

FOIA Marker

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Counsel's Office, White House

Fielding, Fred - Subject Files

Stack:	Row:	Sect.:	Shelf:	Pos.:	FRC ID:	Location or Hollinger ID:	NARA Number:	OA Number:
W	19	23	11	2	11704	24567	11252	11718

Folder Title:

[Libby/Plame]: [Interviews and Correspondence]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	List	Inventory Sheet Interviews of Current or Former Employees [with attachments]	14	N.D.	b7c; b7d;
002	Report	Stephen John Hadley	6	10/27/2003	P1/b1; b7c; b7d;
003	Report	Stephen J. Hadley	2	11/14/2003	P1/b1; b7c; b7d;
004	Report	FD-302 [with attachments]	14	10/17/2003	b7c; b7d;
005	Report	Susan B. Ralston	3	10/23/2003	P1/b1; b7c; b7d;
006	Report	FD-302	3	11/12/2003	b7c; b7d;
007	Report	Karl C. Rove	4	10/10/2003	P1/b1; b7c; b7d;

COLLECTION TITLE:
Counsel's Office, White House

SERIES:
Fielding, Fred - Subject Files

FOLDER TITLE:
[Libby/Plame]: [Loose Documents] [Folder 1]

FRC ID:
11704

RESTRICTION CODES

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

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

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008	Report	FD-302 [with attachments]	10	12/02/2003	b7c; b7d;
009	Report	Plame 302's	2	12/14/2007	P5;
010	Letter	[Letter to Peter D. Keisler] - To: Peter D. Keisler - From: David S. Addington	3	10/01/2007	P5;
011	Letter	[Letter to Peter D. Keisler] - To: Peter D. Keisler - From: David S. Addington	3	10/01/2007	P5;
012	Email	FW: Draft Letter to Waxman re 302s [with attachment] - To: Fred F. Fielding, et al - From: Steve Bradbury	3	01/17/2008	P5;
013	Letter	[Letter to Peter D. Keisler] - To: Peter D. Keisler - From: David S. Addington	3	10/01/2007	P5;

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014	Email	guidance - To: Edward W. Gillespie, et al - From: Tony Fratto	1	01/21/2008	P5;
015	Email	RE: Draft Letter to Waxman re 302s - To: Fred Fielding, et al - From: Steve Bradbury	1	01/17/2008	P5;

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[Untitled]: [Loose Documents] [Folder 1]

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Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter to Peter D. Keisler] - To: Peter D. Keisler - From: David S. Addington	3	10/01/2007	P5;

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COLLECTION:

Counsel's Office, White House

SERIES:

Fielding, Fred - Subject Files

FOLDER TITLE:

[Untitled]: [Loose documents] [Folder 1]

FRC ID:

11704

FOIA IDs and Segments:

2014-0234-F

OA Num.:

11718

NARA Num.:

11252

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Congress of the United States

House of Representatives

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July 16, 2007

Mr. Patrick J. Fitzgerald
Special Counsel
United States Department of Justice
Bond Building
1400 New York Avenue, Ninth Floor
Washington, DC 20530

Dear Mr. Fitzgerald:

On March 16, 2007, the Committee held a hearing that examined the leak of the employment status of the Central Intelligence Agency (CIA) officer Valerie Plame Wilson that resulted in the permanent termination of the CIA's ability to use Ms. Wilson as a covert officer and the endangerment of CIA sources and information connected to Ms. Wilson during the course of her career.

I continue to have questions about the circumstances surrounding this leak of classified national security information by personal advisors to the President and Vice President. In particular, I am interested in understanding what went wrong that allowed the leak to occur, whether the White House took adequate steps to address the leak and sanction the individuals involved, and what actions are needed to ensure that such leaks of classified information by the White House do not occur in the future.

In considering these questions, I am mindful of the fact that your office conducted an extensive criminal investigation into the leak and gathered a large amount of documentary and testimonial evidence, most of which has not been released to the public. Although your investigation clearly had a different purpose, I believe that some of the information gathered is relevant to the Committee's separate and distinct questions. In order to minimize the impact of its investigation on witnesses and agencies, I am requesting that you provide the Committee with all information which you are legally able to provide that would assist the Committee in its inquiry.

Patrick J. Fitzgerald
July 16, 2007
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Specifically, I request that you produce the following documents in the possession or control of the Office of Special Counsel:

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2. Documents describing the transmission of information about Valerie Plame Wilson's CIA employment status to or from any official at the White House, Office of the Vice President, Central Intelligence Agency, or State Department, including documents describing whether the recipient was made aware that the information was classified, confidential, sensitive, or not subject to public disclosure.
3. Documents relating to whether the disclosure of Ms. Wilson's identity was inadvertent or deliberate, the result of a systemic failure in the White House security procedures or practices, or part of a concerted effort or common understanding among one or more individuals to disclose Ms. Wilson's CIA employment status to the media.
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5. Documents reflecting any analysis or assessment of the adequacy of existing laws and requirements governing the handling of classified information and the sanctioning of individuals for disclosing such information.
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 - a. President George W. Bush
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Patrick J. Fitzgerald

July 16, 2007

Page 3

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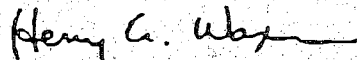
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The Committee requests that you provide the requested information on a rolling basis, with all responsive documents to be produced as expeditiously as possible.

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. An attachment to this letter provides additional information on how to respond to the Committee's request.

If you have any questions regarding this request, 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

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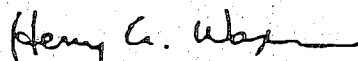
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cc: Tom Davis
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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
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MURDER, CALIFORNIA
CHARGES

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4. Documents relating to any internal investigation, inquiry, evaluation, informal fact gathering, or other action by the White House Security Office or any other entity or individual within the Executive Office of the President or Office of the Vice President in response to the leak of Ms. Wilson's CIA employment status to the media, including but not limited to actions taken to (1) consider sanctions individuals for breach of security clearance obligations; or (2) consider corrective action to address systemic flaws in the White House security procedures.
5. Documents reflecting any analysis or assessment of the adequacy of existing laws and requirements governing the handling of classified information and the sanctioning of individuals for disclosing such information.
6. Transcripts, reports, notes, and other documents relating to any interviews outside the presence of the grand jury of any of the following individuals:
 - a. President George W. Bush
 - b. Vice President Dick Cheney
 - c. Andrew Card
 - d. Stephen Hadley
 - e. Karl Rove
 - f. Dan Bartlett
 - g. Scott McClellan

Patrick J. Fitzgerald

July 16, 2007

Page 3

7. All e-mails sent to or from personnel of the White House or Office of the Vice President relating to the disclosure of Ms. Wilson's CIA employment status or any internal White House investigation into that leak.

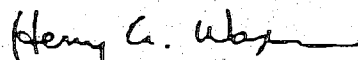
In requesting this information, the Committee is not seeking any transcripts or notes relating to witness testimony before the grand jury. The Committee also is not seeking any information on whether or how any documents or information subject to this request were presented to or used by the grand jury.

The Committee requests that you provide the requested information on a rolling basis, with all responsive documents to be produced as expeditiously as possible.

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. An attachment to this letter provides additional information on how to respond to the Committee's request.

If you have any questions regarding this request, 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

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	guidance - To: Edward W. Gillespie, et al - From: Tony Fratto	1	01/21/2008	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 - Subject Files

FOLDER TITLE:

[Libby/Plame]: [Loose Documents] [Folder 1]

FRC ID:

11704

FOIA IDs and Segments:

2014-0234-F

OA Num.:

11718

NARA Num.:

11252

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).

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)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- 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.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	RE: Draft Letter to Waxman re 302s - To: Fred Fielding, et al - From: Steve Bradbury	1	01/17/2008	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
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COLLECTION:

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FRC ID:

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OA Num.:

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NARA Num.:

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FOIA IDs and Segments:

2014-0234-F

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Bakke, Mary Beth

From: Flood, Emmet T.
Sent: Tuesday, January 22, 2008 1:05 PM
To: Bakke, Mary Beth; Fielding, Fred F.
Subject: FW: DOJ letters to Waxman re requests for Fitzgerald docs (302s)
Attachments: waxman bab.pdf; waxman fitzgerald.pdf



Fred, I haven't participated in the 302s discussion. Should I avoid reading these letters, or is this at a stage where I can or should be looking at this issue for impact on other matters? ETF

From: Bakke, Mary Beth
Sent: Tuesday, January 22, 2008 12:57 PM
To: Flood, Emmet T.; Smith, Barbara A.; Anfuso, Katelyn G.
Subject: FW: DOJ letters to Waxman re requests for Fitzgerald docs (302s)

For your info too.
MB

From: Bradbury, Steve [mailto:Steve.Bradbury@usdoj.gov]
Sent: Tuesday, January 22, 2008 12:51 PM
To: Burck, William A.; Purpura, Michael M.
Cc: Fielding, Fred F.; Bradbury, Steve; Colborn, Paul P
Subject: DOJ letters to Waxman re requests for Fitzgerald docs (302s)

Here are the two letters that DOJ sent to Waxman on Friday -- one from Pat Fitzgerald on behalf of the OSC and one from OLA on behalf of the AG.

<<waxman bab.pdf>> <<waxman fitzgerald.pdf>>

Bakke, Mary Beth

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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 18, 2008

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

Dear Mr. Chairman:

This responds to your letter, dated December 3, 2007, consistent with Special Counsel Patrick Fitzgerald's letter of today's date, regarding your request for copies of FBI reports of interviews provided by the President, the Vice President, and presidential and vice presidential staff in connection with the investigation into the disclosure of Valerie Plame Wilson's identity.

In accordance with established executive branch practice, we have consulted with the White House regarding your request for these documents. Our consultation as to some of the documents is complete. The executive branch has substantial confidentiality interests in these documents and would like to accommodate the Committee's information needs consistent with those interests. We understand, based upon your letter, dated December 18, 2007, that your interest in these materials relates to the Committee's inquiry into "the leak of [Valerie Plame Wilson's covert] identity and the White House response." We recognize that these records contain some information about those matters and therefore, based on our consultation with the White House, we are prepared to make available for the Committee staff's review at the Department slightly redacted copies of the interview reports of presidential and vice presidential staff. The request for reports of interviews with the President and Vice President, the two constitutional officers of the executive branch, raises serious separation of powers and heightened confidentiality concerns. We believe, however, that the extensive reports that will be available for staff review will satisfy the Committee's needs.

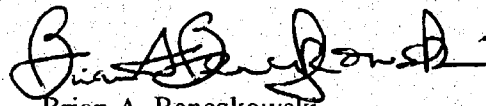
These reports are largely unredacted. The limited redactions concern information implicating particularly sensitive confidentiality interests, such as candid comments about members of the media and colleagues, presidential and vice presidential communications, comments on subjects unrelated to the Committee's inquiry, and personal information. (Examples of the personal information we have redacted include home addresses, telephone numbers, and birthdates from each interview report, as well as discussions about whether individuals would submit to polygraph examinations.)

The Honorable Henry A. Waxman
Page Two

Finally, we are continuing to consult with the White House regarding FBI reports of several additional interviews with White House staff and documents obtained by the Special Counsel from the White House and from Bush-Cheney '04, Inc. We will supplement this response as soon as this review is completed.

We hope that this information is helpful. Please do not hesitate to contact this office if you would like additional assistance regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian A. Benczkowski". The signature is stylized with a large "B" and "A" and a cursive "Benczkowski".

Brian A. Benczkowski
Principal Deputy Assistant Attorney General

cc: Honorable Tom Davis
Ranking Minority Member



Office of Special Counsel

Patrick J. Fitzgerald
Special Counsel

Chicago Office: Dirksen Federal Building
219 South Dearborn Street, Fifth Floor
Chicago, Illinois 60604
(312) 353-5300

Washington Office: Bond Building
1400 New York Avenue, Ninth Floor
Washington, DC NW 20530
(202) 514-1187

Please address all correspondence to the Washington Office

January 18, 2008

The Honorable Henry A. Waxman
Chairman, Committee on Oversight and Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Mr. Chairman:

This letter is in further response to your letter to me of July 16, 2007. As you are aware, I previously wrote you on August 16, 2007, to provide you with partial production of the documents you requested and to advise you in writing of how we intended to proceed in responding to your request. We have proceeded consistent with the process described in my August 16 letter to you, with one modification: we will not withhold materials from Congress because of any perceived risk to the prosecution of I. Lewis Libby, which had been pending on appeal at the time of the August 16 letter. As you are well aware, Mr. Libby moved to dismiss his appeal in December 2007 and the Court of Appeals for the District of Columbia granted that motion. Thus, there is no longer a pending criminal matter.

At the time of the August 16 letter, the Committee was provided with documents we had initially obtained from the State Department. I wrote a further letter to you of September 6, 2007, which accompanied the production to the Committee of documents initially obtained from the Central Intelligence Agency ("CIA"). Subsequent to that last production of documents to you, we have continued to review documents we obtained from the White House and the Office of Vice President (hereafter collectively referred to as the "White House") as well as various federal agencies and also private individuals and entities, to determine, first, whether they are responsive to the Committee's requests set forth in the July 16 letter and, second, whether production of such documents to Congress by the Office of Special Counsel is prohibited by Rule 6(e) of the Federal Rules of Criminal Procedure, which is the rule governing grand jury secrecy.

As I indicated in my August 16 letter, we have provided the White House and the other executive branch agencies with equities in the relevant documents an opportunity to review the materials we determined were not protected by Rule 6(e), in order to determine whether there are executive branch confidentiality interests that will be asserted. (We have not forwarded responsive documents we have determined are protected by grand jury secrecy.) In December 2007, we

The Honorable Henry A. Waxman
Chairman, Committee on Oversight and Government Reform
January 18, 2008
Page 2

completed review of all documents responsive to Category Six of your July 16 request and produced to the White House all responsive documents we determined were not protected by Rule 6(e). We have also been providing materials responsive to the other categories of requests to the White House and the relevant agencies on a rolling basis and anticipate that our production to them of the balance of materials responsive to those other requests should be completed by the end of today.

I am aware that you await a response concerning the materials the White House has been reviewing, and note that you have separately written letters dated December 3 and December 18, 2007, to Hon. Michael B. Mukasey, the Attorney General, addressing this matter. In that regard, I wish to make clear the scope of the responsibilities of the Special Counsel regarding the Committee's requests. As you are aware, I was appointed Special Counsel by then Deputy Attorney General James B. Comey on December 30, 2003. (Mr. Comey was acting at the time in his capacity as Acting Attorney General for the matter, following the recusal of then Attorney General John Ashcroft. Mr. Ashcroft was succeeded by Attorney General Alberto Gonzales, who also recused himself from the matter. Judge Gonzales was succeeded by Attorney General Mukasey, who is not recused from this matter.) Mr. Comey's December 30, 2003 appointment letter to me delegated "all the authority of the Attorney General with respect to the Department's investigation into the alleged unauthorized disclosure of a CIA employee's identity." Mr. Comey later issued a February 6, 2004 clarification which made clear that my authority was "plenary and includes the authority to investigate and prosecute violations of ... federal criminal laws ...; to conduct appeals arising out of the matters being investigated and/or prosecuted; and to pursue administrative remedies and civil sanctions (such as civil contempt) that are within the Attorney General's authority to impose or pursue."

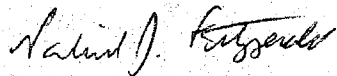
Under Mr. Comey's delegation of authority, my responsibilities as Special Counsel encompass making decisions on matters normally incident to the execution of prosecutorial authority for the assigned matter, including making determinations of what information is protected by the rules of grand jury secrecy. However, I have concluded that neither the December 2003 delegation nor the February 2004 clarification delegated to me the authority of the Attorney General to provide counsel to the White House concerning the assertion of executive branch confidentiality interests in response to possible Congressional oversight, or to represent such executive branch interests in responding to an oversight request. (I note in that regard that even if Mr. Comey's delegation had conferred such authority, I believe that I would be obliged to forego representing the interests of the White House to avoid an apparent conflict of interest in representing an entity whose personnel Special Counsel investigated and, in one case, prosecuted. This is particularly so where the delegation of authority was intended to avoid even the appearance of a conflict of interest.)

Accordingly, the Office of Special Counsel will complete our work providing responsive materials to the White House and other appropriate agencies after assuring ourselves that such materials are not protected by grand jury secrecy. We will also continue to transmit to you the

The Honorable Henry A. Waxman
Chairman, Committee on Oversight and Government Reform
January 18, 2008
Page 3

materials to which the White House or other agencies do not assert executive branch confidentiality interests. To the extent there are materials we forward to the White House for which the executive branch asserts confidentiality interests, we will not be acting as attorneys for the executive branch in that regard. I am advised that the Department's Office of Legislative Affairs will correspond with you today regarding those interests.

Respectfully submitted,



PATRICK J. FITZGERALD
Special Counsel

cc: Honorable Michael B. Mukasey



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 18, 2008

The Honorable Henry A. Waxman
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
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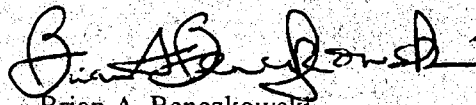
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Brian A. Benczkowski
Principal Deputy Assistant Attorney General

cc: Honorable Tom Davis
Ranking Minority Member