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July 14, 2005

The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

We write to request that our Committee immediately hold hearings, and summon Karl Rove to testify, about allegations that Mr. Rove, the Deputy White House Chief of Staff, was involved in disclosing the identity of a covert Central Intelligence Agency operative. The leak may have violated two federal criminal statutes within the Committee's jurisdiction, prohibiting the disclosure of covert identities and the transmission of national defense information, and may have threatened our national security in a time of war. Regardless of which specific laws may have been broken, we believe the manner and motivations that caused this security breach clearly warrant congressional review.

As we are sure you would agree, the protection of top secret information is vital to our security. It is even more important when our armed forces are engaged in conflict, such as they are in Afghanistan and Iraq. That is why federal law criminalizes the disclosure of covert identities[1] and the unauthorized transmission of national defense information.[2]

Unfortunately, a person with access to an operative's identity, that of Valerie Plame, leaked that information to Robert Novak and to others. Novak then published it exactly two years ago today in his syndicated column. Subsequent to this disclosure, the CIA requested an investigation of the matter, which led to a Department of Justice inquiry, now being led by U.S. Attorney Patrick Fitzgerald. Contrary to countless White House assurances, we now know that e-mails between writer Matthew Cooper and *Time* editors reveal that one of Mr. Cooper's

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[1] 50 U.S.C. § 421.

[2] 18 U.S.C. § 793.

sources in the Plame matter was Mr. Rove.[3] This has been confirmed by the disclosure of an e-mail from Mr. Cooper to a *Time* editor stating that "'it was, [Karl Rove] said, wilson's [sic] wife, who apparently works at the agency on wmd [weapons of mass destruction] issues who authorized the trip'".[4] According to the e-mail, Mr. Rove spoke to Mr. Cooper on "'double super secret background'" just three or four days before Robert Novak wrote his column outing Ms. Plame as a CIA operative.[5]

Notwithstanding assertions by the White House to the contrary, there is no law, rule or even principle that prevents an accused individual from coming forward in an attempt to clear his name. Clearly, Mr. Rove is not subject to grand jury secrecy restrictions and thus could appear before the Committee. The Federal Rules of Criminal Procedure prohibit only certain categories of persons from revealing what occurs before grand juries: grand jurors, interpreters, court reporters, operator of a recording device, a person who transcribes recorded testimony, an attorney for the government, and persons to whom disclosure is lawfully made.[6] Witnesses before grand juries, such as Mr. Rove, are not bound to secrecy requirements and thus can disclose the contents of their testimony.[7] In fact, the Federal Rules prohibit the imposition of a secrecy requirement on any person other than those listed above.[8]

We would note there is long-standing precedent for our Committee investigating criminal and other improprieties both prior to and concurrent with a Justice Department investigation. In 1997, our Committee conducted hearings regarding campaign finance improprieties committed in the 1996 presidential election in the midst of a Justice Department investigation of this matter.[9] In 1995, the Subcommittee on Crime heard twelve days of testimony with respect to federal law enforcement conduct at the Branch Davidian Compound in Waco, Texas, the midst of another

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[3]Michael Isikoff, *Matt Cooper's Source: What Karl Rove Told Time Magazine's Reporter*, NEWSWEEK, July 18, 2005.

[4]*Id.*

[5]*Id.*; Josh White, *Rove Told Reporter of Plame's Role But Didn't Name Her, Attorney Says*, WASH. POST, July 11, 2005, at A1.

[6]FED. R. CRIM. P. 6(e)(2)(B).

[7]*See id.*

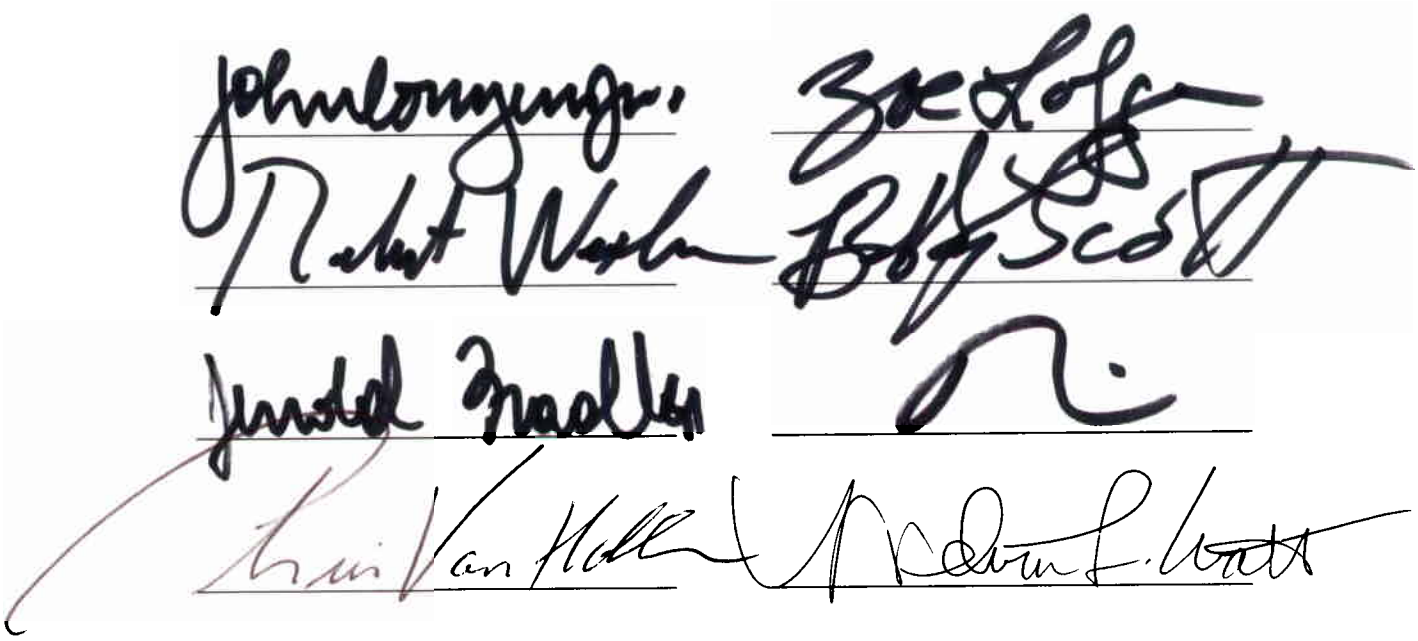
[8]*Id.* 6(e)(2)(A).

[9]*Oversight of the U.S. Department of Justice: Hearing Before the House Comm. on the Judiciary*, 105th Cong., 1st Sess. (Oct. 15, 1997).

investigation.[10] In 1992, the full Committee and the Subcommittee on Crime held hearings on whether high-ranking officials in the Justice Department and the CIA were responsible for fraudulent loans to Iraq and misrepresented that information to a federal court.[11] Between 1989 and 1992, the full Committee and Subcommittee on Economic and Commercial Law investigated claims that the Justice Department drove a computer company, INSLAW, into insolvency in order to steal its software program;[12] again, our investigation was concurrent with that of a Justice Department-appointed special counsel.

Thank you for your consideration of this request, and we look forward to your response.

Sincerely,



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[10] *Activities of Federal Law Enforcement Agencies Toward the Branch Davidians: Joint Hearings Before the Subcomm. on Crime of the House Comm. on the Judiciary and the Subcomm. on National Security, Int'l Affairs, and Criminal Justice of the House Government Reform and Oversight*, 104th Cong., 1st Sess. (July 28, 1995) (July 31, 1995) (Aug.1, 1995).

[11] *Whether the Attorney General Should Appoint an Independent Counsel Regarding the U.S. Government's Assistance to Iraq: Hearing Before the House Comm. on the Judiciary*, 102nd Cong. (June 1, 1992).

[12] *The Attorney General's Refusal to Provide Congressional Access to "Privileged" Inslaw Documents: Hearing Before the Subcomm. on Econ. and Commercial Law of the House Comm. on the Judiciary*, 101st Cong. 1 (1990).

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