

HENRY A. WAXMAN, CALIFORNIA,
CHAIRMAN

TOM LANTOS, CALIFORNIA
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
CAROLYN B. MALONEY, NEW YORK
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
WM. LACY CLAY, MISSOURI
DIANE E. WATSON, CALIFORNIA
STEPHEN F. LYNCH, MASSACHUSETTS
BRIAN HIGGINS, NEW YORK
JOHN A. YARMUTH, KENTUCKY
BRUCE L. BRALEY, IOWA
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
BETTY MCCOLLUM, MINNESOTA
JIM COOPER, TENNESSEE
CHRIS VAN HOLLEN, MARYLAND
PAUL W. HODES, NEW HAMPSHIRE
CHRISTOPHER S. MURPHY, CONNECTICUT
JOHN P. SARABANES, MARYLAND
PETER WELCH, VERMONT

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) 225-5051
FACSIMILE (202) 225-4784
MINORITY (202) 225-5074

www.oversight.house.gov

TOM DAVIS, VIRGINIA,
RANKING MINORITY MEMBER

DAN BURTON, INDIANA
CHRISTOPHER SHAYS, CONNECTICUT
JOHN M. McHUGH, NEW YORK
JOHN L. MICA, FLORIDA
MARK E. SOUDER, INDIANA
TODD RUSSELL PLATTS, PENNSYLVANIA
CHRIS CANNON, UTAH
JOHN J. DUNCAN, JR., TENNESSEE
MICHAEL R. TURNER, OHIO
DARRELL E. ISSA, CALIFORNIA
KENNY MARCHANT, TEXAS
LYNN A. WESTMORELAND, GEORGIA
PATRICK T. McHENRY, NORTH CAROLINA
VIRGINIA FOXX, NORTH CAROLINA
BRIAN P. BILBRAY, CALIFORNIA
BILL SALI, IDAHO
JIM JORDAN, OHIO

July 17, 2008

The Honorable Henry A. Waxman
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515-6143

Dear Mr. Chairman:

As the Committee continues to consider how to obtain copies of reports compiled by the U.S. Federal Bureau of Investigation (FBI) of the interview of the Vice President conducted as part of Special Counsel Patrick Fitzgerald's "investigation into the leak of the covert identity of Central Intelligence Agency (CIA) officer Valerie Plame Wilson,"¹ I ask that you also consider joining me in initiating an inquiry on several other important matters broadly related to pre-war intelligence on Iraq's nuclear program.

I know of your abiding interest in this issue, and I hope you agree that in order to help complete the historical record it would be beneficial to explore the additional investigatory avenues discussed below.

Ensuring that there are effective government-wide procedures guiding the classification and protection of classified material is essential if the United States is to confront the global security challenges it faces. Only by fully understanding past missteps can we be certain that problems will not recur. These subjects I suggest offer the prospect of significantly expanding public knowledge of the events and individuals involved.

¹ Letter from Henry A. Waxman, Chairman, House Oversight and Government Reform Committee, to Michael B. Mukasey, Attorney General, U.S. Department of Justice (Jun. 3, 2008) (on file with Committee Staff).

■ **The CIA's erroneous expression of doubt in September and October 2002 to the White House, the British, and the Senate Select Committee on Intelligence about Iraq's interest in uranium yellowcake, when analysts at the CIA, in fact, had no such doubts.**

■ **Valerie Plame Wilson's role in dispatching her husband to Niger in February 2002. Varying accounts of Ms. Wilson's role, including one she gave under oath to the Committee on March 16, 2007, differ from a February 12, 2002 e-mail authored by Ms. Wilson, upon which findings of the bipartisan report of the Senate Select Committee on Intelligence were based.**

■ **The circumstances and background of Robert Novak's encounter on July 8, 2003, with an individual on a Washington, D.C., street corner, a few blocks from the Department of State, minutes after departing from a meeting with Deputy Secretary Richard Armitage in which Mr. Armitage mentioned Ms. Wilson's place of employment.**

None of these subjects has been investigated previously. The second even addresses the substance of sworn testimony received by the Committee.

As the Committee contemplates how best to secure FBI records from the Attorney General, I believe, as an initial matter, it is essential that Members remain cognizant of a central point. Mr. Fitzgerald's decision to conclude his investigation without indicting anyone (including Mr. Armitage, the acknowledged source for the disclosure in Mr. Novak's column) for having revealed classified information appears to indicate that he may have believed that under existing law, he would be unable to prove an intentional "leak" in connection with this matter by any Administration staffer, including any White House official.

A disclosure of information known to be classified would be subject to criminal sanctions under the Espionage Act, 18 U.S.C. § 793. If a "leak" -- meaning a willful disclosure of information known to be classified -- occurred, the lack of an indictment in Mr. Fitzgerald's investigation seems to strongly indicate that the Espionage Act may be inadequate to prosecute such disclosures. The Committee's interest in how the disclosure of Ms. Plame's identity occurred and how such disclosures in the future could be avoided could be satisfied by discussing with Mr. Fitzgerald his views of the Espionage Act or other statutes designed to protect national security information. This could be done publicly or in a private setting to best facilitate a full and frank exchange.

If the prohibitions on disclosure in the Espionage Act are inadequate to address the disclosures in this case, it is not clear that any internal procedures in the White House would be more effective, unless they could also assist in the prosecution of individuals under the Espionage Act. For example, if proving that a person knew that certain information was classified is difficult under the Espionage Act, the Committee should consider whether new White House procedures are necessary in order to make it easier to prove that a person knew that classified information was, in fact, classified. Until we understand potential procedural deficiencies, we may not be able to determine what revised White House procedures would be appropriate. The Committee should use this opportunity to conduct oversight and make recommendations for improvements, if needed, to the criminal laws affecting the disclosure of classified information before considering new procedures for handling classified information at the White House, the putative purpose of this investigation.

As you know, the CIA and other U.S. intelligence organizations that make up the Intelligence Community (IC) have thousands of workers who openly acknowledge their employment. Some of these individuals even write books and articles and appear on television. Only a fraction of IC employees work in a covert status. *Knowingly revealing* facts about covert individuals is quite rightly prohibited by law and punishable under the Intelligence Agents Identity Protection Act (or, more generally, under 18 U.S.C. § 793). As one who represents a substantial number of employees of various intelligence agencies, including quite possibly some who are in covert positions, I am unalterably opposed to any unlawful disclosure of their identities. It is essential that our government be able to collect intelligence surreptitiously and otherwise promote our national security objectives without fear that the brave individuals undertaking this highly sensitive work will be exposed.

In this case, if Administration staffers were never informed that Ms. Wilson was under cover or that her status was otherwise classified, there would have been absolutely no reason that they could not legally discuss her employment with others. The workplace of thousands of overt intelligence staffers is probably mentioned every day in this region amidst the routine of busy lives. In fact, based upon public information and material gathered by the Committee, *many* individuals in and out of government claimed to know in mid-2003 that Ms. Wilson was a CIA employee. Although I believe that the discussion of Ms. Wilson's employment with journalists by high Administration officials was inadvisable and petty, it appears Mr. Fitzgerald found no prosecutable violation of law.

Such knowledge, of course, is not synonymous with knowing her covert status. If a covert staffer is known to be an Agency employee, that individual's cover is, by definition, compromised. Ms. Wilson played a role in arranging for her husband, Ambassador Joseph Wilson, to be sent to Niger, and this role was directly connected to the fact that she worked at the CIA. Given this interplay, it seems her employment was relevant to a White House which was surprised to learn about Ms. Wilson's husband's mission and the account of his findings.

As we proceed to work to obtain more facts from Mr. Fitzgerald's investigation, I believe we should also devote Committee's efforts on the following matters:

■ **The CIA's erroneous expression of doubt in September and October 2002 to the White House, the British, and the Senate Select Committee on Intelligence about Iraq's interest in uranium yellowcake, when analysts at the CIA, in fact, had no such doubts.**

The bipartisan report of the Senate Select Committee on Intelligence (SSCI) discussed this matter in its July 2004 report.² According to the SSCI, a CIA analyst assigned to the Office of Near East and South Asia (NESA) informed the British in September 2002 that "we don't view this reporting as credible" when referring to the Agency's putative position on intelligence about Iraqi interest in yellowcake from Africa.³ On October 2, 2002, based upon information provided by this same analyst, the Deputy Director of Central Intelligence testified at a hearing before the SSCI "[w]e've looked at those reports and we don't think they are very credible."⁴ Subsequently, the NESA staffer also expressed concern to superiors about a reference to uranium intelligence in a draft of a presidential speech slated for delivery in Cincinnati, Ohio, on October 7, 2002. This caused the CIA to send two faxes to the White House and the Deputy National Security Advisor to be informed by telephone that the CIA recommended deleting any discussion of Iraqi yellowcake acquisition efforts.⁵

The SSCI's July 2004 report concluded, however, that the NESA analyst "had not performed an analysis of the Iraq-Niger uranium reporting" and was only conveying "what he believed" to be the assessment of colleagues in the Agency's Weapons Intelligence, Nonproliferation, and Arms Control Center (WINPAC).⁶ According to the SSCI, *no* "CIA Iraq analysts who had analyzed the Niger reporting" in this period "viewed the reporting as not credible."⁷ In fact, the SSCI determined that, indeed, "each of these analysts told Committee staff that until at least March 2003, they believed that Iraq was seeking uranium from Africa."⁸ The SSCI concluded the NESA staffer *misunderstood* WINPAC's assessment and caused

² S. Rep. No. 108-301 at 78-79 (Jul. 9, 2004) (*Report of the [Senate] Select Committee on Intelligence [hereinafter "SSCI"] on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq with Additional Views*) [hereinafter "Jul. 9, 2004 SSCI Report"]. The declassified and unredacted version of these pages can be found in a subsequent SSCI report. See S. Rep. No. 110-76 at 220-22 (May 25, 2007) (*Report of the SSCI on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq with Additional Views*) [hereinafter "May 25, 2007 SSCI Report"] (Additional Views of SSCI Vice Chairman Bond, Sen. Hatch, and Sen. Burr).

³ *May 25, 2007 SSCI Report* at 221.

⁴ *Jul. 9, 2004 SSCI Report* at 54. Referring to Saddam Hussein, the Deputy Director of Central Intelligence continued by saying, "It doesn't diminish our conviction that he's going for nuclear weapons." *Id.* (quoting the Deputy Director of Central Intelligence).

⁵ *Id.* at 55-57. See also *May 25, 2007 SSCI Report* at 220-22.

⁶ *May 5, 2007 SSCI Report* at 220-22.

⁷ *Id.*

⁸ *Id.*

incorrect information about the CIA's position to be communicated to these very important constituencies.⁹

The NESA analyst's missteps explain why the CIA appeared to express doubt about the yellowcake intelligence in some circumstances for a short period, while the Agency supported it elsewhere before, during, and after the analyst's various exertions, such as when the National Intelligence Estimate was issued on October 1, 2002. It seems that after early October 2002, the misinformed NESA analyst ceased conveying his inaccurate information, either because he never again had the opportunity to do so, or because he became aware of the actual CIA assessment of the yellowcake intelligence. This explains why, for many months after the White House amended the Cincinnati speech to address the NESA analyst's concerns, the CIA continued to report on intelligence about possible Iraqi efforts to obtain uranium ore, including in February 2003 in a classified communication with the United Nations International Atomic Energy Agency and in a letter to Senator Carl Levin.¹⁰

Understanding the CIA's actual analytical assessment of the Niger yellowcake situation also serves to discredit any suggestion that as a consequence of Mr. Wilson's mission, Agency analysts discounted reports of Iraqi interest in acquiring uranium ore. Indeed, an investigation by the SSCI concluded that "[f]or most analysts, the information in the report" produced as a result of Mr. Wilson's trip "lent more credibility" to intelligence data about Iraqi interest in securing yellowcake.¹¹

It is significant, as well, that when considering the events of September and October 2003 months later, CIA and White House officials did not understand the miscommunication that had occurred.

On July 7, 2003, a British parliamentary report criticized the British government for expressing confidence in the yellowcake intelligence in September 2002 in light of objections putatively lodged then by the CIA. This assessment helped to spark questions the next day as to the inclusion of the intelligence in the President's January 2003 address to Congress. As a result, White House spokesman Ari Fleischer declared: "[K]nowing all that we know now, the reference to Iraq's attempt to acquire uranium from Africa should not have been included in the State of the Union speech."¹² This statement relied, in part,

⁹ *Id.*

¹⁰ *Jul. 9, 2004 SSCI Report* at 67-69. For a full accounting of other CIA communications expressing some support for the yellowcake intelligence after the Cincinnati and State of the Union addresses, see memo transmitted by Stanley Moskowitz, then Director of Congressional Affairs, Central Intelligence Agency that was produced during the trial of I. Lewis "Scooter" Libby, former Chief of Staff to the U.S. Vice President. Memo transmitted by Stanley Moskowitz, Director, Congressional Affairs, Central Intelligence Agency, to Tim Sample, Staff Director, U.S. House of Representatives Permanent Select Committee on Intelligence [hereinafter "HPSCI"] (Apr. 3, 2007), available at http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB215/def_ex/DX64.pdf [last visited Jul. 16, 2008].

¹¹ *July 9, 2004 SSCI Report* at 73.

¹² See Walter Pincus, *White House Backs Off Claim on Iraqi Buy*, WASH. POST, Jul. 8, 2003, A1; David E. Sanger, *Bush Claim on Iraq Had Flawed Origin, White House Says*, NY TIMES, Jul. 8, 2003, A1.

on the erroneous belief that the CIA did not support the yellowcake intelligence cited by the British in September. Similarly, four days later, George Tenet, the Director of Central Intelligence, released a statement in which he declared the yellowcake language "should never have been included in the text written for the President."¹³ In justifying this conclusion, Mr. Tenet also cited the supposition that the CIA "expressed reservations" about the intelligence to the British in September 2002, and the fact that "senior intelligence officials" had informed members of the Senate of this fact at the time.¹⁴ A day later, on July 12, 2002, the *New York Times* reported that "Administration officials involved in drafting" the President's Cincinnati address "at the CIA's behest" had removed a reference to Iraq's interest in uranium ore from Niger.¹⁵

Mr. Fleischer's declaration, Mr. Tenet's statement, and the acknowledgement of "Administration officials," all built upon what the SSCI later found to be an incorrect assertion. In fact, responsible CIA analysts had no doubts about the yellowcake intelligence in September and October 2002.

I am certain you agree the ramifications of this cascade of errors are enormous. The initial actions allowed allies, policy-makers, and legislative overseers to be misinformed. A failure to comprehend this miscommunication, led others to later propagate the myth that CIA analysts took exception to intelligence about potential Iraqi efforts to obtain uranium. That myth persists today. Some critics have used it to construct a fallacious argument which asserts the Administration sought support for the Iraq War by citing intelligence that agency analysts knew to be false.

Because the SSCI was able to deduce the contemporaneous impressions of the analysts at the CIA who actually evaluated the intelligence, it also seems that Agency officials who claim to have a different understanding of the assessment were also unwittingly misinformed as a result of the NESAs analyst's mistake or they misunderstood or do not recall accurately the information they were provided.

The July 2004 SSCI report was agreed to unanimously on a bi-partisan basis. It has been available in classified form since that date; the findings about the NESAs analyst were declassified in May 2007. Yet, this matter appears to have received almost no attention before or since. While I have every reason to suspect that the difficulties described by the SSCI are merely the innocent mistakes of an overburdened intelligence professional, it is easy to imagine what some might have said had the analyst *overstated* to the British, the White House, and a Congressional committee the CIA's assessment of

¹³ Statement by George Tenet, Director, Central Intelligence Agency (Jul. 11, 2003), *available at* <http://edition.cnn.com/2003/ALLPOLITICS/07/11/tenet.statement/> [last visited Jul. 16, 2008].

¹⁴ *Id.*

¹⁵ David E. Sanger and James Risen, *CIA Chief Takes Blame in Assertion on Iraqi Uranium*, NY TIMES, Jul. 12 2003, A1.

the yellowcake intelligence—especially if the offender could somehow be imprecisely labeled a “neoconservative.”¹⁶

I know you agree the July 2004 SSCI report describes an intelligence agency suffering from intolerable confusion. Indeed, the SSCI concluded “there should have been some mechanism in place within the CIA to ensure that different analysts were not providing different assessments to policymakers and that assessments in finished intelligence products provided a consistent message.”¹⁷ I wholeheartedly concur. I suggest the Committee investigate what procedures or policies the IC has put in place to prevent such a situation from recurring.

■ **Valerie Plame Wilson’s role in dispatching her husband to Niger in February 2002. Varying accounts of Ms. Wilson’s role, including one she gave under oath to the Committee on March 16, 2007, differ from a February 12, 2002 e-mail authored by Ms. Wilson, upon which findings of the bipartisan report of the Senate Select Committee on Intelligence were based.**

A clearer understanding of Ms. Wilson’s role is essential in order to understand the predicate for Mr. Wilson’s trip and the White House’s reaction to it. I am concerned about the consistency of Ms. Wilson’s testimony to this Committee as to whether she suggested or recommended sending, her husband, Ambassador Joe Wilson to Niger. As you know, when asked if she had made the recommendation to dispatch Mr. Wilson on a fact-finding mission to Niger, Ms. Wilson has made two different statements—each appearing to be inconsistent with the other and both appearing to be inconsistent with the documentary evidence of her own contemporaneous e-mail. It is essential that these conflicting accounts be reconciled.

Ms. Wilson told the SSCI staff: “I honestly do not recall if I suggested it or [if] my boss . . . during a brainstorming session suggested well, what about your husband, Ambassador Wilson, would he be willing to consider this?”¹⁸ A May 25, 2007 SSCI report further reported that “[w]hen asked specifically if she remembered whether she suggested her husband’s name, [Ms. Wilson] said, ‘I honestly do not.’”¹⁹ In contrast, Ms. Wilson testified before our Committee that in fact she did recall whether she “suggested” him; namely, Ms. Wilson testified categorically: “I did not recommend him. I did not suggest him,” and that “[another officer] suggested well, why

¹⁶ See, generally, JOHN EHRLMAN, *THE RISE OF NEOCONSERVATISM; INTELLECTUALS AND FOREIGN AFFAIRS, 1945-1994* (Yale University Press 1995). See, also MURRAY FRIEDMAN, *THE NEOCONSERVATIVE REVOLUTION; JEWISH INTELLECTUALS AND THE SHAPING OF PUBLIC POLICY* (Cambridge University Press 2005); GARY DORRIEN, *THE NEOCONSERVATIVE MIND; POLITICS, CULTURE, AND THE WAR OF IDEOLOGY* (Temple University Press 1993); PETER STEINFELS, *THE NEOCONSERVATIVES; THE MEN WHO ARE CHANGING AMERICA’S POLITICS* (Simon and Schuster 1979). For the putative influence of University of Chicago political scientist Leo Strauss on neoconservatives, see, generally, SHADIA B. DRURY, *LEO STRAUSS AND THE AMERICAN RIGHT* (St. Martin’s Press 1999).

¹⁷ *May 25, 2007 SSCI Report* at 222 (Additional Views of SSCI Vice Chairman Bond, Sen. Hatch, and Sen. Burr) (quoting Valerie Plame Wilson).

¹⁸ *Id.*

¹⁹ *Id.*

don't we send Joe [Wilson]?"²⁰ In her book, Ms. Wilson says that this reports officer "enthusiastically suggested: 'What about talking to Joe about it?'"²¹ However, she testified before the Committee the officer remarked outright about "send[ing] Joe."²²

Ms. Wilson's own e-mail (most of which has now been made public) suggests she in fact did recommend her husband for this mission. The email written on February 12, 2002 by Ms. Wilson states: "I am hesitant to suggest anything again. However, [my husband] may be in a position to assist. Therefore, request your thoughts on what, if anything to pursue here."²³

The categorical denial before our Committee that she did not suggest or recommend her husband for the mission, when compared with her lack of recollection in the earlier Senate investigation and the statements in the contemporaneous documentary evidence available raises inconsistencies about Ms. Wilson's testimony before this Committee.²⁴ We must resolve how her assertions progressed from "not recall[ing]" to definitively "not recommend[ing]" and "not suggest[ing]" and whether these statements are consistent with her e-mail's exact words that she was hesitant "to suggest" her husband.

I also believe the Committee should determine what prompted Ms. Wilson's February 12, 2002 e-mail. Her explanation before this Committee about the reasons for drafting the e-mail appears inconsistent with the email's text. Ms. Wilson testified that she wrote the email following a call from the Office of the Vice President (OVP) and a conversation with her branch chief and colleague.²⁵ Ms. Wilson further testified that, during the conversation with the branch chief, she indicated that she was willing to go home that evening and "speak to [Mr. Wilson], [and] ask him to come in to headquarters next week [to] discuss the options."²⁶ Ms. Wilson also testified: "[A]s I was leaving [the branch chief] asked me to draft a quick e-mail to the chief of our Counterproliferation Division to let him know that this was—might happen."²⁷

²⁰ *Hearing on White House Procedures for Safeguarding Classified Information before the House Oversight and Government Reform Committee* (Mar. 16, 2007) [hereinafter "Mar. 16, 2007 Hearing"] at Tr. 51-52 (statement of Valerie Plame Wilson).

²¹ VALERIE PLAME WILSON, *FAIR GAME* 109 (Simon & Schuster 2007) [hereinafter "Fair Game"].

²² *Mar. 16, 2007 Hearing* at Tr. 52.

²³ *May 25, 2007 SSCI Report* at 207 (quoting full text of e-mail from Valerie Plame Wilson to CI/DO/[office 1] (Feb. 12, 2002) (emphasis supplied) [hereinafter "Feb. 12, 2002 Wilson e-mail"]).

²⁴ In light of these contradictions, other related statements by Ms. Wilson before our Committee also raise questions. Specifically, Ms. Wilson testified before our Committee that the following sentence from the July 2004 SSCI Report was "incorrect": "The plan to send the former Ambassador to Niger was suggested by the former Ambassador's wife, a CIA employee." *Mar. 16, 2007 Hearing* at Tr. 53 (statement by Valerie Plame Wilson) (quoting *Jul. 9, 2004 SSCI Report* at 443) (Additional Views of Chairman Roberts, joined by Sen. Bond, Sen. Hatch). Further, Ms. Wilson testified before this Committee: "And, it was [the Feb. 12, 2002 Wilson e-mail], Congressman, that was taken out of context, a portion of which you see in the Senate Select Committee on Intelligence report of July of 2004 that makes it seem as though I had suggested or recommended him [Mr. Wilson]." *Mar. 16, 2007 Hearing* at Tr. 52 (statement of Valerie Plame Wilson).

²⁵ *Id.* at Tr. 51-52 (statement of Valerie Plame Wilson).

²⁶ *Id.* (statement of Valerie Plame Wilson) (recounting and paraphrasing the statements of Ms. Wilson's CIA Branch Chief).

²⁷ *Id.* at Tr. 52 (statement of Valerie Plame Wilson).

This testimony appears to be inconsistent with the nature and content of the e-mail itself. In fact, the title of the February 12, 2002 e-mail is "Iraq-related Nuclear Memo Makes a Splash," and, in the first line of the e-mail, Ms. Wilson specifies that it is a February 5, 2002 memo²⁸ regarding Iraq's attempts to acquire uranium from Niger—not an OVP telephone call—which "has prompted me to send this on to you and request your comments and opinion."²⁹ The e-mail text does not mention a call from OVP, nor any discussion with a branch chief or colleague, nor does it indicate that Ms. Wilson would be approaching Mr. Wilson that night. Three members of the SSCI have written "[t]his is important because the CIA originally told [SSCI], and [Mr. Wilson and Ms. Wilson] stated publicly, that it was a question from the Vice President's office that prompted the CIA's Counterproliferation Division (CIA/CPD) to discuss ways to obtain additional information about the reporting [regarding Iraq-Niger matter.]"³⁰ I agree.

Ms. Wilson testified before our Committee that a junior officer came to her upset because the officer "had just received a telephone call on her desk from someone, I don't know who, in the Office of the Vice President, asking about this report of this alleged sale of yellow cake uranium from Niger to Iraq."³¹ Ms. Wilson then testified that a conversation about this call immediately followed, during which another officer "suggested well, why don't we send Joe [Wilson]?"³² From the documentation available to this Committee, it appears the alleged phone call and subsequent conversation occurred on February 12, 2002.³³

On the following day, February 13, 2002, the Vice President's CIA briefer prepared the regular daily "tasker" after his daily morning meeting with the Vice President. This "tasker" said: "The VP was shown an assessment (he thought from DIA) that Iraq is purchasing uranium from Africa [and] [h]e would like [CIA's] assessment of that transaction."³⁴ Later that same afternoon, Ms. Wilson prepared a cable that said: "[T]he Vice President's office just asked for background information."³⁵ This is in contrast with Ms. Wilson's February 12, 2002 e-mail which appears to make no mention of the OVP. These possible inconsistencies raise questions

²⁸ According to the *May 25, 2007 SSCI Report*, "this report" refers to a Feb. 5, 2002 CIA/DO report referring to "verbatim text" of a reported Iraq-Niger uranium agreement. *May 25, 2007 SSCI Report* at 208.

²⁹ *Feb. 12, 2002 Wilson e-mail*.

³⁰ *May 25, 2007 SSCI Report* at 208 (Minority Views of Vice Chairman Bond, joined by Senators Hatch and Burr).

³¹ *Mar. 16, 2007 Hearing* at Tr. 51 (statement of Valerie Plame Wilson). In her testimony, Ms. Wilson did not specify to which report she was referring.

³² *Id.* at Tr. 52 (statement of Valerie Plame Wilson).

³³ According to her testimony at the *Mar. 16, 2007 Hearing*, immediately after this conversation with her colleague (another officer) and the junior officer, Ms. Wilson and her colleague discussed the suggestion to send Mr. Wilson with their branch chief, who asked Ms. Wilson to compose "a quick e-mail" to let her boss know that she had been asked to ask Mr. Wilson that night of his interest in traveling to Niger. *Id.* Ms. Wilson also testified that the e-mail she wrote at that time was the same *Feb. 12, 2002 Wilson e-mail*, a portion of which was in the *Jul. 9, 2004 SSCI Report*. *Id.* (citing *Jul. 9, 2004 SSCI Report*).

³⁴ Daily "Tasker" Memo prepared by David D. Terry (Central Intelligence Agency) (Feb. 13, 2002) (most likely referring to Defense Intelligence Agency, *Niamey signed an agreement to sell 500 tons of uranium a year to Baghdad* (NMJIC Executive Highlight, Vol. 028-02), (Feb. 12, 2002)).

³⁵ *May 25, 2007 SSCI Report* at 212 (quoting Cable prepared by Valerie Plame Wilson (Feb. 13, 2002)).

about Ms. Wilson's testimony before this Committee.³⁶ Perhaps other, contemporaneous documents would shed light on this issue.

Finally, I believe there are important unanswered questions about when Ms. Wilson approached her husband about the possibility of traveling to Niger. According to Ms. Wilson's testimony before our Committee, her branch chief asked her "[W]hen you go home this evening [February 12, 2002] would you be willing to speak to your husband . . . ?"³⁷ Ms. Wilson testified that, despite reservations, she replied "Of course,"³⁸ and that she drafted her February 12, 2002 e-mail to let the chief of CPD know "that this was—might happen."³⁹ From this recounting, it appears the purpose of the e-mail was to inform CPD that she would be approaching Mr. Wilson *before* any decision had been made as to the propriety of dispatching him.

However, according to the unanimous, bipartisan July 2004 SSCI report, "[Ms. Wilson] told [SSCI] Staff that when CPD decided it would like to send [Wilson] to Niger, she approached her husband on behalf of the CIA and told him 'there's this crazy report' on a purported deal for Niger to sell uranium to Iraq."⁴⁰ In this account, it appears she is describing an approach to her husband *after* CPD had already made the decision to send Mr. Wilson to Niger.

Further confusing this matter is Mr. Wilson's account. In a 2004 letter sent to the SSCI after the release of that committee's July report, Mr. Wilson wrote, "[i]t was at [a] meeting [on February 19, 2002 with CIA and staff from the Department of State's Bureau of Intelligence and Research]⁴¹ where the question of my traveling to Niger was broached with me for the first time and came only after a thorough discussion of what the participants did and did not know about the subject."⁴²

³⁶ In addition, Ms. Wilson had apparently never given this version of events before her testimony to our Committee. In fact, the uncontested Additional Views of three SSCI senators state: "[Ms. Wilson's Mar. 16, 2007 testimony before the House Oversight Committee] was of great interest to us because during a nearly hour long interview with Mrs. Wilson in which Senate Committee staff asked specifically what led CIA/CPD to think about sending someone to Niger and how it was that her husband's name came up, Mrs. Wilson never provided the story she provided to the House Committee." *May 25, 2007 SSCI Report* at 211.

³⁷ *Mar. 16, 2007 Hearing* at Tr. 52 (statement of Valerie Plame Wilson) (recounting and paraphrasing the statements of Ms. Wilson's CIA Branch Chief).

³⁸ *Id.* (statement of Valerie Plame Wilson).

³⁹ *Id.* (statement of Valerie Plame Wilson).

⁴⁰ *Jul. 9, 2004 SSCI Report* at 39 (quoting Valerie Plame Wilson).

⁴¹ Mr. Wilson refers to a meeting with CIA and Department of State staff, which, based upon a memorandum composed by Department of State staff present at that meeting, is understood to have taken place on Feb. 19, 2002. Memorandum to Marc Grossman, Undersecretary, U.S. Department of State, from Carl Ford, Director, Bureau of Intelligence and Research, U.S. Department of State (Jun. 10, 2003) (*citing* Memorandum entitled "Niger/Iraq uranium Meeting CIA 2/19/02" prepared by Doug Rohn, Department of State, Bureau of Intelligence and Research [on file with Committee Staff]).

⁴² Letter to Sen. Pat Roberts, Chairman, SSCI, and Sen. Jay Rockefeller, Vice-Chairman, SSCI, from Joseph C. Wilson IV, former U.S. Ambassador (Jul. 19, 2004) *available at* <http://politicsoftruth.com/editorials/Statement.html> [last visited Jul. 16, 2008].

These three accounts appear to be completely inconsistent. On the one hand, Ms. Wilson testified before our Committee that she talked with her husband on February 12, 2002, to determine his interest and availability. On the other hand, the SSCI reported Ms. Wilson said that she approached her husband after CPD decided it would send Mr. Wilson. And, to add further confusion, Mr. Wilson has said the first time he was asked about traveling to Niger was one week later (on February 19, 2002) and Ms. Wilson was not involved. This apparent inconsistency, too, raises concerns about Ms. Wilson's testimony before this Committee.

Consequently, I urge you to join me in requesting, pursuant to House Rule X, para. 11(g)(3)(B), and Rule 14(f) of the House Permanent Select Committee on Intelligence (HPSCI), HPSCI's assistance in providing access to certain classified documents or portions of documents that may be relevant to an assessment of possible inconsistencies in Ms. Wilson's testimony before this Committee. You no doubt appreciate the fact that that this would be the fourth request from this Committee for access to these documents, following the March 16, 2007, March 26, 2007, and May 11, 2007 letters to CIA Director General Michael V. Hayden.⁴³ Viewing these documents was discussed between our staffs, and we agreed that Members would seek to have access to the above documents. However, this did not occur, and instead HPSCI staff undertook a review of certain documents provided by the CIA at the request of our Committee staff. It is time we ask that HPSCI assist our Members in obtaining access to the following documents:

- The February 12, 2002 e-mail from Ms. Wilson to her superiors entitled "Iraq-related Nuclear Memo Makes a Splash" with all original notations and other markings.
- Cable "sent overseas" on February 13, 2002 from Valerie Plame Wilson in connection with the possibility of Ambassador Joe Wilson traveling to Niger.
- Memorandum entitled "Niger/Iraq uranium Meeting CIA 2/19/02 prepared by Doug Rohn, Department of State, Bureau of Intelligence and Research.
- All other documents relating or referring to Ms. Wilson and her role in the mission to Niger.⁴⁴

⁴³ Letter from Tom Davis, Ranking Member, House Oversight and Government Reform Committee, to General Michael Hayden, Director, Central Intelligence Agency (Mar. 16, 2007) (on file with Committee Staff); Letter from Henry A. Waxman, Chairman, House Oversight and Government Reform Committee, to General Michael Hayden, Director, Central Intelligence Agency (Mar. 26, 2007) (on file with Committee Staff); Letter from Henry A. Waxman, Chairman, House Oversight and Government Reform Committee, and Tom Davis, Ranking Member, House Oversight and Government Reform Committee, to General Michael Hayden, Director, Central Intelligence Agency (May 11, 2007) (on file with Committee Staff).

⁴⁴ Subsequent to the Committee's Mar. 16, 2007 Hearing, the staff of the HPSCI undertook a review of certain documents provided by the CIA at the request of our Committee staff. We ask that these documents be made available to our Members.

Of course, we would stipulate that this request could be fulfilled subject to any redactions of information relating to intelligence sources and methods or other operational material not relevant to an assessment of the testimony.

Some might believe that questions about Ms. Wilson's testimony are inappropriate attempts to divert attention from other issues. I disagree. Providing consistent testimony to this or any other Congressional Committee is our absolute concern and can not be balanced against any other. Where there is a strong concern that a witness may not have provided this Committee with full and complete information or unclear testimony, it is the duty and obligation of this Committee to inquire and resolve the matter. The truth about the matters in question will further elucidate the circumstances of Mr. Wilson's trip to Niger.

■ The circumstances and background of Robert Novak's encounter on July 8, 2003, with an individual on a Washington, D.C., street corner, a few blocks from the Department of State, minutes after departing from a meeting with Deputy Secretary Richard Armitage in which Mr. Armitage mentioned Ms. Wilson's place of employment.

During a seemingly chance curbside encounter with a passerby, journalist Robert Novak conveyed what he had just learned from Deputy Secretary of State Richard Armitage. According to reports of interviews conducted by the FBI, this passerby immediately traveled to Mr. Wilson's office and reported this matter to him. There is, however, some uncertainty about the relationship between the individuals involved and the circumstances which led to Mr. Novak's encounter. Given the centrality of this exchange to Mr. Wilson's claims of a White House vendetta, these questions demand answers.

In his book, Mr. Wilson describes how he learned of the encounter with Mr. Novak: "a friend showed up at my office with a strange and disturbing tale."⁴⁵ In Ms. Wilson's autobiography, she described the person involved as a "business acquaintance" of her husband who "headed straight to Joe's office" after parting company with Mr. Novak.⁴⁶ Neither provides the identity of the individual; both accounts suggest he was known to Mr. Wilson casually. In Mr. Wilson's telling, the individual's arrival at Mr. Wilson's workplace seemed unexpected. Ms. Wilson makes clear she believes her husband's office was his alone.

⁴⁵ JOSEPH WILSON, *THE POLITICS OF TRUTH: INSIDE THE LIES THAT LED TO WAR AND BETRAYED MY WIFE'S CIA IDENTITY* 343 (Carroll & Graf 2004).

⁴⁶ *Fair Game* at 140.

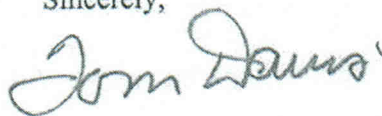
However, Mr. Wilson described to the FBI the person who met up with Mr. Novak as "a business partner."⁴⁷ By contrast, the individual said he and Mr. Wilson were "in the process of establishing a partnership."⁴⁸ Regardless of whether a partnership had been consummated, this person described his connection to Mr. Wilson as "a close relationship," and explained to the FBI they spoke "almost on a daily basis."⁴⁹ Indeed, he told interviewing FBI agents they should use Wilson's business address "as his own for the record," and further suggested that because he had no "fixed address due to the frequency with which he travels," the FBI could reach him in the future by leaving a message at Mr. Wilson's office.⁵⁰ The Bureau apparently took advantage of this offer: records provided by the FBI appear to indicate agents interviewed this individual by telephone. It seems FBI agents never met him in person.⁵¹

Certainly serendipity is part and parcel of human existence. Coincidences, random occurrences, and accidents of timing happen regularly. This could certainly be the case here. On the other hand, if this individual somehow had reason to suspect that Mr. Armitage had spoken about Ms. Wilson to Mr. Novak minutes before his and Mr. Novak's encounter, and if he met up with Mr. Novak with the hopes of confirming this fact, then Mr. Wilson, even before the onset of the FBI's investigation, had reason to believe that Mr. Novak's source of information about Ms. Wilson's place of employment was in fact *not* in the White House.

I hope you will decide to devote some to the Committee's energies to these important topics. By obtaining information about important issues bearing on the Iraqi intelligence difficulties and other matters which have received little attention from others, we can advance our understanding of a critical period in recent history and set the stage to ensuring corrective actions have been taken for the future.

I appreciate your consideration of this request.

Sincerely,



Tom Davis
Ranking Member

⁴⁷ Interview of Joseph C. Wilson IV, former U.S. Ambassador, by Investigators from the U.S. Federal Bureau of Investigation in Washington, D.C. (Oct. 03, 2003).

⁴⁸ Interview of [name withheld by Committee staff] by Investigators from the U.S. Federal Bureau of Investigation (telephonic) (Oct. 03, 2003).

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*