

FOIA Marker

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Counsel's Office, White House

Fielding, Fred - General Files

Stack:	Row:	Sect.:	Shelf:	Pos.:	FRC ID:	Location or Hollinger ID:	NARA Number:	OA Number:
W	19	23	4	1	11703	24566	11251	11717

Folder Title:

Libby [Folder 1]: [Correspondence] [Folder 4]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Email	FW: GROC Hearing [with attachments] - To: Fred Fielding, et al - From: Christopher G. Oprison	5	03/13/2007	P5;
002	Letter	[Letter to Andrew Card] - To: Andrew Card - From: Henry A. Waxman	1	03/30/2007	P6/b6;
003	Letter	[Draft Letter from Fred Fielding] [with attachments] - To: Henry Waxman - From: Fred Fielding	9	04/15/2007	P5;
004	Email	Wilson v. Libby et al 06-cv-01258 - To: Fred F. Fielding, et al - From: Albert C. Lambert	1	05/17/2007	P5;
005	Letter	[Letter to Andrew Card] - To: Andrew Card - From: Henry A. Waxman	1	04/20/2007	P6/b6;

COLLECTION TITLE:

Counsel's Office, White House

SERIES:

Fielding, Fred - General Files

FOLDER TITLE:

Libby [Folder 1]: [Correspondence] [Folder 4]

FRC ID:

11703

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

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Records Not Subject to FOIA

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
006	Letter	[Letter to Andrew Card] - To: Andrew Card - From: Henry A. Waxman	1	03/30/2007	P6/b6;
007	Memorandum	Expected Timetable for the Post-Sentence Process - To: The Chief of Staff - From: Fred F. Fielding	2	06/06/2014	P5;
008	Email	RE: quick question for you - To: Fred F. Fielding - From: William K. Kelley	1	04/23/2007	P5;
009	Email	Re: Needs your review by 6:30 - Waxman Letter DRAFT - To: Logan E. Dryden, et al - From: Joel Kaplan	2	04/24/2007	P5;
010	Letter	[Letter to Andrew Card] - To: Andrew Card - From: Henry A. Waxman	1	04/23/2007	P6/b6;

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
011	Letter	Draft [Letter from Fred F. Fielding] - To: Henry Waxman - From: Fred F. Fielding	3	04/11/2007	P5;
012	Letter	[Letter to Andrew Card] - To: Andrew Card - From: Henry A. Waxman	1	03/30/2007	P6/b6;
013	Memorandum	Lewis "Scooter" Libby - To: Assistants to the President - From: Fred F. Fielding	1	03/06/2007	P5;
014	Email	[Email from Peter Baker] - To: Fred F. Fielding - From: Peter Baker	1	03/07/2007	P6/b6;
015	Letter	[Letter to Andrew Card] - To: Andrew Card - From: Henry A. Waxman	1	03/30/2007	P6/b6;

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016	Email	FW: Fitzgerald letter - To: Fred F. Fielding, et al - From: Chrithopher G. Oprison	2	03/08/2007	P5;
017	Memorandum	Lewis "Scooter" Libby - To: Assistants to the President - From: Fred F. Fielding	1	03/06/2007	P5;
018	Q and A	Draft Press Questions and Responses	7	N.D.	P5;
019	Email	Update with you redits and joel's - To: Fred F. Fielding - From: Dan Bartlett	3	02/27/2007	P5;
020	Clipping	National Journal: The Libby-Cheney Connection	7	02/19/2007	P5;

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HENRY A. WAXMAN, CALIFORNIA
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ONE HUNDRED TENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-6051
FACSIMILE (202) 225-4784
MINORITY (202) 225-6074
TTY (202) 225-0852

<http://oversight.house.gov>

April 10, 2007

The Honorable Joshua Bolten
Assistant to the President and Chief of Staff
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear Mr. Bolten:

On March 16, 2007, the Committee wrote to you requesting information about investigative steps taken by the White House following the disclosure by White House officials of the classified employment status of CIA officer Valerie Plame Wilson. As explained in the March 16 letter, James Knodell, Director of the Office of Security at the White House, provided testimony that raises serious questions about whether the security practices being followed by the White House are sufficient to protect our nation's most sensitive secrets. You have not responded to the Committee's inquiry.

I am writing to request that you provide a complete response to the March 16 letter by Monday, April 16, 2007.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X. If you have any questions regarding this request, please contact David Rapallo of the Committee staff at (202) 225-5420.

Sincerely,

Henry A. Waxman

Henry A. Waxman
Chairman

cc: Tom Davis
Ranking Minority Member

TOM DAVIS, VIRGINIA
RANKING MINORITY MEMBER

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✓
CC: ✓ FIELDING > ACT
FLOOD
KAPLAN
ROVE
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COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HON. HENRY A. WAXMAN
CHAIRMAN
2157 RAYBURN HOUSE BUILDING
PHONE (202) 225-5051
FAX (202) 225-4784, 8185

DATE: April 10, 2007

TO: The Honorable Joshua Bolten

FAX: (202) 456-0192

FROM: Rep. Henry A. Waxman

SUBJECT:

NO. OF PAGES: 2
(INCLUDING COVER SHEET)

COMMENT:

IF THERE IS A PROBLEM WITH THIS
TRANSMITTAL, PLEASE CALL OFFICE A.S.A.P.

Bakke, Mary Beth

From: Gibbs, Landon M.
Sent: Tuesday, April 10, 2007 10:32 AM
To: Paola, Lindsey N.; Bakke, Mary Beth
Subject: FW: follow up

From: Aylward, Patrick S.
Sent: Tuesday, April 10, 2007 10:22 AM
To: Flood, Emmet T.
Cc: Gibbs, Landon M.
Subject: follow up

Emmet,

We just got a Waxman letter following up on the March 16th letter he sent to the Chief, which he points out we have not responded to.

I am going to show this to the Chief, which I know for certain will prompt him to ask about the process he asked be put in place for standardizing consideration of and replies to these incoming letters.

Do we have anything to tell him? Again - more about process than anything -- should we send an immediate ack to all; should it and/or actual substantive replies come from Josh or Fred; should it be case by case and if so who makes that decision?

I'm at 6-1745 if you want to talk. I'll bring two copies of this letter to Fred's office - one for him and one for you.

Thanks,
Patrick

4/10/2007

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	FW: GROC Hearing [with attachments] - To: Fred Fielding, et al - From: Christopher G. Oprison	5	03/13/2007	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Counsel's Office, White House

SERIES:

Fielding, Fred - General Files

FOLDER TITLE:

Libby [Folder 1]: [Loose Documents] [Folder 4]

FRC ID:

11703

FOIA IDs and Segments:

2014-0234-F

OA Num.:

11717

NARA Num.:

11251

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PATRICK T. McHENRY, NORTH CAROLINA
VICKI L. FORT, NORTH CAROLINA
BRIAN R. GILBERT, CALIFORNIA
GILL BELL, IDAHO

March 30, 2007

Mr. Andrew Card

(b)(6)

Dear Mr. Card:

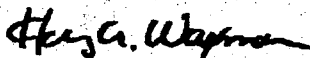
On March 16, 2007, the Committee on Oversight and Government Reform held a hearing on White House Procedures for Safeguarding Classified Information. At the hearing, questions were raised about the adequacy of the White House response to the disclosure of the identity of covert CIA agency Valerie Plame Wilson.

It would assist the Committee's investigation into this issue if you would appear for an on-the-record interview on **Thursday, April 12, 2007, at 10:00 a.m. in Room 2157, Rayburn House Office Building**. The interview will focus on White House security procedures, particularly procedures relating to the safeguarding of classified information and investigating alleged improper disclosures of classified information. The interview will include questions about the White House response to the disclosure of Ms. Wilson's identity.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X.

If you have any questions about this request, please contact me, David Rapallo, or Theodore Chuang of the Committee staff at (202) 225-5420.

Sincerely,



Henry A. Waxman
Chairman

cc: Tom Davis
Ranking Minority Member

FAX COVER

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

DEMOCRATIC STAFF OFFICE

HON. HENRY A. WAXMAN

CHAIRMAN

2157 RAYBURN HOUSE BUILDING

PHONE (202) 225-5051

FAX (202) 225-4784, 8185

DATE: March 30, 2007

TO: Mr. Andrew Card

FAX: 703-848-1740

FROM: Rep. Henry A. Waxman

NO. OF PAGES: 3(INCLUDING COVER SHEET)

COMMENT:

**IF THERE IS A PROBLEM WITH THIS
TRANSMITTAL, PLEASE CALL OFFICE A.S.A.P.**

*Rec'd 4:50 PM
2 pages included
cover sheet
referred to Rep. Waxman
held... 5:05 PM
told it was a 2-page
cover sheet - only
2 pages*

FAX COVER

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

DEMOCRATIC STAFF OFFICE

HON. HENRY A. WAXMAN

CHAIRMAN

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FAX (202) 225-4784, 8185

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*Rec'd 4:59 PM
2 pages including
cover sheet
@ 5:00 PM I called SAC who
told me to Rapallo
- was put on
hold... 5:05 PM
told it was a "template"
cover sheet - only
2 pages*

THE WHITE HOUSE

WASHINGTON

April 16, 2007

Dear Chairman Waxman:

I write in response to your letters of March 16 and April 10, 2007 to Joshua Bolten, Assistant to the President and Chief of Staff, regarding testimony provided by Mr. James Knodell during a hearing before the Committee on Oversight and Government Reform ("Committee") on March 16 and related questions. As you and I discussed, to the extent appropriate consistent with the separation of powers between our respective branches, we are committed to assisting you and the Committee in understanding the processes and procedures through which the security policies and programs of the Executive Office of the President are developed and implemented.

In your letters addressed to Mr. Bolten and at the hearing your Committee held on March 16, you focused on one instance of an alleged breach of information security, namely the disclosure of Valerie Plame Wilson's identity. To this end you have asked White House officials to discuss the specific approach that was taken to respond to this incident. As you know, public discussion of the particular steps taken in response to a particular alleged breach of information security within the Executive Office of the President would be highly unusual, as this is within the exclusive purview of the President. Nonetheless, I believe there are items that can be disclosed and discussed in this matter despite the sensitive nature of internal White House processes and deliberations in this area.

First, the involvement of the Department of Justice in investigating the alleged breach is public knowledge, even if the full extent and details of its investigation are not. Indeed, as Mr. Knodell made clear in his testimony, the White House was fully aware of and supported this external investigation of the matter, an investigation that was initiated by a CIA referral to the Department of Justice. Subsequent events during this extensive investigation gave rise to a criminal trial and prosecution which is not yet final. This external investigation remains pending, but my office has confirmed that no parallel or duplicative internal investigation was or is being conducted. We have further confirmed that there were mandatory refresher briefings conducted for all White House staff members on ethics and the handling of classified information in late 2005, but there have not been any revisions to existing White House security procedures as a result of that investigation by the Department of Justice.

Second, as a general matter, Executive Order (EO) 12968, issued August 2, 1995, sets forth provisions governing the issuance and renewal of security clearances. Section 1.2(d) of EO 12968 requires a background investigation prior to anyone's being granted

access to classified information and a reinvestigation "at any time during the period of access to ascertain whether they continue to meet the requirements for access." Subsequent written guidance further directs that personnel holding "top secret" and Sensitive Compartmented Information (SCI) clearances should undergo routine, periodic "reinvestigations" every five years. The White House adheres to these guidelines. Accordingly, the White House routinely initiates, through the Federal Bureau of Investigation (FBI), reinvestigations of its personnel holding high level security clearances pursuant to factors set forth in applicable adjudicative guidelines used to determine continued eligibility for access to classified material.

At no time since the alleged breach took place, and while the Department of Justice's investigation has been ongoing, has the White House suspended its normal background investigation and reinvestigation processes. My office has confirmed that these processes and security clearance renewals continued uninterrupted for all White House officials, including for Karl Rove. Although Mr. Knodell testified he had no "first-hand knowledge" of whether a reinvestigation of Mr. Rove's security clearance was initiated, my office has confirmed that it was initiated. Upon conclusion of the reinvestigation process in late 2006, Mr. Rove's security clearance was continued by the Office of Security and not altered in any respect.

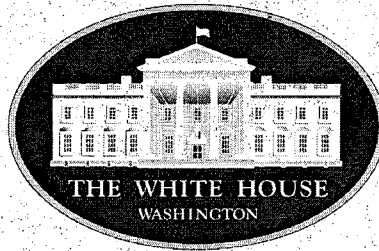
Please let me know if we can be of further assistance in helping your Committee understand the White House's commitment to meeting its responsibilities in this area, and its processes.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred F. Fielding", written in a cursive style.

Fred F. Fielding
Counsel to the President

The Honorable Henry A. Waxman
United States House of Representatives
Washington, D.C. 20515



OFFICE OF COUNSEL TO THE PRESIDENT

FACSIMILE TRANSMITTAL SHEET

TO: THE HON. HENRY WAXMAN

FROM: FRED F. FIELDING

AGENCY:

DATE: APRIL 16, 2007

FAX NUMBER: 225-4099

PHONE NUMBER: (202) 456-2632

NUMBER PAGES TO FOLLOW: 2

FAX NUMBER: (202) 456-6279

COMMENTS:

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April 10, 2007

The Honorable Joshua Bolten
Assistant to the President and Chief of Staff
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

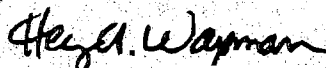
Dear Mr. Bolten:

On March 16, 2007, the Committee wrote to you requesting information about investigative steps taken by the White House following the disclosure by White House officials of the classified employment status of CIA officer Valerie Plame Wilson. As explained in the March 16 letter, James Knodell, Director of the Office of Security at the White House, provided testimony that raises serious questions about whether the security practices being followed by the White House are sufficient to protect our nation's most sensitive secrets. You have not responded to the Committee's inquiry.

I am writing to request that you provide a complete response to the March 16 letter by Monday, April 16, 2007.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X. If you have any questions regarding this request, please contact David Rapallo of the Committee staff at (202) 225-5420.

Sincerely,



Henry A. Waxman
Chairman

cc: Tom Davis
Ranking Minority Member

TOM DAVIS, VIRGINIA
RANKING MINORITY MEMBER

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CC: FIELDING > ACT
✓ FLOOD
KAPLAN
ROVE
WOLFF
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**Executive Office of the President
Office of Administration
Office of Security and
Emergency Preparedness**

TO: ANN LOUGHLIN / RENE AUGUSTINE 6-41.33

FROM: Jim Knodell

PHONE: 202-395-6206 / **FAX:** 202-395-6299

E-MAIL: jknodell@oa.eop.gov

NUMBER OF PAGES: Cover + 1 pages

Notes: If you have any questions, please call (202) 395-6204/5-6206. Thank you.

James R. Knodell

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FAX COVER

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

DEMOCRATIC STAFF OFFICE

HON. HENRY A. WAXMAN

CHAIRMAN

2157 RAYBURN HOUSE BUILDING

PHONE (202) 225-5051

FAX (202) 225-4784, 8185

DATE: March 12, 2007

TO: Mr. James Knodell

FAX: 202-395-6299

FROM: Rep. Henry A. Waxman

NO. OF PAGES: 2 (INCLUDING COVER SHEET)

COMMENT:

**IF THERE IS A PROBLEM WITH THIS
TRANSMITTAL, PLEASE CALL OFFICE A.S.A.P.**

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March 12, 2007

Mr. James Knodell
Chief Security Officer
Office of Security and Emergency Preparedness
Eisenhower Building, Rm. 4208
725 Seventeenth Street, NW
Washington, DC 20503

Dear Mr. Knodell:

At 10:00 a.m. on Friday, March 16, 2007, in Room 2157 Rayburn House Office Building, the Committee will hold a hearing at which the Committee will be examining White House procedures for safeguarding classified information. You are invited to testify.

In preparing your testimony, please describe the procedures the White House is supposed to follow to secure classified information. Please also address what steps the White House is supposed to take after it learns that classified information has been released.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X. Information for witnesses appearing before the Committee is contained in the enclosed Witness Information Sheet.

If you have any questions, please contact David Rapallo of the Committee staff at (202) 225-5420. We look forward to your testimony.

Sincerely,

Henry A. Waxman

Henry A. Waxman
Chairman

Enclosure

cc: Tom Davis
Ranking Minority Member

HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

TOM DAVIS, VIRGINIA
RANKING MINORITY MEMBER

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Minority (202) 225-6074

Witness Information Sheet

The following is a summary of some of the pertinent rules and procedures applicable to witnesses testifying before the Committee on Oversight and Government Reform:

- Witnesses should provide 100 copies of their written testimony to Earley Green, Chief Clerk, 2157 Rayburn House Office Building, no later than 10:00 a.m. two business days prior to the hearing. Witnesses should also provide their statement by this date in electronic format, either as a CD or via email to earley.green@mail.house.gov.
- At the hearing, each witness will be asked to summarize his or her written testimony in five minutes or less in order to maximize the time available for discussion and questions.
- House Rule XI clause 2(g)(4) requires that witnesses appearing in a nongovernmental capacity submit to the Committee in advance of the hearing "a curriculum vitae and a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness."
- The Committee does not provide financial reimbursement for witness travel or accommodations. Witnesses with extenuating circumstances, however, may submit a written request for such reimbursements to Robin Butler, Financial Administrator, 2157 Rayburn House Office Building, at least one week prior to the hearing. Reimbursements will not be made without prior approval.
- Witnesses with disabilities should contact Committee staff to arrange any necessary accommodations.
- The Committee on Oversight and Government Reform is the principal oversight committee in the U.S. House of Representatives. In addition, the Committee has legislative jurisdiction over a number of subjects affecting the management of government operations and activities. The specific jurisdiction of the Committee is set forth in House Rule X clauses 1(m), 2, 3(f), and 4(c).
- The Committee rules governing this hearing are online at www.oversight.house.gov/rules/.

For inquiries regarding these rules and procedures, please contact the Committee on Oversight and Government Reform at (202) 225-5051.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Draft Letter from Fred Fielding] [with attachments] - To: Henry Waxman - From: Fred Fielding	9	04/15/2007	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Counsel's Office, White House

SERIES:

Fielding, Fred - General Files

FOLDER TITLE:

Libby [Folder 1]: [Loose Documents] [Folder 4]

FRC ID:

11703

OA Num.:

11717

NARA Num.:

11251

FOIA IDs and Segments:

2014-0234-F

RESTRICTION CODES**Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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Freedom of Information Act - [5 U.S.C. 552(b)]

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- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	Wilson v. Libby et al 06-cv-01258 - To: Fred F. Fielding, et al - From: Albert C. Lambert	1	05/17/2007	P5;

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SERIES:

Fielding, Fred - General Files

FOLDER TITLE:

Libby [Folder 1]: [Loose Documents] [Folder 4]

FRC ID:

11703

OA Num.:

11717

NARA Num.:

11251

FOIA IDs and Segments:

2014-0234-F

RESTRICTION CODES**Presidential Records Act - [44 U.S.C. 2204(a)]**

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Powerful officials back Libby in CIA leak case

Former vice presidential aide to ask federal judge to spare him prison time

NBC News and news services

Updated: 7:29 p.m. ET May 31, 2007

WASHINGTON - Former White House and State Department officials and military commanders are supporting former vice presidential aide I. Lewis "Scooter" Libby as he asks a federal judge to spare him prison time in the CIA leak case.

Prosecutors want Libby to serve up to three years in prison for lying about his conversations with reporters regarding CIA operative Valerie Plame, whose 2003 outing touched off a leak investigation.

Libby's lawyers said Thursday that would be unfair. Citing numerous letters from former colleagues and friends, they said Libby deserved only probation.

"His dedication to promoting freedom abroad and keeping American citizens safe at home is beyond question," the attorneys wrote.

To be sentenced Tuesday

Libby was convicted in March of perjury and obstruction, becoming the highest-ranking White House official convicted since the Iran-Contra affair two decades ago. Sentencing is scheduled for Tuesday.

U.S. District Judge Reggie B. Walton said he received more than 150 letters on Libby's sentencing. Over Libby's objection, Walton said he would make those letters public.

One letter quoted by Libby's attorneys, from a former chairman of the Joint Chiefs of Staff, said: "I always came away from our encounters thinking how lucky the country was to have someone of his caliber helping think through the great security challenges we all faced."

Probation officers recommend a sentencing range of 15-21 months but left open the possibility that defense attorneys could argue for less. Libby's attorneys say his distinguished career should persuade Walton to spare him prison.

His attorneys also said a "distorted" picture of Libby has emerged from the case, and the letters received by the court praising him present a more accurate picture of their client.

"Distinguished public servant. Generous mentor. Selfless friend. Devoted father. This is the rich portrait of Mr. Libby that emerges from the descriptions of him in the more than 160 heartfelt letters submitted to the Court on his behalf."

"While working in the executive branch, Mr. Libby helped the United States win the Gulf War, assisted with the transition to democracy in Eastern Europe, helped craft a strategy for reduced defense spending, and played a significant role in the largest nuclear arms reduction in history," attorneys said.

Libby's attorneys did not name the letter-writers in documents filed Thursday.

"They are conservatives and liberals; career public servants and people working in journalism, medicine, and law; professional mentors and pro bono clients," attorneys wrote. "They run the gamut from four-star generals and admirals to noncommissioned officers; renowned professors and cabinet officials to secretaries, law firm associates, and junior staffers."

Convicted for perjury, not leaking identity

They said Special Prosecutor Patrick Fitzgerald was trying to use the perjury case to sentence Libby for the leak. That's the case Fitzgerald "could have sought to try — but chose not to," and it would be wrong to

sentence Libby as if he were convicted of leaking Plame's identity, defense attorneys said.

Fitzgerald said last week that Libby showed no remorse for corrupting the judicial system.

Walton, who has a reputation as a strict judge who hands down tough sentences, has broad discretion over Libby's fate. If he sends Libby to prison, he also must decide whether to put that sentence on hold until the appeals run out.

That decision could determine how much time President Bush has to decide whether to pardon Libby. Bush has said he's "pretty much going to stay out of" the case until the legal process is complete. If Libby is ordered to report to prison, Bush will have to decide whether to pardon the former aide or let him begin serving his sentence.

Plame, who left the CIA after her identity was revealed, is working on a book about her career with the agency. She sued the CIA in a New York federal court Thursday, accusing the agency of illegally holding up security approval of the estimated seven-figure book manuscript.

The lawsuit was announced on the eve of the annual trade convention BookExpo America, when publishers often try to release big news. Plame is scheduled to speak at the convention.

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June 1, 2007

Defense Team Asks Leniency From Judge in Libby Case

By **NEIL A. LEWIS**

WASHINGTON, May 31 — Lawyers for I. Lewis Libby Jr. urged a federal judge on Thursday to consider his long record of public service and spare him from prison on his felony conviction for his role in a C.I.A. leak investigation.

The lawyers recommended that Mr. Libby, the former chief of staff to Vice President Dick Cheney, be given probation, possibly with community service, when he is sentenced on Tuesday.

Mr. Libby was convicted in March of lying to a grand jury and F.B.I. agents investigating the leak of the identity of a Central Intelligence Agency operative, Valerie Wilson.

The prosecutor, Patrick J. Fitzgerald, asked last week that Mr. Libby be sentenced to 30 to 37 months for his conviction for perjury and obstruction of justice.

Judge Reggie B. Walton, who presided over the trial, has great leeway in fixing a sentence because federal guidelines are no longer as binding as they once were. But they still provide a recommended time range that is reached by a complicated calculation. The probation office calculated the range as 15 to 21 months, Mr. Libby's lawyers said.

"Distinguished public servant. Generous mentor. Selfless friend," begins the court filing in which Mr. Libby's lawyers asked that he be spared prison. "This is the rich portrait of Mr. Libby that emerges from the description of him in more than 160 heartfelt letters submitted to the court on his behalf."

"There is no denying the seriousness of the crimes of which Mr. Libby was convicted," the lawyers wrote. "At the same time, there is no denying the kind of person Mr. Libby is and the contributions he has made to his country."

While the two sides have offered starkly different proposals for Mr. Libby's sentence, another question to be decided by Judge Walton may be equally important. If he sentences Mr. Libby to

prison, he has to decide whether he should begin serving his time immediately or be allowed to remain free pending his appeal. The issue could bear on whether Mr. Libby receives a presidential pardon.

Mr. Libby's lawyers and other supporters have said President Bush should issue a pardon, and if Mr. Libby is sent to jail on Tuesday, that decision would have to be put immediately in front of the president if a pardon were to have any value. The White House has not commented on the possibility of a pardon.

Mr. Fitzgerald argued against leniency, saying Mr. Libby had not shown any remorse for his crimes. And the punishment should be greater, he argued, because the crimes were serious and Mr. Libby's refusal to tell the truth cost the government money. Prosecutors were obliged to engage in a difficult and costly effort to persuade reporters to testify before the grand jury.

Mr. Libby, known by the nickname Scooter, was not charged with leaking Ms. Wilson's name but with lying about his conversations with reporters about her to the authorities investigating the leak.

The letters written to the judge on behalf of Mr. Libby came from family friends and senior military officers, among others, according to Thursday's filing. It did not mention whether Mr. Bush or Mr. Cheney had sent letters of support, and their press officials would not say whether they had written any.

Judge Walton ruled that all the letters would be made public after sentencing.

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Bakke, Mary Beth

From: Stanzel, Scott M.
Sent: Tuesday, June 05, 2007 7:49 AM
To: Crouch, Jack D.; Addington, David S.; Wolff, Candida P.; Fielding, Fred F.
Subject: Fw: My comments - military commissions

Here is the comment that was used in Europe.

----- Original Message -----

From: Fratto, Tony
To: Stanzel, Scott M.
Sent: Tue Jun 05 06:54:33 2007
Subject: Fw: My comments - military commissions

----- Original Message -----

From: Perino, Dana M.
To: Fratto, Tony
Sent: Tue Jun 05 05:47:14 2007
Subject: Re: My comments - military commissions

Got it

----- Original Message -----

From: Fratto, Tony
To: Perino, Dana M.; Johndroe, Gordon D.
Sent: Tue Jun 05 05:00:36 2007
Subject: My comments - military commissions

In a scrum at the file --

"We disagreed with the judge's decision, and DoD has requested more time to determine whether they will file an appeal. In no way does this alter the appropriateness of the military commission system. On the contrary, it demonstrates the great care that is being taken to carry out the military commission system and to stay within the the statute."

HENRY A. WAXMAN, CALIFORNIA,
CHAIRMAN

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BILL SALI, IDAHO

April 23, 2007

Mr. Andrew Card

Dear Mr. Card:

Since I first wrote you on March 30, 2007, I have received new information that suggests there may have been a systemic failure to safeguard classified information at the White House during and after your tenure as White House Chief of Staff. Multiple current and former White House security personnel have informed my staff that White House practices have been dangerously inadequate with respect to investigating security violations, taking corrective action following breaches, and physically securing classified information. I urge you to cooperate with the Oversight Committee's investigation into these security lapses by testifying voluntarily before the Committee.

On March 16, 2007, the Oversight Committee held a hearing to examine the disclosure by White House officials of the covert status of CIA officer Valerie Plame Wilson. At this hearing, the current Chief Security Officer at the White House, James Knodell, testified that the White House Security Office (1) did not conduct any internal investigation to identify the source of the leak, (2) did not initiate corrective actions to prevent future security breaches, and (3) did not consider administrative sanctions or reprimands for the officials involved. The failure of the White House to take these actions appears to be a violation of Executive Order 12958, which establishes minimum requirements for safeguarding classified information and responding to breaches.

Following the hearing, my staff heard from multiple current and former security officials who work or worked at the White House Security Office. These security officials described a systemic breakdown in security procedures at the White House. The statements of these officials, if true, indicate that the security lapses that characterized the White House response to the leak of Ms. Wilson's identity were not an isolated occurrence, but part of a pattern of disregard for the basic requirements for protecting our national security secrets.

Each of the multiple security officers who spoke with my staff had firsthand knowledge of the inner workings of the White House Security Office. Although they asked for anonymity

Mr. Andrew Card
April 23, 2007
Page 2

to protect themselves from retaliation, they each gave consistent accounts. According to these security officers:

- **The White House regularly ignored security breaches.** The security officers described multiple instances of security breaches that were reported to the White House Security Office by concerned officials, such as Secret Service agents, but ignored by the White House Security Office. Several of the security violations involved mishandling of "Sensitive Compartmentalized Information" (SCI), the highest level of classified information, such as leaving SCI materials unattended in a hotel room.
- **The White House blocked security inspections of the West Wing.** According to the security officers, they were prohibited from conducting unannounced inspections of West Wing offices, which undermined their ability to assess compliance and deter violations. In addition, they reported that the White House denied the Information Security Oversight Office of the National Archives permission to inspect the West Wing, despite the fact that Executive Order 12958 gives this Archives office the authority to inspect all executive branch offices to ensure the effectiveness of security programs.
- **The White House condoned mismanagement at the White House Security Office.** The security officers described the leadership of the White House Security Office as poor managers who habitually flouted basic security procedures and allowed other White House officials to do the same.

The allegations of misconduct described in this letter are serious matters with ramifications for our national security. According to the security officers, they have triggered an exodus of qualified security officials from the White House Security Office. Now that an investigation has been initiated by Congress, you have, I believe, an obligation to cooperate. I hope you will recognize this obligation and choose to appear before the Committee voluntarily, rather than under compulsory process.

White House Security Breaches and Lack of Corrective Action

Under Executive Order 12958 and applicable regulations, the White House must investigate security breaches, implement prompt corrective action to deter future violations, and punish violators.¹ Federal employees who commit security violations can be subject to a range of administrative sanctions, including reprimand, suspension without pay, denial of access to classified information, and termination.²

¹ Exec. Order No. 12958, *Classified National Security Information*, as amended by Executive Order 13292, sec. 5.5 (Mar. 25, 2003).

² *Id.* at sec. 5.5(c).

Mr. Andrew Card
April 23, 2007
Page 3

In practice, these requirements appear to have been routinely ignored by the White House. According to the security officers who spoke with my staff, they were prohibited from investigating multiple White House security breaches that were reported to the White House Security Office by concerned officials, such as Secret Service agents. In fact, they said that the practice within the White House Security Office was not to document or investigate violations or take corrective action.

Under the Executive Order, the designation of Sensitive Compartmented Information (SCI) is the highest level of security classification.³ Security officers told my staff that the White House has not adequately safeguarded SCI materials, and they provided several examples of White House security breaches involving SCI. For example, according to one officer, a junior White House aide reported that a senior assistant to the President improperly disclosed SCI to him, even though he had no security clearance. According to this officer, the White House Security Office took no steps to investigate or take corrective action.

Another security officer reported that a White House official left SCI material behind in a hotel room during a foreign trip with the President. Although the CIA recovered the SCI material and reported the incident, the White House Security Office did not investigate, seek remedial action, or discipline the responsible official.

The security officers also described numerous examples of White House officials failing to physically secure classified information within the White House in accordance with applicable security requirements. The officers related that they had received numerous reports of White House officials leaving classified information out on their desks, rather than in secure locations. Yet according to the officers, the White House Security Office made no effort to investigate these violations or implement any remedial actions.

Prohibition on West Wing Inspections

The West Wing of the White House contains the offices of many of the most powerful officials in government. Your office was located in the West Wing, as are the offices of the President's other top advisors. The officials with offices in the West Wing routinely receive access to the nation's most sensitive national security secrets. For this reason, ensuring that all West Wing officials follow appropriate procedures for securing classified information is an important national security priority.

³ *Id.* at sec. 1.2; see also Director of Central Intelligence Directive 1/14, *Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information* (July 2, 1998) (defining Sensitive Compartmented Information as "classified information concerning or derived from intelligence sources, methods, or analytical processes requiring handling exclusively within formal access control systems established by the DCI").

During the previous administration, security specialists working for the White House Security Office were given access to all White House offices, including those in the West Wing. Under the Bush Administration, however, access for security officers was revoked. As a result, only the senior management of the White House Security Office (such as the Director and Deputy Director) retained the authority to enter the West Wing without advance notice to and assistance from West Wing personnel.

According to the security officers, the denial of access to the West Wing has had serious adverse effects. The officers report that they and other security officers working in the White House Security Office do not have the ability to perform basic security functions, such as conducting unannounced inspections of West Wing offices. As a consequence, the security officers said that the White House Security Office could learn about West Wing security violations only when such incidents were self-reported by the violators or happened to be noticed and reported by Secret Service officials.

Executive Order 12958 gives an arm of the National Archives, the Information Security Oversight Office, government-wide authority to conduct on-site inspections of all executive branch offices and agencies to ensure that security programs are effective.⁴ Yet according to the security officers, this Archives office was also denied access to the West Wing.

The security officers said that the Information Security Oversight Office informed the White House Security Office in 2005 that it would be conducting an inspection of offices within the White House. The security officers reported that after an initial meeting, a senior White House official intervened and instructed the White House Security Office to block any inspection of the West Wing. The security officers expressed shock that the Information Security Oversight Office was not permitted to conduct an inspection.

Mismanagement at the White House Security Office

The current and former security officials were highly critical of the senior management of the White House Security Office for failing to act as an independent watchdog to ensure that effective security practices are implemented and followed in the White House. According to the security officers, James Knodell, the Director of the White House Security Office, and Ken Greeson, the Deputy Director, are poor managers who are unwilling to assert authority over White House security practices because they are loath to inconvenience or embarrass White House officials. The security officers also said that Mr. Knodell and Mr. Greeson lack experience and understanding regarding classified information controls because their previous experience was at the Secret Service, not in an information security office.

⁴ Exec. Order No. 12958, sec. 5.2.

Mr. Andrew Card
April 23, 2007
Page 5

One serious concern of the security officers is that Mr. Knodell and Mr. Greeson routinely violate basic security guidelines. Security procedures prohibit bringing electronic communication devices into a sensitive compartmented information facility (SCIF). The security officers said that Mr. Knodell and Mr. Greeson habitually violate this prohibition by bringing Blackberry devices and cell phones into the SCIF in the White House Security Office and allowed others, such as visiting White House personnel, to do the same. They said that this practice continued even after security officers repeatedly informed Mr. Knodell and Mr. Greeson that the practice violates security rules and sets a poor example. In addition, the security officers said that Mr. Greeson was reported to have improperly placed classified information on an unsecure computer.

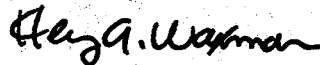
According to the security officers, the poor management and bad examples set by Mr. Knodell and Mr. Greeson caused extreme frustration and plummeting morale among White House security officers; resulting in the departure of more than half of the White House security officers within the last year.

Conclusion

The allegations of the security officers raise many questions about White House security procedures during and after your tenure as White House Chief of Staff. They describe a systemic neglect of the basic rules for protecting our nation's national security secrets. As you can surely understand, investigating these allegations and ensuring that appropriate procedures are in place at the White House is a priority for the Oversight Committee.

I hope you will recognize that you have an obligation to cooperate in this inquiry and agree to appear voluntarily before the Committee. It would be regrettable if you were to resist responsible oversight of these alleged abuses and require the Committee to issue a subpoena to compel your attendance at a Committee hearing.

Sincerely,



Henry A. Waxman
Chairman

cc: Tom Davis
Ranking Minority Member

FAX COVER

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HON. HENRY A. WAXMAN

CHAIRMAN

2157 RAYBURN HOUSE BUILDING

PHONE (202) 225-5051

FAX (202) 225-4784 8185

DATE: April 20, 2007

TO: Andrew Card

FAX: 703.848.1740

FROM: Rep. Henry A. Waxman

SUBJECT:

NO. OF PAGES: 4

(INCLUDING COVER SHEET)

COMMENT:

*Fred -
This just came
in over my fax.
I have not read
it yet. Andy*

**IF THERE IS A PROBLEM WITH THIS
TRANSMITTAL, PLEASE CALL OFFICE A.S.A.P.**

HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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BILL BAL, IDAHO

April 20, 2007

Andrew Card

(b)(6)

Dear Mr. Card:

I am writing to invite you to testify before the Committee on Oversight and Government Reform on the subject of the White House response to the leak of Valerie Plame Wilson's status as a covert CIA officer and the adequacy of the White House procedures for protecting classified information.

On March 16, 2007, the Committee held a hearing entitled "White House Procedures for Safeguarding Classified Information." At the hearing, the Committee heard testimony regarding the July 2003 disclosures by White House officials of Ms. Wilson's identity and the consequences of that leak for Ms. Wilson and the U.S. intelligence program. The Committee also heard testimony from James Knodell, the Chief Security Officer for the Executive Office of the President, who testified that contrary to Executive Order 12958 and applicable regulations, the White House did not conduct any internal investigation to identify the source of the leak or take the required steps to prevent future security breaches.

On March 30, 2007, the Committee requested your appearance for an on-the-record interview regarding the disclosure of Ms. Wilson's covert identity and the White House procedures for handling classified information. The Committee made this request because as the White House Chief of Staff at the time of the Wilson leak, you are in a unique position to explain the White House's response to the leak and address questions about the adequacy of White House security procedures.

On April 5, 2007, White House Counsel Fred Fielding sent a letter to the Committee refusing to make you available to the Committee. As the basis for refusing this request, Mr. Fielding cited "longstanding Executive Branch policy" that "[c]urrent and former senior White House officials such as the Chief of Staff to the President have historically not been available to Congress to testify, or to be interviewed, about their activities in serving the President."

Andrew Card
April 20, 2007
Page 2

This position is inconsistent with the Committee's precedent. Previous White House Chiefs of Staff have provided the Committee with sworn, on-the-record testimony on numerous occasions. For example:

- In 1997, White House Chief of Staff Thomas F. McLarty was deposed by this Committee as part of an investigation into campaign finance activities.¹
- In 1998, White House Chief of Staff Erskine Bowles was deposed by this Committee as part of an investigation into the use of the President's holiday card list.²
- In 2001, White House Chief of Staff John Podesta testified before this Committee as part of an investigation into President Clinton's pardon decisions.³

Other senior White House officials have testified before the Committee under oath and on the record, including individuals serving in the position of White House Counsel,⁴ Senior Advisor to the President,⁵ Deputy Counsel to the President,⁶ Director of Political Affairs,⁷ and Chief of Staff to the Vice President.⁸

¹ House Committee on Government Reform and Oversight, *Deposition of Thomas F. McLarty* (Sept. 5, 1997).

² House Committee on Government Reform and Oversight, *Deposition of Erskine Bowles* (May 5, 1998).

³ House Committee on Government Reform, Testimony of John Podesta, *Hearing on the Controversial Pardon of International Fugitive Marc Rich* (Mar. 1, 2001) (H. Rept. 107-11).

⁴ See, e.g., House Committee on Government Reform and Oversight, *Deposition of Bernard W. Nussbaum* (June 12, 1996, July 11, 1996); House Committee on Government Reform and Oversight, *Deposition of Jack Quinn* (Nov. 4, 1997); House Committee on Government Reform and Oversight, Testimony of Charles Ruff, *Hearing on White House Compliance with Committee Subpoenas* (Nov. 6-7, 1997) (H. Rept. 105-61); House Committee on Government Reform, Testimony of Charles Ruff, *Hearing on Missing White House E-Mails: Mismanagement of Subpoenaed Records* (May 4, 2000) (H. Rept. 106-179); House Committee on Government Reform and Oversight, Testimony of Beth Nolan, *Hearing on Missing White House Emails: Mismanagement of Subpoenaed Records* (Mar. 30, 2000, and May 4, 2000) (H. Rept. 106-179); House Committee on Government Reform, Testimony of Beth Nolan, *Hearing on the Controversial Pardon of International Fugitive Marc Rich* (Mar. 1, 2001) (H. Rept. 107-11).

⁵ See, e.g., House Committee on Government Reform and Oversight, *Deposition of Bruce Lindsey, Senior Advisor and Deputy White House Counsel* (Sept. 8, 1997, Apr. 29, 1998); *Stephanopoulos Testifies in Files Probe*, Washington Post (July 12, 1996).

⁶ See, e.g., House Committee on Government Reform and Oversight, Testimony of Cheryl Mills, Deputy Counsel to the President, *Hearing on White House Compliance with Committee Subpoenas* (Nov. 6-7, 1997) (H. Rept. 105-61); House Committee on Government Reform and Oversight, *Deposition of Cheryl D. Mills* (Nov. 3, 1997).

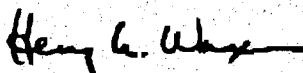
Andrew Card
April 20, 2007
Page 3

On April 16, 2007, you appeared on *The Daily Show with Jon Stewart* and discussed the leak of Ms. Wilson's identity. Mr. Fielding's position appears to be that it is appropriate for you to discuss these matters on *The Daily Show*, but not before a congressional committee. You will not be surprised to learn that I take a different view of this matter.

You should know that I will be scheduling a business meeting of the Committee on Wednesday, April 25, 2007, to consider the issuance of subpoenas for witnesses and documents relating to on-going Committee investigations. I would like to have your voluntary agreement prior to this meeting to appear before the Committee at a convenient time before the Memorial Day recess. If we cannot agree on a mutually acceptable date for your voluntary appearance, the Committee will vote at the business meeting on the issuance of compulsory process to require your attendance.

I look forward to your favorable response to this letter. If you have any questions, please contact David Rapallo or Theodore Chuang of the Committee staff at (202) 225-5420.

Sincerely,



Henry A. Waxman
Chairman

cc: Tom Davis
Ranking Minority Member

⁷ See, e.g., House Committee on Government Reform and Oversight, *Deposition of Douglas Brian Sosnik, Assistant to the President and Director of Political Affairs* (Sept. 2, 1997).

⁸ See, e.g., House Committee on Government Reform and Oversight, *Deposition of Roy Neel, Chief of Staff to the Vice President* (Apr. 26, 1996).

DOJ, CIA call for Plame investigation, investigation starts

From dKosopedia

Contents

- 1 Before CIA files a crime report
- 2 CIA files crime report
 - 2.1 July 30
 - 2.2 August 2003
 - 2.2.1 August 3
 - 2.2.2 August 12
 - 2.2.3 August 21
 - 2.3 September 2003
 - 2.3.1 September 5
 - 2.3.2 September 14
 - 2.3.3 September 16
 - 2.3.4 September 22
 - 2.3.5 September 23
 - 2.3.6 Before Investigation Starts
- 3 Investigation begins
 - 3.1 September 26
 - 3.2 September 28
 - 3.3 September 28 or after
 - 3.4 September 29
 - 3.5 September 30
 - 3.6 October 2003
 - 3.6.1 October 1
 - 3.6.2 October 2
 - 3.6.3 October 3
 - 3.6.4 October 4
 - 3.6.5 October 5
 - 3.6.6 October 6
 - 3.6.7 October 7
 - 3.6.8 October 8
 - 3.6.9 October 9
 - 3.6.10 October 10
 - 3.6.11 October 12
 - 3.6.12 October 14
 - 3.6.13 October 15
 - 3.6.14 October 17
 - 3.6.15 October 21
 - 3.6.16 October 22
 - 3.6.17 October 27
 - 3.6.18 October 28
 - 3.6.19 October 29
 - 3.6.20 October 30
 - 3.7 November 2003
 - 3.7.1 November 24
 - 3.7.2 November 26

- 3.8 December 2003
 - 3.8.1 December 10
 - 3.8.2 December 24
 - 3.8.3 December 30
 - 3.8.4 December 31
- 4 2004
- 5 2005
- 6 2006

Before CIA files a crime report

Plame Leak timeline

CIA files crime report

July 30

- The CIA sends a "crime report" letter to the Department of Justice, reporting a possible violation of law concerning unauthorized disclosure of classified information. The letter states that the CIA's Office of Security has opened an investigation. (CIA letter to Rep. Conyers (http://www.house.gov/judiciary_democrats/cialeakinforesp13004.pdf))
- Rice "grudgingly" admits that the contents of the speech were her responsibility; she never offered her resignation (Wilson 352).

August 2003

August 3

- Joseph Wilson is interviewed on CNN Late Edition. (transcript (<http://transcripts.cnn.com/TRANSCRIPTS/0308/03/le.00.html>))

August 12

- Joseph Wilson is interviewed for Frontline. (transcript (<http://www.pbs.org/wgbh/pages/frontline/shows/truth/interviews/wilson.html>))

August 21

- At a forum on intelligence failures in Iraq, Joseph Wilson says "At the end of the day, it's of keen interest to me to see whether or not we can get Karl Rove frog-marched out of the White House in handcuffs. And trust me, when I use that name, I measure my words."

September 2003

September 5

- The July 30 crime report letter is resent by fax.

September 14

- Joseph Wilson publishes "Seeking Honesty in U.S. policy (<http://www.commondreams.org/views03/0915-12.htm>)" in *The San Jose Mercury*.
- Vice President Dick Cheney is interviewed (<http://msnbc.msn.com/id/3080244/>) on *Meet the Press*. He says "I don't who sent Joe Wilson. He never submitted a report that I ever saw when he came back."

September 16

- The CIA notifies the DOJ that its investigation is complete and recommends that the FBI undertake a full criminal investigation.
- Scott McClellan at a White House press briefing (<http://www.whitehouse.gov/news/releases/2003/09/20030916-6.html>), is asked "Now, this is apparently a federal offense, to burn the cover a CIA operative. . . . Did Karl Rove do it?" He replied, "I said, it's totally ridiculous."

September 22

- Matthew Cooper publishes an article (<http://www.time.com/time/archive/preview/0,10987,485766,00.html>) about welfare reform in *Time*. It's significance relates to the subject of the July 11 Cooper-Rove phone call.

September 23

- The CIA submits a standard 11 part questionnaire used by the DOJ to determine whether an investigation is warranted. (Milbank and Schmidt, "Justice Department Launches Criminal Probe of Leak, *Washington Post*, Oct. 1, 2003 at A01).

Before Investigation Starts

- Sometime just before the investigation begins, Scooter Libby questions OVP counsel David Addington on how you would know if you met someone from CIA if they were undercover. Addington tells Libby you wouldn't know unless you asked or saw a piece of paper that said it was classified. Addington delivers to Libby a copy of the Intelligence Identities Protection Act. (Addington testimony (<http://www.firedoglake.com/2007/01/30/libby-live-david-addington-two/>)).

Investigation begins

September 26

- John Dion, Director of the DOJ's Counterespionage section, decides to pursue a criminal investigation.

September 28

- Mike Allen and Dana Priest in the *The Washington Post* publish the **1x2x6 theory of the case**: one anonymous whistleblower told them two top White House officials called at least six Washington journalists and disclosed the identity and occupation of Wilson's wife. "They [the leakers] alleged that Wilson, who was not a CIA employee, was selected for the Niger mission partly because his wife had recommended him." The source also claims that, "Clearly, it was meant purely and simply for revenge." (WaPo (<http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&contentId=A11208-2003Sep27>); emptywheel (http://thenexthurrah.typepad.com/the_next_hurrah/2006/08/onebytobytimin.html); Swopa (<http://www.needlenose.com/node/view/3036>)).

- George W. Bush's aides promise to cooperate with any DOJ inquiries, but admit that "Bush has no plans to ask his staff members whether they played a role" in the leak. (WaPo (<http://www.washingtonpost.com/ac2/wp-dyn/A14909-2003Sep28>)).
- It is publicly reported that the Justice Department has begun an investigation. (MSNBC, WaPo (<http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&contentId=A11208-2003Sep27>))
- Ari Fleischer reads the *Washington Post* article disclosing an investigation, knowing he has conveyed information to reporters that was previously conveyed to him by Libby. The following day he obtains legal counsel and begins/discussing it with attorneys. (Swopa (<http://www.firedoglake.com/2007/01/25/reflecting-on-what-weve-learned-1-25/>))

September 28 or after

- "Of interest to investigators have been a series of telephone contacts between Novak and Rove, and other White House officials, in the days just after press reports first disclosed the existence of a federal criminal investigation as to who leaked Plame's identity." (Murray Waas (<http://whateveralready.blogspot.com/2005/07/exclusive-novak-co-operated-with.html>))

September 29

- The DoJ notifies the CIA that the Counterespionage division has also requested an investigation.
- The DoJ requests the FBI investigate the leak.
- Robert Novak telephones Karl Rove to assure Rove that he would protect him from being harmed by the investigation, using words to the effect "You are not going to get burned" and "I don't give up my sources." (Murray Waas (<http://news.nationaljournal.com/articles/0525nj1.htm>))
- On CNN's *Crossfire*, Robert Novak explains, "Nobody in the Bush administration called me to leak this. In July I was interviewing a senior administration official on Ambassador Wilson's report when he told me the trip was inspired by his wife, a CIA employee working on weapons of mass destruction. Another senior official told me the same thing. ... They asked me not to use her name, but never indicated it would endanger her or anybody else. According to a confidential source at the CIA, Mrs. Wilson was an analyst, not a spy, not a covert operative, and not in charge of undercover operatives. So what is the fuss about, pure Bush-bashing?" ("Crossfire," CNN, Sept. 29, 2003).
- Joseph Wilson responds:

"Bob Novak called me before he went to print with the report. And he said, a CIA source had told him that my wife was an operative. He was trying to get a second source...After the article appeared, I called him and I said, 'You told me it was a CIA source. You wrote senior administration officials. What was it, CIA or senior administration?' He said to me, 'I misspoke the first time I spoke to you.' That makes it senior administration sources" ("Paula Zahn Now," CNN, Sept. 29, 2003)
- Clifford D. May in the *National Review Online* tries to provide cover (<http://www.nationalreview.com/may/may200309291022.asp>) for Novak by stating that Plame's identity was common knowledge and openly questions Wilson's motivations due to his partisan activities.
- ABC News producer Andrea Owen asks Rove "Did you have any knowledge or did you leak the name of the CIA agent to the press"? Rove replies "No" and shuts the door of his car. (The Note (http://www.abcnews.go.com/sections/politics/TheNote/TheNote_Sep29.html))

- In a press briefing (<http://www.whitehouse.gov/news/releases/2003/09/20030929-7.html#1>), White House spokesman Scott McClellan denies involvement of Karl Rove.
- Congressman John Conyers writes a letter (<http://www.house.gov/conyers/>) to Attorney General John Ashcroft requesting that the Department of Justice appoint an outside special counsel to investigate the Plame leak.
- **8:30 p.m. EST** - White House counsel Alberto Gonzales is notified by the Justice Department that it has opened an investigation into the outing of Joseph Wilson's wife, at the request of the C.I.A. Gonzales tells White House Chief of Staff Andrew Card about the investigation **immediately**, yet waits 12 more hours to inform the White House staff that it must "preserve all materials" relevant to the investigation. (Frank Rich, NYT (<http://www.nytimes.com/2005/07/24/opinion/24rich.html>))

September 30

- An email (<http://news.findlaw.com/hdocs/docs/whouse/gonzalez93003-1email.html>) is sent to all White House staff from counsel Alberto R. Gonzales about the investigation of the leak, ordering preservation of "all materials that might in any way be related to the department's investigation."

A follow up email (<http://news.findlaw.com/hdocs/docs/whouse/gonzalez93003-2email.html>) asks staff to save all records of any kind relating to the Ambassadors trip to Niger, his wife's relationship with the CIA, any contact with the press about these topics, and any contact at all with journalists Robert Novak, Knut Royce, Timothy M. Phelps.

- Another journalist confirms receiving a call from an administration official divulging Wilson's wife's name and occupation. (Allen and Millbank, *Washington Post*, Sept. 30, 2003).
- Questions about Karl Rove's involvement are raised by numerous news sources.
- Wilson reveals that he received phone calls from journalists, stating 'I just got off the phone with Karl Rove. He tells me your wife is fair game.' ("Nightline," ABC, Sept. 30, 2003)
- President Bush is asked if Rove had any role in the leak of Plame, he replies (<http://www.whitehouse.gov/news/releases/2003/09/20030930-9.html>)

"Listen, I know of nobody -- I don't know of anybody in my administration who leaked classified information," he said. "If somebody did leak classified information, I'd like to know it, and we'll take the appropriate action. And this investigation is a good thing."

- On PBS Newshour, ex-CIA analyst Larry Johnson asserts (http://www.pbs.org/newshour/bb/media/july-dec03/leaks_09-30.html) that Wilson's wife was an undercover operative.

October 2003

October 1

- Novak responds to the 1x2x6 article with his **no partisan gunslinger** column, backing off from his previous claim that he had recieved an intentional leak. (Townhall (<http://www.townhall.com/columnists/robertnovak/rn20031001.shtml>), emptywheel (http://thenexthurrah.typepad.com/the_next_hurrah/2006/08/onebytwobytimin.html), Salon (<http://66.102.7.104/search?q=cache:huf7vpSz4ZwJ:www.salon.com/news/feature/2003/10/02/novak/+novak-said+wilson&hl=en&gl=us&ct=clnk&cd=10>))

- After reading Novak's column, Richard Armitage calls and tells Colin Powell of his conversation with Novak. State Department legal adviser William Howard Taft IV notifies a senior Justice official that Armitage has information relevant to the case. Taft also informs Alberto Gonzales, but with a minimum of detail and excluding Armitage's name. (Newsweek (<http://www.msnbc.msn.com/id/14533384/site/newsweek/>), David Corn (http://www.davidcorn.com/archives/2006/08/hubris_the_armi.php), emptywheel (http://thenextthurrah.typepad.com/the_next_hurrah/2006/08/onebytobytimin.html))
 - Washington lobbyist Kenneth Duberstein, Armitage's friend and political adviser, calls Novak to say Armitage fears he had "inadvertently" disclosed Mrs. Wilson's identity in July and was considering resignation. Duberstein asks Novak if Novak is Armitage's source. Novak declines to confirm. (Novak (<http://www.suntimes.com/output/news/cst-edt-novak14.html>); Isikoff and Corn, *Hubris*, p. 326)
 - Senator Chuck Hagel (R-Neb.) Says that Bush needs to be proactive: "He has that main responsibility to see this through and see it through quickly, and that would include, if I was president, sitting down with my vice president and asking what he knows about it" ("Capital Report," CNBC, Oct. 1, 2003)
- On the set of *Face the Nation* Senator Hagel expressed "bewilderment" at Republicans who were spinning a possible high crime into a partisan attack.
- James Moore, a Rove biographer, says "if Mr. Rove is not involved, I'll eat the paperback copy of my own book" ("Buchanan & Press," MSNBC, Oct. 1, 2003)

October 2

- The White House begins changing its tone: "Bush aides began to adjust their response to the expanding probe. They reigned in earlier, broad portrayals of innocence in favor of more technical arguments that it is possible the disclosure was made without knowledge that a covert operative was being exposed and therefore might not have been a crime." (Milbank and Allen, "Outside Probe of Leaks Is Favored," *Washington Post*, Oct 2, 2003).
- John Dion assembles a half-dozen FBI agents from the counterintelligence and inspections division to conduct the investigation. (Anderson, "FBI Creates Team to Investigate CIA Leak, AP Online, Oct. 2, 2003). However, questions of bias arise again when it is revealed that Dion will report to Robert McCallum, Assistant Attorney General, who is an old friend of the President's from Yale. Both were members of the Skull and Bones Society. ("Schmitt and Chen, "Leak Inquiry Embarks on a Long Road," *Los Angeles Times*, Oct. 2, 2003 at 14)
- A team of FBI agents and Justice prosecutors interview Richard Armitage. (Newsweek (<http://www.msnbc.msn.com/id/14533384/site/newsweek/>))
- The investigation is extended to the Departments of Defense and State. The DOJ sends letters to ask that any relevant information be preserved. ("Leak Inquiry Extends to Defense and State Departments, AP, Oct. 3, 2003)

The Washington Post reveals that Rove worked on three of Ashcroft's campaigns in the 1980's and 1990's. Further, Jack Oliver, Ashcroft's former chief of staff is now the deputy finance chairman of President Bush's 2004 reelection campaign. (Bumiller and Lichtblau, "Attorney General Is Closely Linked to Inquiry Figures," NYT, Oct. 2, 2003)

A Republican aide on Capitol Hill described the White House's efforts as "slime and defend...There's nervousness on the part of the party leadership, but no defections in the sense of calling for an independent counsel." An F.B.I. official commented that "It wouldn't surprise me if we went a little bit slower on this one just because it is so high-profile. This will get scrutinized at our headquarters and at Justice in a way

that lesser, routine investigations wouldn't." (Stevensen and Lichtblau, "White House Looks to Manage Fallout Over CIA Leak Inquiry," *NYT*, Oct. 2, 2003)

October 3

- White House counsel Alberto R. Gonzales sends a memo (<http://news.findlaw.com/hdocs/docs/whouse/gonzalez100303email.html>) to all White House employees specifying an October 7 deadline for turnover of documents in the case. (CNN (<http://www8.cnn.com/2003/ALLPOLITICS/10/03/leak.main/index.html>))
- Andrea Mitchell of NBC gives a tangled statement on *The Capital Report*, interpretable as saying that it was widely known in Washington that Joe Wilson's wife worked for the CIA (transcript (<http://justoneminute.typepad.com/plame/files/libbyjan26b.pdf>), pdf p. 12; Walton memorandum (<http://www.rawstory.com/images/other/Memorandum.pdf>), p. 2 ff; Walton opinion (http://justoneminute.typepad.com/main/files/Libby_060526_Opinion_Subpoena.pdf), p. 21). She later recants this, that she had misunderstood the question and "screwed it up".
- Robert Novak reveals the name of Valerie Plame's front company, Brewster & Jennings. (Townhall (<http://www.townhall.com/columnists/robertnovak/rn20031004.shtml>))

October 4

- *The Washington Post* reports that the leak may have exposed numerous other undercover CIA agents and their sources. The disclosure of her name and undercover status blew the cover of her CIA front company - it has not been confirmed whether other agents were using the same front company, and therefore have been outed too.

Unnamed administration officials in the article confirm the CIA front company's, as well as Plame's protected status:

"After the name of the company was broadcast yesterday, administration officials confirmed that it was a CIA front. They said the obscure and possibly defunct firm was listed as Plame's employer on her W-2 tax forms in 1999 when she was working undercover for the CIA."

(Pincus and Allen, "Leak of Agent's Name Causes Exposure of CIA Front Firm," *Washington Post*, Oct. 4, 2003).[1] (<http://www.washingtonpost.com/ac2/wp-dyn/A40012-2003Oct3?language=printer>)

October 5

- *Time* reveals that Attorney General John Ashcroft paid Karl Rove \$746,000 for his work on three campaigns in the late 1980's and early 1990's. (Duffy, "Leaking With a Vengeance," *Time*, Oct. 5, 2003.)
- Robert Novak appears on *Meet the Press* and claims when he said Valerie Plame "is an agency operative on weapons of mass destruction" he did not know she was covert. (*Meet the Press* (<http://msnbc.msn.com/id/3131258/>), Josh Marshall (<http://www.hillnews.com/marshall/101503.aspx>))

October 6

- *Newsweek* reports that Chris Matthews of MSNBC's "Hardball" was the journalist who called Mr. Wilson and said, "I just got off the phone with Karl Rove who said your wife is fair game." At the very least, those familiar with the conversation said "it was reasonable to discuss who sent Wilson to Niger." (*Newsweek*, Oct. 13, 2003 issue)

- White House spokesman Scott McClellan says "if anyone in this administration was responsible for the leaking of classified information, they would no longer work in this administration." (transcript (<http://www.whitehouse.gov/news/releases/2003/10/20031006-5.html#6>))

October 7

- President Bush says that he is not sure if the Justice Department will determine source of leak. (transcript (<http://www.whitehouse.gov/news/releases/2003/10/20031007-2.html>))
- Robert Novak is interviewed by the FBI. He does not disclose his sources. (Novak (<http://www.humanevents.com/article.php?id=15988>))
- White House officials turn in investigation documents to meet 5 PM deadline. Administration officials said the White House counsel's office would review investigation materials before submitting them to the Justice Department to determine relevancy. Officials also left open the possibility that the counsel's office might assert executive privilege on some or withhold all or parts of others for national security reasons.
- *The Washington Post* reports that the current controversy is not the first time that Novak has used classified information from foreign policy hardliners. In December 1975, Novak got a classified leak, that President Ford and Secretary of State Kissinger were ready to make concessions to the Soviet Union to save the SALT II treaty. Donald Rumsfeld, then, as now, the secretary of defense, intervened to block Kissinger. The main leak suspect then was Richard Perle, then an influential aid to Senator Henry Jackson (D-Wash.) and now a member of the Pentagon's Defense Policy Board and a confidant of neoconservatives in the Bush Administration. (Milbank, "Novak Leak Column Has Familiar Sound," *Washington Post*, October 7, 2003)
- White House spokesman Scott McClellan reaffirms his denial (<http://www.whitehouse.gov/news/releases/2003/10/20031007-4.html#2>) that Scooter Libby, Karl Rove and Elliott Abrams were leakers. McClellan says he had gone back to check his information, "to make sure it's accurate before I report back." (emptywheel (http://thenexthurrah.typepad.com/the_next_hurrah/2006/05/anatomy_of_a_wh_2.html))

October 8

- Karl Rove is interviewed by the FBI sometime in October.

According to a report, it is on this day. Rove claims that he spoke to journalists about Plame for the first time after Novak's column was published. (RawStory (http://rawstory.com/news/2005/Vice_President_lied_as_White_House_1031.html))

- Steve Gilliard at OpEdNews.com reports that Robert Novak not only exposed an active CIA officer, but the cover firm that she used, to prove that she is a Democrat who gave money to Al Gore. The firm's identity, Brewster-Jennings & Associates, became public because it appeared in Federal Election Commission records on a form filled out in 1999 by Valerie Plame, when she contributed \$1,000 to Al Gore's presidential campaign.

October 9

- Senators Daschle, Levin, Biden and Schumer call for appointment of a special counsel and note five missteps of the Administration/DOJ: 1) the DOJ waited three days before notifying the WH of the investigation, 2) the WH waited 11 hours before asking its staff to preserve any evidence, 3) the State and Defense Departments were tipped off that the investigation was coming to their divisions, 4) WH spokesperson Scott McClellan publicly ruled out Karl Rove, Lewis Libby and Elliot Abrams as suspects,

and 5) the Attorney General's conflicts of interest.

October 10

- White House spokesman Scott McClellan again affirms that Karl Rove, Elliot Abrams and Lewis Libby were not involved in "this". (transcript (<http://www.whitehouse.gov/news/releases/2003/10/20031010-6.html>))

October 12

- *Washington Post* reporters Walter Pincus and Mike Allen publish the second 1x2x6 article. FBI agents are asking questions about events going back to at least early June, the sources said. The 1x2x6 source reiterates his claims. (WaPo (<http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&contentId=A13696-2003Oct11>)). Scooter Libby keeps an underlined copy (<http://www.usdoj.gov/usao/iln/osc/exhibits/0207/GX2A.pdf>) of the article in his files (emptywheel (http://thenexthurrah.typepad.com/the_next_hurrah/2007/02/fairly_prejudic.html)).

October 14

- Senator Tom Daschle asked CIA director George Tenet to conduct a damage assessment for the leak. (*Reuters*, Oct. 14, 2003.)
- **3:00 p.m.** - Scooter Libby is interviewed by the FBI. (Libby calendar (<http://media.washingtonpost.com/wp-srv/politics/special/plame/gx222.pdf>); Libby indictment (http://www.usdoj.gov/usao/iln/osc/documents/libby_indictment_28102005.pdf), p. 9)

October 15

- *The New York Times* reports that senior criminal prosecutors and FBI officials criticized the Attorney General's failure to recuse himself or appoint a special counsel. The officials, who spoke on the condition of anonymity, said that whether the Attorney General should step aside has been discussed in the department and by his own senior advisors. They "fear Mr. Ashcroft could be damaged by continuing accusations that as an attorney general with a long career in Republican partisan politics, he could not credibly lead a criminal investigation that centered on the aides to a Republican president." (Johnston and Lichtblau, "Senior Federal Prosecutors and FBI Officials Fault Ashcroft Over Leak Inquiry," *New York Times*, October 16, 2003)

White House Counsel Alberto Gonzales claims that Congressional suggestions about how to handle the leak are unconstitutional: "We believe it is inconsistent with the constitution's separation-of-powers principles for members of Congress to direct the president's management of White House employees..." (*Reuters*, Oct. 15, 2003)

October 17

- David S. Cloud from the *Wall Street Journal* is the first to mention (other than Novak) the existence of the 2002 CIA memo that purports to show that Plame recommended Wilson for the Niger mission. (WSJ (<http://www.cryptome.org/plame-memo.htm>), emptywheel (http://thenexthurrah.typepad.com/the_next_hurrah/2005/10/head_in_the_clo.html))
- Marc Grossman is interviewed by the FBI. (Grossman testimony (<http://www.firedoglake.com/2007/01/24/libby-liveblog-wells-cross-examines-grossman/>))

October 21

- Associate Deputy Attorney General Christopher Wray testifies before the Senate Judiciary Committee that he regularly briefs the Attorney General about the progress of the investigation. This includes the names of the people being interviewed, and enough detail "for him to understand meaningfully what's going on in the investigation." (Lichtblau, *New York Times*, Oct. 22, 2003).

October 22

- The *Associated Press* reports that two former CIA officers are asking the Senate Intelligence Committee to investigate the leak. Jim Marcinkowski, a case officer in the late 1980's and Larry Johnson, former State Department Deputy Chief of Counterterrorism, are concerned with the appearance of impropriety. Mr. Johnson said, "there's a lot they can do without undermining the criminal investigation." (*AP*, *New York Times*, Oct. 22, 2003).
- Catherine Martin, Dick Cheney's assistant for public affairs, is interviewed about the case. (trial, Jan. 29, 2007)

October 27

- Undersecretary of Defense for Policy Douglas Feith sends Senators Pat Roberts and Jay Rockefeller a top secret memo claiming that Osama bin Laden and Saddam Hussein had an operational relationship from the early 1990s to 2003. (The Weekly Standard (<http://www.weeklystandard.com/Content/Public/Articles/000/000/003/378fmxyz.asp>))

October 28

- During a press conference, the President is asked why he has not requested his staff to sign affidavits denying involvement. He responds, "the best group of people to do that so that you believe the answer is the professionals at the Justice Department." [2] (<http://www.whitehouse.gov/news/releases/2003/10/20031028-2.html>)

October 29

- *The New York Times* reports that Michael Mason, head of the FBI's Washington field office has been removed from the list of officials with access to the case. It is unclear whether Mr. Mason asked to be removed, or whether he was determined to be someone without "a need to know." (Johnston and Litchblau, *New York Times*, 10/29/03)

October 30

- Congressman John Conyers writes a letter to House Judiciary Committee Chairman James Sensenbrenner requesting hearings on the Plame leak matter.

November 2003

November 24

- Tim Russert speaks with the FBI. (stipulation (<http://wid.ap.org/documents/libbytrial/feb14/dx1809.pdf>))

November 26

- Scooter Libby is interviewed by the FBI. (Libby indictment)

(http://www.usdoj.gov/usao/iln/osc/documents/libby_indictment_28102005.pdf), p. 9; Libby motion (http://thenexthurrah.typepad.com/the_next_hurrah/files/103006_libby_exclude_info_on_plame.pdf), p. 2)

December 2003

December 10

- CIA officer Robert Grenier (http://en.wikipedia.org/wiki/Robert_Grenier) is interviewed by the F.B.I. (trial, Jan. 24, 2007)

December 24

- The Foreign Intelligence Advisory Board finds that the White House made a "questionable claim" with respect to the Iraqi nuclear ambitions (Wilson 412).

December 30

- Attorney General John Ashcroft recuses himself from the leak investigation. Deputy Attorney General James Comey appoints Patrick Fitzgerald, a U.S. Attorney, as Special Counsel. (Comey letter (http://www.usdoj.gov/usao/iln/osc/documents/ag_letter_december_30_2003.pdf); WaPo (<http://www.washingtonpost.com/ac2/wp-dyn/A41807-2003Dec30>))

December 31

- While Deputy Attorney General Comey would not comment on the progress of the investigation, he stated that "It's fair to say that an accumulation of facts throughout the course of the investigation over the last several months has led us to this point (Ashcroft's recusal and the appointment of Fitzgerald)." Legal experts surmise that the investigation is honing in on those close to the AG and/ or the President. (Eggen and Allen, "Ashcroft Recuses Self From Leak Case," *Washington Post*, Dec. 31, 2003)

2004

Plame investigation 2004

2005

Plame investigation 2005

2006

Plame investigation 2006

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Categories: Plame leak scandal

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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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March 30, 2007

Mr. Andrew Card

(b)(6)

Dear Mr. Card:

On March 16, 2007, the Committee on Oversight and Government Reform held a hearing on White House Procedures for Safeguarding Classified Information. At the hearing, questions were raised about the adequacy of the White House response to the disclosure of the identity of covert CIA agency Valerie Plame Wilson.

It would assist the Committee's investigation into this issue if you would appear for an on-the-record interview on Thursday, April 12, 2007, at 10:00 a.m. in Room 2157, Rayburn House Office Building. The interview will focus on White House security procedures, particularly procedures relating to the safeguarding of classified information and investigating alleged improper disclosures of classified information. The interview will include questions about the White House response to the disclosure of Ms. Wilson's identity.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X.

If you have any questions about this request, please contact me, David Rapallo, or Theodore Chuang of the Committee staff at (202) 225-5420.

Sincerely,



Henry A. Waxman
Chairman

cc: Tom Davis
Ranking Member

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Expected Timetable for the Post_Sentence Process - To: The Chief of Staff - From: Fred F. Fielding	2	06/06/2014	P5;

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- P1 National Security Classified Information [(a)(1) of the PRA]
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- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
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Planned
Libby

9/30/03: "President Discusses Job Creation With Business Leaders," Chicago, IL

THE PRESIDENT: There's leaks at the executive branch; there's leaks in the legislative branch. There's just too many leaks. And if there is a leak out of my administration, I want to know who it is. And if the person has violated law, the person will be taken care of.

...

Q Yesterday we were told that Karl Rove had no role in it --

THE PRESIDENT: Yes.

Q -- have you talked to Karl and do you have confidence in him --

THE PRESIDENT: Listen, I know of nobody -- I don't know of anybody in my administration who leaked classified information. If somebody did leak classified information, I'd like to know it, and we'll take the appropriate action. And this investigation is a good thing.

6/10/04: "President Bush Holds Press Conference Following the G8 Summit," Savannah, GA

Q Given -- given recent developments in the CIA leak case, particularly Vice President Cheney's discussions with the investigators, do you still stand by what you said several months ago, a suggestion that it might be difficult to identify anybody who leaked the agent's name?

THE PRESIDENT: That's up to --

Q And, and, do you stand by your pledge to fire anyone found to have done so?

THE PRESIDENT: Yes. And that's up to the U.S. Attorney to find the facts.

7/18/05: "President, Prime Minister of India Discuss Freedom and Democracy," East Room

THE PRESIDENT: I would like this to end as quickly as possible so we know the facts, and if someone committed a crime, they will no longer work in my administration.

6/13/06: Remarks on AF1

"It's a chapter that has ended," Bush said. "Fitzgerald is a very thorough person. I think he's conducted his investigation in a dignified way....I think it's going to be important for you all to recognize there's still a trial to be had," he said to reporters. "And those of us involved in the White House are going to be very mindful of not commenting on this issue ... because of the Libby trial." (Toni Locy, "Rove won't be charged but could be star witness in Libby trial," *Associated Press*, 6/13/06)

6/14/06: Press Conference of the President

THE PRESIDENT: I appreciate the job that the prosecutor did. I thought he conducted himself well in this investigation. He took a very thorough, long look at allegations and rumors. And I, obviously, along with others in the White House, took a sigh of relief when he made the decision he made. And now we're going to move forward. And I trust Karl Rove, and he's an integral part of my team.

There's an ongoing trial, Peter, and I know the temptation is -- not the temptation, you'll keep asking questions during the course of the trial -- we're not going to comment beyond that.

...

THE PRESIDENT: I think that -- first of all, the decision by the prosecutor speaks for itself. He had a full investigation. Karl Rove went in front of the grand jury like -- I don't -- a lot of times. More times than -- they took a hard look at his role.

Secondly, as I told the other Peter, I'm going to tell you, that there's an ongoing trial, it's a serious business. And I've made the comments I'm going to make about this incident, and I'm going to put this part of the situation behind us and move forward.

9/16/03: Briefing

Q On the Robert Novak-Joseph Wilson situation, Novak reported earlier this year -- quoting -- "anonymous government sources" telling him that Wilson's wife was a CIA operative. Now, this is apparently a federal offense, to burn the cover a CIA operative. Wilson now believes that the person who did this was Karl Rove. He's quoted from a speech last month as saying, "At the end of the day, it's of keen interest to me to see whether or not we can get Karl Rove frog-marched out of the White House in handcuffs." Did Karl Rove tell that --

MCCLELLAN: I haven't heard that. That's just totally ridiculous. But we've already addressed this issue. If I could find out who anonymous people were, I would. I just said, it's totally ridiculous.

Q But did Karl Rove do it?

MCCLELLAN: I said, it's totally ridiculous.

9/29/03: Gaggle

Q Ambassador Wilson has said that he has information that Karl Rove condoned this leaking, and I've seen your comment that that's absolutely false --

MCCLELLAN: It is ridiculous. It's ridiculous.

Q What do you --

MCCLELLAN: And keep in mind, I imagine that only a limited number of people would even have access to classified information of this nature.

...

Q Did Rove say, "ridiculous"?

MCCLELLAN: I did, for him.

Q Did you speak with him about it?

MCCLELLAN: Yes, I've spoken to him.

Q But he told you, "ridiculous"?

MCCLELLAN: No, I said -- I told some of your colleagues that it was ridiculous. And, remember, I said this back -- what, July and September this issue came up, and said essentially what I've said now.

Q Can you characterize your conversation with him about this?

MCCLELLAN: I talk to him all the time, so --

Q About this?

MCCLELLAN: No, about a lot of issues.

Q But can you characterize your conversation about this subject with him?

MCCLELLAN: I don't think there's anything to characterize. I mean, I think that what I said speaks clearly, that the accusations just simply are not true.

...

Q Has the President either asked Karl Rove to assure him that he had nothing to do with this; or did Karl Rove go to the President to assure him that he --

MCCLELLAN: I don't think he needs that. I think I've -- and I've spoken clearly to this publicly that -- but it's -- yes, I've just said it's -- there's no truth to it.

Q But I mean --

MCCLELLAN: So I think it doesn't --

...

Q Yes, but I'm just wondering if there was a conversation between Karl Rove and the President, or if he just talked to you, and you're here at this --

MCCLELLAN: He wasn't involved. The President knows he wasn't involved.

Q How does he know that?

Q How does he know that?

MCCLELLAN: The President knows.

Q What, is he clairvoyant? How does he know?

Q You spoke specifically -- you spoke to Rove specifically about this matter, correct?

MCCLELLAN: I'm sorry?

Q You spoke to Rove specifically about this matter? You asked him whether or not he was the leaker, or --

MCCLELLAN: I don't know what the relevance of getting into every private conversation, John -- is, John. I've made it very clear that it's simply not true.

Q Based on what?

Q Based on what?

Q What are you basing -- what are you --

MCCLELLAN: Someone asked me if I had spoken with him, and I said, yes.

Q And you spoke with him about this issue?

Q Did you ask him, directly?

MCCLELLAN: I have spoken with him, yes.

Q But the President hasn't spoken with him directly about this issue? You have and the President hasn't?

MCCLELLAN: Go ahead, Keith.

Q Well, that was the question.

MCCLELLAN: I'm sorry?

Q You spoke directly with Rove about this?

MCCLELLAN: I have spoken -- I speak to him all the time, on a lot of things.

Q He categorically denied to you --

MCCLELLAN: I just told you, it's simply not true.

Q Yes, but you refuse to say whether or not it was Rove who told you it's untrue.

MCCLELLAN: No, no, I spoke to Rove. I spoke to him about -- no, I spoke to him about these accusations, I've spoken to him.

Q And Rove told you that they were not true --

MCCLELLAN: That's why I would be telling --

Q -- or is it just you --

MCCLELLAN: That's why I would be telling you what I did.

Q -- or is it just you who is telling us?

MCCLELLAN: No, I have spoken to him and been assured. And that's why I reported to you and reported to the media that it is simply not true. I like to check my sources, just like you do.

9/29/03: Briefing

MCCLELLAN: If someone leaked ~~classified~~ information of the nature that has been reported, absolutely, the President would want it to be looked into. And the Justice Department would be the appropriate agency to do so.

...

Q All right. Let me just follow up. You said this morning, "The President knows" that Karl Rove wasn't involved. How does he know that?

MCCLELLAN: Well, I've made it very clear that it was a ridiculous suggestion in the first place. I saw some comments this morning from the person who made that suggestion, backing away from that. And I said it is simply not true. So, I mean, it's public knowledge. I've said that it's not true. And I have spoken with Karl Rove --

Q But how does --

MCCLELLAN: I'm not going to get into conversations that the President has with advisors or staff or anything of that nature; that's not my practice.

Q But the President has a factual basis for knowing that Karl Rove --

MCCLELLAN: I said it publicly. I said that --

Q But I'm not asking what you said, I'm asking if the President has a factual basis for saying -- for your statement that he knows Karl Rove --

MCCLELLAN: He's aware of what I've said, that there is simply no truth to that suggestion. And I have spoken with Karl about it.

Q Does he know whether or not the Vice President's Chief of Staff, Lewis Libby --

MCCLELLAN: If you have any specific information to bring to my attention -- like I said, there has been nothing that's been brought to our attention. You asked me earlier if we were looking into it, there is nothing that's been brought to our attention beyond the media reports. But if someone did something like this, it needs to be looked at by the Department of Justice, they're the appropriate agency charged with looking into matters like this --

...

MCCLELLAN: The President has set high standards, the highest of standards for people in his administration. He's made it very clear to people in his administration that he expects them to adhere to the highest standards of conduct. If anyone in this administration was involved in it, they would no longer be in this administration.

...

And I'm saying, if someone leaked classified information of that nature, then it should be looked into by the Department of Justice. Now you need to ask the Department of Justice what their procedures are and what they would do.

...

Absolutely, the President believes that this is a serious matter when you're talking about the leak of classified information. The leak of classified information, yes, you're absolutely right, can compromise sources and methods. That's why the President takes it very seriously, and we've always taken it very seriously. And if it happened in this case, it's a particularly serious matter and it should be looked into by the Department of Justice.

...

Q Well, obviously, someone contacted Karl Rove. There was some effort to knock down a specific allegation here. So I'm wondering, why not contact others? Were others contacted in the -- among the President's senior advisors?

McCLELLAN: Well, there was a specific allegation leveled -- I saw it has now since been backed away from -- about Karl Rove. And that's why I responded to that question. But I think we could go down the White House directory of every single staff member and play that game. I'm not going to do that. What I've made clear is that if anybody has information relating to this, they need to report it to the Department of Justice, and the Department of Justice should pursue it to the fullest. It is a serious matter. But I'm not going to go down a list of every single staffer in the White House, when there's not specific information that has been brought to my attention to suggest --

...

MCCLELLAN: I've made it very clear, from the beginning, that it is totally ridiculous. I've known Karl for a long time, and I didn't even need to go ask Karl, because I know the kind of person that he is, and he is someone that is committed to the highest standards of conduct.

...

Q I have one other follow up. Can you say for the record whether Mr. Rove possessed the information about Mr. Wilson's wife, but merely did not talk to anybody about it? Do you know whether for a fact he knew --

MCCLELLAN: I don't know whether or not -- I mean, I'm sure he probably saw the same media reports everybody else in this room has.

Q When you talked to Mr. Rove, did you discuss, did you ever have this information, could you have talked to him?

MCCLELLAN: We're going down a lot of different roads here. I've made it very clear that he was not involved, that there's no truth to the suggestion that he was.

Q Well, I'm trying to ask how --

MCCLELLAN: And, again, I said I didn't -- it is not something I needed to ask him, but I like to, like you do, verify things and make sure that it is completely accurate. But I knew that Karl would not be involved in something like this.

...

MCCLELLAN: Make no mistake about it, something like this happened, someone leaked classified information of this nature, the President wants it pursued to the fullest extent. And that's what should happen.

10/1/03: Gaggle

Q -- one more question. You said the other day, emphatically, that you had received assurances from Karl Rove that he had nothing to do with this. Have you since then received similar assurances from the Vice President's Chief of Staff?

MR. McCLELLAN: John, I'm not going to go down -- I made this clear the other day -- I'm not going to go down a list of every single member of the staff in the White House --

Q That's just one name. (Laughter.)

MR. McCLELLAN: I'm not going to go -- and there was a specific accusation made, and I responded to that. But I'm not going to go down the list from this podium. Thanks.

Q It's a short list, though. (Laughter.) (Gaggle, 10/1/03)

10/1/03: Briefing

Q Scott, this is not hypothetical at all. You say the issue is leaking classified information. So my question is did Karl Rove or any others in the White House talk with reporters, not leak classified information, but talk with reporters about Mr. Wilson's wife and her CIA status after the initial report by Robert Novak?

MCCLELLAN: After his initial report? Again, you're -- now the issue is changing. The issue was --

Q No --

MCCLELLAN: The issue is, did someone leak classified information. That's a serious matter.

Q Right. But if someone --

MCCLELLAN: That's being investigated. Do people talk about what's in the news? That's a whole a different -- that's on a different --

Q There is talk about a woman who's still undercover.

MCCLELLAN: And I just made clear --

Q I believe --

MCCLELLAN: I just made clear that -- well, was it reported that, one, was that what was reported in the article?

Q I'm just asking, did --

MCCLELLAN: Was that what was reported in the article?

Q She was an undercover operative.

MCCLELLAN: In the original article?

Q Yes.

Q Yes.

MCCLELLAN: I think it was reported "operative" in the Novak column.

Q Operative by definition --

MCCLELLAN: I think it was reported -- and he said, you shouldn't use the word "operative." I think the word was "operative." So, I don't know that it said -- I don't --

Q My question is pretty straightforward. Did Karl Rove or others have conversations with reporters about Mrs. Wilson?

MCCLELLAN: In what way?

Q And her CIA status.

MCCLELLAN: There's an investigation going on in asking everybody to preserve any information they would have related to some of the issues you bring up. I'm not -- there's been no information brought to our attention to suggest that anyone leaked classified information, and the President certainly doesn't condone the leaking, or the tactics you're suggesting.

Q You seem to be suggesting that perhaps they had conversations, but weren't leaking classified information.

MCCLELLAN: Well, there's an investigation going on to pull together all the information. But the issue is, did someone leak classified information? That's a serious issue. And I just made it -- I made it clear early, you brought up Karl's name. Let's be very clear. I thought -- I said it was a ridiculous suggestion, I said it's simply not true that he was involved in leaking classified information, and -- nor, did he condone that kind of activity. This has been answered, and now we're trying to get in a whole bunch of issues, separate and apart from that.

Q Did your conversation with Rove include whether or not he had tried to highlight that story for reporters?

MCCLELLAN: I'm sorry?

Q Did your conversation with Rove include asking him whether or not he had tried to highlight that story for reporters, the Novak story?

MCCLELLAN: I made it very clear -- I have spoken with him. I have spoken with him. I made it very clear that it's not true that he was involved in the leaking of classified information or that he condoned some of what you're suggesting.

Q No, but did he -- did he participate in that? Because then it would make sense that he said, she's fair game now, if it was after the fact. Did you ask him whether or not he participated in that --

MCCLELLAN: I think the individual who said that has already backed away from other previous comments.

Q I'm asking what you asked Rove.

MCCLELLAN: And I made it very clear that the issue was regarding the leaking of classified information. And the issue was -- and someone asked about condoning that information. I made it very clear that he didn't condone that kind of activity and was not involved in that kind of activity.

Q Just to be clear, whether Rove condoned it or not, he did -- he also did not participate in that type of activity, as far as you're aware? Is that correct?

MCCLELLAN: There is an investigation going on to pull together all that information. I've answered this question. And you can ask it a million different ways, but my response is still going to be the same.

Q Are you saying that it's okay to discuss some -- a leak --

MCCLELLAN: I'm going to try to keep going around to other people, but go ahead.

Q Are you saying that after the fact, after such a --

MCCLELLAN: Well, now we're getting into -- well, let me put it in perspective. Now we're getting into issues such as, did anyone talk about what was in the news, what was reported in the paper, things of that nature. That can go down a whole lot of different roads. And that's why I think it's important to let the investigation take place. And the investigation is specifically about potential leak of classified information. And you're asking me to try to determine information that's going to be pulled together by the Department of Justice. They --

Q I'm just asking --

MCCLELLAN: I think the request, or the information that we've been asked to preserve and maintain was spelled out in the letter from the Department of Justice, and that's the information that could be related to those topics and those areas. And so we expect all White House staff to follow the directive from the President to cooperate fully in preserving and maintaining that information.

Q What I'm asking very specifically is, is it okay, in the President's view, to discuss -- for a staffer to discuss, after the fact, classified information --

MCCLELLAN: That is such a broad question, about is it okay to discuss news articles. I mean, news articles are discussed all the time.

Q A news article that contains a piece of classified information that is leaked -- is it okay to discuss after the fact that kind of --

MCCLELLAN: A news article that reported information?

Q Classified information.

MCCLELLAN: I'm not -- and again, I'll have to go back and check, but I'm not sure that the article, the original article said anything about classified information or said specifically, "undercover." I may be wrong -- I think it did say "operative."

Q It didn't say --

MCCLELLAN: And the columnist made it clear he probably shouldn't use that word, because his understanding was that she was, indeed, an analyst. So those are the facts.

Now, you're asking me to go back and try to talk to everybody throughout the White House, did anybody talk about this article? I'm just not in a position to be able to do that. I think that's the position for -- that those issues will be addressed by the Department of Justice in the investigation.

Q I'm not asking you that. I'm just asking, as a matter of policy, does the President draw a distinction between a leak of classified information --

MCCLELLAN: And talking about news articles?

Q -- which includes --

MCCLELLAN: That's why I want to be clear what you're asking. In talking about news articles?

Q Peddling them.

Q A specific news article that contained a piece of classified information. Is that okay in the President's view?

MCCLELLAN: Was it known that that information was classified?

Q Well, as a matter of policy --

MCCLELLAN: I think that's an important question. Was it known that information was classified information?

Q The article certainly identified Valerie Plame as a CIA operative. That fact presumably was not known --

MCCLELLAN: And the columnist said that it was his understanding that that individual was an analyst.

Q -- we don't know what he --

MCCLELLAN: But did the article say, "classified information," though? I mean, there are all sorts of "ifs" and "buts" in that question that would be difficult for me to answer from this podium. I think that's for -- the Department of Justice is looking at all this.

10/5/03: The New York Times

"As the Bush administration worked to assemble records sought by the Justice Department in the inquiry into who leaked the identity of an undercover C.I.A. operative, the White House on Saturday added to the list of senior officials who it said had disclaimed responsibility.

Spokesmen said I. Lewis Libby, the chief of staff for Vice President Dick Cheney, and Elliott Abrams, the director of Middle East affairs at the National Security Council, were not sources of the leak. The White House has said the same of Karl Rove, the president's chief political adviser. Scott McClellan, the White House spokesman, said that Mr. Libby 'neither leaked the classified information, nor would he condone it.' Later in the day, the White House issued a statement saying Mr. Abrams had denied being the source. The White House statements, an official said, were in response to questions from journalists and were based on the aides' declarations." ("2 Disclaim Leaking Name of Operative," *The New York Times*, 10/5/03)

10/6/03: Briefing

MCCLELLAN: Again, the subject of the investigation is whether or not someone leaked classified information. But if someone is talking about someone pointing out that a statement they made was not based on the facts and that it was wrong, that's simply setting the record state. And I think we should understand the differences there.

10/7/03: Gaggle

Q Scott, I've seen you quoted as ruling out Karl Rove and Scooter Libby as sources of the leak. How did you reach that conclusion?

MCCLELLAN: I've spoken with each of them individually.

Q And you've asked them if they were the source of the leak?

MCCLELLAN: Yes.

...
Q Why did you ask those two individuals if they were the source of the leak? How did --

MCCLELLAN: Well, because there was --

Q -- senior staff?

MCCLELLAN: Let me say why. Because there were specific accusations that were being made in the media against those individuals. And I spoke with them, and that's why I provided you with that response.

Q But why did stories in the media prompt you to do that now, when that wasn't the case when it was --

MCCLELLAN: Well, there were specific, unsubstantiated accusations being made, and continue to be made, against individuals that are senior members of this White House team, they're outstanding members of this team. And I think it was important to make that very clear.

...
Q Which is that he had nothing to do with it --

MCCLELLAN: They were not involved in the leaking of classified information, nor would they condone it.

Q Scott, in the initial days you said that about Karl Rove, and then we asked about Scooter Libby and you said, I'm not going to go down that road.

MCCLELLAN: Yes, and I'm not going to go -- I'm not going to go down a laundry list. I continue to repeat that --

Q But why did you change your mind with Scooter Libby and Elliot Abrams?

MCCLELLAN: Because some people in the media continued to make specific accusations that were unsubstantiated, and frankly, false.

...
MCCLELLAN: -- yes, that some are trying to do to politicize this issue. The subject of this investigation is whether or not someone leaked classified information. If someone did, it's a very serious matter, and it should be pursued to the fullest. And the President has made it very clear that he has always said it's a serious matter. And that's why he wants to get to the bottom of this.

Q But there's a separate issue, and that's the ethics code, the code of ethics.

MCCLELLAN: And the President expects everyone in his administration to adhere to the highest standards of conduct. Again, there are -- unfortunately, in a situation like this, there are some in Washington who seek to politicize this issue for their own political -- partisan political gain. And there is a difference between setting the record straight and punishing someone for

speaking out with a differing view. And it's absurd to suggest the latter of this White House. That's not the way we operate.

...

MCCLELLAN: And let's make very clear what the subject of this investigation is about.

Q As you've said repeatedly. The subject of the question, however, is whether this White House condones an official pointing to --

MCCLELLAN: There's anonymous sources --

Q -- and thinks she's fair game.

MCCLELLAN: Can I speak? There are some anonymous sources that are making -- that are trying to sensationalize this issue for partisan political gain. Let's be very clear about that. Let's talk -- what's the subject of this investigation?

Q So anyone who runs a story suggesting that Karl Rove called a reporter and pointed to Valerie Plame's name --

MCCLELLAN: People are saying a lot of things anonymously right now.

Q Anyone who reports that thing is politicizing the story?

MCCLELLAN: What's the subject of this investigation?

10/7/03: Briefing

Q Scott, you have said that you, personally, went to Scooter Libby, Karl Rove and Elliot Abrams to ask them if they were the leakers. Is that what happened? Why did you do that, and can you describe the conversations you had with them? What was the question you asked?

MCCLELLAN: Unfortunately, in Washington, D.C., at a time like this, there are a lot of rumors and innuendo. There are unsubstantiated accusations that are made. And that's exactly what happened in the case of these three individuals. They're good individuals, they're important members of our White House team, and that's why I spoke with them, so that I could come back to you and say that they were not involved. I had no doubt of that in the beginning, but I like to check my information to make sure it's accurate before I report back to you, and that's exactly what I did.

Q So you're saying -- you're saying categorically those three individuals were not the leakers or did not authorize the leaks; is that what you're saying?

MCCLELLAN: That's correct. I've spoken with them.

...

MCCLELLAN: Let's make very clear that the subject of this investigation is whether someone leaked classified information. And there are a lot of names being floated, and a lot of unsubstantiated accusations being leveled against good people. And, unfortunately, that's what happens when -- in times like this in Washington, D.C. The ugly side comes out.

No one wants to get to the bottom of this matter more than the President of the United States. If someone leaked classified information, the President wants to know. If someone in this administration leaked classified information, they will no longer be a part of this administration, because that's not the way this White House operates, that's not the way this President expects people in his administration to conduct their business.

10/10/03: Briefing

Q Scott, earlier this week you told us that neither Karl Rove, Elliot Abrams nor Lewis Libby disclosed any classified information with regard to the leak. I wondered if you could tell us more specifically whether any of them told any reporter that Valerie Plame worked for the CIA?

MCCLELLAN: Those individuals -- I talked -- I spoke with those individuals, as I pointed out, and those individuals assured me they were not involved in this. And that's where it stands.

Q So none of them told any reporter that Valerie Plame worked for the CIA?

MCCLELLAN: They assured me that they were not involved in this.

Q Can I follow up on that?

Q They were not involved in what?

MCCLELLAN: The leaking of classified information.

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Expected Timetable for the Post-Sentence Process - To: The Chief of Staff - From: Fred F. Fielding	2	06/06/2014	P5;

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COLLECTION:

Counsel's Office, White House

SERIES:

Fielding, Fred - General Files

FOLDER TITLE:

Libby [Folder 1]: [Loose Documents] [Folder 4]

FRC ID:

11703

OA Num.:

11717

NARA Num.:

11251

FOIA IDs and Segments:

2014-0234-F

RESTRICTION CODES

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- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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Bakke, Mary Beth

From: Oprison, Christopher G.
Sent: Thursday, March 15, 2007 9:57 AM
To: Fielding, Fred F.; Flood, Emmet T.; Kelley, William K.
Cc: Eckert, Paul R.
Subject: FW: GROC



Fitzgerald politely declines Waxman's invitation to provide testimony.

From: Frech, Christopher W.
Sent: Thursday, March 15, 2007 9:36 AM
To: Oprison, Christopher G.
Subject: GROC

Chris note response from Fitzgerald, he did not meet with committee.

<http://oversight.house.gov/Documents/20070314180406-55978.pdf>

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	RE: quick question for you - To: Fred F. Fielding - From: William K. Kelley	1	04/23/2007	P5;

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COLLECTION:

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SERIES:

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	Re: Needs your review by 6:30 - Waxman Letter DRAFT - To: Logan E. Dryden, et al - From: Joel Kaplan	2	04/24/2007	P5;

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THE WHITE HOUSE

WASHINGTON

April 24, 2007

Dear Mr. Chairman:

This is in response to your letters dated April 20 and April 23, 2007, to former White House Chief of Staff Andrew Card, requesting him to appear voluntarily to testify before the Committee regarding alleged security breaches and related issues at the White House. The letters suggest that if the former Chief of Staff does not agree to testify voluntarily, the Committee may consider issuing a subpoena in an effort to compel his testimony. In all such matters, we strongly believe that cooperation rather than confrontation is in the best interests of both the Congress and the Executive Branch in the context of congressional requests for Executive Branch information. Accordingly, we would like to suggest an alternative approach to the matters under discussion.

Your most recent letter indicates that the Committee has received information suggesting to you that there may have been lapses in the security measures followed by some at the White House. Although control of security in the White House is a matter exclusive to the President or his designees, such suggestions, if accurate, would raise significant concerns for the President and his staff. In light of those examples of concern, I would propose that we convene a private meeting between the Committee's staff and the Office of Administration at the earliest opportunity to discuss the information that has come to the Committee's attention. We would welcome an opportunity to learn further details concerning the information the Committee has about security issues at the White House, and the particular concerns that such information has raised. Such an informal, private discussion should help to provide both the Committee and the White House a better basis for considering suggestions as to how to accommodate the Committee's interest in information in an appropriate manner, consistent with the legitimate interests that the President has in managing internal security practices within the White House. Such a meeting could be productive and instructive to both parties, and may also obviate the need to further consider your request for Mr. Card's appearance.

In our view, the approach of accommodation suggested herein is preferable to the sort of separation of powers confrontation that could arise if Congress were to attempt to compel the testimony of a current or former senior presidential adviser, such as Mr. Card. As you know, during the Clinton Administration, a senior presidential adviser declined to testify in response to a subpoena from your Committee on the ground that "the President and his immediate advisers are absolutely immune from being compelled to appear before a congressional committee." Letter to Honorable Dan Burton, Chairman, Committee on Government Reform, from Cheryl

Mills, Deputy Counsel to the President (Sept. 16, 1999). *See also Assertion of Executive Privilege With Respect to Clemency Decision*, 23 Op. O.L.C. 1, 4-6 (Sept. 16, 1999) (Opinion of Attorney General Janet Reno).

My sincere hope is that we can avoid such a course of confrontation and continue to have open dialogue on issues concerning your Committee.

I would be happy to discuss this matter with you at your convenience, Mr. Chairman.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Fielding", written over a horizontal line.

Fred F. Fielding
Counsel to the President

The Honorable Henry A. Waxman
Chairman
Committee on Oversight and Government Reform
United States House of Representatives
Washington, D.C. 20515

cc: The Honorable Thomas M. Davis, II
The Honorable Andy Card



OFFICE OF COUNSEL TO THE PRESIDENT

FACSIMILE TRANSMITTAL SHEET

TO: THE HON. HENRY WAXMAN

FROM: FRED F. FIELDING

AGENCY:

DATE: APRIL 24, 2007

FAX NUMBER: 225-8185

PHONE NUMBER: (202) 456-2632

NUMBER PAGES TO FOLLOW: 2

FAX NUMBER: (202) 456-6279

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USAGE T	01'22
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OFFICE OF COUNSEL TO THE PRESIDENT

FACSIMILE TRANSMITTAL SHEET

TO: THE HON. TOM DAVIS

FROM: FRED F. FIELDING

AGENCY:

DATE: APRIL 24, 2007

FAX NUMBER: 225-3974

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FAX COVER

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HON. HENRY A. WAXMAN

CHAIRMAN

2157 RAYBURN HOUSE BUILDING

PHONE (202) 225-5051

FAX (202) 225-4784, 8185

DATE: April 23, 2007

TO: Andrew Card, c/o the White House

FAX: 202.456.6620

FROM: Rep. Henry A. Waxman

SUBJECT:

NO. OF PAGES: 6
(INCLUDING COVER SHEET)

COMMENT:

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Handwritten signature/initials

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ONE HUNDRED TENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-8143

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BILL SALA, IOWA

April 23, 2007

Mr. Andrew Card

(b)(6)

Dear Mr. Card:

Since I first wrote you on March 30, 2007, I have received new information that suggests there may have been a systemic failure to safeguard classified information at the White House during and after your tenure as White House Chief of Staff. Multiple current and former White House security personnel have informed my staff that White House practices have been dangerously inadequate with respect to investigating security violations, taking corrective action following breaches, and physically securing classified information. I urge you to cooperate with the Oversight Committee's investigation into these security lapses by testifying voluntarily before the Committee.

On March 16, 2007, the Oversight Committee held a hearing to examine the disclosure by White House officials of the covert status of CIA officer Valerie Plame Wilson. At this hearing, the current Chief Security Officer at the White House, James Knodell, testified that the White House Security Office (1) did not conduct any internal investigation to identify the source of the leak, (2) did not initiate corrective actions to prevent future security breaches, and (3) did not consider administrative sanctions or reprimands for the officials involved. The failure of the White House to take these actions appears to be a violation of Executive Order 12958, which establishes minimum requirements for safeguarding classified information and responding to breaches.

Following the hearing, my staff heard from multiple current and former security officials who work or worked at the White House Security Office. These security officials described a systemic breakdown in security procedures at the White House. The statements of these officials, if true, indicate that the security lapses that characterized the White House response to the leak of Ms. Wilson's identity were not an isolated occurrence, but part of a pattern of disregard for the basic requirements for protecting our national security secrets.

Each of the multiple security officers who spoke with my staff had firsthand knowledge of the inner workings of the White House Security Office. Although they asked for anonymity

Mr. Andrew Card
April 23, 2007
Page 2

to protect themselves from retaliation, they each gave consistent accounts. According to these security officers:

- **The White House regularly ignored security breaches.** The security officers described multiple instances of security breaches that were reported to the White House Security Office by concerned officials, such as Secret Service agents, but ignored by the White House Security Office. Several of the security violations involved mishandling of "Sensitive Compartmentalized Information" (SCI), the highest level of classified information, such as leaving SCI materials unattended in a hotel room.
- **The White House blocked security inspections of the West Wing.** According to the security officers, they were prohibited from conducting unannounced inspections of West Wing offices, which undermined their ability to assess compliance and deter violations. In addition, they reported that the White House denied the Information Security Oversight Office of the National Archives permission to inspect the West Wing, despite the fact that Executive Order 12958 gives this Archives office the authority to inspect all executive branch offices to ensure the effectiveness of security programs.
- **The White House condoned mismanagement at the White House Security Office.** The security officers described the leadership of the White House Security Office as poor managers who habitually flouted basic security procedures and allowed other White House officials to do the same.

The allegations of misconduct described in this letter are serious matters with ramifications for our national security. According to the security officers, they have triggered an exodus of qualified security officials from the White House Security Office. Now that an investigation has been initiated by Congress, you have, I believe, an obligation to cooperate. I hope you will recognize this obligation and choose to appear before the Committee voluntarily, rather than under compulsory process.

White House Security Breaches and Lack of Corrective Action

Under Executive Order 12958 and applicable regulations, the White House must investigate security breaches, implement prompt corrective action to deter future violations, and punish violators.¹ Federal employees who commit security violations can be subject to a range of administrative sanctions, including reprimand, suspension without pay, denial of access to classified information, and termination.²

¹ Exec. Order No. 12958, *Classified National Security Information*, as amended by Executive Order 13292, sec. 5.5 (Mar. 25, 2003).

² *Id.* at sec. 5.5(c).

Mr. Andrew Card
April 23, 2007
Page 3

In practice, these requirements appear to have been routinely ignored by the White House. According to the security officers who spoke with my staff, they were prohibited from investigating multiple White House security breaches that were reported to the White House Security Office by concerned officials, such as Secret Service agents. In fact, they said that the practice within the White House Security Office was not to document or investigate violations or take corrective action.

Under the Executive Order, the designation of Sensitive Compartmented Information (SCI) is the highest level of security classification.³ Security officers told my staff that the White House has not adequately safeguarded SCI materials, and they provided several examples of White House security breaches involving SCI. For example, according to one officer, a junior White House aide reported that a senior assistant to the President improperly disclosed SCI to him, even though he had no security clearance. According to this officer, the White House Security Office took no steps to investigate or take corrective action.

Another security officer reported that a White House official left SCI material behind in a hotel room during a foreign trip with the President. Although the CIA recovered the SCI material and reported the incident, the White House Security Office did not investigate, seek remedial action, or discipline the responsible official.

The security officers also described numerous examples of White House officials failing to physically secure classified information within the White House in accordance with applicable security requirements. The officers related that they had received numerous reports of White House officials leaving classified information out on their desks, rather than in secure locations. Yet according to the officers, the White House Security Office made no effort to investigate these violations or implement any remedial actions.

Prohibition on West Wing Inspections

The West Wing of the White House contains the offices of many of the most powerful officials in government. Your office was located in the West Wing, as are the offices of the President's other top advisors. The officials with offices in the West Wing routinely receive access to the nation's most sensitive national security secrets. For this reason, ensuring that all West Wing officials follow appropriate procedures for securing classified information is an important national security priority.

³ *Id.* at sec. 1.2; see also Director of Central Intelligence Directive 1/14, *Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information* (July 2, 1998) (defining Sensitive Compartmented Information as "classified information concerning or derived from intelligence sources, methods, or analytical processes requiring handling exclusively within formal access control systems established by the DCI").

Mr. Andrew Card
April 23, 2007
Page 4

During the previous administration, security specialists working for the White House Security Office were given access to all White House offices, including those in the West Wing. Under the Bush Administration, however, access for security officers was revoked. As a result, only the senior management of the White House Security Office (such as the Director and Deputy Director) retained the authority to enter the West Wing without advance notice to and assistance from West Wing personnel.

According to the security officers, the denial of access to the West Wing has had serious adverse effects. The officers report that they and other security officers working in the White House Security Office do not have the ability to perform basic security functions, such as conducting unannounced inspections of West Wing offices. As a consequence, the security officers said that the White House Security Office could learn about West Wing security violations only when such incidents were self-reported by the violators or happened to be noticed and reported by Secret Service officials.

Executive Order 12958 gives an arm of the National Archives, the Information Security Oversight Office, government-wide authority to conduct on-site inspections of all executive branch offices and agencies to ensure that security programs are effective.⁴ Yet according to the security officers, this Archives office was also denied access to the West Wing.

The security officers said that the Information Security Oversight Office informed the White House Security Office in 2005 that it would be conducting an inspection of offices within the White House. The security officers reported that after an initial meeting, a senior White House official intervened and instructed the White House Security Office to block any inspection of the West Wing. The security officers expressed shock that the Information Security Oversight Office was not permitted to conduct an inspection.

Mismanagement at the White House Security Office

The current and former security officials were highly critical of the senior management of the White House Security Office for failing to act as an independent watchdog to ensure that effective security practices are implemented and followed in the White House. According to the security officers, James Knodell, the Director of the White House Security Office, and Ken Greeson, the Deputy Director, are poor managers who are unwilling to assert authority over White House security practices because they are loath to inconvenience or embarrass White House officials. The security officers also said that Mr. Knodell and Mr. Greeson lack experience and understanding regarding classified information controls because their previous experience was at the Secret Service, not in an information security office.

⁴ Exec. Order No. 12958, sec. 5.2.

Mr. Andrew Card
April 23, 2007
Page 5

One serious concern of the security officers is that Mr. Knodell and Mr. Greeson routinely violate basic security guidelines. Security procedures prohibit bringing electronic communication devices into a sensitive compartmented information facility (SCIF). The security officers said that Mr. Knodell and Mr. Greeson habitually violate this prohibition by bringing Blackberry devices and cell phones into the SCIF in the White House Security Office and allowed others, such as visiting White House personnel, to do the same. They said that this practice continued even after security officers repeatedly informed Mr. Knodell and Mr. Greeson that the practice violates security rules and sets a poor example. In addition, the security officers said that Mr. Greeson was reported to have improperly placed classified information on an unsecure computer.

According to the security officers, the poor management and bad examples set by Mr. Knodell and Mr. Greeson caused extreme frustration and plummeting morale among White House security officers, resulting in the departure of more than half of the White House security officers within the last year.

Conclusion

The allegations of the security officers raise many questions about White House security procedures during and after your tenure as White House Chief of Staff. They describe a systemic neglect of the basic rules for protecting our nation's national security secrets. As you can surely understand, investigating these allegations and ensuring that appropriate procedures are in place at the White House is a priority for the Oversight Committee.

I hope you will recognize that you have an obligation to cooperate in this inquiry and agree to appear voluntarily before the Committee. It would be regrettable if you were to resist responsible oversight of these alleged abuses and require the Committee to issue a subpoena to compel your attendance at a Committee hearing.

Sincerely,



Henry A. Waxman
Chairman

cc: Tom Davis
Ranking Minority Member

Withdrawal Marker

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SERIES:

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- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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BRIAN R. SISK, CALIFORNIA
BILL BALL, IDAHO

March 30, 2007

Mr. Andrew Card

(b)(6)

Dear Mr. Card:

On March 16, 2007, the Committee on Oversight and Government Reform held a hearing on White House Procedures for Safeguarding Classified Information. At the hearing, questions were raised about the adequacy of the White House response to the disclosure of the identity of covert CIA agency Valerie Plame Wilson.

It would assist the Committee's investigation into this issue if you would appear for an on-the-record interview on Thursday, April 12, 2007, at 10:00 a.m. in Room 2157, Rayburn House Office Building. The interview will focus on White House security procedures, particularly procedures relating to the safeguarding of classified information and investigating alleged improper disclosures of classified information. The interview will include questions about the White House response to the disclosure of Ms. Wilson's identity.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X.

If you have any questions about this request, please contact me, David Rapallo, or Theodore Chuang of the Committee staff at (202) 225-5420.

Sincerely,



Henry A. Waxman
Chairman

cc: Tom Davis
Ranking Minority Member

Card file

THE WHITE HOUSE
WASHINGTON

April 5, 2007

Dear Chairman Waxman:

This is to thank you and respond to your letter of March 30, 2007, inviting former Assistant to the President and Chief of Staff Andrew Card to appear for an on the record interview with your Committee. It is our understanding that this interview will address White House procedures for handling classified information and alleged improper disclosures of classified information, including questions relating to the disclosure of Ms. Valerie Plame Wilson's status as an employee of the CIA. It is our further understanding that the proposed interview would cover the time during which Mr. Card served in the White House.

In keeping with longstanding Executive Branch policy, we must respectfully decline your invitation to Mr. Card on his behalf. Current and former senior White House officials such as the Chief of Staff to the President have historically not been available to Congress to testify, or be interviewed, about their activities in serving the President. Although limited exceptions to this policy have been made in extraordinary circumstances, we do not believe there is a basis for departing from that policy in this instance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Fred F. Fielding', with a long horizontal stroke extending to the right.

Fred F. Fielding
Counsel to the President

The Honorable Henry A. Waxman
United States House of Representatives
Washington, D.C. 20515

cc: The Honorable Thomas M. Davis III
The Honorable Andrew Card



OFFICE OF COUNSEL TO THE PRESIDENT

FACSIMILE TRANSMITTAL SHEET

**TO: THE HONORABLE THOMAS M.
DAVIS III**

FROM: FRED F. FIELDING
Counsel to the President

AGENCY:

DATE: APRIL 6, 2007

FAX NUMBER: 225-3071

PHONE NUMBER: (202) 456-2632

NUMBER PAGES: 1 TO FOLLOW

FAX NUMBER: (202) 456-6279

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THE WHITE HOUSE
WASHINGTON

April 5, 2007

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Sincerely,



Fred F. Fielding
Counsel to the President

The Honorable Henry A. Waxman
United States House of Representatives
Washington, D.C. 20515

cc: The Honorable Thomas M. Davis III ✓
The Honorable Andrew Card

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OFFICE OF COUNSEL TO THE PRESIDENT

FACSIMILE TRANSMITTAL SHEET

**TO: THE HONORABLE HENRY
WAXMAN**

FROM: FRED F. FIELDING
Counsel to the President

AGENCY:

DATE: APRIL 6, 2007

FAX NUMBER: 225-4099

PHONE NUMBER: (202) 456-2632

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THE WHITE HOUSE
WASHINGTON

April 5, 2007

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Sincerely,

A handwritten signature in black ink, appearing to read 'Fred F. Fielding', with a long horizontal stroke extending to the right.

Fred F. Fielding
Counsel to the President

The Honorable Henry A. Waxman
United States House of Representatives
Washington, D.C. 20515

cc: The Honorable Thomas M. Davis III
The Honorable Andrew Card

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Fielding, Fred F.

From: White House News Update [News.Update@WhiteHouse.Gov]
Sent: Monday, February 26, 2007 11:38 AM
To: Fielding, Fred F.
Subject: AP - Juror dismissed from Libby trial

Juror dismissed from Libby trial

By MATT APUZZO

WASHINGTON (AP) A juror was dismissed from the trial of former White House aide I. Lewis "Scooter" Libby on Monday after court officials learned she had been exposed to information about the case over the weekend.

U.S. District Judge Reggie B. Walton ordered the juror removed, saying "what she had exposure to obviously disqualifies her." The judge declined to say what information the juror had seen but characterized it as a misunderstanding. He has ordered jurors to avoid media coverage of the case.

Walton said the remaining jurors had not been tainted. He said he would allow deliberations to continue with 11 jurors rather than calling on one of two alternate jurors.

"They should continue with their deliberations and I will emphasize again the importance of not having contact with any outside information," Walton said.

Libby is accused of lying and obstructing the investigation into the 2003 leak of CIA operative Valerie Plame's identity. Jurors began deliberating late Wednesday afternoon.

Special Prosecutor Patrick Fitzgerald asked that Walton call on one of two alternates, both women, who sat through the trial and are on standby. Walton said that would require deliberations to begin fresh and said he didn't want to "throw away two and a half days."

The woman who was dismissed from jury is an art history expert and scholar who formerly served as a curator of prints at the Metropolitan Museum of Art. She was also the only juror who did not wear a red T-shirt as part of the jury's Valentine's Day greeting to the court.

Walton originally worried that she had tainted the jury pool and said he would question all jurors outside the courtroom. That raised the specter of a mistrial in the case. He emerged from behind closed doors to say the remaining jurors were deliberating conscientiously.

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2/26/2007

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Lewis "Scooter" Libby - To: Assistants to the President - From: Fred F. Fielding	1	03/06/2007	P5;

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COLLECTION:

Counsel's Office, White House

SERIES:

Fielding, Fred - General Files

FOLDER TITLE:

Libby [Folder 1]: [Loose Documents] [Folder 4]

FRC ID:

11703

OA Num.:

11717

NARA Num.:

11251

FOIA IDs and Segments:

2014-0234-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Bakke, Mary Beth

From: Peter Baker [bakerp@washpost.com]
Sent: Wednesday, March 07, 2007 2:01 PM
To: Fielding, Fred F.



hey there, how's it going? just thought i'd check in with you to see if you might have any guidance for me on libby/pardons, and so forth. i'm at (b)(6) thanks ...



Gibbs, Landon M.

From: Rosen, Jeffrey A.
Sent: Friday, March 16, 2007 4:01 PM
To: Gibbs, Landon M.
Subject: FW: AP -

From: White House News Update [mailto:News.Update@WhiteHouse.Gov]

Plame says Bush administration treated her identity 'recklessly' (Update)

By MATT APUZZO - Associated Press Writer

WASHINGTON - (AP) Valerie Plame, the CIA operative at the heart of a political scandal, told Congress Friday that senior officials at the White House and State Department "carelessly and recklessly" blew her cover to discredit her diplomat-husband.

Plame, whose 2003 outing triggered a federal investigation, said she always knew her identity could be discovered by foreign governments.

"It was a terrible irony that administration officials were the ones who destroyed my cover," she told the House Oversight and Government Reform Committee.

"If our government cannot even protect my identity, future foreign agents who might consider working with the Central Intelligence Agency and providing needed intelligence would think twice," Plame said in response to a question.

The hearing was the first time Plame has publicly answered questions about the case, which led to the recent perjury and obstruction of justice conviction of Vice President Dick Cheney's former top aide, I. Lewis "Scooter" Libby.

Her appearance was a moment of political theater. Only about half of the committee's members attended and they were well outnumbered by journalists and photographers.

Plame sat alone at a witness table and fielded questions about her CIA career and the disclosure of her name in July 2003 in a story by syndicated columnist Robert Novak. Novak has said that former Deputy State Department Secretary Richard Armitage first revealed Plame's job and President Bush's political adviser, Karl Rove, and CIA spokesman Bill Harlow confirmed it.

Democrats questioned whether the Bush administration mishandled classified information by leaking her identity to reporters. No one has been charged with leaking her identity.

"It's not our job to determine criminal culpability, but it is our job to determine what went wrong and insist on accountability," Committee Chairman Henry Waxman, D-Calif., said at the outset of the hearing.

3/16/2007

The man who led the criminal investigation, Special Prosecutor Patrick Fitzgerald, was not on the witness list. He told lawmakers Wednesday that federal law prohibited him from offering his thoughts on the case.

Nobody from the White House involved in the leak was scheduled to testify. Neither were officials from the State Department, where the first leak of Plame's identity occurred, or the CIA.

"My name and identity were carelessly and recklessly abused by senior officials in the White House and State Department," Plame testified. "I could no longer perform the work for which I had been highly trained."

Plame said she did not select her husband for a CIA fact-finding trip to Niger. Wilson said in a newspaper column that his trip debunked the administration's prewar intelligence that Iraq was seeking to buy uranium from Africa.

"I did not recommend him. I did not suggest him. There was no nepotism involved. I did not have the authority," she said.

That conflicts with senior officials at the CIA and State Department, who testified during Libby's trial that Plame recommended Wilson for the trip.

Plame also repeatedly described herself as a covert operative, a term that has multiple meanings. Plame said she worked undercover and traveled abroad on secret missions for the CIA.

But the word "covert" also has a legal definition requiring recent foreign service and active efforts to keep someone's identity secret. Critics of Fitzgerald's investigation said Plame did not meet that definition for several reasons and said that's why nobody was charged with the leak.

Also, none of the witnesses who testified at Libby's trial said it was clear that Plame's job was classified. However, Fitzgerald said flatly at the courthouse after the verdict that Plame's job was classified.

Rep. Tom Davis, the top Republican on the committee, said, "No process can be adopted to protect classified information that no one knows is classified. This looks to me more like a CIA problem than a White House problem."

Plame said she was not a lawyer and didn't know what her legal status was but said it should not have mattered to the officials who learned her identity.

"They all knew that I worked with the CIA," Plame said. "They might not have known what my status was but that alone _ the fact that I worked for the CIA _ should have put up a red flag."

James Knodell, director of the White House security office, also testified and was criticized by Democrats for not opening an administrative investigation into the leak. Now that Fitzgerald's investigation is complete, Knodell said, he would consider whether an internal probe was appropriate.

J. William Leonard, security director of the National Archives, testified about general procedures for handling sensitive information. Also scheduled to testify Friday were attorney Mark Zaid, who has represented whistleblowers, and attorney Victoria Toensing, who said early on that no law was broken and has criticized the CIA's handling of the case.

Bakke, Mary Beth

From: Oprison, Christopher G.
Sent: Friday, March 09, 2007 6:51 AM
To: Fielding, Fred F.; Kelley, William K.; Flood, Emmet T.
Subject: Waxman letter to Fitzgerald

fyi - shortly after Waxman sent his letter to Fitzgerald, Plame agreed to testify before Waxman's committee about the White House's handling of classified information, according to a blurb in the Post this morning. The hearing is set for March 16.

Christopher G. Oprison
Associate Counsel to the President
phone: (202) 456-5871
fax: (202) 456-5104

3/9/2007

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GILL BALL, IOWA

March 30, 2007

Mr. Andrew Card

(b)(6)

Dear Mr. Card:

On March 16, 2007, the Committee on Oversight and Government Reform held a hearing on White House Procedures for Safeguarding Classified Information. At the hearing, questions were raised about the adequacy of the White House response to the disclosure of the identity of covert CIA agency Valerie Plame Wilson.

It would assist the Committee's investigation into this issue if you would appear for an on-the-record interview on Thursday, April 12, 2007, at 10:00 a.m. in Room 2157, Rayburn House Office Building. The interview will focus on White House security procedures, particularly procedures relating to the safeguarding of classified information and investigating alleged improper disclosures of classified information. The interview will include questions about the White House response to the disclosure of Ms. Wilson's identity.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X.

If you have any questions about this request, please contact me, David Rapallo, or Theodore Chuang of the Committee staff at (202) 225-5420.

Sincerely,



Henry A. Waxman
Chairman

cc: Tom Davis
Ranking Minority Member

THE WHITE HOUSE

WASHINGTON

April 5, 2007

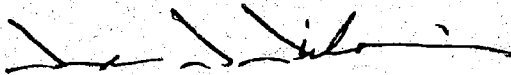
Dear Chairman Waxman:

I am writing in response to your letter of March 30, 2007, inviting former Assistant to the President and Chief of Staff Andrew Card to appear for an on the record interview with your Committee to address White House procedures for handling classified information and alleged improper disclosures of classified information, including questions relating to the disclosure of Ms. Valerie Plame Wilson's status as an employee of the CIA. It is our understanding that the proposed interview would cover the time during which Mr. Card served in the White House.

In keeping with longstanding Executive Branch policy, we must respectfully decline your invitation to Mr. Card on his behalf. Current and former senior White House officials such as the Chief of Staff to the President have historically not been available to Congress to testify, or be interviewed, about their activities in serving the President. Although limited exceptions to this policy have been made in extraordinary circumstances, we do not see any basis for departing from that policy in this instance.

Please let me know if I may be of further assistance.

Sincerely,



Fred F. Fielding
Counsel to the President

The Honorable Henry A. Waxman
United States House of Representatives
Washington, D.C. 20515

cc: The Honorable Thomas M. Davis III
The Honorable Andrew Card

Bakke, Mary Beth

From: White House News Update [News.Update@WhiteHouse.Gov]
Sent: Wednesday, March 07, 2007 8:34 PM
To: Fielding, Fred F.
Subject: Drudge Report - Libby juror: pardon him

LIBBY JUROR: PARDON HIM
Wed Mar 07 2007 19:21:48 ET

MSNBC host Chris Matthews spoke with Libby juror Ann Redington on HARDBALL. Juror [#10] says she would support a Bush pardon for Libby.

Transcript:

Chris: You're for a pardon out of sympathy for the defendant.

Ann: Yeah, I think in the big picture, um, it kind of bothers me that there was this whole big crime being investigated and he got caught up in the investigation as opposed to in the actual crime that was supposedly committed.

Chris: Which is the leaking of a CIA agents name.

Ann: Exactly.

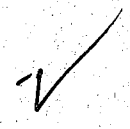
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Fielding, Fred F.

From: White House News Update [News.Update@WhiteHouse.Gov]
Sent: Tuesday, March 06, 2007 3:12 PM
To: Fielding, Fred F.
Subject: AP - Libby verdict focuses new attention on White House ethics vows, Cheney role



Libby verdict focuses new attention on White House ethics vows, Cheney role

By TOM RAUM

WASHINGTON (AP) Campaigning in 2000, George Bush promised he would swear on the Bible to restore honor and dignity to a sullied White House and give it "one heck of scrubbing." The conviction of I. Lewis "Scooter" Libby gave the White House a scrubbing but not the one Bush had in mind.

The case laid bare the inner workings of a presidency under siege and the secretive world of Vice President Dick Cheney.

It showed the lengths to which Cheney went in early summer 1973 to discredit administration critic Joseph Wilson. The former ambassador's assertions had cast doubt on the administration's justification for having taken the country to war. And the Libby case showed the president assisting Cheney in the leaked attacks on Wilson.

Libby, who was Cheney's chief of staff, was found guilty on Tuesday of four of five counts of obstructing justice, lying and perjury during an investigation into the administration's disclosure of the identity of undercover CIA official Valerie Plame, Wilson's wife.

The verdict "does great damage to the Bush administration," said Paul C. Light, professor of public service at New York University. "It undermines the president's pledge of ethical conduct. But the most serious consequences is that it will raise questions about Cheney's durability in office. It may be time for Cheney to submit his resignation."

But don't count on it. Bush in the past has repeatedly come to the defense of his vice president.

The trial, which included a month of testimony, is also relevant as the United States seeks to build a case that Iran is providing sophisticated munitions to Shiite insurgents in Iraq who are using them against U.S. troops. Administration critics have suggested the administration is trying to lay the groundwork for isolating or even attacking Iran using flawed intelligence, just as in Iraq.

Wilson, a retired career diplomat, had accused the administration of manipulating intelligence to build its case in Iraq.

The trial leaves a trail of unanswered questions leading to the doorsteps of Bush and Cheney.

Testimony and evidence did not clear up whether they directed the leaking of Plame's identity to the news media.

But the trial did show Bush declassified prewar intelligence that Libby leaked to New York Times

reporter Judith Miller, a plan carried out in such secrecy that no one else in the government even knew about it.

Testimony showed the vice president was aware early on that Wilson's wife worked at the CIA and told Libby about it. Cheney even scribbled a note to himself a week before Wilson's wife was exposed asking whether she had sent her husband on the CIA mission to Africa that triggered the controversy.

Cheney also directed Libby to speak with selected reporters to counter Wilson's accusations. Cheney developed talking points on the matter for the White House press office. He helped draft a statement by then-CIA Director George Tenet. And he moved to declassify some intelligence material to bolster the case against Wilson

Lanny Davis, a lawyer who worked in the Clinton White House during several investigations, said that, while Libby was the defendant, "it was Vice President Cheney who was on trial today and who has the responsibility for what Libby did. The vice president has a personal and moral responsibility to take responsibility for what Mr. Libby did at his instruction and to apologize to Valerie Plame."

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Bakke, Mary Beth

From: Oprison, Christopher G.

Sent: Thursday, March 08, 2007 8:02 AM

To: Fielding, Fred F.; Kelley, William K.; Scudder, Michael Y.

Subject: Roll Call blurb: Dems try to link Libby verdict with US Attorney firings

Democrats Spy Ethics Opening
Party Revives Broad Charges
By John Stanton and Rachel Van Dongen
Roll Call Staff
March 8, 2007

Senate Democrats are looking to tie the recent guilty verdict in the Scooter Libby CIA leak trial with the Bush administration's controversial decision to sack a number of U.S. attorneys late last year as part of a broader national attack on what they call a chronic abuse of the justice system for political gain, aides said this week.

Christopher G. Oprison
Associate Counsel to the President
phone: (202) 456-5871
fax: (202) 456-5104

3/8/2007

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	FW: Fitzgerald letter - To: Fred F. Fielding, et al - From: Chritopher G. Oprison	2	03/08/2007	P5;

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SERIES:

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FOLDER TITLE:

Libby [Folder 1]: [Loose Documents] [Folder 4]

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FOIA IDs and Segments:

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ONE HUNDRED TENTH CONGRESS
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WASHINGTON, DC 20515-6143

Majority (202) 225-5051
Minority (202) 225-5074

March 8, 2007

The Honorable Patrick J. Fitzgerald
Special Counsel
Office of Special Counsel
Bond Federal Building
1400 New York Avenue NW
Ninth Floor
Washington, DC 20530

Dear Mr. Fitzgerald:

I commend you on your professional and thorough investigation into the disclosure of Valerie Plame Wilson's identity as a covert CIA agent. It is apparent that you followed the facts where they led and served the interests of justice and the American people.

By necessity, your investigation had a narrow legal focus: Were any federal criminal statutes violated by White House officials? Your investigation, however, has raised broader questions of national significance. I am writing to invite you to meet to discuss how the Committee on Oversight and Government Reform, which is the principal oversight committee in the U.S. House of Representatives, can become informed of your views about these broader issues.

The identity of undercover CIA operatives is supposed to be one of the most closely guarded national security secrets. There are a host of administrative requirements designed to safeguard this type of information from disclosure. Yet the trial proceedings raise questions about whether senior White House officials, including the Vice President and Senior Advisor to the President Karl Rove, complied with the requirements governing the handling of classified information. They also raise questions about whether the White House took appropriate remedial action following the leak and whether the existing requirements are sufficient to protect against future leaks. Your perspective on these matters is important.

After the verdict was announced yesterday, one juror expressed the view that former Chief of Staff to the Vice President Lewis "Scooter" Libby was only a "fall guy." This juror's views encapsulated questions that many in Congress and the public have about whether the

The Honorable Patrick J. Fitzgerald

March 8, 2007

Page 2

ultimate responsibility for the outing of Ms. Wilson rests with more senior officials in the White House. This is another area where you have a unique perspective.

I recognize that as a federal prosecutor, you are constrained by the rules of grand jury secrecy. But you undoubtedly recognize that Congress has a responsibility to examine the policy and accountability questions that your investigation has raised. As a result of your investigation, you have a singular understanding of the facts and their implications that bear directly on the issues before Congress.

I respectfully request that you meet with me and the Committee's Ranking Member, Tom Davis, to discuss the possibility of testifying before the Committee and other means by which you can inform the Committee about your views and the insights you obtained during the course of your investigation.

I look forward to the opportunity to speak with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry A. Waxman".

Henry A. Waxman
Chairman

cc: Tom Davis
Ranking Minority Member

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Lewis "Scooter" Libby - To: Assistants to the President - From: Fred F. Fielding	1	03/06/2007	P5;

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Records Not Subject to FOIA

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Fielding, Fred F.

From: White House News Update [News.Update@WhiteHouse.Gov]

Sent: Wednesday, March 07, 2007 6:42 AM

To: Fielding, Fred F.

Subject: WSJ - (Editorial) The Libby Travesty

The Libby Travesty

The word "guilty" had barely crossed the airwaves yesterday in the perjury case of Scooter Libby before critics were calling it proof that President Bush "lied us into war" and demanding that Dick Cheney be strung up next. Maybe now Mr. Bush will realize that this case was always a political fight over Iraq and do the right thing by pardoning Mr. Libby.

The conviction is certainly a travesty of justice, though that is not the jury's fault. The 11 men and women were faced with confusing evidence of conflicting memories in a case that never should have been brought. In the end, they were persuaded more by prosecutor Patrick Fitzgerald's story line that Mr. Libby, a former aide to Mr. Cheney, had lied to a grand jury about what he knew when about the status of CIA official Valerie Plame, the wife of Bush critic Joseph Wilson.

In hindsight, the defense seems to have blundered by portraying Mr. Libby as the "fall guy" for others in the White House. That didn't do enough to rebut Mr. Fitzgerald's theory of the case, and so the jury seems to have decided that Mr. Libby must have been lying to protect something. The defense might have been better off taking on Mr. Fitzgerald for criminalizing political differences.

For that, in essence, is what this case is really all about. We learned long ago -- and Mr. Fitzgerald knew from the start of his probe in 2003 -- that Mr. Libby was not the source of the leak to columnist Robert Novak that started all this. Mr. Libby thus had no real motive to cover up this non-crime. What he did have strong cause to do was rebut the lies that Mr. Wilson was telling about the Administration and Mr. Cheney -- lies confirmed as lies by a bipartisan report of the Senate Intelligence Committee in 2004.

Mr. Libby did talk to some reporters about the Administration's case for war in 2003, and he did mention Ms. Plame in some cases. So the jury apparently decided that, when asked about those conversations by the FBI and grand jury, he had lied *about his own sources of information* about Joe Wilson and his wife. In other words, he has not been convicted of lying to anyone about the case for war in Iraq, or about Mr. Wilson or his wife.

Rather, he has been convicted of telling the truth about Mr. Wilson and Ms. Plame to some reporters but then not owning up to it. One tragic irony is that if Mr. Libby had only taken the Harold Ickes grand-jury strategy and said "I don't recall," he probably never would have been indicted. But our guess is that he tried to cooperate with the grand jury because he never really believed he had anything to hide. This may also explain why Mr. Libby never retained an experienced Beltway attorney until he was indicted.

None of this has stopped critics of the war from trying to blow this entire case into something far larger. Senate Majority Leader Harry Reid hailed the conviction as proof that the White House tried to "manipulate intelligence and discredit war critics." But the charges against Mr. Libby had nothing to do with intelligence, and Mr. Wilson was himself so discredited by summer 2004 that the John Kerry campaign dropped him as a spokesman once the Senate exposed his deceit.

What Mr. Reid and others are doing is showing how much all this really has been about a policy dispute over Iraq. The fact that they are now demanding Mr. Cheney's head is further evidence of the political nature of this entire episode. But it should also be a warning to Mr. Bush and his advisers that they too bear much responsibility for Mr. Libby's conviction.

Rather than confront Mr. Wilson's lies head on, they became defensive and allowed a trivial matter to become a threat to the Administration itself. They allowed Attorney General John Ashcroft to recuse himself and Mr. Fitzgerald to be appointed even though Justice officials knew that Deputy Secretary of State Richard Armitage had been the first official to leak Ms. Plame's name to reporters. Mr. Libby got caught in the eddy not because he was dishonest but because he was a rare official who actually had the temerity to defend the President's Iraq policy against Mr. Wilson's lies.

As for the media, most of our brethren were celebrating the conviction yesterday because it damaged the Bush Administration they loathe. But they too will pay a price for holding Mr. Fitzgerald's coat. The Bush Administration will soon be history, but the damage Mr. Fitzgerald has done to the ability to protect media sources and to the willingness of government officials to speak openly to reporters will last far longer.

Mr. Bush will no doubt be advised to wait for the outcome of an appeal and the end of his Administration to pardon Mr. Libby. We believe he bears some personal responsibility for this conviction, especially for not policing the disputes and insubordination in his Administration that made this travesty possible. The time for a pardon is now.

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THE WHITE HOUSE

Office of the Vice President

For Immediate Release

March 6, 2007

VICE PRESIDENT'S STATEMENT ON LIBBY VERDICT

I am very disappointed with the verdict. I am saddened for Scooter and his family. As I have said before, Scooter has served our nation tirelessly and with great distinction through many years of public service.

Since his legal team has announced that he is seeking a new trial and, if necessary, pursuing an appeal, I plan to have no further comment on the merits of this matter until these proceedings are concluded.

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3/6/2007

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Q and A	Draft Press Questions and Responses	7	N.D.	P5;

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COLLECTION:

Counsel's Office, White House

SERIES:

Fielding, Fred - General Files

FOLDER TITLE:

Libby [Folder 1]: [Loose Documents] [Folder 4]

FRC ID:

11703

FOIA IDs and Segments:

2014-0234-F

OA Num.:

11717

NARA Num.:

11251

RESTRICTION CODES**Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	Update with you redits and joel's - To: Fred F. Fielding - From: Dan Bartlett	3	02/27/2007	P5;

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From: White House News Update [News.Update@WhiteHouse.Gov]
Sent: Wednesday, March 07, 2007 7:14 AM
To: Fielding, Fred F.
Subject: NBC - O'Donnell/Russert

NBC - O'Donnell/Russert

<http://www.shadowtv.com/redirect/notification.jsp?vid=9f3841ef3c42c2394b218474b88a6a57>

VIEIRA: We begin with the conviction of vice-president cheney's former aide scooter libby. Kelly o'donnell has been covering the trial. Good morning to you.

O'DONNELL: And good morning. From here at the white house we are seeing different reactions from president bush and vice-president cheney. Aides say the president is saddened but accepts the jury's decision while vice-president cheney called the verdict disappointing and he remained loyal saying libby served the country with great distinction.

O'DONNELL: convicted on 4 of the 5 felony counts, the vice-president's former chief of staff scooter libby will appeal the guilty verdicts. The libby attorney.

WELLS: We intend to keep fighting to establish his innocence.

O'DONNELL: courthouse wisdom says the longer the jury takes the better for the defense. Libby's jury spent days on the case. This juror says some did believe one defense claim: that libby was a white house scapegoat.

JUROR: We are not saying we didn't think mr. Libby was guilty but that it seemed like he was the fall guy.

O'DONNELL: though other officials including karl rove and former state department official armitage talked to reporters about the secret cia operative valerie wilson whose husband joe was a leading war critic. Only libby was charged for lying about his own role. He was guilty of: the prosecutor.

FITZGERALD: Having someone do that is never acceptable.

O'DONNELL: while the white house expressed sadness for libby and his family, joe wilson is pleased by the verdict but not the president's response.

WILSON: I would feel better had the president in addition to express sorrow for libby also expressed sorrow for my wife.

O'DONNELL: Next is a prison sentence. The maximum is 25 years. Legal experts what it is likely is under 3 years. He will try to get a new trial.

VIEIRA: Kelly o'donnell, thank you very much. Tim russert was the key witness for the prosecution in the libby case.

RUSSERT: Good morning.

VIEIRA: Let's start with political fallout. How damaging is this politically for the white house do you think?

RUSSERT: It is significant for the historic reasons you just mentioned. It's been more than 130 years since a sitting white house official was indicted. It's an extraordinary event in that regard. The president and vice-president said they will remain quiet until the appeals have been processed. But you saw today conservative outlets like the national review of the "wall street journal" and for the president to pardon the "new york post" all calling scooter libby. That will be an issue for the white house and harry reid is putting pressure on the president to say he will never pardon scooter libby. I absolutely and the democrats said that yesterday. Democrats tried to put political pressure on the fright -- pressure on the white house and put the iraq war on trial trying to broaden it beyond libby's credibility.

VIEIRA: How will this affect the president's credibility to push his agenda in iraq?

RUSSERT: When you have a trial like this, it's difficult to engage the country in the nuances because it is complicated. But this morning when the head scream across the country, former chief of staff to vice-president cheney convicted, guilty, perjury, obstruction of justice, that will connect with people in a large way.

VIEIRA: One juror you just heard he said that several of the jurors felt bad for libby and felt he was a fall guy for the vice-president. The prosecutor said there is a cloud over what the vice-president did. And in today's "new york times" a republican strategist said. Is beginning of the end, do you believe for the vice-president?

RUSSERT: What interesting in listening to the jury because he expressed an interest that the jury wanted to listen to vice-president cheney. They anticipated he would testify and that never materialized. The president said if anyone leaked information like this they would be dealt with. The jury believed that mr. Cheney gave mr. Libby the information. Mr. Armitage and rove shared information with reporters. The president now has to at some time come to grips with that and recognize having made a commitment, how will he do that?

VIEIRA: You are used to reporting on stories and not being the story. You were a star witness for the prosecution. What was your reaction to the verdict?

RUSSERT: Well, i don't take any joy in it, meredith. This has been a difficult period. It's not what i am comfortable doing. But the facts are simple. When someone accuses me of something that is untrue, i have an obligation to respond and set the record straight. When i am ordered to testify under oath. I have an obligation to tell the truth which is what i did. The jurors were extraordinary. Those who talked publicly. They said straight when mr. Libby said he was surprised to learn about valerie plame from me, they did not believe him. Those are the jurors. Those are the ones who had to make this decision not me.

VIEIRA: Relieved it's over?

Yes, i am. It's not what i want to do. I love reporting stories and focusing on the news and not being part of them.

VIEIRA: Thank you very much.

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3/7/2007

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Clipping	National Journal: The Libby-Cheney Connection	7	02/19/2007	P5;

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