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September 29, 2003

The Honorable John D. Ashcroft
Attorney General of the United States
U. S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Attorney General:

I am writing to formally request that the U. S. Department of Justice appoint an outside special counsel to take over the investigation of the leaking of an undercover CIA operative's name to columnist Robert Novak and to request that we meet or that you set up a staff briefing at the earliest opportunity to discuss these matters. According to the *Washington Post*, a senior White House official has indicated that two top White House aides called six reporters and revealed that Ambassador Joseph Wilson's wife was an undercover CIA operative. The motive for this criminal action has been described as "revenge" for Wilson's revelations that the State of the Union address contained fraudulent information about Saddam Hussein and Weapons of Mass Destruction.

Under the Department's regulations, the Attorney General is required to appoint a special counsel when (1) a "criminal investigation of a person or matter is warranted," (2) the investigation "by a United States Attorney's Office or litigating Division of the Department of Justice would present a conflict of interest for the Department," and (3) "it would be in the public interest to appoint an outside Special Counsel to assume responsibility for the matter." 28 C.F.R. § 600.1 (2002).

There can be no doubt that this matter presents a clear conflict of interest for you and your Department to investigate. When top Administration officials are involved in such a grave and serious matter that would almost certainly damage the credibility of this Administration, it goes without saying that your office is ill equipped to carry out such an investigation. It has also been reported that one of the criminal leakers of this information was allegedly Karl Rove, the President's top political advisor, and the architect of his reelection campaign. It should be noted that Rove was reportedly fired from the campaign of President George H. W. Bush over a leak to

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Robert Novak. "Why Are These Men Laughing?," Ron Suskind, *Esquire Magazine*, January 2003. It has also been reported that Mr. Rove was the driving force behind your nomination as Attorney General. "How the Religious Right Pushed for Ashcroft's Nomination," David Johnston and Neil A. Lewis, *New York Times*, January 7, 2001.

There appears to be little doubt that persons in the White House communications or political team or other high ranking political officials were the sources of this information. This in turn raises further questions that warrant an objective investigation by a special counsel. Such White House officials would not be privy to the names of undercover CIA operatives because such information is usually disclosed only to those with appropriate clearances and only on a "need to know" basis. Who disclosed this information to the White House political team or communications team and why did they do it? Such a disclosure would represent a violation of that individual's Classified Information Nondisclosure Agreement and, a violation of a number of federal statutes.

There also can be no doubt that this case presents allegations of criminal wrongdoing of the most serious kind, essentially amounting to treason. Under 50 USC § 421(a), the disclosure of the name of a covert agent is punishable by up to ten years in prison. As the President's father said in 1999, "I have nothing but contempt and anger for those who betray the trust by exposing the names of our sources. They are, in my view, the most insidious of traitors." Dedication Speech George Bush Center for Intelligence, April 16th, 1999. There can be no doubt that this matter placed the lives of Ambassador Wilson, his wife, and her contacts at risk.

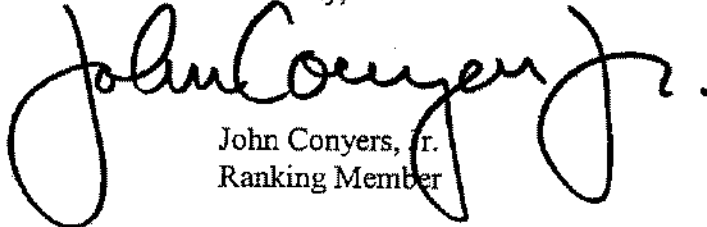
I am concerned that your Department has been dragging its feet in this matter. Reports indicate that CIA officials approached your office requesting an investigation of this matter within days of Mr. Novak's July 14 column. Given that your Department has taken no discernible action in this ensuing two months, there is the appearance that this investigation is being stonewalled. This impression is bolstered by the fact that you have been asked, on a number of occasions, to appoint special counsels to investigate allegations of criminal wrongdoing by high ranking Administration officials, and have in every instance declined to do so. From Enron to Westar, you have refused to take the most basic steps to ensure that there is an impartial investigation of these matters. It should also be noted that, in all of these matters in which you assured the public that your Department could appropriately investigate officials of its own Administration, you have taken no actions against any such officials.

I look forward to promptly hearing whether you will appoint a special counsel and, if not, the reason for your decision. Should you have any questions or concerns about this request,

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please feel free to contact me through Perry Apelbaum or Ted Kalo with my Judiciary Committee staff (tel. 202-225-6504, fax 202-225-4423), 2142 Rayburn Building, Washington, D.C., 20515.

Sincerely,

A handwritten signature in cursive script that reads "John Conyers, Jr.". The signature is written in black ink and is positioned above the printed name and title.

John Conyers, Jr.
Ranking Member

cc: The Honorable F. James Sensenbrenner, Jr.
Chairman
U. S. House Committee on the Judiciary

The Honorable Will Moschella
Assistant Attorney General
Office of Legislative Affairs