

September 29, 2003

The Honorable John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General Ashcroft:

I write to ask you to appoint a special counsel to investigate and prosecute the apparent unauthorized and criminal leaking of an undercover CIA agent's identity by senior administration officials.

As you are aware, in July, a syndicated newspaper column quoted "senior administration officials" identifying Valerie Plame as an undercover CIA operative specializing in Weapons of Mass Destruction. Plame is the spouse of a long-time State Department veteran, Ambassador Joseph Wilson, who wrote an op-ed disputing the White House's claims about potential uranium exports from Niger to Iraq. The op-ed helped spur the debate about whether the White House knowingly manipulated information about Iraq's nuclear program.

Recent news accounts have reported that two high-level White House officials called six reporters and disclosed the identity of Wilson's wife as part of an attempt to impugn Wilson's credibility and intimidate other critics of the Administration.

Leaking the identity of an undercover CIA agent is a federal crime, punishable by up to 10 years in prison. In July, I asked FBI Director Mueller to determine whether there were grounds to believe a crime had occurred. Following standard procedure, Director Mueller contacted CIA Director George Tenet to ascertain whether it appeared a national security breach had occurred. Director Tenet has apparently confirmed that he believes a crime was committed.

Clearly, there is the appearance of a conflict of interest for the Department of Justice to investigate whether senior White House officials committed federal felony offenses, especially in such a highly-charged context. Since you no longer have the option of asking that an Independent Counsel be appointed, I am writing to encourage you to appoint a Special Counsel.

Although a Special Counsel will not have complete independence from the Justice Department, he or she would have the full panoply of powers available to a US Attorney and federal regulations require that any interference in the investigation ultimately be reported to Congress. In short, the appearance of a conflict of interest is not totally removed, but it is substantially mitigated. Appointing a Special Counsel may not be the perfect way to conduct this investigation, but it is clearly the best alternative available.

We need a person with a pristine reputation to lead this probe, someone who has the stature to make sure that this investigation gets to the bottom of what happened. Federal regulations require that the Special Counsel be a "lawyer with a reputation for integrity and impartial decision-making" and "shall be selected from outside the United States Government." Some immediately obvious possibilities include: Warren Rudman, George Mitchell, Sam Nunn, and Frank Keating. Should you agree that a Special Counsel is necessary, I encourage you to consult with Congressional leaders from both parties before making an appointment.

This criminal act is one of the most reckless and nasty things I have seen in all my years of government. Leaking the name of a CIA agent is tantamount to putting a gun to that agent's head. It compromises that agent's safety and the safety of that agent's loved ones, not to mention those in that agent's network of intelligence assets. Furthermore, it poses a serious threat to the national security of this nation.

I know you share my commitment to national security and that you are as appalled by these dastardly deeds as I am. I hope you will take the only appropriate action here and appoint a Special Counsel so we can ensure that justice is done while preserving the integrity of the Justice Department.

I look forward to hearing from you on this matter soon.

Sincerely,

Charles E. Schumer
United States Senator