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Congress of the United States
House of Representatives
Washington, DC 20515-4701

September 29, 2003

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Honorable John Ashcroft
Attorney General, United States of America
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Dear Attorney General Ashcroft:

I am writing to urge you to use your existing authority to appoint a special prosecutor to investigate allegations that White House officials leaked the name of an undercover Central Intelligence Agency (CIA) officer to several journalists, and to resolutely prosecute anyone found in violation of the law.

As you know, the CIA has been looking into the circumstances under which syndicated columnist Robert Novak received the highly secret information from "two senior Administration officials" that Valerie Plame, wife of former Ambassador Joseph Wilson, is a covert CIA agent. Mr. Novak named Ms. Plame in his column shortly after the New York Times published an opinion piece of Mr. Wilson's, which disputed the President's assertion that Iraq was attempting to acquire uranium from an African country.

The intentional disclosure of a covert operative's identity is, depending on the circumstances, a violation of up to two federal laws. Both the Espionage Act of 1917, and the Intelligence Identities Protection Act of 1982 are designed to specifically discourage the type of alleged activities surrounding this case. It is also possible that more laws may apply as more facts become known.


According to press reports, the leak to Novak was likely a conscious effort to either retaliate against Mr. Wilson, or to intimidate others from blowing the whistle on misleading information and falsehoods surrounding the war in Iraq. While it is clear that the investigation and prosecution of individuals involved in this leak are important for our national security and the rule of law in our country, I am concerned that anything short of a thorough investigation and vigorous prosecution will be seen as yet another example of the dangers of a government which will not tolerate honest dissent. As our top law enforcement official, I believe it is vital to our democracy that you send the message to certain political operatives in the White House that breaking the law and engaging in the personal destruction of adversaries and their families are not only illegal actions, but also un-American actions that will not be tolerated.

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It is my understanding that the CIA is now in the process of a "damage assessment" to determine whether any contacts that Plame had made over the years could be in danger. It is, of course, my hope that the alleged leak by top administration officials has not already put Americans serving our country in harm's way. Only our own properly enforced laws can protect the men and women who are protecting us through intelligence operations on the front lines.

I believe your appointment of a special prosecutor in this case is necessary, given that potential subjects of such a probe may be highly placed officials in the administration in which you serve. We trust that in naming such a prosecutor, you will establish adequate parameters for an investigation so that the endless nature of previous independent prosecutors is avoided.

Sincerely,



Jay Bybee
Member of Congress