Congress of the United States
House of Representatives
Washington, D.C. 20515

February 10, 2004

The President
The White House
Washington, DC 20500

Dear Mr. President:

We are writing about today's press reports that "most" White House officials are refusing to cooperate fully with the Justice Department's criminal investigation into the leak of the identity of a covert CIA operative. These actions are impeding the Justice Department's investigation and are inconsistent with your directives to White House officials to cooperate with the investigation. We would like to know what steps you plan to take to address this matter and to urge you to ensure that continued access to classified materials is restricted to individuals who are willing to cooperate fully with the Justice Department investigation.

As you know, Justice Department Special Prosecutor Patrick Fitzgerald is investigating the role of White House officials in leaking the identity of covert CIA operative Valerie Plame to the media. Ms. Plame's covert status was disclosed in an apparent attempt to undercut the credibility of her husband, Ambassador Joseph Wilson IV, who publicly refuted your 2002 State of the Union claim that Iraq attempted to obtain uranium from Niger.

As part of its investigation, the Justice Department has sought the cooperation of White House officials in allowing media representatives to discuss with investigators their conversations with White House staff. The Justice Department has asked White House employees to sign waivers requesting that "no member of the news media assert any privilege or refuse to answer any questions from federal law enforcement authorities on my behalf or for my benefit."[1]

According to press accounts today, however, many White House employees are refusing to cooperate with the Justice Department requests. The *Washington Post* reported that "most officials declined to sign the form on advice of their attorneys."[2] Similarly, the *New York Times* reported that "[s]everal lawyers said they had refused to let their clients sign the agreements, unwilling to create an additional legal liability voluntarily."[3]

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[1] *Bush Aides Testify in Leak Probe,* Washington Post (Feb. 10, 2004).

[2] *Id.*

[3] *Top Bush Aide Is Questioned in CIA Leak,* New York Times (Feb. 10, 2004).

These actions directly contradict your explicit direction to cooperate fully with the investigation. When asked about this waiver issue on January 5, White House Press Spokesman Scott McClellan affirmed eight different times that you instructed your staff to comply fully with Justice Department requests.[4]

We do not question the right of any individual to seek the advice of counsel and upon counsel's advice to refuse to cooperate with a criminal investigation by the Justice Department. Under the Fifth Amendment, individuals have a constitutional right not to incriminate themselves.

There is, however, no constitutional right to have access to classified information or to be entrusted with the nation's most sensitive security secrets. Individuals who receive access to the country's most critical and highly-guarded secrets have an obligation to cooperate fully in investigations into security leaks. Individuals who seek to impede security investigations — as these individuals have done — are placing their own personal interests ahead of the nation's security interests.

We would like to know what steps you are taking to ensure that the White House officials are complying with your directive to cooperate with the Justice Department investigation. We

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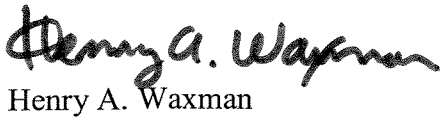
[4] *White House Press Briefing,* FDCH Political Transcripts (Jan. 5, 2004) (including the following statements: (1) "I would remind you that the President has directed the White House to cooperate fully with the career officials who are leading this investigation. And that's exactly what he expects the White House to continue doing. We have been and we will continue to do so;" (2) "The President has made it very clear that the White House should cooperate fully in this investigation. The President said — has always said that leaking classified information is a serious matter, and certainly no one wants to get to the bottom of this more than he does, so that we can find out the truth. And the President has said from early on that if anybody has information, they should come forward and share it with those who are leading this investigation;" (3) "the President has made it very clear that he expects the White House to cooperate fully;" (4) "the President has made it very clear that we should cooperate fully with the investigation, that the White House should cooperate fully in the investigation;" (5) "The President made it very clear that he expects the White House to cooperate fully in this investigation, because it's important that we do everything we can to help the career officials get to the bottom of this, and the sooner, the better;" (6) "I think the President has made it very clear. He expects the White House to cooperate fully;" (7) "he has said repeatedly, he wants the White House to cooperate fully, he wants anyone who has information that can help in this investigation to come forward with that information and provide it to those who are leading this investigation;" and (8) "make no mistake about it, the President was very clear in stating that everybody — that the White House should cooperate fully in this investigation").

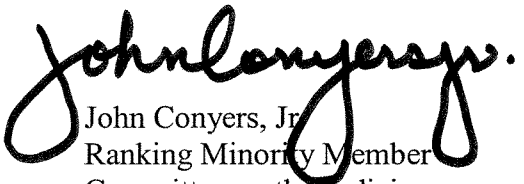
would also like to know whether you have limited continued access to national secrets to individuals who are cooperating fully with the Justice Department investigation. Simply put, individuals who are unwilling to assist in discovering who leaked Valerie Plame's identity should not be trusted with continued access to our nation's most sensitive state secrets.

We thank you for your attention to this important matter.

Sincerely,



Henry A. Waxman
Ranking Minority Member
Committee on Government Reform



John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary