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January 14, 2004

The Honorable Condoleezza Rice
Assistant to the President for National Security Affairs
The White House
Washington, DC 20500

Dear Ms. Rice:

I am writing to you in your role as the highest ranking White House official responsible for security matters to seek information regarding apparent inconsistencies in how the Administration handles allegations regarding the release of sensitive information.

This week, within one day of former Secretary of Treasury Paul O'Neill's television interview in which he voiced criticism of the Bush Administration, the Administration publicly announced it was investigating whether Secretary O'Neill had improperly disclosed confidential information.[1] Similarly, on June 20, 2002, "an irate" Vice President Cheney reportedly told congressional leaders that the President had "deep concerns" about media accounts from just one day earlier that the National Security Agency had September 10, 2001, communications intercepts with cryptic references to possible attacks the next day. The reports cited congressional sources, and congressional leaders immediately requested a Justice Department investigation of the matter.[2]

In contrast, over two months passed before there was any apparent Administration investigation of the July 14, 2003, disclosure of the identity of a CIA covert agent in a Robert

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[1] On Sunday evening, January 11, 2004, CBS's *60 Minutes* aired an interview with Secretary O'Neill in which he made negative comments about the President and Administration policy. On Monday, January 12, 2004, the Department of the Treasury announced that its Office of the Inspector General was investigating whether Secretary O'Neill inappropriately disclosed official documents, noting that a document marked "secret" was shown on the *60 Minutes* program as part of the interview. *O'Neill Says He Didn't Take U.S. Treasury Documents*, Reuters (Jan. 13, 2004).

[2] *White House Angered by Leaks on Intelligence*, Los Angeles Times (June 21, 2002).

Novak column that sourced two senior Administration officials.[3] In fact, in the weeks immediately following the publication of the agent's identity, the White House was dismissive regarding questions about whether it would investigate the matter, emphasizing that it was difficult to look into reports of sources that were not named specifically.[4] It was not until after September 26, 2003, when the media reported that the CIA had requested a Justice Department investigation, that the White House expressed concern about this leak.[5]

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[3] *See The Mission to Niger*, Chicago Sun-Times (July 14, 2003).

[4] When asked on July 22, 2003, whether the White House would "support an investigation" of the exposure of the CIA agent, the following exchange ensued:

> White House Spokesman: Well, I'd have to look into the specifics about whether or not that characterization is accurate when you're talking about someone's cover. But let me make it very clear, that's just not the way this White House operates.
>
> Reporter: Could you look into it?
>
> White House Spokesman: I'm sorry. I'll be available later.

The White House, *Press Briefing by Scott McClellan* (July 22, 2003). On the next day, July 23, 2003, a reporter asked whether the White House was doing an internal investigation to find out who may have disclosed the identity of the agent. The following is the White House spokesman's response:

> White House Spokesman: I have no reason to believe that there is any truth that that has happened. So if I thought that there was any reason to believe that something like that had happened, I would —
>
> Reporter: So you're saying that reporters just made it up?
>
> White House Spokesman: — try to get to the bottom. Campbell, I just said that anonymous is someone I would like to know who that is, but it's usually a fruitless search.

The White House, *Press Briefing by Scott McClellan* (July 23, 2003).

[5] *See Agent's Disclosure Investigated; CIA Has Requested Probe To See If Name Was Illegally Revealed*, Newsday (Sept. 28, 2003) (noting that the CIA request was first reported on September 26, 2003).

The Administration's approach to Mr. O'Neill's alleged actions also appears inconsistent with its policy on providing information to author Bob Woodward for his 2002 book entitled *Bush At War*. According to Mr. Woodward's introduction to the book, *Bush At War* was based in part on "contemporaneous notes taken during more than 50 National Security Council and other meetings where the most important decisions were discussed and made" and "the written record — both classified and unclassified."[6] Mr. Woodward also noted:

> War planning and war making involve secret information. I have used a good deal of it, trying to provide new specific details without harming sensitive operations or relationships with foreign governments. This is not a sanitized version, and the censors, if we had them in the United States — thank God we don't — would no doubt draw the line at a different, more restrictive place than I have.[7]

He also reportedly said that during his research on the book, the President talked with Mr. Woodward in the Oval Office, "often speaking candidly about classified information."[8] The Administration has acknowledged that it provided Mr. Woodward with information for his book.[9]

Bush at War portrayed President Bush in a favorable light and there was no apparent Administration investigation regarding Mr. Woodward's statements that he had access to classified information.

A consistent and strict government policy regarding the handling of sensitive information is integral to ensuring public trust in government. For this reason, I am seeking answers to the following questions:

(1) What steps did the White House take regarding an investigation of whether Secretary O'Neill inappropriately disclosed information in January 2004, who took any such steps, and when were any such steps taken? Please describe any White House communications with the Department of the Treasury on this matter before the

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[6] Bob Woodward, *Bush At War,* xi-xii (2002).

[7] *Id.* at xii.

[8] *Business Expo 2002 — The President Is Religious, Resolute, Woodward Attests*, Providence Journal-Bulletin (Apr. 10, 2002).

[9] Letter from Condoleezza Rice, Assistant to the President for National Security Affairs to Rep. Christopher Shays (June 30, 2003).

Department of the Treasury announced its investigation, the nature of any such communications, and the individuals involved with any such communications.

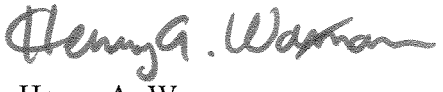
(2) What steps did the White House take regarding an investigation of whether senior Administration officials inappropriately disclosed information to Robert Novak or others regarding the identity of a covert CIA agent, who took any such steps, and when were any such steps taken? Please describe any White House communications with the Department of Justice on this matter before the September 26, 2003, reports of a Department of the Justice investigation, the nature of any such communications, and the individuals involved with any such communications.

(3) What steps did the White House take regarding an investigation of whether June 2002 media accounts of September 10, 2001, NSA intercepts reflected inappropriate disclosures of sensitive information, who took any such steps, and when were any such steps taken? Please describe any White House communications with members of Congress or their staff before the June 20, 2002, announcement of a congressional request for a Department of Justice investigation, the nature of any such communications, and the individuals involved with any such communications.

(4) What steps did the White House take regarding an investigation of whether Mr. Woodward's statements that he had access to classified information for his book *Bush At War* reflected inappropriate disclosures of sensitive information, who took any such steps, and when were any such steps taken? Please explain the process by which the Administration determines whether it is appropriate to provide journalists with access to classified information.

Your prompt response to these questions can help allay growing concerns about a double standard in the White House. I hope you will agree that on an issue as important as protecting the security of classified information, White House policy should not be driven by political considerations.

Sincerely,



Henry A. Waxman
Ranking Minority Member