry A. Waxman
Ranking Minority Member

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[13] *House Probers Conclude Iraq War Data Was Weak*, Washington Post (Sept. 26, 2003).