AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

REVELATIONS BY FORMER WHITE HOUSE PRESS SECRETARY SCOTT McCLELLAN

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

JUNE 20, 2008

Serial No. 110–185

Printed for the use of the Committee on the Judiciary

Available via the World Wide Web: http://judiciary.house.gov

U.S. GOVERNMENT PRINTING OFFICE

42–974 PDF WASHINGTON : 2009

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

COMMITTEE ON THE JUDICIARY

JOHN CONYERS, JR., Michigan, *Chairman*

HOWARD L. BERMAN, California
RICK BOUCHER, Virginia
JERROLD NADLER, New York
ROBERT C. "BOBBY" SCOTT, Virginia
MELVIN L. WATT, North Carolina
ZOE LOFGREN, California
SHEILA JACKSON LEE, Texas
MAXINE WATERS, California
WILLIAM D. DELAHUNT, Massachusetts
ROBERT WEXLER, Florida
LINDA T. SANCHEZ, California
STEVE COHEN, Tennessee
HANK JOHNSON, Georgia
BETTY SUTTON, Ohio
LUIS V. GUTIERREZ, Illinois
BRAD SHERMAN, California
TAMMY BALDWIN, Wisconsin
ANTHONY D. WEINER, New York
ADAM B. SCHIFF, California
ARTUR DAVIS, Alabama
DEBBIE WASSERMAN SCHULTZ, Florida
KEITH ELLISON, Minnesota

LAMAR SMITH, Texas
F. JAMES SENSENBRENNER, JR., Wisconsin
HOWARD COBLE, North Carolina
ELTON GALLEGLY, California
BOB GOODLATTE, Virginia
STEVE CHABOT, Ohio
DANIEL E. LUNGREN, California
CHRIS CANNON, Utah
RIC KELLER, Florida
DARRELL ISSA, California
MIKE PENCE, Indiana
J. RANDY FORBES, Virginia
STEVE KING, Iowa
TOM FEENEY, Florida
TRENT FRANKS, Arizona
LOUIE GOHMERT, Texas
JIM JORDAN, Ohio

PERRY APELBAUM, *Staff Director and Chief Counsel*
SEAN MCLAUGHLIN, *Minority Chief of Staff and General Counsel*

CONTENTS

JUNE 20, 2008

Page

OPENING STATEMENT

The Honorable John Conyers, Jr., a Representative in Congress from the State of Michigan, and Chairman, Committee on the Judiciary 1
The Honorable Lamar Smith, a Representative in Congress from the State of Texas, and Ranking Member, Committee on the Judiciary 3

WITNESS

Scott McClellan, former White House Press Secretary
Oral Testimony 5
Prepared Statement 7

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

Exhibits submitted by the Honorable John Conyers, Jr., a Representative in Congress from the State of Michigan, and Chairman, Committee on the Judiciary 64
Prepared Statement of the Honorable Sheila Jackson Lee, a Representative in Congress from the State of Texas, and Member, Committee on the Judiciary 71
Material submitted by the Honorable Steve King, a Representative in Congress from the State of Iowa, and Member, Committee on the Judiciary 75
Post-Hearing Questions of the Honorable Lamar Smith, a Representative in Congress from the State of Texas, and Ranking Member, Committee on the Judiciary, to Scott McClellan, former White House Press Secretary ... 78
Response to Post-Hearing Questions from Scott McClellan, former White House Press Secretary 85

REVELATIONS BY FORMER WHITE HOUSE PRESS SECRETARY SCOTT McCLELLAN

FRIDAY, JUNE 30, 2008

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 9:34 a.m., in Room 2141, Rayburn House Office Building, the Honorable John Conyers, Jr. (Chairman of the Committee) presiding.

Present: Representatives Conyers, Nadler, Scott, Jackson Lee, Delahunt, Wexler, Sánchez, Cohen, Johnson, Sutton, Sherman, Baldwin, Davis, Wasserman Schultz, Ellison, Smith, Coble, Lungren, Keller, Issa, Feeney, and Franks.

Staff Present: Robert Reed, Majority Counsel; Brandon Johns, Majority Clerk; and Crystal Jezierski, Minority Counsel.

Mr. CONYERS. Good morning. The Committee will come to order.

We welcome everyone to the hearing, especially former White House Press Secretary Scott McClellan and his counsel, Mike and Jane Tigar.

Many respected commentators have noted that this is the most important matter Congress could examine in its oversight of this Administration. As John Nichols wrote in *The Nation* magazine, what Scott McClellan wrote in his new book about the Administration's propaganda campaign to promote and defend the occupation of Iraq was not a revelation. It was a confirmation that the White House has played fast and loose with the truth in a time of war.

Depending upon how one reads the Constitution, that may or may not be an impeachable offense. But Mr. McClellan's assertion that top Presidential aides, perhaps with the cooperation of the Vice President, conspired to obstruct justice by lying about their role in the plot to destroy the reputation of former Ambassador Joe Wilson, a critic of the rush to war, and his wife, former CIA agent Valerie Plame; and this demands a response from Congress. When White House insiders leak classified information, manipulate media coverage, and otherwise employ their immense power to punish dissenters, Congress does not have any other option, has a constitutional duty to check and balance an errant executive branch.

That the former White House spokesman, with his claim that the President said he authorized the selective release of classified information to reporters covering the Wilson story, links the wrongdoing directly to Bush, ups the ante even further. That is the quote.

I would like to make these three points. First, Mr. McClellan's revelations highlight acts that may constitute illegal obstruction of justice beyond that for which Scooter Libby was convicted. In his book, Mr. McClellan explains that he stated to Mr. Libby that he did not intend to vouch for and exonerate him to the press in the way that he had done concerning Karl Rove since the leak investigation had actually begun.

Shortly after that conversation, however, White House Chief of Staff Andrew Card told Mr. McClellan that the President and Vice President spoke this morning. They want you to give the press the same assurances for Scooter that you gave for Karl. It seems clear that Mr. Libby, Mr. Card, the President and Vice President were involved in directing Mr. McClellan to falsely vouch for Mr. Libby, despite Mr. McClellan's earlier reservations.

In fact, handwritten notes from Vice President Cheney himself confirm this. These notes now on the screen were an exhibit in the Libby trial, and appear to be notes from Mr. Cheney's conversation with the President. The notes say, "Has to happen today. Call out to key press saying same thing about Scooter as Karl. Not going to protect one staffer and sacrifice the guy."

And then something intelligible—something illegible, but looks like, "This press," meaning this President, "that was asked to stick his neck out in the meat grinder because of the incompetence of others," end of quotation.

That is disturbing enough, but we also have a letter from two former Federal prosecutors, as we can see on the screen. The first paragraph, that is all I will read, of that letter states that "A substantial predicate exists for investigation of whether this conduct may constitute the criminal offense of obstruction of justice."

To those who would dismiss the significance of today's hearing, I would say that concerns about possible obstruction of justice are not trivial and clearly warrant this Committee's attention. In many respects, today's hearing just offers us a partial glimpse into apparent deceptions at the White House, including most notably with regard to the outing of Valerie Plame.

To truly get to the bottom of this matter we will need far more cooperation by the Administration and from the Justice Department. It is vital that we obtain the interview reports of President Bush and Vice President Cheney and unredacted interviews, interview reports of other key White House officials, to determine their involvement not only in the leak, but also the cover-up.

Yet the Justice Department has been less cooperative with this Committee, refused even to give us access to redacted materials that the Oversight Committee of the Congress has already seen. Such conduct is unacceptable, which is why this week we sent a letter to Attorney General Mukasey, reiterating our requests and explaining that we may have to resort to compulsory process if they continue to deny us the documents.

We look forward to hearing from Mr. McClellan on the role of the Vice President and the President.

Now the issue of a possible pardon of Mr. Libby still remains outstanding, in addition to the President's earlier commutation of Mr. Libby's prison sentence. Following Mr. Libby's sentence commutation, we held a hearing on the issue; and we hope to explore with

Mr. McClellan his thoughts on a possible Presidential pardon for Mr. Libby in the context of the revelations in his book.

And I want to close by acknowledging Mr. McClellan's suggestion in his book and in today's opening statement that all of us work on what he mentioned in his book, restoring civility and bipartisanship and candor to our national political discourse, and putting our Nation's interests above our partisan goals.

I want to point out this Committee has been, I think, superb in working in that spirit. We have very important issues, wide differences of view, but we have always been able to conduct our discussions in a very highly appropriate way. And these goals are shared by Members of this Committee on both sides of the aisle. As a result, when credible and troublingallegations are made by an important former Administration official, although partisan tensions may arise, we know that we can deal with the facts and not personal or partisan attacks.

I thank you for your appearance. And I would like to recognize now the Ranking Member of the Judiciary Committee, the gentleman from Texas, Mr. Lamar Smith.

Mr. SMITH. Thank you, Mr. Chairman. Welcome, everyone, to the Judiciary Committee's first "Book of the Month club" meeting. Today it is Scott McClellan's "What Happened: Inside the Bush White House and Washington's Culture of Deception." I propose that next time we consider Ann Coulter's book, "How to Talk to a Liberal If You Must."

It is hard to take Mr. McClellan or this hearing too seriously. Despite what Mr. McClellan says regarding Iraq, three different studies, the Senate Intelligence Committee report of 2004, the Robb-Silverman report of 2005, and Britain's Butler report, conclude that intelligence reports were not altered in the lead-up to the Iraq war. And despite this book's innuendo, a 3-year independent criminal investigation found that no White House officials leaked Valerie Plame's name to the media in violation of the law.

Also it should be of no surprise that there was spin in the White House press office. What White House has not had a communications operation that advocates for its policies? Any recent Administration that did not try to promote its priorities should be cited for dereliction of duty.

Many have asked why Mr. McClellan did not object to what he saw while he was at the White House. The reason is clear. There was nothing to object to.

Last Monday, at the Dallas-Fort Worth airport, I had a conversation with an airline employee who asked me what I was working on. I mentioned this hearing, and she, a self-proclaimed Democrat, replied, Why are you having him? All he did was write a book. It appears many Americans might have trouble taking this hearing seriously.

Motives are important. And we really don't know Mr. McClellan's motives. He says he had a revelation which contradicts everything he said and did for 2½ years before. There are some questions we may never get the answer to.

What really explains going from a loyal and trusted staff member to a person who makes biting accusations? Since Mr. McClellan has included no footnotes in his book, and few direct quotes or written

memos are cited, is the book just a typical opinion piece without evidence to support its assertions?

Mr. McClellan was asked to leave his job. Did this color his views? Did he just want to strike back at those who showed him to the door?

What role did money play? So far he has not revealed what he was paid for the book or what he stands to gain by promoting it. Clearly, Peter Osnos, the editor-at-large for Mr. McClellan's publisher, Public Affairs, would have known that an inflammatory book would sell more copies and make more money for all concerned.

How much influence did a biased editor have on the finished product? What edits were made to the original manuscript to make it more critical of the Administration? We do know that Mr. Osnos and Public Affairs have published six books by George Soros. Mr. Soros was the largest donor to Democratic 527 groups during the 2004 Presidential election, giving over $23 million. And we know that Mr. Osnos himself has been highly and publicly critical of the Bush administration.

Also, Mr. McClellan's project editor for the book, Karl Weber, has written venomous statements about the President, for example, calling him a, quote, "clearly horrible person."

So who is the real Scott McClellan? The one who actually wrote in his book that the Administration did not employ deception and said, quote, "Some critics have suggested that sinister plans were discussed at the White House Iraq Group meetings to deliberately mislead the public? Not so," end quote. Or the one who elsewhere in the same book leveled self-serving accusations?

While we may never know the answers, Scott McClellan alone will have to wrestle with whether it was worth selling out the President and his friends for a few pieces of silver. He will have to confront whether he was manipulated by extremely biased editors with a partisan agenda. And finally, sooner or later he will have to answer to his own conscience.

Thank you, Mr. Chairman, and I will yield back.

Mr. CONYERS. Thank you. Before I——

Mr. TIGAR. Mr. Chairman? I know Mr. McClellan has a statement, but as his counsel, I would like to object. The statement we just heard could have been the basis——

Mr. ISSA. Mr. Chairman, the gentleman is out of order. Mr. Chairman.

Mr. CONYERS. I am afraid you are out of order. You will have an opportunity to object in just a moment.

Mr. TIGAR. Mr. Chairman——

Mr. ISSA. Mr. Chairman, point of order.

Mr. CONYERS. Counsel cannot object to the Committee proceedings.

Mr. ISSA. Mr. Chairman?

Mr. CONYERS. Let me do this, please.

I would like to introduce into the record the following documents: the statement from former Federal Prosecutor Barry Coburn and Professor Adam Kurland of Howard Law School; second, a letter from our colleague, Neil Abercrombie, attaching a letter he wrote

to the United States Attorney Patrick Fitzgerald; and an exhibit from Mr. Libby's trial that I referenced in my opening statement.

Mr. Scott McClellan served as the White House Press Secretary from 2003 to 2006. Prior to that, he was Principal Deputy White House Press Secretary. And before that, as Traveling Press Secretary for the Bush-Cheney 2000 Campaign. Earlier he served as Deputy Communications Director in the Texas Governor's Office for Governor Bush, as a top legislative aide, as a campaign manager for three successful statewide campaigns.

We would appreciate it if you would stand, raise your right hand, and take the oath before you begin your testimony.

[Witness sworn.]

Mr. CONYERS. Thank you very much. Welcome to the Committee.

Mr. MCCLELLAN. Thank you.

Mr. CONYERS. You may begin your statement.

Mr. MCCLELLAN. Is this on?

Mr. CONYERS. You have to press it on.

TESTIMONY OF SCOTT McCLELLAN,
FORMER WHITE HOUSE PRESS SECRETARY

Mr. MCCLELLAN. Okay.

Good morning, Mr. Chairman, Congressman Smith, and Members of the Committee. I am here today at your invitation to answer questions about what I know regarding the Valerie Plame episode.

Back in 2005, I was prohibited from discussing it by the White House ostensibly because of the criminal investigation underway, but I made a commitment to share with the public what I knew as soon as possible. That commitment was one of the reasons I wrote my book.

Unfortunately, this matter continues to be investigated by Congress because of what the White House has chosen to conceal from the public. Despite assurances that the Administration would discuss the matter once the Special Counsel had completed his work, the White House has sought to avoid public scrutiny and accountability.

The continuing cloud of suspicion over the White House is not something I can remove because I know only one part of the story. Only those who know the underlying truth can bring this to an end. Sadly, they remain silent. The result has been an increase in suspicion and partisan warfare, and a perpetuation of Washington's scandal culture, one of three core factors that have poisoned the atmosphere in Washington for the past two decades.

The central message in my book is the need to change the way Washington governs. We need to minimize the negative influence of the permanent campaign, end the scandal culture, and move beyond the philosophy of politics as war.

No one has a better opportunity to make that happen than the President. To do so, he must first fully embrace openness and candor, and then constantly strive to build trust across the aisle and seek common ground to unite Americans from all walks of life and political persuasions.

I believed President Bush could be that kind of leader for the country when I first went to work for him in Texas. He was a pop-

ular, bipartisan leader who had a record of working with Democrats. Unfortunately, like many good people who come to Washington, he ended up playing the game by the existing rules rather than transforming it.

The larger message of my book is bigger than any person or party. It is about restoring civility and bipartisanship and candor to our national political discourse. It is about putting our Nation's interests above partisan goals. Indeed, all of us, especially those in elected office, can do more to make this happen by promoting openness and engaging in civil discourse.

The permanent campaign leads to just the opposite. Substantive debates over policy give way to a contest over which side can most effectively manipulate the media narrative to its advantage. It is about power and electoral victory. Governing becomes an offshoot of campaigning rather than the other way around.

Vicious attacks, distortions, political manipulation and spin become accepted. Complex issues are reduced to black and white terms and oversimplified in the context of winners and losers and how they will affect the next election. Too often the media unwittingly ignores the impact of Government on the daily lives of Americans, focusing foremost on the Beltway game and lionizing those who play it most skillfully.

There is no more recent example of this unsavory side of politics than the initial reaction from some in Washington to my book. I received plenty of criticism for daring to tell the story as I knew it. Yet few of my critics tried to refute the larger themes and perspectives in the book. Instead of engaging in a reasoned, rational, and honest discussion of the issues raised, some sought to turn it into a game of "gotcha," misrepresenting what I wrote, and seeking to discredit me through inaccurate personal attacks on me and my motives.

The American people deserve better.

Governing inevitably has an adversarial element. People and groups will always differ about the proper use of limited Government resources. But should Government be a process of constant campaigning to manipulate public opinion, or should it be centered as much as possible on rational debate, deliberation, and compromise?

Writing this book was not easy for me to do. These are my words, my experiences, and my conclusions. I sought to take a clear-eyed look at events. To do so, I had to remove my partisan lens and step back from the White House bubble. Some of the conclusions I came to were different from those I would have embraced at the outset.

My book reflects the only idea of loyalty that I believe is appropriate in a democratic government, and that is loyalty to the ideals of candor, transparency and integrity, and indeed to the constitutional system itself. Too often in Washington people mistakenly think that loyalty to an individual officeholder should override loyalty to basic ideals. This false loyalty is not only mistaken, but can exercise a corrupt influence on Government.

I am here because in my heart I am a public servant who, like many Americans, wants to improve the way Washington governs and does not want to see future Administrations repeat the mistakes this White House made. I do not know whether a crime was

committed by any of the Administration officials who revealed Valerie Plame's identity to reporters, nor do I know if there was an attempt by any person or persons to engage in a cover-up during the investigation. I do know that it was wrong to reveal her identity, because it compromised the effectiveness of a covert official for political reasons. I regret that I played a role, however unintentionally, in relaying false information to the public about it.

I will do my best to answer any questions on this matter that Members of the Committee may wish to ask.

Thank you, Mr. Chairman.

[The prepared statement of Mr. McClellan follows:]

PREPARED STATEMENT OF SCOTT MCCLELLAN

Good morning Mr. Chairman, Congressman Smith, and members of the committee.

I am here today at your invitation to answer questions about what I know regarding the Valerie Plame episode. Back in 2005, I was prohibited from discussing it by the White House ostensibly because of the criminal investigation underway, but I made a commitment to share with the public what I knew as soon as possible. That commitment was one of the reasons I wrote my book.

Unfortunately, this matter continues to be investigated by Congress because of what the White House has chosen to conceal from the public. Despite assurances that the administration would discuss the matter once the Special Counsel had completed his work, the White House has sought to avoid public scrutiny and accountability.

The continuing cloud of suspicion over the White House is not something I can remove because I know only one part of the story. Only those who know the underlying truth can bring this to an end. Sadly, they remain silent.

The result has been an increase in suspicion and partisan warfare, and a perpetuation of Washington's scandal culture, one of three core factors that have poisoned the atmosphere in Washington for the past two decades. The central message in my book is the need to change the way Washington governs. We need to minimize the negative influence of the permanent campaign, end the scandal culture, and move beyond the philosophy of politics as war.

No one has a better opportunity to make that happen than the president. To do so, he must first fully embrace openness and candor and then constantly strive to build trust across the aisle and seek common ground to unite Americans from all walks of life and political persuasions.

I believed President Bush could be that kind of leader for the country when I first went to work for him in Texas. He was a popular, bipartisan leader who had a record of working with Democrats.

Unfortunately, like many good people who come to Washington, he ended up playing the game by the existing rules rather than transforming it.

The larger message of my book is bigger than any person or party. It is about restoring civility and bipartisanship and candor to our national political discourse. It is about putting our Nation's interests above partisan goals. Indeed, all of us—especially those in elected office—can do more to make this happen by promoting openness and engaging in civil discourse.

The permanent campaign leads to just the opposite. Substantive debates over policy give way to a contest over which side can most effectively manipulate the media narrative to its advantage. It is about power and electoral victory. Governing becomes an offshoot of campaigning rather than the other way around.

Vicious attacks, distortions, political manipulation and spin become accepted. Complex issues are reduced to black-and-white terms and oversimplified in the context of winners and losers and how they will affect the next election. Too often, the media unwittingly ignores the impact of government on the daily lives of Americans, focusing foremost on the Beltway game and lionizing those who play it most skillfully.

There is no more recent example of this unsavory side of politics than the initial reaction from some in Washington to my book. I received plenty of criticism for daring to tell the story as I knew it. Yet few of my critics tried to refute the larger themes and perspectives in the book. Instead of engaging in a reasoned, rational, and honest discussion of the issues raised, some sought to turn it into a game of

"gotcha," misrepresenting what I wrote and seeking to discredit me through inaccurate personal attacks on me and my motives.

The American people deserve better.

Governing inevitably has an adversarial element. People and groups will always differ about the proper use of limited government resources. But should government be a process of constant campaigning to manipulate public opinion, or should it be centered as much as possible on rational debate, deliberation, and compromise?

Writing this book was not easy for me to do. These are my words, my experiences, and my conclusions. I sought to take a clear-eyed look at events. To do so, I had to remove my partisan lens and step back from the White House bubble. Some of the conclusions I came to were different from those I would have embraced at the outset.

My book reflects the only idea of loyalty that I believe is appropriate in democratic government, and that is loyalty to the ideals of candor, transparency and integrity, and indeed to the constitutional system itself. Too often in Washington, people mistakenly think that loyalty to an individual officeholder should override loyalty to basic ideals. This false loyalty is not only mistaken, but can exercise a corrupt influence on government.

I am here because in my heart I am a public servant who, like many Americans, wants to improve the way Washington governs and does not want to see future administrations repeat the mistakes this White House made.

I do not know whether a crime was committed by any of the Administration officials who revealed Valerie Plame's identity to reporters. Nor do I know if there was an attempt by any person or persons to engage in a cover-up during the investigation. I do know that it was wrong to reveal her identity, because it compromised the effectiveness of a covert official for political reasons. I regret that I played a role, however unintentionally, in relaying false information to the public about it. I'll do my best to answer any questions on this matter that members of the committee may wish to ask.

Thank you, Mr. Chairman.

Mr. CONYERS. Thank you so much.

One of the most disturbing revelations in your book was that White House officials, including the President and Vice President, directed you to falsely vouch for Scooter Libby's not being involved in the Wilson leak. Please explain what happened and whether you think Mr. Libby was involved in that.

Mr. MCCLELLAN. That happened on the Saturday after the investigation, I guess, was launched, which was on September 29th.

That Saturday morning I received a call from the White House Chief of Staff, Andy Card, and he said that the President and Vice President had spoken that morning, and they wanted me to provide the same assurances for Scooter Libby that I had for Karl Rove. I was reluctant to do it, but I headed into the White House that Saturday morning.

I talked with Andy Card, and I said I would provide the same assurances for Scooter Libby provided he gave me the same assurances that Karl Rove had. And I got on the phone with Scooter Libby and asked him point blank, Were you involved in this in any way? And he assured me in unequivocal terms that he was not, meaning the leaking of Valerie Plame's identity to any reporters. And then I contacted reporters to let them know about that information.

But it was Andy Card that had directed me to do that at the request of the President and Vice President.

Mr. CONYERS. You spoke very frequently with the President and the Vice President. Do you think either or both of them knew about the leak and had any role in causing the leak to happen, or knew that Mr. Libby was involved in the leak when they helped get you to falsely vouch for him?

Mr. MCCLELLAN. I do not think the President in any way had knowledge about it, based on my conversations with him back at that time when he said that Karl Rove had not been involved in it and told him something to that effect.

In terms of the Vice President, I do not know. There is a lot of suspicion there. As Patrick Fitzgerald said at the trial of Scooter Libby, there is a cloud that remains over the Vice President's Office, but it is because Scooter Libby put it there by lying and obstructing justice.

Mr. CONYERS. In the light of your testimony and your statement that you do not think Mr. Libby's criminal sentence should have been commuted, do you think that it would be any more appropriate to give Mr. Libby a full pardon?

Mr. MCCLELLAN. No, Congressman. I do not, Mr. Chairman.

I believe that it would signal a special treatment, the same thing that happened with the commutation. And the President has always held a certain standard for granting pardons, even going back to when he was governor; and I worked for him then. And that is that the person must first repay his debt to society, and second, must express remorse for the crimes which he committed. And we have seen neither of that from Scooter Libby at this point.

Mr. CONYERS. Thank you.

The Chair recognizes Lamar Smith.

Mr. SMITH. Thank you again, Mr. Chairman.

Mr. McClellan, your title of the book,What Happened: Inside the Bush White House and Washington's Culture of Deception, implies that the President himself engaged in some amount of deception. Yet elsewhere in the book you say he did not engage in outright deception.

Who was it that suggested the title to your book?

Mr. MCCLELLAN. The title to my book, What Happened?

Mr. SMITH. No, who suggested——

Mr. MCCLELLAN. Or Inside—the subtitle?

Mr. SMITH. Right.

Mr. MCCLELLAN. This was something I talked about with my publisher.

Mr. SMITH. So Mr. Osnos is——

Mr. MCCLELLAN. We came to an agreement on it.

But in terms of the——

Mr. SMITH. Since it contradicts what you——

Mr. MCCLELLAN. Inside the Bush White House and Washington's Culture of Deception? That was something we all discussed.

Mr. SMITH. And who is the "we"?

Mr. MCCLELLAN. With the publisher.

Mr. SMITH. That is Mr. Osnos?

Mr. MCCLELLAN. That would include Mr. Osnos.

Mr. SMITH. Okay. Thank you.

It has been reported that you received $75,000 as an advance to your book; is that true?

Mr. MCCLELLAN. That is correct.

Mr. SMITH. And you are also aware, of course, that every book that sells means more money to you as well.

Mr. MCCLELLAN. I am sorry?

Mr. SMITH. You are aware, the more books you sell, the more money goes to you, I presume?

Mr. MCCLELLAN. Yes, a small percentage goes to the author usually in situations like that.

Mr. SMITH. Is it true that Karl Weber was the project editor?

Mr. MCCLELLAN. Yes, he worked with me.

Mr. SMITH. Okay. Were you aware before you worked with him that he had called President Bush a "clearly horrible person" and had said, quote, "He is consciously manipulative and deceitful"?

Mr. MCCLELLAN. No, I was not.

Mr. SMITH. Okay. So, in other words, someone who called the President a "clearly horrible person" helped you draft and edit the book; Is that right?

Mr. MCCLELLAN. Actually this is my book. I wrote this book. And he did provide great help as an editor.

Mr. SMITH. Yeah. Did he edit the book?

Mr. MCCLELLAN. He was an editor on the book, yes.

Mr. SMITH. Okay.

You write that you witnessed Mr. Rove and Mr. Libby meet in Mr. Rove's office behind closed doors, and you inferred that they were conspiring to mislead the grand jury looking into the Valerie Plame investigation at the time.

Did you hear any portion of their conversation?

Mr. MCCLELLAN. No, sir, I did not. I say that in the book.

Mr. SMITH. And so it is speculation on your part as to what they were saying?

Mr. MCCLELLAN. Well, I thought full disclosure was the only way I could go. I said I was going to discuss everything I knew about the episode.

Mr. SMITH. But you were still speculating as to what you thought they were saying?

Mr. MCCLELLAN. I said it was suspicious to me. I said—in the book I said, I do not know what they discussed behind closed doors.

Mr. SMITH. And they could have been talking about, who knows, the Supreme Court nominations at the time, or anything else?

Mr. MCCLELLAN. They could have been.

Mr. SMITH. Thank you.

And is it true that Deputy Secretary of State Richard Armitage has admitted that he was the source of the Valerie Plame leak?

Mr. MCCLELLAN. Well, to Robert Novak, but there were other reporters that that information was revealed to prior to it being public. And there was a report in the Washington Post that he has identified at least six reporters were told about her identity.

Mr. SMITH. And wasn't that the first public leak?

Mr. MCCLELLAN. That was the first time it was published, but her identity was revealed——

Mr. SMITH. That is correct. That is correct, that was the first time her name was published.

Mr. MCCLELLAN. I am sorry, I couldn't hear you over the buzzer.

The first time her name was published. Yes, but I would like to make the point——

Mr. SMITH. Richard Armitage——

Mr. MCCLELLAN. Could I finish my answer?

Mr. SMITH. Richard Armitage has admitted that he was the source. Do you agree with that? Or do you question his——

Mr. MCCLELLAN. He was the initial source for Robert Novak. Karl Rove was the confirming source.

Mr. SMITH. Right. And that was——

Mr. MCCLELLAN. Karl Rove, Scooter Libby, and Ari Fleischer also—can I finish my response?

Mr. SMITH. That was the first time her——

Mr. MCCLELLAN. They also revealed her name to other reporters prior to it being published publicly.

Mr. SMITH. Right. But that was—the first time her name was ever published was when the——

Mr. MCCLELLAN. Yes. As I point out in the book, that is correct.

Mr. SMITH. Thank you, Mr. McClellan.

Thank you, Mr. Chairman.

Mr. CONYERS. Thank you.

That was a call for a Journal vote.

The Chair recognizes——

Mr. LUNGREN. Mr. Chairman? Mr. Chairman?

Mr. CONYERS. What is the problem?

Mr. LUNGREN. The problem is, we are the Committee of jurisdiction on FISA. As I understand it, FISA——

Mr. CONYERS. It is a Journal vote.

Mr. LUNGREN. I understand, but could you inform the Committee as to what the process is going to be and whether we are going to be——

Mr. CONYERS. Oh, we are going to cover—we are going to be on the floor and the hearing will be suspended.

Mr. LUNGREN. Will we be—will there be an opportunity for Members to be on the floor for the debate on the rule for FISA or just for FISA debate itself?

Mr. CONYERS. No, no, not the rule, but the debate. You can use your own option, though.

The Chair recognizes the Chairman of the Constitution Subcommittee of Judiciary, the gentleman from New York, Jerry Nadler.

Mr. NADLER. Thank you.

I am going to ask a series of questions, so try to keep the answers brief because I only have 5 minutes.

Do you have any knowledge of whether prior to or after the leak of Ms. Wilson's covert identity either the Vice President or the President declassified her covert status in order to have it leaked to reporters?

Mr. MCCLELLAN. No, I do not.

Mr. NADLER. And do you have any information of the role, if any, played by the Vice President in the leaking of Ms. Wilson's identity?

Mr. MCCLELLAN. No, I have no direct knowledge of that.

Mr. NADLER. And do you have any idea why Vice President Cheney may have knowingly indirectly or directly instructed you to publicly exonerate Mr. Libby?

Mr. MCCLELLAN. No, sir, I do not. I was not a party to that conversation with the President.

Mr. NADLER. Do you have any idea whether at the time he knew that Mr. Libby had, in fact, been involved in the leak?

Mr. MCCLELLAN. I am sorry?

Mr. NADLER. Do you have any idea whether, when he gave that instruction, he knew at that time that Mr. Libby had, in fact, been involved in the leak?

Mr. MCCLELLAN. No, I do not know that.

Mr. NADLER. In any event, did you come to learn that Karl Rove and Scooter Libby had lied to you, and that each of them was involved in the Plame leak?

Mr. MCCLELLAN. Yes, I did. About——

Mr. NADLER. Can you comment on that briefly, how you learned that.

Mr. MCCLELLAN. That was in—well, first in July of 2005, when it was about to be reported in the media, I learned that Karl Rove had revealed her identity to Matt Cooper of Time magazine. And then a short time after that it was Robert Novak. And then, within the next few months, it was learned that Scooter Libby had also revealed her identity to reporters.

Mr. NADLER. Okay.

Now, the President had promised the American people and stated publicly when this first came out that he was going to investigate internally, find out who had leaked the information; whoever had leaked would no longer be in the Administration, et cetera, because this was a terrible thing.

Do you know what steps, if any, were taken by the White House to conduct an internal investigation into the leak?

Mr. MCCLELLAN. As far as I know, the White House Counsel's Office worked to provide information to the Justice Department that was gathered during the process of the investigation at their request, e-mails and things of that nature. But I don't know of any internal——

Mr. NADLER. You don't know of any internal investigation to find out for the President so that he could fire or do——

Mr. MCCLELLAN. My understanding was, we weren't doing any of that.

Mr. NADLER. You weren't doing any of that.

Now, the President commuted Mr. Libby—commuted Mr. Libby's sentence. Now, this would seem—well, do you regard this as, in any way, a violation of the President's pledge to find out all the information he could and make it public about this?

Mr. MCCLELLAN. Well, I certainly think that the President should have stuck by his word on the matter. And I certainly view the commutation as—it was special treatment; it does undermine our system of justice in my view.

Mr. NADLER. I am not sure what you are saying in the first part. The President's commutation of Mr. Libby's sentence was somehow not standing by his word?

Mr. MCCLELLAN. Well, I don't know that it is not standing by his word. I don't know that he said anything specifically about a commutation. But he did say anyone that was involved in this—and I said, on his behalf, no one would be employed by this Administration any longer, so——

Mr. NADLER. And would you regard the President's commutation as—do you think it is fair to infer from your knowledge that the President's commutation of Mr. Libby's—of the conviction, whatever it was—that his commutation was part of an effort to, in fact, assure that all the facts would not become public, part of a cover-up, in fact?

Mr. MCCLELLAN. I do not know that. I do not make that claim, and I do not have the information to know whether or not that was the thinking.

I had already left the White House by the time he commuted Scooter Libby, but there were a lot of suspicions that were raised because of that action.

Mr. NADLER. Okay.

Now, in your book—oh, and before I go to this last question, let me, on behalf of some Members of the Committee, apologize to you for the aspersions as to your motives instead of asking you questions about the truth or evidence of what you wrote that we heard a few minutes ago.

Such character assassination has no business in this Committee.

Mr. MCCLELLAN. Thank you.

Mr. NADLER. In your book, Mr. McClellan, you state that the Iraq war was sold to the American people with a sophisticated political propaganda campaign that included overstating intelligence in Iraq, manipulating sources of public opinion, downplaying the major reasons for going to war. As the President's former Deputy and Chief Press Secretary, it is a very serious charge.

Could you explain why you think that this was a political propaganda campaign as opposed to simply informing the American public as to what was going on?

Mr. MCCLELLAN. Well, it was a marketing campaign or a propaganda campaign, however you want to refer to it. What I talk about in the book is that we took this permanent campaign mentality that was used on other issues like Social Security or education reform and used it to take the Nation to war, and sold the Nation on the premise that Iraq was a grave and gathering danger.

We now know that it was not, that the case was overstated, it was overpackaged in the way that the intelligence was used. That was something that——

Mr. NADLER. And by "overpackaged in the way the intelligence was used," do you mean they were declassifying only those portions of intelligence that seemed to indicate the threat and not those portions of the intelligence that downplayed the threat or said, we are not sure of this information?

Mr. MCCLELLAN. I think it is public record that they were ignoring caveats and ignoring contradictory intelligence.

The implication and innuendo that was used to talk about the connection to al Qaeda, for instance, is one example. The Senate Intelligence Committee for the first time just released a report about how the intelligence was used and backed up a lot of——

Mr. NADLER. And therefore misrepresenting the facts and misleading the Congress and the American people?

Mr. MCCLELLAN. Yes, it was more to make the strongest possible case. And in doing so, they ignored caveats, they ignored contradictory——

Mr. NADLER. And mislead and misrepresent, therefore?

Mr. MCCLELLAN. It had that effect.

I do not think it was necessarily deliberate on the part of a group. Whether individuals were doing things intentionally or deliberately, I do not know. But I don't think there was a group sitting around trying to conspire to say, let's mislead the American people. Instead, it was, how do we make the strongest possible case?

But when you are going to war, it is particularly troubling when you use that kind of mentality and you don't speak about the truths of the situation as best you know them, including the contradictory intelligence, including the caveats and qualifications, and including the consequences, the risk, and the cost of going into war. And we did not do that.

Mr. NADLER. Thank you very much.

Mr. CONYERS. The Chair recognizes the distinguished gentleman from North Carolina, senior Member of the Committee, Howard Coble.

Mr. COBLE. Thank you, Mr. Chairman.

Mr. McClellan, let me follow up on the war issue. I voted to dispatch troops to Iraq, believing that Saddam Hussein was an international terrorist, which I still believe. I furthermore believed that there were weapons of mass destruction in Iraq, or they had the capability of developing same, which I still believe. I believed that a post-entry strategy had been formulated. I am not sure I believe that now.

Was there a post-entry strategy?

Mr. MCCLELLAN. I am sorry, post-what strategy, sir?

Mr. COBLE. Post-entry strategy. After we go in and take him out, was there any sort of plan whereby A, B, C was to be followed?

Mr. MCCLELLAN. Well, I think that the public record shows, there were a lot of problems with the post-invasion planning and preparation. That was not something I was directly involved in. Certainly from a communications standpoint I was, but not from the planning standpoint.

Mr. COBLE. That has plagued me from Day One, and I am still uneasy about that.

Now, let's shift gears to Scooter Libby. I know we are on a short time frame here, Mr. Chairman.

Your book, Mr. McClellan, includes many recollections from your experiences working in the White House during this time. I had some problems as to whether or not Scooter Libby should have been prosecuted. I still have some doubts about that.

But what was your reaction, Mr. McClellan, when you learned that former Deputy Secretary of State Richard Armitage revealed the identity of Mrs. Valerie Plame Wilson? And do you think that more should have been done to hold Mr. Armitage accountable?

Mr. MCCLELLAN. I can't speak directly to whether or not he should have been held accountable. I don't know the facts of why he revealed her name, other than what has been reported during the trial and during the investigation publicly and what he has stated publicly since that time.

Obviously, I think that all of the information should have been put out as quickly and as soon as possible about exactly what oc-

curred and when it occurred. And maybe we wouldn't have ended up where we did.

But I think that the problem here is that this White House promised or assured the American people that at some point, when this was behind us, they would talk publicly about it. And they have refused to. And that is why I think, more than any other reason, we are here today and this suspicion still remains.

Mr. COBLE. But as to the post-entry strategy, you are not—you really don't have your hands around that.

Mr. MCCLELLAN. Yeah, I can't speak specifically to all the planning there because that was done without me being in those discussions.

Mr. COBLE. That has just plagued me, and I have said so publicly.

I yield back, Mr. Chairman.

Mr. CONYERS. Thank you. Members of the Committee, we do have three votes—on the Journal, ordering the question on the rule on the Stop Child Abuse law, and then on H. Res. 1276, a rule providing for consideration of 5876. And then we begin debate on the FISA bill. And so we will stand in recess until we have covered all of those matters and then resume immediately when we return.

Thank you very much. The Committee stands in recess.

[Recess.]

[12:40 p.m.]

Mr. CONYERS. The Committee will come to order. I am pleased now to turn to the distinguished Chairman of the Crime Subcommittee of the House Judiciary Committee, Bobby Scott of Virginia.

Mr. SCOTT. Mr. McClellan, in response to a question from the Chairman, you were asked about the situation where Scooter Libby, where Mr. Kurlard called you and asked you to try to get Scooter Libby also exonerated. Do you have any reason to believe that Mr. Libby himself was involved in that effort to get himself exonerated?

Mr. MCCLELLAN. Yes, I do. We spoke earlier that week, I believe it was Wednesday of that week when I told Scooter Libby that I was not going to go down a list of White House aides and start trying to exonerate them now that the investigation was officially under way, and he expressed his appreciation that I let him know that. But I think that as his name continued to surface, he certainly was behind that effort to make sure that I exonerated him. And I later saw public documents with his handwriting putting down some talking points that I should use. Now, I never saw those talking points myself until they came out in the press.

Mr. SCOTT. You mentioned several people that were leaking Valerie Plame's name all over town. Do you have reason to believe this was a coordinated effort?

Mr. MCCLELLAN. I don't know for sure. There were certainly three—at least three White House aides that revealed her identity to reporters. But I don't know personally whether it was a concerted effort. I was Deputy Press Secretary at that time, so I was not involved in any effort, if there was.

Mr. SCOTT. Now, it seemed to me that in response whether or not individuals might have been involved with the leaking of the name,

the Administration seemed to leave a clear impression that Valerie Plame was fair game in the debate over Mr. Wilson's information. And it seemed to leave the impression that anyone who in effect told the truth, thereby criticizing the Administration effort to get us into war, might reasonably expect problems, including having the lives of their family members put in jeopardy. Was that an intentional impression?

Mr. MCCLELLAN. Well, I certainly think that for at least some people that she became just another talking point in this effort to discredit her husband, Joe Wilson. Whether or not I could characterize it before that, I would hesitate to characterize it more than that.

Mr. SCOTT. Well, she was a covert CIA agent. Was she not?

Mr. MCCLELLAN. That is right.

Mr. SCOTT. And revealing her identity could reasonably be expected to jeopardize her life. Is that not true?

Mr. MCCLELLAN. It is a serious matter. And as I said in my opening statement, it was wrong. Whether or not it was criminal, it was certainly wrong because of her covert national security status.

Mr. SCOTT. And did it not leave the impression with people that family members' lives may be in jeopardy if you tell the truth about what is going on?

Mr. MCCLELLAN. You mean people that were involved in revealing her identity?

Mr. SCOTT. Right?

Mr. MCCLELLAN. I can't speak for them. But they should have been more careful about it, that is for sure.

Mr. SCOTT. Another piece of information that was involved in the run-up of the war was what the war would cost. I serve on the Budget Committee in addition to the Judiciary Committee; I was serving on the Budget Committee at the time, and we were told to ignore the cost of the war because it would be so negligible as not worthy of Budget Committee consideration. Are you aware of that testimony?

Mr. MCCLELLAN. I don't know if I am familiar with that specific testimony, but I am sure certainly aware that we left the impression that it would be less costly and for a shorter duration than what has happened.

Mr. SCOTT. The present estimates of the total cost of the war are now $3 trillion. What information did the Administration have that could have led us to believe, if we had gotten truthful information, that the cost of the war would be significant?

Mr. MCCLELLAN. Well, certainly I recount in the book a conversation that Larry Lindsey had making some projections in September of 2006—or 2002, I believe, informing a reporter that he thought it might cost somewhere between $100 billion and $200 billion; which at the time everybody seemed to think it was high, and now we realize that even that estimate was considerably low.

Mr. SCOTT. And what happened to him and his estimates?

Mr. MCCLELLAN. Well, he left the Administration a few months later.

Mr. SCOTT. Was he fired?

Mr. MCCLELLAN. He resigned. But my understanding, that he was asked to leave as well.

Mr. SCOTT. So we find that his estimate was truthful, honest, candid, and turns out to be even optimistic that it could only cost $100 billion to 150 billion, and he was fired for telling the truth?

Mr. MCCLELLAN. That is correct. It is not something that we wanted to discuss at the White House.

Mr. SCOTT. Now, we had a similar situation with a Medicare estimate, the prescription drug benefit costs. Administration officials knew that the number we were working with was not the correct number, that the number was actually higher. Is that right?

Mr. MCCLELLAN. I guess there was a different estimate between Congressional Budget Office and the Medicare actuaries, if I remember correctly. My brother might be better to testify for that.

Mr. SCOTT. What happened to the Administration official that had that accurate information? And was he threatened if he revealed it?

Mr. MCCLELLAN. I understand it that the Administrator at the time, I understand from public records, that something along those lines did happen, if I remember correctly.

Mr. SCOTT. Now, is this a pattern, that people who tell the truth get sanctions?

Mr. MCCLELLAN. Well, as I say in the book, I think that we have not embraced a high level of openness. This is a very secretive White House that tends to be pretty compartmentalized and very disciplined in terms of what methods or talking points they put out there, and there are some things that they would prefer not to be talked about. I think that is what you are getting at.

Mr. SCOTT. Well, I was wondering what you were getting at.

Mr. MCCLELLAN. Yes. Both of us. Yes.

Mr. SCOTT. Thank you. Thank you, Mr. Chairman.

Mr. CONYERS. Mr. McClellan, is there a clarification that you would like to make about a discussion we had earlier?

Mr. MCCLELLAN. Yes, Mr. Chairman. There was a comment made earlier and I would like to clarify the record. There was a quote attributed to one of my editors, Karl Weber, describing the President as a clearly horrible person. Actually, that was a comment that was made by his daughter; and his daughter's name is on that post, it is on the family blog site. Irregardless, the views and conclusions in the book are mine, and they were not affected by any editor.

Mr. CONYERS. Thank you very much.

Mr. MCCLELLAN. Thank you.

Mr. CONYERS. We now turn to Mr. Ric Keller, who is the gentleman from Florida who serves on the Administrative Commercial Law Subcommittee. He also serves on the Intellectual Property Committee. And, in addition, he serves on the Antitrust Task Force Committee. The gentleman is recognized.

Mr. KELLER. Thank you, Mr. Chairman.

And thank you for being here, Mr. McClellan.

Mr. MCCLELLAN. Thank you.

Mr. KELLER. Mr. McClellan, all of us in public life have probably, myself included, said some things that in retrospect we wished we would have worded it a little differently or used a different adjec-

tive or phrase. Is there anything in your book that if you had it to do over again, any phrase or adjective that you might write differently?

Mr. MCCLELLAN. No. I think the book clearly reflects my views and my conclusions, and I stand by them.

Mr. KELLER. Thank you. Some of the adjectives or what some people consider to be some loaded words that you used in your book were that the Bush administration shaded the truth, used innuendo, and engaged in a propaganda campaign. Do you stand by those words?

Mr. MCCLELLAN. I do.

Mr. KELLER. Did President Bush ever ask you personally to shade the truth, use innuendo, or engage in a propaganda campaign?

Mr. MCCLELLAN. Not in those words.

Mr. KELLER. Did the President ever knowingly mislead you or withhold information from you?

Mr. MCCLELLAN. Well, I think that one episode I recount in the book is when I learned that the President had secretly authorized the Vice President to get out some information of the—the National Intelligence Estimate on Iraq to reporters and do it anonymously. We had decried the selective leaking of classified information for years, the President and myself as the spokesman, and so that was certainly something that caught me by surprise and was a very disillusioning moment for me, to say the least.

Mr. KELLER. Mr. McClellan, I am referring to page 269 of your book. You said, quote, "I never felt the President had knowingly misled me or withheld relevant information from me." Do you wish to change that phrase?

Mr. MCCLELLAN. No, I don't wish to change that phrase.

Mr. KELLER. So you said in the book you don't think he misled you knowingly. And just now you said you think there was an occasion where he did mislead you knowingly?

Mr. MCCLELLAN. No, I am not saying that he was trying to do it consciously or deliberately. But it had that same effect in terms of the National Intelligence Estimate. So I think there is a distinction there to be drawn.

Mr. KELLER. And I want to talk about your personal knowledge as opposed to your opinion with respect to this question. Did you ever witness any meeting or see any document or overhear any conversation when the President asked someone else to lie, shade the truth, use innuendo, or engage in propaganda?

Mr. MCCLELLAN. It had the effect by the way we went about selling the war to the American people, as I outlined in the book in some detail.

Mr. KELLER. And I understand your opinions, and I think you are entitled to opinions and I am not going to hit you on having your opinions and I am not even going to hit you on making money off of those opinions. But do you have any personal knowledge of hearing the President ask someone else to lie or shade the truth?

Mr. MCCLELLAN. No. It is the whole idea of the permanent campaign mentality and when you are trying to make the strongest case. And it is what you leave out that has that same effect. And that is the point I make in the book. Whether or not it is deliberate

or conscious, it still is very troubling, particularly when you are talking about making the case for war.

Mr. KELLER. Now, your purpose in writing the book, as you testified today, is to promote civility and bipartisanship, and to end the scandal, culture, and the poisonous political attacks. Correct?

Mr. MCCLELLAN. Absolutely.

Mr. KELLER. You write in the book about a very personal issue of the President allegedly using an illegal drug over 30 years ago, and you overhearing his private conversation with a supporter about that. What about that topic that you decided to include in your book do you think promotes civility and bipartisanship?

Mr. MCCLELLAN. It is not the issue that you bring up. It is what the President, how he approached that issue. And I think it is something that a number of politicians probably do when he said that "I can't recall." And my concern about that was that later transferred over into issues of policy. That particular issue, it didn't bother me whether or not he had used cocaine previously or not, that wasn't the issue, 30, 40 years ago. The issue was how he approached it and how that transferred over into other issues. And I think it tells something about his character. It was important to the book.

Mr. KELLER. Something about his character? Because he allegedly had used drugs over 30 years ago, so that says something about his character?

Mr. MCCLELLAN. That is not the point I am making in describing that in the book. The point I make is that he said he couldn't recall it, or at least he said he couldn't recall it. And I thought, how can that be? And then there were other times that I later learned that he used that same response for other issues.

Mr. KELLER. Well, since that is such a key character issue, do you recall if you have ever used illegal drugs?

Mr. MCCLELLAN. Yes. And I haven't.

Mr. KELLER. Would you agree——

Mr. MCCLELLAN. In fact, I write about it in the book in that same section. I talk about my own experiences.

Mr. KELLER. Would you agree with me that nothing about that little private story of you overhearing serves to end the scandal, culture, or poisonous political attack culture?

Mr. MCCLELLAN. Actually, I do. I think it is a very important lesson to look at why politicians sometimes take that approach, this defense of "do not recall" when it is essentially an evasion. And the President, I think we all remember very well when he was asked about the National Intelligence Estimate on Iran, and he had been talking about how Iran was continuing to pursue nuclear weapons and he had had a National Intelligence Estimate even during that time telling him that they had suspended their nuclear weapons program, but he said he couldn't recall in a briefing. I think it is important for people to understand why a politician might take that kind of position.

Mr. KELLER. I am just saying that some people think that you are a truth teller and a whistleblower and you are trying to bring back civility and bipartisanship, and others characterize you differently with different motives. And I am just saying, if you assume the best, that you really are here to promote civility and bi-

partisanship and do away with the scandalous information, why include the sensational fact that even you yourself, there is probably something you yourself have said is probably something that should be off limits?

Mr. MCCLELLAN. I disagree, and that is why you talk about it in part. But my purpose of this book is about changing the way Washington governs for the better. And to do that, you have to restore candor and honesty. And the President was not approaching this in a very direct and honest way. And that is why I use that example in the book.

Mr. KELLER. But you didn't use that in your original book proposal that you wrote in December of 2006. You didn't mention anything about this alleged drug use.

Mr. MCCLELLAN. I didn't mention it specific. But I think I mentioned that period, about the 2000 campaign and going back and looking at some of those issues. It was a big issue there in the campaign, one of many issues, and I think it was relevant to talking about the President's leadership style and his character.

Mr. KELLER. Some would say that you included that sensational information about the alleged drug use and his denial not to promote bipartisanship and civility but rather to promote book sales. Do you disagree with that characterization?

Mr. MCCLELLAN. I think if you read it, it is a very thoughtful look at this issue. It is not looking at whether or not—you know, the truth behind that. It is looking at a broader character issue.

Mr. KELLER. Okay. Has your initial book proposal from December of 2006 been reflective of the book that you ultimately wrote, or is it fair to say, as Ari Fleischer did, that you have essentially changed over the course of the past year and that your version of events have changed?

Mr. MCCLELLAN. Well, it is fair to say that the initial book proposal included one of the key themes that I developed in my book, which was, how did this popular bipartisan Governor of Texas become one of the most controversial and polarizing Presidents in modern history? And I said that was one of the issues I wanted to look at, and I answered the question why.

Now, yes, I started with some preconceived notions and wanted to put responsibility a lot of different places. But as I went through the book and reflected and researched things, I came to the conclusions that I did. It was a constant search for the truth as I was going through this book. I put a lot of thought into it. This book was not something that was easy to write. The words did not come easily to me. But it is what I believed happened, and it is my views and my conclusions and my perspective on things.

Mr. KELLER. And, Mr. Chairman, my time has expired, so if you will indulge me, let me leave this one final question. And I just want to be fair to you, Mr. McClellan, and get your side out. That is why I am asking you these questions.

I know you have a concern about the President engaged in a permanent campaign, and I think you have made similar concerns about the Clinton White House as well and that you hoped it would be different. And I can understand your cynicism from time to time. But isn't it also true that this is the same President who worked very closely with Democrats on No Child Left Behind, and

to the chagrin of some conservative Republicans he worked side by side with Ted Kennedy to allow illegal immigrants to have a path to citizenship?

Mr. MCCLELLAN. I write about those early days in the book and I actually talk about that. But you can't separate some of the other more consequential decisions that were made that overshadow some of those more positive aspects.

Mr. KELLER. Thank you, Mr. McClellan, and thank you, Mr. Chairman. My time has expired.

Mr. CONYERS. Thank you.

I would like to recognize Robert Wexler of Florida, who serves the Judiciary Committee on the Intellectual Property Committee.

Mr. WEXLER. Thank you, Mr. Chairman. Thank you, Mr. McClellan, for appearing before this Committee today.

Your book raises many questions about an Administration that is incapable of telling the truth and, in your words, avoids accountability.

I want to focus on how and why Scooter Libby came to reveal the identity of covert CIA Agent Valerie Plame Wilson. From everything we know about this Administration, it is inconceivable that Mr. Libby would have acted alone. It is essential we learn who ordered or gave permission to Mr. Libby to expose the identity of this covert agent. The President and Vice President have denied ordering this illegal leak, but logic and the chain of command dictates that it must have been one of them.

Mr. McClellan, in your book you state that you cannot believe President Bush authorized the leak of Valerie Plame Wilson's status as a covert agent. It is unimaginable to you that the President, one of only two people with the authority to give Libby the go-ahead to make this leak, actually did it. So who does that leave us? The Vice President.

You do not defend Mr. Cheney in your book. In fact, the lack of faith you express in the Vice President in your book is striking. Why?

Mr. MCCLELLAN. Well, he is someone that keeps things pretty close to the vest, to say the least. I do not know what his thinking is or what his involvement was in this whole episode. I think that Patrick Fitzgerald stated it well when he talked about the cloud that was remaining over the Vice President's office because of Scooter Libby's actions that led to his conviction on four counts, I guess. But there is a lot of suspicion there, because there are questions that have never been answered despite the fact that we said at some point we would address these issues.

Mr. WEXLER. So this suspicion leads you to believe that Vice President Cheney could have authorized Mr. Libby's leak?

Mr. MCCLELLAN. I can't rule it out. And I think that Scooter Libby in some testimony that was released talked about it is possible that he could have first learned about her or that the Vice President could have even asked him to get that information out.

Mr. WEXLER. Thank you for your candor, Mr. McClellan. And your suspicion or the doubts that you raised fit in very nicely to what it is we do know. We do know Mr. Cheney has been deeply involved in the efforts to cover up the leak and exonerate Mr. Libby. We know Mr. Cheney called you to have you unknowingly

lie to the American people about Libby's involvement. We know that the Vice President wrote a note where he starts to write and then crosses out the fact that the President himself asked Libby to stick his neck into a meat grinder to protect the Administration. It is clear to me that Mr. Cheney is the only one left, the only likely suspect to have ordered the leak.

If Mr. Cheney really thought Libby was innocent, then his note would have likely said something like, we need to protect this man who has done nothing wrong. But that is not what Mr. Cheney's note said. The Vice President's own hand betrays him and Libby and implicates the President of the United States.

These facts and your testimony, Mr. McClellan, are more than enough, in my view, to open up impeachment hearings.

Furthermore, the President's use of the pardon power to deflect an investigation into his own wrongdoing by granting a commutation to the man who may have lied for him would constitute an abuse and crime of the highest order, and we must determine on this Committee conclusively whether or not this happened.

Thank you, Mr. McClellan, for exposing some of the lies that were propagated by this White House. But, unfortunately, as you have said I believe as well, others in this White House have been blocking access to the truth.

It is time we sweep away the bogus claims of executive privilege and get Karl Rove, Andy Card and others before this Judiciary Committee. We have the power of inherent contempt, and, if need be, we should use it.

Mr. McClellan, what you have provided today to the American people is enormously important. You are the first high official in this Administration to come before this Congress and offer us a glimpse into the truth. I commend you for being here today.

Mr. MCCLELLAN. Thank you, Congressman. I do believe it is important for the American people to have the truth.

Mr. CONYERS. Thank you. I now turn to the gentleman from Virginia, former Chairman of the Agriculture Committee, but for many years a Member of Judiciary Committee that served on the Intellectual Property Subcommittee and the Immigration Subcommittee. You are recognized at this time, sir.

Mr. GOODLATTE. Thank you, Mr. Chairman.

And, Mr. McClellan, welcome. I would like to talk about the nature of the termination of your employment at the White House. Were you fired?

Mr. MCCLELLAN. I actually describe it in detail in the book. Josh Bolten had decided to make a change in the White House Press Secretary position. I was also ready to leave at the time.

Mr. GOODLATTE. And you were upset about this, were you not?

Mr. MCCLELLAN. I am not the kind of person who gets angry or upset really. I think most people that know me know that. I was certainly someone that was disillusioned at that moment, anyway, as I talk about in the book. So I was looking to leave at some point in that time frame, anyway.

Mr. GOODLATTE. You say in the book on page 299: My emotional response was strong and immediate. I thought to myself, he is ready to throw me to the wolves. I thought how long I had worked for the President and about how loyal I had been to him.

I know that in your book you immediately follow this passage with the recognition that you understood why they felt they needed to take the Press Secretary position in a new direction. But those are pretty strong feelings you had.

Mr. MCCLELLAN. I think they are natural initial reactions. But as I say in book, I went on to describe that I understood where he was coming from.

Mr. GOODLATTE. Let me ask you about that. Were you happy in your job before this conversation?

Mr. MCCLELLAN. No. I was disillusioned at that moment. As I say, I had just learned about a week or two before that about the President's National Intelligence Estimate being secretly declassified by the President himself.

Mr. GOODLATTE. Well, today, over 2 years after that conversation, are you still angry with Josh Bolten?

Mr. MCCLELLAN. No. Not at all.

Mr. GOODLATTE. You then moved on to prepare to write this book. And the Associated Press has quoted Steve Ross, who is the publisher of the Collins division of HarperCollins, as saying: Books by spokespeople rarely contain anything newsworthy and have generally not proven particularly compelling to consumers, and that your proposal was, quote, shopped around, but like others who publish in the category, we didn't even take a meeting based upon past history.

Now we move forward to your current publisher.

Mr. MCCLELLAN. I believe I met with some part of HarperCollins, actually.

Mr. GOODLATTE. Let me move forward to the folks who actually did decide to publish, and I would like to read you some more quotes from your publisher. Mr. Osnos has stated of you, quote: A lot of people were skeptical about how far Scott would go in shaping his criticism he's delivered in every respect.

Were you asked to be aggressive with your criticism in the book by anyone that causes it be published by this publishing entity and turned down by others prior?

Mr. MCCLELLAN. No. Actually, there were at least three proposals, I believe, on the book. And, no, I was not. In fact, I told each of the publishers I met with that I was going to be candid, that I was going to search for the truth. And I think Peter Osnos understood that was where I was coming from and he appreciated that. He actually called some people, some reporters that he knew to find out: If he said something like that, could I take him at his word. And those reporters told him, yes, you can take him at his word. He is a straight shooter.

Mr. GOODLATTE. Now, where else have you appeared to discuss your book?

Mr. MCCLELLAN. I have been on a book tour. I've been doing a number.

Mr. GOODLATTE. Can you give me a rough number of the number of TV shows that you have appeared on?

Mr. MCCLELLAN. No. I think that is probably all out there in the public realm. But there have been a number of national shows.

Mr. GOODLATTE. Dozens?

Mr. MCCLELLAN. I'm sorry?

Mr. GOODLATTE. Dozens?

Mr. MCCLELLAN. I don't know if it is dozens, but it's certainly a lot.

Mr. GOODLATTE. Did this particular publisher offer you the most money?

Mr. MCCLELLAN. Out of the ones that were the book proposals? I would have to go back and look. I think there was one that was within the same range, and then the other one was a little bit less.

Mr. GOODLATTE. But basically the most.

Mr. MCCLELLAN. At $75,000——

Mr. GOODLATTE. And you acknowledge in your testimony today and on some of those other shows that you appeared on and in response to Mr. Keller that the shape of this book evolved over the original prospectus that you prepared and submitted to some publishers. Is that not correct?

Mr. MCCLELLAN. Yeah. I say that in the book. Some of the conclusions that I came to were different from what I would have embraced at the beginning, because it was a constant search to try to understand the truth by taking off my partisan lens, stepping back from the White House, and then trying to give something to the American people or the readers what they could learn from my experiences and what we can take away from it. I think that is an important thing to give back.

Mr. GOODLATTE. Well, I have to say that I don't believe that there is any enlightening information to be gained from your testimony here today, because as many people who know you have pointed out, many of the statements that you have made in your book directly contradict statements that you made during your tenure in the White House, and have even questioned how this book was put together because it sounds so drastically different from the Scott McClellan they knew. I know Ari Fleischer for one has made that statement.

This puts in doubt, I think, the credibility of everything recounted.

Mr. MCCLELLAN. No one is challenging—Ari Fleischer or no one else is challenging the themes or perspectives in the book. They are trying to attack me personally, as I say at the beginning. And I stand by everything in this book. I was a spokesman for the President, not for myself. This book reflects my personal views, and my own views, some of which I had to be able to step back and reflect on those experiences to understand exactly where things were going.

Mr. GOODLATTE. Mr. Chairman, if I just might add one thing.

Whatever your motivations were for writing this book, I can't help but think that either the allegations you make were serious enough that you should have raised these concerns while you were at the White House, or they have been hyped to sell the book.

Mr. MCCLELLAN. I would say, which specific allegations?

Mr. GOODLATTE. Well, there are many allegations in this book about things that could have been raised at the White House.

Mr. MCCLELLAN. Well.

Mr. GOODLATTE. Thank you, Mr. Chairman.

Mr. MCCLELLAN. Yeah.

Mr. CONYERS. The Chair is pleased now to recognize the Chairwoman of the Commercial and Administrative Law Committee, the gentlelady from California, Linda Sánchez.

Ms. SÁNCHEZ. Thank you, Mr. Chairman.

Mr. McClellan, according to press accounts, the plan to fire all 93 U.S. Attorneys originated with Karl Rove, and it was seen as a way to get political cover for firing the small number of U.S. Attorneys the White House actually wanted to get rid of. Many have speculated that Mr. Rove's goal in proposing the U.S. Attorney firing was to pressure and intimidate U.S. Attorney and Special Counsel Patrick Fitzgerald. When Mr. Rove made the suggestion to fire the U.S. Attorneys, he had already been before the grand jury several times in the Scooter Libby case.

To your knowledge, is that account correct?

Mr. MCCLELLAN. I did not—I am sorry, could you repeat the question again?

Ms. SÁNCHEZ. Sure. When Mr. Rove made the suggestion to fire the U.S. Attorney, he had already been before the grand jury several times in the Scooter Libby matter?

Mr. MCCLELLAN. I don't know the exact time. I did not have direct involvement in terms of those personnel matters in regard to the U.S. Attorneys. It was not something that boiled up while I was Press Secretary. It happened after I had already left.

Ms. SÁNCHEZ. So are you aware of any conversations involving Karl Rove or anyone else at the White House during the leak investigation in which Mr. Rove or anyone else at the White House discussed having Mr. Fitzgerald removed as U.S. Attorney?

Mr. MCCLELLAN. No. I am not familiar with those conversations.

Ms. SÁNCHEZ. So to the best of your knowledge, those matters were not discussed during the leak investigation?

Mr. MCCLELLAN. I just don't know. It was not something I was involved in.

Ms. SÁNCHEZ. Okay. In 2003, President Bush said that anyone who leaked classified information in the Plame case would be dismissed. And in June 2004, when President Bush was asked whether he stood by his promise to fire whoever was found to have leaked Valerie Plame's name, Mr. Bush reiterated his promise and said "yes." However, in July 2005, President Bush said: If someone committed a crime, they will no longer work in my Administration.

Do you know what prompted President Bush to raise the bar in July of 2005?

Mr. MCCLELLAN. Well, it was revelations regarding Karl Rove's involvement and revealing her identity to Matt Cooper as well as being a confirming source for Robert Novak as well. And I think that is why the President changed the threshold there.

Ms. SÁNCHEZ. Who do you think in the Administration should have been fired if Bush had adhered to his initial promise?

Mr. MCCLELLAN. Well, if he would have adhered to his word, then Karl Rove wouldn't have longer been in the Administration. I think he should have stood by his word.

Ms. SÁNCHEZ. Do you believe that Mr. Libby was involved in getting you to vouch for him in the press?

Mr. MCCLELLAN. Yes, I do.

Ms. SÁNCHEZ. Can you please explain why?

Mr. MCCLELLAN. Well, as I recount in the book as well, I talk about the conversation I had with Scooter Libby midweek where I told him that I wasn't going to go down a list of White House names now that a formal investigation had been launched and we were aware with it. He expressed his appreciation but didn't say much else. Then it was that Saturday, just a few days later when Andy Card contacted me saying that the Vice President and President had talked and wanted me to basically exonerate Scooter Libby, give the same assurances I had for him that I did for Karl Rove. And so I am sure that Scooter Libby was involved in talking to the Vice President about that. It also later became revealed in public documents that he had written out some talking points for me to use to that effect prior to that. Now, I never saw those talking points until it came out in the media.

Ms. SÁNCHEZ. The last topic of inquiry for me. You write in the book: The campaign to sell the war didn't begin in earnest until the fall of 2002. But as I would later come to learn, President Bush decided to confront the Iraqi regime several months earlier. Cheney, Rumsfeld, Wolfowitz all saw September 11th as an opportunity to go after Saddam Hussein, take out his regime, eliminate a threat, make the Middle East more secure, and Bush agreed.

When exactly did President Bush decide that the U.S. would wage a preemptive war in Iraq.

Mr. MCCLELLAN. Well, he is someone that tends to govern from the gut or instinctive decisions, and he confirmed to Bob Woodward that he had asked Secretary Rumsfeld to update the war plans for Iraq in late November. He had conversations with General Tommy Franks in December about Iraq. And so it was in that November, December, January period when he had essentially set the course that either we were going to go in with military action, or Saddam Hussein will have to come clean. There was no flexibility in that approach. So he had essentially set the policy in place at that period of time.

The President is someone I know very well, and he tends to make the policy decision and then expect everybody to work on implementing that decision. And the market into the campaign was part of that effort.

Ms. SÁNCHEZ. And why do you believe that President Bush was fixated specifically on invading Iraq?

Mr. MCCLELLAN. Well, I think his driving motivation—and this is something I would come to learn more when I became Press Secretary, that the driving motivation was this idealistic and ambitious vision that he could transform the Middle East by coercively going into Iraq, and that Iraq would be the linchpin for transforming the rest of the Middle East into a democratic region.

Ms. SÁNCHEZ. Thank you. I have no further questions. I yield back the balance of my time.

Mr. CONYERS. Darrell Issa of California serves with great distinction on three Subcommittees of the Judiciary Committee, plus the Intelligence Committee; but the Constitution Subcommittee, the Antitrust Task Force, and the Intellectual Property Subcommittee. And we recognize the gentleman from California at this time.

Mr. ISSA. Thank you, Mr. Chairman. I will try to live up to that introduction. It will be difficult.

Mr. McClellan, I am not going to be easy on you, I am not going to be hard on you. I wasn't pleased to see this book, and let me go through why. By the way, it is good read. My reason for not being pleased may become more evident, though.

You said you reflected for a period of time before you were able to properly write the book. I might propose that that reflection period was a period of time in which, had you reacted sooner, I think even you would admit that you could have affected the outcome of this Administration. Had you, let's say, published this book a year earlier, you would have had some effect on an Administration before its waning hours. Would that be fair to say?

Mr. MCCLELLAN. I am not sure. You are talking about changing their policies?

Mr. ISSA. Well, let's just say that if you don't say anything about what you now have said in this book, you are not going to have an effect on the Administration.

The fact that you are now saying it is what troubled me. Had you reflected until November 5th of this year and then published, had the book come out, would you have had essentially a great effect on an Administration on the eve of one or the other coming into office without affecting the actual election in process? And I don't know if you have given much thought to the fact that your book, quite frankly, is a political book launched in the most political time, disparaging a past Administration but in a sense that makes the war a focus, and many of the comments here today really focused on the war.

Mr. MCCLELLAN. And I don't want to repeat the same mistakes that we made when you talk about war. The other aspect of this is that this larger message, as I said, is bigger than any person or party, and it is about improving governance in Washington. And that is why it is very important to today's national political conversation more than anything else. But I wasn't finished with the book in November 2006—or 2007. This was a process. I began writing it in earnest probably in July of 2007, and it took until mid-April really to finish it. I had to push a couple of deadlines back because I wanted to make sure that the book reflected my views and that it was right. And that is why I pushed the deadline back a couple times. I was still working through some of these issues myself.

Mr. ISSA. And I have to agree that it takes a while to write a book. But did you consider writing any articles that would have essentially—very often the George Wills of the world will write a series of articles that in fact are preludes to books, but they do in fact allow him to affect policy and decisions and public debate in a more real-time. Did you consider doing that?

Mr. MCCLELLAN. Well, I think this is affecting policy debate in a positive way.

Mr. ISSA. But a year and a half ago before writing a book of this length, did you consider writing 400 words——

Mr. MCCLELLAN. I think from my perspective people needed the full context of how I looked at these events. And that is why I talk about my upbringing and being raised in a political family, my belief in speaking up, what I was taught as a young kid.

Mr. ISSA. I guess I will go on to another one, because, I mean, this is not out here in a timely fashion—through no fault of yours, but not a timely fashion to affect this Administration. So we are clearly affecting one of two——

Mr. MCCLELLAN. Well, I disagree. It could affect this Administration.

Mr. ISSA. Well, in this case my statement will stand. This is not going to affect this Administration in the waning days. Both its friends and its foes alike I think believe that. And by the way, I agree with you that Iraq is not going to be the linchpin of democracy in the Middle East; and that in fact anyone who believed that, believes that because they were naive about what it was going to take to move that area of the world toward a Government that serves its people better. I have spent a lot of time in that area. I respect that the President has tried to learn about it. So I don't disagree with some of your premises in this book.

Let me move on, though. The next Administration is going to put a spokesperson in the White House to stand in that newly remodeled room that I understand used to be a swimming pool or something in the basement, and some have said it should be made that again. What guidance would you give to the next spokesperson? For example, should they not do on camera? Should they in fact not be part of the spin in that sense but rather report only in a prepared statement the official statement of the White House, rather than taking questions and giving assurances as you did? Because in your book, I think you laid out pretty fairly, you gave assurances based on assurances. This Committee could potentially have the jurisdiction to create a situation in which the next press secretary, or press spokesperson would, if they took those assurances, be called before this Committee. And if they swore that, we could refer it for criminal prosecution that the person who gave that official statement that was then relayed committed a crime. That isn't currently the case. If Karl Rove were to give you an assurance, or some other person, and that assurance turned out to be untrue, that doesn't create an action that the Attorney General by definition would go after just because you said it based on their assurance.

Do you believe we should change the law so that when you speak on behalf of the President or you speak on behalf of somebody else who has given you assurances, that if that false assurance constitutes a crime that would be punishable by the Justice Department?

Mr. MCCLELLAN. It is not something that I have considered or thought about.

Mr. ISSA. Well, Mr. Chairman, my time has expired. But hopefully you have considered it or begun considering whether or not a spokesperson on behalf of somebody, if they are relying on assurances as this book seems to say, either should, A, not be taken seriously since the assurances don't mean anything; or, B, those assurances should constitute something that we codify in law.

I thank you for your presence here today. I thank you for a good book, even if I disagree about the release of time. And I thank the Chairman for his kind introduction.

Mr. CONYERS. Thank you for your observations.

The gentlelady from Houston, Texas, Sheila Jackson Lee, is first of all a senior Member of the Committee serving on four Subcommittees, Intellectual Property, Immigration, Crime, and Antitrust, and additionally chairs the Subcommittee on Border Security in the Homeland Security Committee. And we recognize her now.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

Mr. McClellan, let me indicate to you that I am very proud of you as an American, and I imagine that there are many Americans who are likewise proud of you today. It fits right into the constitutional scheme of three branches of Government and the responsibility that we have for oversight and the responsibility that we have for integrity as relates to the American people. Not only am I proud of you as an American, but I am certainly proud of you as a fellow Texan.

I want to give sort of a rapid fire series of questions. And I know that in some instances in your capacity in the Public Affairs Communications Office, rightly so, you would not be in meetings. But obviously in discussions with the Chief of Staff and staff meetings you could get the flavor of the tone of the White House. So first my question is, have you been paid to come to this hearing?

Mr. MCCLELLAN. No, I have not.

Ms. JACKSON LEE. I saw you stand and take an oath of office, or an oath rather. Do you take that oath seriously?

Mr. MCCLELLAN. Very seriously.

Ms. JACKSON LEE. And are you committed to telling us the truth?

Mr. MCCLELLAN. Absolutely.

Ms. JACKSON LEE. And do you distinguish and do you think we should distinguish payments made for a book from your willingness to come forward here today, take an oath, and commit to the American people that you are telling the truth?

Mr. MCCLELLAN. Sure.

Ms. JACKSON LEE. With that premise, I would ask you these questions.

Mr. MCCLELLAN. I would hope that it would encourage others to do the same from this White House, but unfortunately I don't think that will happen.

Ms. JACKSON LEE. I think certainly it will add to the oversight responsibilities that are taken seriously by this Committee and I think the American people.

Do you believe that the President, in instances of sincerity or belief, misrepresented to the American people, told, made statements that were misrepresenting facts to the American people?

Mr. MCCLELLAN. In terms of the build-up to the Iraq war?

Ms. JACKSON LEE. Build-up to the Iraq war. I am going to get into a series of other incidents that you might have had in your book.

Mr. MCCLELLAN. As I say, it was less than candid and less than honest by the way we went about marketing that war to the American people. That's the way I would describe it.

Ms. JACKSON LEE. Would you describe it as telling an untruth?

Mr. MCCLELLAN. It was not completely truthful. That is the way I would describe it.

Ms. JACKSON LEE. And do you believe, having sat in this room on occasion dealing with the questions of impeachment, do you be-

lieve that hearings that would discuss—well, hearings that would be in the context of impeachment proceedings would be warranted on the basis of untruths or that? You are not a lawyer?

Mr. MCCLELLAN. Right.

Ms. JACKSON LEE. But do you believe that issues could be raised?

Mr. MCCLELLAN. Congresswoman, I do not support impeachment based on what I know.

Ms. JACKSON LEE. Do you believe that, however, that there were instances of the untruth being spoken?

Mr. MCCLELLAN. Well, I talked about the permanent campaign culture and how that got transferred into the war-making process. And so the American people didn't get the real truth of the situation as best we knew it. And they should have had that. They should have had all the facts before them, and they didn't. Instead, they had a partial case that was being made, or a case that was being made that only included part of the information that this Administration knew.

Ms. JACKSON LEE. And you have just made your comments as a personal citizen relating to your thoughts on any kind of constitutional proceeding?

Mr. MCCLELLAN. Yes.

Ms. JACKSON LEE. Your personal assessment?

Mr. MCCLELLAN. Yes.

Ms. JACKSON LEE. Let me ask you about your efforts with Ambassador Joseph Wilson, any lingering understanding of that. Prior to the leak of Valerie Plame Wilson's covert status in July 2003, did you participate in any discussion with the White House officials or officials or other Government agencies about Joseph Wilson and charges he had made behind the scenes about the misuse of Niger intelligence?

Mr. MCCLELLAN. I was not directly involved in any of that. Certainly there were talking points that would have been passed around the Administration. But I was not involved in the overall strategy, if that is what you are getting at, in terms of trying to discredit him.

Ms. JACKSON LEE. But what did you represent to the public based upon discussions that might have had?

Mr. MCCLELLAN. In that initial period, I was still Deputy Press Secretary. I became Press Secretary right after or during all that period when it was happening, the 16 words controversy over the State of the Union, and literally July 15th was my first day. And I think it was the week before that when it was really bubbling up.

Ms. JACKSON LEE. So what was your sense, however, being on the inside, of what they were trying to do to Joseph Wilson? Was he treated fairly by the actions of the White House inasmuch as he was an official of Government, he was a standing ambassador. It would not be thought that he would misrepresent what he had found.

Mr. MCCLELLAN. I think it was wrong to start with an anonymous effort to discredit him, which I talk about in the book, which is now public knowledge. And I think it was wrong to go about it that way instead of addressing these issues openly and directly.

Ms. JACKSON LEE. And do you believe that the issue with Mr. Libby and his involvement with the issue of leaking was an intentional action inside the White House?

Mr. MCCLELLAN. I do not know for sure. As I said, I have spoken to the President. I don't think he in any way was involved in that, to the best of my knowledge. In terms of whether or not it was an intentional effort by himself, Scooter Libby, or other persons, I do not know for sure. But there is a lot of suspicion that has been left.

Ms. JACKSON LEE. But you believe that the leak did generate out of the White House?

Mr. MCCLELLAN. Well.

Ms. JACKSON LEE. Individuals involved in the White House?

Mr. MCCLELLAN. There were at least three White House officials that revealed Valerie Plame's identity to reporters before it was publicly known.

Ms. JACKSON LEE. And certainly any impeachment proceedings not only point to the actual actor that would be impeached, in this instance a President, but it would also draw the opportunity to engage, investigate all of the occurrences that might be attributable to either the misuse or the abuse of Government. I know you are not a lawyer, but you understand that all this would be laid out. Do you think the American people need to have an airing or a clearing of some of the elements that you have spoken about in your book?

Mr. MCCLELLAN. I think it is always better that they have the facts and that they have the truth, and then that way we wouldn't be in this position in the first place. We wouldn't be continuing to investigate this matter, asking questions. The suspicion wouldn't be there. The partisan squabbling that goes on on both sides because of issues like this would be diminished. I think it is a bad strategy to keep information from the public when they have the right to know it.

Ms. JACKSON LEE. My last point, the weapons of mass destruction was a key element.

Mr. CONYERS. The gentlelady's time has almost expired.

Ms. JACKSON LEE. Mr. Chairman, you are kind for your indulgence. I will end on this. The weapons of mass destruction became the singular cry for the American people to be frightened into conceding to the necessity of a war against Iraq. How much goings on, how much interaction, from your book, from your exposure, went on to characterize the dastardly condition that we are in because weapons of mass destruction were about to destroy America? How much misrepresentation was engaged in that?

Mr. MCCLELLAN. To characterize?

Ms. JACKSON LEE. The weapons of mass destruction as a dastardly act.

Mr. MCCLELLAN. There was a massive marketing effort to make WMD as well as the connections to al Qaeda a central part of that effort to sell war to the American people and package it as a grave and gathering danger, when the reality is that it was not as urgent or serious or as grave as it was portrayed.

Ms. JACKSON LEE. So untruth prevailed there?

Mr. MCCLELLAN. Well, certainly less than truthful.

Ms. JACKSON LEE. Thank you, Mr. Chairman. I yield back.

Mr. CONYERS. The Chair recognizes the gentleman from California, Dan Lungren, a former statewide enforcement officer for California.

Mr. LUNGREN. Thank you very much, Mr. Chairman.

Mr. McClellan, could you just succinctly say what your purpose is being here?

Mr. MCCLELLAN. I was invited by the Chairman, received a letter from him on the Valerie Plame episode.

Mr. LUNGREN. You were not subpoenaed. Correct?

Mr. MCCLELLAN. That is correct.

Mr. LUNGREN. So what is your purpose in voluntarily coming here?

Mr. MCCLELLAN. Well, I think to shed light on this whole episode.

Mr. LUNGREN. You are not coming here as part of an impeachment proceeding, are you?

Mr. MCCLELLAN. No.

Mr. LUNGREN. Because I have listened to my colleagues now I think refer to impeachment four different times. And yet we have been told by the leadership on the Democratic side that impeachment is off the table. So my question, I guess maybe rhetorically, is whether what we are doing here is Kucinich-light: We would not dare to bring up an impeachment resolution, but we are here asking you questions and then trying to extrapolate from what you say statements that then Members can infer lead to impeachment of the President or others. But I just wanted to make sure, you are not here for that purpose. Correct?

Mr. MCCLELLAN. I am not here for that purpose. I don't think we would be here for this purpose if this White House had been more open.

Mr. LUNGREN. No. But my question is, you didn't come here believing that someone should be impeached. Did you?

Mr. MCCLELLAN. No. As I said, I do not support that.

Mr. LUNGREN. And I was not here in 2002, when the authorization for the United States Armed Forces, the use of United States Armed Forces against Iraq, but I just went in to get a copy of it and it goes on for three and a half pages for the basis for the resolution, one of which was weapons of mass destruction.

Did the Administration, to your knowledge, support this resolution in its entirety?

Mr. MCCLELLAN. I believe so.

Mr. LUNGREN. Was the Administration talking at that time about the other grounds for going against Saddam Hussein as well?

Mr. MCCLELLAN. There were other grounds that were talked about, but the chief rationale was the WMD connection and terrorism.

Mr. LUNGREN. I understand that. Well, I was going to ask you if you have an opinion whether Congress ever wastes time or wastes money or wastes space, but that sort of answer itself. We've got two and a half pages talking about whereas clauses, going back to the violation of the sovereignty of Kuwait by Iraq, Iraq entering into the United Nations-sponsored ceasefire agreement, the United States intelligence agencies, and—despite the efforts of United States intelligence agencies, international weapons inspectors, et

cetera. Iraq was not cooperating. Iraq was in direct and flagrant violation of the ceasefire, attempted to thwart the effort of weapons inspectors to identify and destroy Iraq's weapons of mass destruction. A 1998 law passed by the Congress concluding Iraq's continuing weapons of mass destruction programs threatening the United States.

In other words, the Administration supported all of those points. Is that correct?

Mr. MCCLELLAN. It wasn't just those points that were emphasized. The larger point that was emphasized as the chief rationale was the WMD and connections potentially to al Qaeda.

Mr. LUNGREN. So the Administration spokespeople, when they were presented with these others, rejected them, or said that they supported the overall judgments?

Mr. MCCLELLAN. No. And I am saying it was where the emphasis was in selling this to the American people that made it a grave and gathering danger and an urgent danger that needed to be addressed now was how it was packaged together and what the emphasis was. And I think I said the Senate Intelligence Committee also reflected that in their recent report.

Mr. LUNGREN. Hindsight is pretty good, isn't it?

Mr. MCCLELLAN. Well, there is certainly things that I—I didn't have access to the intelligence at that point in time.

Mr. LUNGREN. Neither did I.

Mr. MCCLELLAN. I trusted the Administration, I trusted the President, and part of that trust I think was misplaced.

Mr. LUNGREN. And I not being in Congress at the time not only put some trust in the Administration, but I was looking at the judgments made by both Democrats and Republicans in the House and the Senate, and I went through repeated judgments, at least as reflected in their comments by leading Democrats on the Senate side who were, at least as they said at the time, reflecting on their review of the intelligence that was then available. And they were saying the same thing that the President was saying.

But let me ask you this about, you have used the word "propaganda" a few times. On the American Heritage Dictionary definition of propaganda, it says: The systematic propagation of a doctrine or cause, or of information reflecting the views and interests of those advocating such a doctrine or cause.

I guess that is what you were talking about. Right? I mean, you were part of the machinery that was presenting a cause, and you were trying to make the best case at the time to the best of your knowledge and ability. Right?

Mr. MCCLELLAN. That is my what—best of my knowledge of what?

Mr. LUNGREN. Best of your knowledge and ability at the time.

Mr. MCCLELLAN. I am sorry, I missed the last part.

Mr. LUNGREN. Knowledge and ability at the time.

Mr. MCCLELLAN. Yes. I was part of that effort to some extent. Now, I was the Deputy Press Secretary at the time, so I wasn't intricately involved in that effort during that period.

Mr. LUNGREN. And I have gone through your book in some detail. And would it be fair to say that there are—much of it is your re-

flections and your opinions based on what you were exposed to at the time you worked at the White House?

Mr. MCCLELLAN. It is certainly my perspective based on the way the White House operates, knowing the President as well as being involved in these efforts, too.

Mr. LUNGREN. And some of it was opinion. Correct? When you give us an idea of what you thought people were doing when you were not in the room listening to what they were saying, you were forming an opinion based on your knowledge but not the knowledge of the precise facts.

Mr. MCCLELLAN. Well, based on my knowledge of working closely with the President. Based on my knowledge—there were a number of meetings I was involved in. There were some—this White House tends to be compartmentalized, so sometimes decisions were made in a small group of two or three people.

Mr. LUNGREN. So you can understand how some of us might have some difference of opinion with your opinions.

Mr. MCCLELLAN. Well, I was on the inside. I was intimately knowledgeable of what was going on.

Mr. LUNGREN. I know. But I read through your book and you called Jimmy Carter a centrist, you called Ronald Reagan a centrist. Now, I dealt with both of them and I would describe them in many different ways, but I would describe neither one as a centrist.

Mr. MCCLELLAN. But in many ways that they governed toward the center is what I was talking about in that part of the book.

Mr. LUNGREN. Well, a centrist. The only point I am making is a lot of what is in your book is the——

Mr. MCCLELLAN. Moderate or conservative in their views.

Mr. LUNGREN. And you wouldn't think that we ought to proceed on something like impeachment on opinion. Would you?

Mr. MCCLELLAN. Well, I have already stated my opinion on impeachment.

Mr. LUNGREN. You are not here for that purpose?

Mr. MCCLELLAN. No.

Mr. LUNGREN. Thank you.

Mr. MCCLELLAN. Thank you.

Mr. CONYERS. The Chair recognizes Steve Cohen, Memphis, Tennessee, Member of the Administrative Law Subcommittee, the Constitutional Law Subcommittee, and the Antitrust Task Force.

Mr. COHEN. Thank you, Mr. Chairman.

Mr. McClellan, you said that President Bush came to Washington, you believe, with great potential having worked with Democrats as he did in Austin as Governor and in the beginning. What events or what people do you think led him astray from the potential that he had to be a uniter and not a divider?

Mr. MCCLELLAN. Well, I think part of this was he came into this and was going to make an effort to an extent. But that he saw this as the way the Washington game is played, and decided to play it just like it is played by many other people instead of trying to transform it like he pledged to do when he was running for President. I think part of that was based on experience of seeing what happened to his father in his time in office.

Mr. COHEN. So you think he had the potential to come in based on the experience he had in Texas where he worked with the Lieutenant Governor and all?

Mr. MCCLELLAN. Right.

Mr. COHEN. And the system changed him, what was in Washington. Is that right?

Mr. MCCLELLAN. I think that is part of it, yes.

Mr. COHEN. And the Vice President was put on the team because he had knowledge of the system and experience in Washington. Is that not correct?

Mr. MCCLELLAN. And his foreign policy experience and experience in other ways.

Mr. COHEN. Do you believe that Vice President Cheney was most responsible from deterring President Bush from being the great President and uniter that you think he could have been?

Mr. MCCLELLAN. Well, I think the President has to bear responsibility for his presidency veering off track like it did more than anyone else. But there were certainly some influences on him that I think were negative influences in that regard, and I would include the Vice President in that.

Mr. COHEN. Who was the greater influence, the Vice President or Karl Rove?

Mr. MCCLELLAN. I don't think that I could make a specific judgment on that. But both of them had enormous influence in terms of the direction of this White House. And the way this White House operated is—of course, with the Vice President it was more on certain foreign policy elements and economic policy issues, and with Karl Rove it was the massive political operation that exists in this White House. And it existed in other White Houses as well, but when you transfer that over into the war-making process it becomes a problem.

Mr. COHEN. Did you ever hear of any decisions for people that used BlackBerries that were RNC BlackBerries or RNC e-mails for political purposes so as to not place those on——

Mr. MCCLELLAN. Well, I certainly knew that people had RNC e-mails. I didn't have an RNC e-mail account myself, but I certainly knew that people used them. I believe that I probably would have sent e-mails to both of Karl Rove's accounts, his White House account and probably that account as well just to make sure it got to him.

Mr. COHEN. Are you aware of any particular policy that said to use those to avoid Government oversight?

Mr. MCCLELLAN. Not directly. No.

Mr. COHEN. How about indirectly?

Mr. MCCLELLAN. No. I wouldn't say indirectly either.

Mr. COHEN. You say you heard talk about Iraq and the build-up for war there. Did you ever hear any talk about Iran and a build-up for war with Iran in the White House?

Mr. MCCLELLAN. Well, there is certainly a focus on Iran. And I sat in world leader meetings with the President where he would discuss Iran. It was a high foreign policy for him and remains a high foreign policy for him as well. And I think the views of people within the Administration are pretty well known in terms of what we ought to be doing to confront Iran.

Mr. COHEN. The President didn't attend and hasn't attended funerals of soldiers who were killed in the war. Were you privy to any of the discussions of why it was determined that he would not attend those funerals as previous Presidents?

Mr. MCCLELLAN. Including discussions from him personally that he didn't want to view it as picking or choosing one funeral over another. I did attend often with him when he would visit families of the fallen and wounded soldiers as well. Those were certainly moving moments, and I saw the President's care and concern for those troops and for those families as well.

Mr. COHEN. Previous Presidents attended funerals, did they not.

Mr. MCCLELLAN. I believe so, yes.

Mr. COHEN. They didn't worry about choosing one over another. They tried to make as many as possible. So there was a decision to make none because you couldn't make them all; is that correct?

Mr. COHEN. Well, I think part of it was, where do you draw the line? And if you do one, then you can't do the other. If you're not doing the others, does that show disrespect to others? But the President, as I said, often visits with the troops, the wounded and visits with the families as well. And that's the way he decided to approach it.

Mr. COHEN. Do you remember when he gave up golf?

Mr. MCCLELLAN. No, I don't.

Mr. COHEN. Does he——

Mr. MCCLELLAN. I saw his comments about that, but I don't remember any discussion personally about, this is his time to give up golf.

Mr. COHEN. During the campaign of 2004, were you familiar with any discussion about swift-boating Senator Kerry?

Mr. MCCLELLAN. No, I was not involved in that. That was more of a campaign side of things, if anything, and I wouldn't have been involved in that.

Mr. COHEN. Did you ever overhear any conversations about firing of U.S. attorneys, at all?

Mr. MCCLELLAN. That was something that boiled up after I was there. So I don't—I don't—it was never something that was high on my plate in terms of press issues that I was dealing with, so it's not something I ever focused on.

Mr. COHEN. Several people edited your book. It's been elicited that different people edited it.

What did they edit out of the book that we should know about?

Mr. MCCLELLAN. I don't think there's anything that would be of interest to this Committee that was—if you say edited out of the book, I think I've given a pretty clear view of the big-picture things in this book.

That was what I was trying to focus on is, how did this Administration go so badly off course, and what can we learn in it.

Mr. COHEN. You said in an interview by Amy Goodman on Democracy Now that you mentioned the number of civilian casualties in Iraq as one of several issues you should have spoken up on while you were at the White House, one of several you should have spoken up on.

What were the other issues you should have spoken up on?

Mr. MCCLELLAN. Well, I mean, in retrospect, there were a number of times I think I should have spoken up more. But as I say in the book, too, in this Administration, once the policy is decided, the President expects everyone to march in lockstep to that policy and not question it. You can question how it's being implemented, but once that decision's made, you're not encouraged to speak up about it.

Mr. COHEN. Thank you, Mr. Chairman.

Thank you, Mr. McClellan.

Mr. CONYERS. The Chair recognizes Tom Feeney of Florida, who is a Member of the Administrative Law Subcommittee and the Intellectual Property Subcommittee as well.

Mr. FEENEY. Thank you, Mr. Chairman. I want to thank Congressman King who ceded his time so I can make an early flight and see my son play some Little League tonight maybe, if it's not raining in Orlando.

You know, Mr. McClellan, regardless of the motives or who edited your book, there are things that are fairly well-known facts. You at length, you know, cite speeches and other news reports; and then there is a lot of inference and speculation and, in some cases, some innuendo based on people you know or people you assume to be true, what may have been happening in meetings that you were in or not. And I appreciate that.

But in terms of speculation and opinion, do you have a brief opinion, given your position as secretary? Regardless of the merits of your book or why you did it, do you think in the future, at a time of war or there's sensitive intelligence being discussed, that when a press secretary goes out shortly after he leaves the White House, that this book is likely to set the precedent for press secretaries or deputy press secretaries to have more or less access to what is actually behind the decision-making system in the White House?

Mr. MCCLELLAN. It depends on what lessons future Presidents take away from this book or future Administrations. If they take the right lessons, that person is going to have even more access.

Mr. FEENEY. Well, for example, as the allies were deciding whether D-Day would occur in Normandy or the southern shores of Europe, should the press secretary have had access to those meetings and been available to the press, the worldwide press, to explain what the thinking and the rationale for the effort was?

Mr. MCCLELLAN. No, I don't think a press secretary should ever be talking about potential war movements that are not yet publicly known.

Mr. FEENEY. Well, but you've speculated a lot about the motives of people, including the President, but especially with respect to the reason for war, including why Rumsfeld would want to go to war, why Cheney would want to go to war, why Wolfowitz would want to go to war.

By the way, there's nothing new. Wolfowitz had said—you know, as you write in your book—to Vanity Fair that one of the primary reasons that they were going to go to war, and tell people, was because of weapons of mass destruction.

Hindsight is 20/20. We all know what we know now, which we may have known at the time had Saddam Hussein complied with some—more than one dozen resolutions by the United Nations Se-

curity Council asking him to let the world know whether he did or did not.

Why would every nation in the U.N. Security Council demand to know the status of a weapons of mass destruction program if we all knew or should have known it didn't exist? That's sort of a rhetorical question.

But let me ask you this question because you do do a lot of speculation. Secretary Rumsfeld has a lot of experience, in Administrations, in defense. Same thing with Vice President Cheney. They also know that history has a lot more perfect vision than contemporary rationales for war.

Can you speculate on the motives of two men that have served in numerous Administrations and know that they will be judged by history, why they would deliberately go out and lie about a primary justification for war, knowing full well that every history book would prove that their motivation for war was a big lie?

I just can't fathom why people that experienced and that sophisticated about the way Administrations are subsequently judged would deliberately tell a lie, knowing that they would be outed. I can't find the motivation.

Mr. MCCLELLAN. Actually, I think, in the book I say that I don't believe it was a deliberate attempt. It was a cultural problem that exists in this city where spin and manipulation become part of the accepted culture. And then, when you transfer that over from domestic policy issues to war-making decisions, the American people aren't getting the full truth; and they need to have the full truth so that they know exactly what we're getting into.

Mr. FEENEY. If Saddam Hussein had complied with what the world demanded of him, they would have had access to the truth about weapons of mass destruction.

Finally, I want to—did the President know or have any knowledge about either Mr. Libby or Mr. Rove or anyone else disclosing Plame's identity to reporters?

Mr. MCCLELLAN. I do not believe so, based on my conversations with the President.

Mr. FEENEY. In fact, you say, you're confident, you're convinced?

Mr. MCCLELLAN. Yes. That's right.

Mr. FEENEY. I think that's important.

I understand—look, you know that in the heat of battle and a run-up to a war there's a lot of emotions and there's a lot of lack of knowledge. I remember after 9/11 Air Force One didn't know what direction to take off in.

Mr. MCCLELLAN. Right.

Mr. FEENEY. And it's the job of an Administration to try to tell America what they need to know. But the notion that we are going to share everything that we know with our enemies I find very disturbing.

Mr. MCCLELLAN. I don't make that suggestion.

Mr. FEENEY. Well, anyway, thank you for your testimony.

Mr. MCCLELLAN. Thank you.

Mr. CONYERS. Bill Delahunt of Massachusetts——

Mr. DELAHUNT. Thank you, Mr. Chairman.

Mr. CONYERS [continuing]. On the Administrative Law Subcommittee, on the Foreign—he chairs a Subcommittee on the For-

eign Affairs Committee. And he is on the Immigration and Crime Subcommittees of Judiciary.

Mr. DELAHUNT. Thank you, Mr. Chairman. And I don't think in any way that Mr. McClellan is suggesting that we share information with the enemy. I think it's important, however, that we share information with the American people.

Let me applaud you for this book. I think you've made an excellent contribution to public discourse. I think there is much for all of us to learn, not just simply the next Administration, but Congress on both sides of the aisle. This is not a partisan issue.

Mr. MCCLELLAN. Right.

Mr. DELAHUNT. What struck me the most in reading portions of your book was your statement that the Bush administration lacked real accountability, in large part because Bush himself did not embrace openness or sunshine in Government. I concur with that. This Committee and my own Committee have had constant problems dealing with this Administration.

Currently, there is a very significant international agreement that's being discussed between Iraq and the United States that has significant implications for the American people and for the region. And despite their own rules, the Department of State, the so-called Circular 175 proceedings, there has been zero—well, maybe 1 on a scale of 100 consultation with Congress.

It was embarrassing to meet with the Foreign Minister of Iraq who gave us a better briefing in terms of what was under discussion than this Administration.

And today in one of the local papers here, *The Hill,* the headline is, "Cheney Gets Last Laugh, Records Stay Secret." He has managed to stonewall Waxman, stonewall Cheney. You know, it can be funny, it can be humorous, but these decisions are absolutely too important.

So I think you made a real contribution by opening up the debate as to what is the quality of public discourse among the institutions that this democracy relies on. And at its core we have to have an informed citizenry.

And I agree with you. I voted against the war, as did 133 of my colleagues, 125 of which, by the way, were Democrats. It was a majority of Democrats that voted against the war simply because of information in the public domain. There were heroes, like a great field man. Nobody here would know who he is. But I had him to my office. He's from the Department of State.

He said, I've read everything, Congressman Delahunt. There is no nuclear weapons program. They just simply isn't. It was a hard sell, and a tragic one at that. But I think we have to look forward.

I'll tell you what I found very disturbing—and I would be interested in your comments—was the secret declassification that no one else knew about except President Bush and Vice President Cheney. You didn't know about it. None of us knew about it. Is this how we operate a democracy?

Mr. MCCLELLAN. It's one of the problems with this White House, how compartmentalized it is. That is a prime example of how problematic it is, too. The Chief of Staff didn't know, the National Security Adviser didn't know, the Director of Central Intelligence didn't

know. We were going through a formal declassification process shortly after that, unaware that it had been——

Mr. DELAHUNT. This is not a democracy where you classify and then declassify and then reclassify and keep everything secret. This is not openness in Government.

And I applaud you for this book.

Mr. MCCLELLAN. Thank you.

Mr. DELAHUNT. And it was earlier stated that your book—others have been saying this. You have plenty of company. I can remember reading the memoir of Paul O'Neill, The Price of Loyalty. He was stunned because at the first National Security Council, he was in the room, he was a principal, and a discussion about Iraq and the instruction by the President to Rumsfeld and then-Joint Chief Shelton to prepare military operations. That was 10 days after the inauguration of the President, prior to 9/11.

There was a proclivity—and we heard weapons of mass destruction and Mohammed Atta and, yeah, the dog wagging the tail about his overarching vision for the Middle East.

And we all share that vision, but how do you impose it?

Is my time up, Mr. Chairman?

Mr. CONYERS. There is a red light on the desk.

Mr. DELAHUNT. Okay. Well could I have another 10 seconds?

Mr. CONYERS. Of course.

Mr. DELAHUNT. I would—I chair, as the Chairman indicated, the Oversight Subcommittee on Foreign Affairs. And I would like to have you and Paul O'Neill come before that Committee after the election, so there won't be any impugning of anyone's integrity, and give us a view of the process or lack thereof. Because that was Paul O'Neill's problem as well as yours. There was no process; it was all gut and intuition. And now we've got ourselves in a mess.

Thank you, Mr. Chairman.

Mr. CONYERS. Steve King of Iowa is the Ranking Member on Immigration and a valuable Member of the Constitution Subcommittee as well.

Mr. KING. I thank the gentleman Chairman. And I'd like to start out by agreeing with the gentleman from Massachusetts. He said, this is not a democracy. I couldn't agree more. And I pray it never will be, that it remains a constitutional republic where we actually have a chance to move this society forward with a representative form of Government.

Mr. McClellan, there were impeachment hearings in this very room back in 1998. And although I wasn't a member of this Committee, I spent some days here witnessing that. I remember around that period of time Charlton Heston made a statement. And his statement was to President Clinton and he said, Mr. President, when you say something that's wrong and you don't know that it's wrong, that's called a mistake. But if you say something that's wrong and you know that it's wrong, that's a lie. He drew the distinction, and I think it's important for us to look at this.

And you've made reference to the 15 words in the President's State of the Union address, and I believe you're referring to his January 28, 2003, address, which I happen to have the copy I had in my hand when he gave that address. I'll read these words to you and I think these are the ones that you referred to.

The President, speaking in that State of the Union address, quote, "The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa," closed quote. That's the reference, I believe.

Do you believe that's a mistake or a lie when the President said it?

Mr. MCCLELLAN. Well, I actually talk about it in the book at length. And I think the President thought it was credible to be saying that at the time that it had some substantiation. I don't know what every individual knew about that or was passing along. I think some questions remain there.

Mr. KING. Let me submit that I don't believe it was either a mistake or a lie. I believe that the language in here sustains itself as the accurate and factual truth even today.

Mr. MCCLELLAN. Well, but our CIA disagree with that at this point.

Mr. KING. I have in my hand a CIA report. This is a debriefing report from Ambassador Joseph Wilson within 2 hours of the time that he arrived back home after his 2 weeks in Niger.

He's been before this Committee. I didn't have this report in my hand on that day; I wish I had.

It's, though, the debriefing date, 8 March 2002. Are you familiar with this report?

Mr. MCCLELLAN. I may have seen it before. I'm not sure.

Mr. KING. Just for your edification and for that of the Committee, let me just read from this report: "Debriefing on the return"—and I'm going to submit that this report directly contradicts Joseph C. Wilson 180 degrees, where he testified—or in his report to the CIA, they say he referenced this former Prime Minister Ibrahim Mayaki. He says, "However, Mayaki did relate that in June 1999 a Nigerien-Algerian businessman approached him and insisted that Mayaki meet with an Iraqi delegation to discuss 'expanding commercial relations'"—and that's in quotes—"between Niger and Iraq.

"Although the meeting took place, Mayaki let the matter drop due to the United Nations' sanctions against Iraq and the fact that Mayaki opposed doing business with Iraq. Mayaki, the former Prime Minister, said that he interpreted the phrase 'expanding commercial relations' to mean that Iraq wanted to discuss uranium yellow cake sales.

"Mayaki said, he understood the rogue states would like to exploit Niger's resources, specifically uranium, but he believes the Nigerien Government's regard for the United States, as a close ally, would prevent sales to these states from taking place despite Niger's economic woes."

This is verbatim from the CIA report that was secret and now been released, redrafted. I would ask unanimous consent to introduce this into the record, Mr. Chairman.

Mr. CONYERS. Without objection.

Mr. KING. And I recognize that it catches you a little bit unaware. I trust you have not seen this report nor the language in it.

Mr. MCCLELLAN. Not recently. I don't know if I've seen it before. I would have to look at it.

But certainly October of 2002 for the speech the President gave in Cincinnati, the CIA director had said, Take this information out that relates to Niger. Steve Hadley recounted that in conversations I was participating in at the White House later, when the 16 words became—or that——

Mr. KING. I'm sorry. But recognizing there was a backpedaling on the part of the White House, I'm going to submit that the State of the Union address remains factual today.

They did learn from the British—whether it turned out to be upheld in later statements or not, they did learn from the British. This statement of Joseph C. Wilson contradicts his 4 years of calling President Bush a liar.

And I would submit also that—let me pose this question. If you had to choose, if your life depended on it and you had to choose between putting your trust in Ambassador Joseph Wilson's veracity or that of the President of the United States, where would you put your——

Mr. MCCLELLAN. I don't know that I'd jump into that hypothetical kind of question.

Mr. KING. Okay. I'm going to take that as an answer to that question. I'll pose another one then.

What is your advice to your successor secretaries, White House press secretaries, as to how they should handle themselves and how a President might want to handle them? There's two parts to this question. What would you say to the succeeding secretaries on at what point they should step up and tell the world—in the middle of their job, perhaps?

And how will the President handle this from this point? Does he have to then put the next press secretary into a cubicle and slide press releases to him under the door for fear that he will either write a book or come before the Judiciary Committee and divulge information that I believe was, at least from a national security—not national security, but from the integrity standpoint, could you not have taken some of this to the grave with you and done this country a favor?

Mr. MCCLELLAN. I think that by speaking up about these issues that the country can learn much from what went wrong and what we can learn from that. And that's why I wrote this book, because I want to see things change here.

Mr. KING. That may well be true—thank you for your testimony. And I yield back, Mr. Chairman.

Mr. CONYERS. Hank Johnson is a lawyer/magistrate from Atlanta, Georgia, serving on the Administrative Law Subcommittee, the Intellectual Property Subcommittee and the Crime Subcommittee.

Mr. JOHNSON. Thank you, Mr. Chairman.

Mr. McClellan, I appreciate your attendance today. During the course of President Bush's administration, there have been—there were 5,626 petitions for commutation, which were received and processed by the Office of Pardon Attorney, which is a part of the Justice Department. And of those, prior to Mr. Libby's commutation, President Bush had granted just three petitions for commutation. And you——

So in other words he actually denied 4,108 of those petitions, and the other ones were closed without Presidential action, presumably by the Office of Pardon Attorney. And this reluctance to grant mercy on these commutation petitions is consistent with President Bush's conduct with respect to death penalty cases when he was Governor of Georgia—excuse me—Governor of Texas; isn't that correct?

Mr. MCCLELLAN. Yes. I think—I believe so, yes.

Mr. JOHNSON. He presided—he had the distinct opportunity to preside over a record number of men and women—in fact, 150 men and 2 women—a record unmatched by any Governor in modern American history. He presided over 150 executions as the Governor of Texas and commuted only one sentence. Is that correct?

Mr. MCCLELLAN. That's correct.

Mr. JOHNSON. And then all of a sudden——

Mr. MCCLELLAN. I mean, I say I trust your numbers. I haven't looked back at it recently.

Mr. JOHNSON. Then all of a sudden we've got White House confidant Scooter Libby, and many Americans believe that there was an attempt to silence Mr. Libby. Many Americans believe that there was a misleading of the American public in this Administration's march to war, there was an intentional lying to the American public.

And many Americans feel that when Ambassador Joseph Wilson had the gall to reveal the deception to the American public, that he was punished by the Administration, which ordered the revealing of his wife's identity as a covert agent, Valerie Plame.

And many people feel that the Vice President is responsible for Scooter Libby putting his head in the meat grinder, if you will; and that in return for Scooter Libby putting his head in the meat grinder, going through a jury trial—an extensive jury trial, after which he was convicted of obstructing justice, making false statements and two counts of perjury—and having been sentenced to 30 months in prison, and his motion for bond pending appeal having been denied by the trial judge; and then also denied by the court of appeals in affirming the trial judge's denial of the appeal bar, and Scooter Libby was headed to jail, to prison, imminently.

And on the same day that Scooter Libby found out that the court of appeals would not reverse the judge's decision to deny the appeal bond, that's when President Bush issued a commutation, which is inconsistent with his previous history as Governor of Texas and President of this country. And without consultation of his own Justice Department, which was responsible for prosecuting Mr. Libby, without consultation with that Department or its Office of Pardon Attorney, he decided to issue a commutation of that prison sentence.

And there's some who believe that he did that so that he could make sure that Scooter Libby would not at some point spill the beans on the Vice President or someone else.

Do you believe that is the case.

Mr. MCCLELLAN. I don't know. Again, it's one of those questions where I can understand why people you know view it that way.

Mr. JOHNSON. Even in the situation where Mr. Bush—well, strike that. And I'll move forward.

Do you have any reason to think that that would not be a reasonable scenario that I just—that I just gave?

Mr. MCCLELLAN. Well, we haven't had any real answers to these questions that you're raising. There's a lot of suspicion there about that, and I understand why people would reasonably come to that conclusion.

Mr. JOHNSON. It is a reasonable suspicion?

Mr. MCCLELLAN. It sends a terrible message. It was special treatment, in my view, that Scooter Libby received; and I think that the President should not have made that decision. But that's his right, to do it.

Mr. JOHNSON. In your opening statement, you lament the permanent campaign culture and constant spin that has corrupted Washington. Stripping away all of the spin, please tell us candidly and directly, what do you believe were the Administration's real strategic motives in misleading this country and the American people into a war in Iraq?

Mr. MCCLELLAN. Well, I think the driving motivation—and I think I talked a little bit about this earlier—was, in the President's view—I can't speak to every individual, but in the President's view was this idea that we could transform the Middle East by coercively going into Iraq, that Iraq would be the linchpin to change Iran into a democratic state; when you've got Afghanistan and Iraq on each side of it, democratic nations on each side of Iran. And then it would go from there.

That was the thinking. The President has spoken passionately about it in numerous settings where I was with him.

Mr. CONYERS. The gentleman's time has expired.

Mr. JOHNSON. Thank you, Mr. Chairman. If I could just conclude that one question.

Did you ever hear of any discussion during the run-up to war about the possibilities of gaining control over Iraq's vast oil reserves as a reason for going to war?

Mr. MCCLELLAN. I personally did not.

Mr. JOHNSON. Thank you, sir.

Mr. MCCLELLAN. Thank you.

Mr. CONYERS. The Chair recognizes Attorney Betty Sutton of Ohio, who serves on the Intellectual Property Subcommittee, the Crime Subcommittee and the Antitrust Task Force.

Ms. SUTTON. Thank you, Mr. Chairman.

Mr. McClellan, one of your conclusions from this experience is that, quote, "War should only be waged when necessary and the Iraq war was not necessary," end quote.

But in discussing the mood of the country in the fall of 2002 in your book, you state that, quote, "conditions were favorable for the Bush team as it launched its campaign to convince the—convince Americans that war with Iraq was inevitable and necessary."

We know you have come to a conclusion that the war was not necessary. Did the war become inevitable under this Administration? And if so, when?

Mr. MCCLELLAN. I believe so, because the President left himself no wiggle room. I don't think it was reasonable to conclude that Saddam Hussein was ever going to come fully clean. Then the only other option the President left him was we were going to use mili-

tary power to remove his regime from power. And, you know, certainly the whole laying out of the marketing campaign was aimed in moving it in that direction as well.

Ms. SUTTON. Okay. And I want to talk to you more about that marketing campaign and sort of this momentum that was gaining.

In reacting to Larry Lindsey stating in The Wall Street Journal that the cost of the war would be somewhere between $100 and $200 billion, you state in your book, quote, "None of the possible unpleasant consequences of war—casualties, economic effects, geopolitical risks, diplomatic repercussions—were part of the message. We were in campaign mode now."

And I guess—if you could just share with us, are you aware of any discussions about the costs and lost life and money that would be unacceptable once this campaign to war began?

Mr. MCCLELLAN. Well, any direct knowledge of some of those suggestions? Well, certainly Larry Lindsey's comments are one in terms of looking at—trying to calculate the potential cost. And I think he was basing it on a 1- or 2-year time frame.

So, I mean, there were discussions that maybe were going on. But certainly that was not part of the way to take—you know, sell the war to the American people.

Ms. SUTTON. What I'm asking about is, were there internal conversations that you're aware of, was it contemplated what would be unacceptable loss of life, or what would be unacceptable as the cost of war in a monetary sense? Did you hear those discussions? Was that part of——

Mr. MCCLELLAN. No. At the time of the build-up, remember, I was Deputy Press Secretary. So, yeah, I filled in from time to time and participated in some meetings, but in terms of the war discussions, that would have been in the National Security Council meetings that I did not participate in at that time.

Ms. SUTTON. Did you ever become aware of any of those discussions along the way, throughout the course of the war?

Mr. MCCLELLAN. Well, I mean, I've referenced Larry Lindsey's comments. But, you know, it was not something that was emphasized or stressed around the White House or that I ever remember coming up in terms of some of the discussions about how to take the Nation—or how to make the case to the Nation.

Ms. SUTTON. Okay. Not about making the case to the Nation, but did you ever hear any concern expressed about what would be an unacceptable loss of life as——

Mr. MCCLELLAN. No. I can't say that I had any direct conversations on that.

Ms. SUTTON. Okay. And you also state that Vice President Cheney, quote, "might well have viewed the removal of Saddam Hussein as an opportunity to give America more influence over Iraq's oil reserves, thereby, benefiting our national and economic security."

Now, of course, today in The Washington Post we see an article that's entitled Big Oil Firms Ready to Sign Agreements With Iraq; and in part, "June 19—Iraq is preparing to award contracts to several Western energy companies to help develop its vast oil resources." The article goes on and states, "U.S.-based Exxon Mobil

and Chevron, Royal Dutch Shell, France's Total and British Oil Company, BP, will secure the biggest contracts."

In light of that and this comment in your book about Vice President Cheney perhaps might well have viewed the removal of Saddam Hussein as an opportunity to give more America more influence over Iraq's oil reserves, could you just expand upon what that statement—what that statement means?

Mr. MCCLELLAN. Well, I said it's hard to know what the Vice President's thinking is in terms of what his real rationale was for pushing forward on going into Iraq or encouraging the President to move forward on going into Iraq.

But certainly if Iraq didn't have its large oil reserves, it wouldn't have been a national security interest and it wouldn't have been something on the radar screen like it was from the beginning of this Administration.

Ms. SUTTON. Okay.

Was there anything specific? Or what would make you make that statement, though? That's sort of a general answer. Is there anything more specific——

Mr. MCCLELLAN. Based my knowledge of the people at the White House and the workings within the White House, that would be how I would make that statement—and the Vice President's involvement, certainly, in energy issues.

Ms. SUTTON. Is the White House still in campaign mode?

Mr. MCCLELLAN. I don't think they've ever gone out of campaign mode, if that's what you're asking.

Ms. SUTTON. Thank you.

I yield back.

Mr. CONYERS. Brad Sherman of California, Intellectual Property Subcommittee. And I'm pleased to recognize you now.

Mr. SHERMAN. Thank you, Mr. Chairman. I'd like to focus not on how Valerie Plame's name was exposed but rather why.

One theory is that the goal was to discredit Ambassador Wilson by questioning the legitimacy of how he was selected to go and investigate things in Niger. Another theory is that it was to punish Ambassador Wilson by imperiling his wife's career or even her safety.

Did anyone in the White House make the statement that Valerie Plame was revealed in order to teach Ambassador Wilson or anyone else a lesson? Or do you think that Valerie Plame's name was revealed just to undermine the report, the credibility of Ambassador Wilson?

Mr. MCCLELLAN. My belief is that it was to undermine his credibility, by the people who revealed her name, as part of the effort to discredit Ambassador Wilson.

Mr. SHERMAN. Moving to a different issue, in November, 2004, you said that, what, Guantanamo detainees were being treated humanely. When did you learn that there was waterboarding being used at Guantanamo?

Mr. MCCLELLAN. I think that that became public in the media—it may have been at some point even after I left. But, I mean, there was certainly discussion about it before that that this might be going on.

In terms of my knowledge of it, you know, essentially I was using the Administration talking points that I was given by others from the national security staff.

Mr. SHERMAN. So, so long as you were press secretary, you thought that they were being treated humanely and that there was no need to correct——

Mr. MCCLELLAN. Well, I was getting assurances from people with—inside the White House, as well as probably the Pentagon, in conversations with them that that was the case.

Mr. SHERMAN. Now, your book brings to light a few occasions where the information you gave the public as press secretary turned out to be false; and I wonder whether there are any occasions, not revealed in your book, where the statements you made to the press, to the public, were false or misleading?

Mr. MCCLELLAN. You know, I couldn't say that without bringing up a specific statement. I think I included everything that I'm aware of in the book.

Now, I mean, some of what I said, I thought it was sincere at the time. I think some of it, in retrospect, was misguided.

Mr. SHERMAN. Do you have any advice for us on what to do to reduce the partisan nature of Washington, D.C.?

Mr. MCCLELLAN. Well, the first thing that has to happen is the embrace of openness and forthrightness with the American people. And I think the President, more than anyone else, has the ability to set that kind of constructive tone, to establish the trust. That's first and foremost.

But then I go into some other ideas actually in the book, as well, from the White House perspective: what the White House can do to change the partisan tone and transcend that, the bitter partisanship in D.C.

Mr. SHERMAN. I think you have some good ideas in your book. I would point out, though, that Washington is not so much a matter of personalities as structure. We have moved over the last 40 years to ideological parties. And if we really wanted more moderation here in Congress and in Washington, we'd go to an open primary system, that we'd be looking at how we structure who gets elected and what it takes to get reelected rather than just counting on the next President or the President after that to be a more angelic person than the occupant of the White House.

Mr. MCCLELLAN. There are certainly other issues that I have proposed or that need to be addressed; I think you get into some of those. I was focusing on it from the executive branch; and I think that the President can go a long way toward changing the atmosphere here in Washington, D.C.

Mr. SHERMAN. I think we have a structure of electing elected officials that won't get you there.

But I yield back.

Mr. MCCLELLAN. Part of that as well.

Mr. CONYERS. The gentleman from Alabama, Artur Davis, himself a former assistant United States attorney who serves on the Immigration, Constitution and Crime Subcommittees.

Mr. DAVIS. Mr. Chair, thank you. And, Ms. Baldwin, thank you for letting me slip ahead because I have a plane to catch. So thank you for that.

Mr. McClellan, let me circle around a person whose name has come up a great deal today, and that's Karl Rove. You stated in your book and you have reiterated to the Committee several times that Mr. Rove encouraged you, allowed you, encouraged you to repeat a lie. You've said a number of things about Mr. Rove, and you've indicated you've known him for some period of time. So I want you to kind of give the Committee some advice on how to deal with a little situation that we have with Mr. Rove right now.

The Committee has extended an invitation to Mr. Rove to do what you've done, to come and appear under oath, to allow anyone who wants to ask you questions to do so. Mr. Rove has—not surprisingly, to you, I suspect—declined the invitation.

Mr. Rove has come back, and he said to the Committee, Well, I'm willing to talk, but only if there is no oath, only if there are no cameras present, only if there are no notes made of what I have to say.

And let me just ask you, based on what you know of Mr. Rove, Mr. McClellan, does it first of all surprise you that Mr. Rove is seeking limitations on the manner and the circumstances in which he would appear before this Committee?

Mr. MCCLELLAN. No, it does not surprise me. And I think it's probably part of an effort to stonewall the whole process.

Mr. DAVIS. I'm going to ask you two pointed questions. Would you trust Mr. Rove if he were not under oath to tell the truth?

Mr. MCCLELLAN. Well, based on my own experience, I could not say that I would.

Mr. DAVIS. And, in fact, if Mr. Rove were under oath, would you have complete confidence that he would tell the truth?

Mr. MCCLELLAN. I would hope that he would be willing to do that. And as you point out, it doesn't seem that he is willing to do that. But based on my own experiences, I have some concerns about that.

Mr. DAVIS. Mr. Rove did testify under oath before the grand jury investigating the leak a number of times, did he not?

You have to answer orally.

Mr. MCCLELLAN. Yes.

I'm sorry. Yes.

Mr. DAVIS. You don't believe he told the complete truth to the grand jury under oath when he did testify?

Mr. MCCLELLAN. I don't know since I haven't seen his testimony. I do not know.

Mr. DAVIS. You state—at one point, there was a very pointed sentence. You say that Karl was only concerned about protecting himself from possible legal action and preventing his many critics from bringing him down.

Do you believe, based on what you know of Mr. Rove, that he is capable of lying to protect himself from legal jeopardy, sir?

Mr. MCCLELLAN. Well, he certainly passed on false—or lied to me. That's the only conclusion I can draw.

So, based on my own experience, you can appreciate where I'm coming from.

Mr. DAVIS. Do you believe, based on what you know of this gentleman, your experiences with him, that he is capable of lying to protect himself from political embarrassment?

Mr. MCCLELLAN. I would have to say that he did in my situation. So the answer is yes.

Mr. DAVIS. You talk about an Administration that, in effect, came up with a strategy to go to war in Iraq and was not candid with the American people about the reasons. You suggest that an Administration that was so conscious of spin, so conscious of protecting itself politically, that it would shave facts and shave off elements of the truth.

You know that this Committee has been investigating for about a year allegations around the firing of the U.S. attorneys. I know that happened after you left. I want to ask you again about the state of mind of this Administration.

Is the Bush administration that you know, Mr. McClellan, capable of coming up with a false cover story as to why the U.S. attorneys were fired?

Mr. MCCLELLAN. I would hesitate to try to characterize that because I have no direct knowledge of that situation.

Mr. DAVIS. What about capability from what you know?

Mr. MCCLELLAN. I don't have any direct knowledge of that I, so would not want to make any broad, sweeping statement on the Administration itself.

Mr. DAVIS. If it were suggested that the Administration had come up with a cover story to conceal its true motives, would you say that you had seen the Bush administration do that kind of thing before?

Mr. MCCLELLAN. Again, I don't want to try to speculate about that since I don't have any direct knowledge about of it.

Mr. DAVIS. Have you seen them do that before?

Mr. MCCLELLAN. Have I seen them do—I'm sorry, repeat.

Mr. DAVIS. Come up with a cover story that conceals the true motive.

Mr. MCCLELLAN. Well, I certainly think that in the Valerie Plame leak episode that it's clear today, instead of hiding behind the cover of an investigation or legal proceedings, that the Administration was more interested in simply stonewalling on this issue and not getting involved publicly.

We said that we would——

Mr. DAVIS. My time is running out. I have two more points.

With respect to Mr. Rove, as you may know from reading news reports, there have been allegations that Mr. Rove may have attempted to influence the prosecution of at least one individual, a fellow named Siegelman who was the Governor of a State of Alabama.

I suspect you have no factual knowledge of that, but let me ask you this: How long have you known Karl Rove?

Mr. MCCLELLAN. I think it's going back to the early '90's—'91–92.

Mr. DAVIS. Do you have a sense of how he thinks about politics and how he thinks about people on the other side of him?

Mr. MCCLELLAN. Well, he views the other side as the enemy, I think. He's the one that plays bare-knuckle politics.

Mr. DAVIS. Is the Karl Rove that you've known for 15 or 16 years, Mr. McClellan, capable of attempting to influence the prosecution if he had the opportunity to do that?

Mr. MCCLELLAN. I don't have direct knowledge of that.

Mr. DAVIS. That's not what I asked you.

Mr. MCCLELLAN. I know. I would hate to try to speculate on that question as well.

Mr. DAVIS. Let me just add if I can close out, Mr. Chairman.

Mr. Delahunt, my friend from Massachusetts, gave me a document. There's a particular quote here that I think is particularly appropriate, given some comments by Mr. King, quote, "To announce that there must be no criticism of the President or that we are to stand by the President, right or wrong, is not only unpatriotic and servile but is morally treasonable to the American people."

That quote comes from a noted Republican who held the Office of Presidency named Teddy Roosevelt. And I end with that, Mr. McClellan, because I suspect there's some in your party who will tell you that you've somehow read yourself out of the party by coming here today and writing this book in the candor in which you have.

I would suggest that you may want to point out to them that there is another tradition in the Republican Party other than the cut-throat ideological warfare that your former Administration has practiced for 8 years. Teddy Roosevelt represented it, and I think that you represent it as well, sir.

Mr. MCCLELLAN. Thank you.

Mr. DAVIS. Thank you.

Mr. CONYERS. The gentlelady from Wisconsin, Attorney Tammy Baldwin who serves on the Crime Subcommittee of Judiciary.

Ms. BALDWIN. Thank you, Mr. Chairman.

Mr. McClellan, I want to appreciate your taking the time to come and testify here today; and before I begin with my questions, I want to address one point that you made in your testimony this morning.

You state that President Bush came to Washington and ended up playing by the game—or ended up playing the game by the existing rules rather than transforming them. And I could not disagree more.

To the contrary, I believe that our President intentionally and repeatedly has broken the rules of the game. And by that, I mean the laws and Constitution of this country. I know you were referring to it in a different context.

I believe his conduct and that of the Vice President raises serious questions in relation to some of the most—some of the principal elements of our democracy, including transparency and basic respect for the rule of law.

The more we learn about why Valerie Plame Wilson's identity as a covert CIA agent was leaked, the more serious the breaches of accountability appear and the more interconnected the lies and violations of the American public trust grow. For many Americans, myself included, it is difficult to comprehend that the Bush administration manipulated, exaggerated intelligence on Iraq's nuclear capabilities to begin an unjustified war and then instructed Mr. Libby's perjury to protect themselves from further scrutiny brought about by Ambassador Wilson's statements.

It's a horrifying display of political retaliation, abusive authority and political quid pro quo. And I think, for me, the only thing

worse than knowing that the world will live with the consequences of this Administration's actions for generations to come is knowing how many have already suffered or died as a result of these transgressions.

On that note, I would thank you for your contribution to our ongoing congressional investigations and would like to ask you a few questions as my time allows. And I'd like to actually start with a very, very basic question about how you were prepped and how you got your information for briefings with the press.

Before you met with reporters, with whom did you speak, who gave you information, for example, on the status of the war, the events at Abu Ghraib? Did you speak with President Bush and Vice President Cheney directly to prepare or did you get that information from others for your press briefings? And please just give us a brief——

Mr. MCCLELLAN. It depends on the situation. Sometimes directly with the President. Sometimes it was the National Security Adviser or someone—or Deputy National Security Adviser. So it depends on the situation.

Sometimes it was just getting information from a policy person on the staff, if I didn't need to go to the President or someone else.

Ms. BALDWIN. Okay.

Mr. MCCLELLAN. Or participate in meetings, even.

Ms. BALDWIN. In hindsight do you believe you were used by the White House to intentionally mislead the American public?

Mr. MCCLELLAN. In terms of the Valerie Plame episode? Or are you talking about——

Ms. BALDWIN. Well, in any episode.

Mr. MCCLELLAN. Well, again, I don't think that there was a deliberate effort necessarily, saying, Let's go out and mislead the American people. I think it was part of this permanent campaign mentality, which to some extent Washington accepts a little bit of the spin and manipulation that goes on. And I think that's a problem that needs to be addressed; and that's one of the reasons I wrote the book, it's one of the key themes in the book.

Ms. BALDWIN. You were just asked by Mr. Sherman some questions. But during your tenure at the White House you stated on more than one occasion that the President does not condone torture and that he never would. Yet you were at the White House when the accounts of abuse and torture of prisoners held at Abu Ghraib surfaced. And we now know you were also there during the time when secret legal opinions endorsing the use of torture on terrorism suspects were written.

Given that we are revisiting the statements you made defending the Administration's reasons to go to war in Iraq, as well as the Administration's official role in leaking of a covert CIA agent's identity, would you care to comment on any statements you made over the years regarding this Administration's stance on torture or——

Mr. MCCLELLAN. Those are not comments I would make today, knowing what I know today. There is information I did not know at that time, when I was making those comments. And I was relying on the assurances from others within the White House staff.

Ms. BALDWIN. So during your time working for this Administration, I ask again, do you believe that you were intentionally used by the White House to mislead the American public?

Mr. MCCLELLAN. Well, again, I think there's certain individuals there that actually believe that those words are the case, and they sincerely believe that.

I think most people take a very different view, though.

Ms. BALDWIN. During your time working for this Administration, did you ever observe any Constitution—sorry—any conversations or actions at the White House that you believe were in violation of Federal law?

Mr. MCCLELLAN. No.

Ms. BALDWIN. And I would include in that, obstruction of justice or perjury.

Mr. MCCLELLAN. Right.

No, nothing; nothing that I would have had direct knowledge about.

Ms. BALDWIN. Mr. Chairman, I'd yield back.

Mr. CONYERS. Debbie Wasserman Schultz of Florida.

Oh, I'm sorry. Excuse me.

Mr. Trent Franks is a distinguished Member of at least two Subcommittees on the Judiciary Committee. And I'm happy that he's here to join us at this time. I am happy to recognize him now.

Mr. FRANKS. Well, thank you, Mr. Chairman. I can hardly wait to hear what I have to say. I appreciate it.

Mr. McClellan, thank you for joining us today. I want to be very candid with you and very up front with you. There is a feeling in my heart that if you felt that you were doing something wrong at the White House, or misleading people, that you should have spoken up at that time.

And then for you to do so afterwards, it seems like at some point—I'm having a real struggle with that. So I want to be open with you about that when I begin my questions here.

The comments in your book, Ari Fleisher has had some commentary about them. He said there's something about this book that just doesn't make any sense. And these are his quotes. He said, "For 2½ years Scott and I worked shoulder to shoulder at the White House. Scott was always my reliable solid deputy. Not once did Scott approach me privately or publicly to discuss any misgivings he had about the war in Iraq or the manner in which the White House made a case for the war. Scott himself repeatedly made the case for the war from the podium and even after he left the White House. And I remember watching him on Bill Maher's show about 1 year ago making the case for the war."

Now, I understand that people can change their minds about things. But if you really thought you were doing something that was wrong before the public, I just am so convinced that that would have been the same time to say it.

In your book you made mention of a couple of things. You said—and I'm going to quote it—"the obfuscation, dissembling and lack of intellectual honesty that helped take our country to war in Iraq"—that's a quote.

You also said, "When candor could have helped minimize the political fallout from the unraveling of the chief rationale for the war, spin and evasion were also instead of what we employed."

You also said in your book, "We engaged in spin, stonewalling, hedging, evasion, denial, noncommunication and deceit by omission."

You also said in a White House briefing, though—and this is in contrast to the book; you said, "If you look at the National Intelligence Estimate, it showed the collective judgment of the Intelligence Community." And then you go back and look at the bipartisan Robb-Silverman Commission and they said, "There is no evidence of political pressure on the intelligence analysts."

You go back and look at the Butler Report. The Butler Report said there was no evidence of deliberate distortion. You go back and look at the Senate Intelligence Committee report, and they said they did not find any evidence that the Administration officials attempted to coerce influence or pressure analysts to change their judgment.

Now I've got to ask you the obvious question here. It's hard to ask. But were you obfuscating, dissembling, being dishonest, hedging, evading or being deceitful when you said those things?

Mr. MCCLELLAN. I think we need to unpack everything that you rolled together.

First of all, in the buildup to the war, as I say in the book, like a lot of Americans I was giving the Administration the benefit of the doubt. I thought we were rushing into it, but I didn't have access to the intelligence. The foreign policy team was highly regarded at the time so I gave the benefit of the doubt to the Administration, just like a lot of Americans.

In terms of my role, my role was to speak for the President and his decisions and his policies, not for myself.

In regards to the intelligence, I actually say in the book, yes, it's not a question of whether or not intelligence analysts were pressured. It's how that intelligence was used, how it was packaged, how it was overstated and sold to the American people.

And that was the problem. We weren't open and candid about what was known in terms of caveats and qualifications, in terms of the way we implied certain things with the language that we used. So the case was greatly overstated, in my view.

Mr. FRANKS. Mr. McClellan, in your original book proposal, you've said the following: Fairness is defined by the establishment media within the left-of-center boundaries that they set. They defend their reporting as fair because both sides are covered. But how fair be can it be when it is within the context of the liberal slant of the reporting. But then in the final draft of your book—this is a follow-up; a little bit later you say, "I am inclined to believe that the liberal-oriented media in the United States should be viewed as a good thing."

I'm just wondering, did the publisher have an effect on this epiphany?

Mr. MCCLELLAN. No, Congressman. As a matter of fact, I stated earlier that if you look at that original proposal that was written in December of 2006, I talk about these issues and the bipartisanship and how that—how the President became such a divisive fig-

ure. And that was what I really wanted to look at. And initially, I think I was looking to put responsibility everywhere else but where it really belongs. That's a long process. But I put a lot of thought into it and drew those conclusions.

Mr. FRANKS. Let me ask you one last question, Scott—Mr. McClellan. It's kind of a big one.

Do you believe in your heart that President Bush is or is not an honorable and decent man.

Mr. MCCLELLAN. I think he is a decent man; and I say so in the book, I believe.

Mr. FRANKS. Thank you very much.

Mr. CONYERS. Thank you.

The Chair is pleased to recognize Debbie Wasserman Schultz, who serves on both the Constitution Subcommittee and the Antitrust Task Force.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Chairman.

Mr. McClellan, it's a pleasure to finally be able to ask you some questions down here at the very end of seniority on this Committee. And it's a privilege to serve on this Committee.

You know, they said after the Watergate scandal that it wasn't the crime, it was the cover-up. And I can't help but think about that when listening to your testimony here today, because what happened to Valerie Plame and to Joe Wilson was unconscionable. But that was the cover-up. The real crime was the way the war was packaged and sold to a frightened nation after 9/11 and under false pretenses. And that's what I want to discuss and focus on with you here today.

You make a reference in your book to President Bush's philosophy of coercive democracy; and you've talked about that here today, and I'll quote you, "a belief that Iraq was ripe for conversion from a dictatorship into a beacon of liberty through the use of force and a conviction that this could be achieved at nominal cost."

And in that vein, do you think that there was a conclusion in the Administration on going to war with Iraq at the outset and a subsequent effort to fit the facts and emphasize points that would convince the American people, Members of Congress and the press that Saddam Hussein had weapons of mass destruction and was an imminent threat?

Mr. MCCLELLAN. I'm sorry. Do I think that——

Ms. WASSERMAN SCHULTZ. Do you think basically that the Administration, from the President through Vice President and the upper tier of the leadership of the White House——

Mr. MCCLELLAN. Right.

Ms. WASSERMAN SCHULTZ [continuing]. Fit the facts based on this coercive democracy philosophy to—what they ultimately wanted to be the end, which was for Congress to support the war and the public to support the war?

Mr. MCCLELLAN. Well, the facts were certainly packaged in a way to make the most compelling case to the American people with the caveats and qualifications and contradictions pretty much left out of that.

Ms. WASSERMAN SCHULTZ. You do emphasize in your book that you don't think there was deliberate out-and-out deception.

Mr. MCCLELLAN. Right. And that's not speaking to every individual, but as a whole; that I don't think Colin Powell and others that were sitting in a meeting—"Let's go out and deliberately mislead American people."

Ms. WASSERMAN SCHULTZ. Where do you make the distinction? Who do you think was engaged in out-and-out deception? And who do you think maybe was more involved in distortion?

Mr. MCCLELLAN. I can't speak to that because of my role at the time in the buildup to the war and I can't get in the head of every individual and what they were thinking and what they might have been promoting within the Administration or trying to push.

Ms. WASSERMAN SCHULTZ. Okay. Do you believe the President was more focused on distortion as opposed to deception? I mean, he was more willing to distort and emphasize facts.

Mr. MCCLELLAN. Well, it was this whole idea that you can run a war-making campaign like a political campaign and use the same kind of spin and manipulation that you do in a political campaign or in a campaign to push forward on education reforms or Social Security reform. And I think that that is the mistake, a big mistake, that was made by this Administration.

Ms. WASSERMAN SCHULTZ. I want to bring out something you just said, you just implied a minute ago. A minute ago, you implied that there were some that did not intentionally deceive the American people. But that left the impression that perhaps you think there are some that did intentionally deceive the American people.

Mr. MCCLELLAN. I can't rule that out, whether or not some were or were not. We don't have a lot of answers to some of those questions today.

Ms. WASSERMAN SCHULTZ. So who can you indicate that you believe engaged in deception?

Mr. MCCLELLAN. Well, again, I don't have direct knowledge, in terms of the buildup to the war, of who might have been trying to do that.

Ms. WASSERMAN SCHULTZ. But it is an opinion that you hold. You must have an idea within that opinion who it is.

Mr. MCCLELLAN. No, I don't have direct knowledge of that. What I say in the book is that we were less than open and we were less than candid, but it wasn't some, in my view, some sinister attempt where everybody was sitting around, "let's go out and mislead the American people." Whether or not an individual held certain views and was engaging in that, I can't speak to that.

Ms. WASSERMAN SCHULTZ. Even though they might not have publicly or stated in meetings that they intended to mislead the American people, do you basically think that that is what it evolved into?

Mr. MCCLELLAN. Well, it certainly had a result of being misleading. I think that is what I make clear.

Ms. WASSERMAN SCHULTZ. Do you think that President Bush, Andy Card, and Vice President Cheney or others knew that there was no imminent threat from Iraq to the U.S. when it comes to—when it came to weapons of mass destruction and that they distorted the facts in order to convince Congress to support the war?

Mr. MCCLELLAN. Do I think that any of those individuals did? The President, the chief of staff——

Ms. WASSERMAN SCHULTZ. The President, the Vice President and Andrew Card.

Mr. MCCLELLAN. Again, I can't speak to every individual. I don't think, from my experience, that the President was viewing it that way or that Andy Card was, and, you know, but I am not going to try to speak to every individual.

Ms. WASSERMAN SCHULTZ. Do you think that any of those three individuals knew that there were not weapons—that there was no imminent threat from Saddam Hussein with weapons of mass destruction?

Mr. MCCLELLAN. Well, the way we portrayed it was that, it may not be imminent, but it was a grave and gathering threat. And whether or not some of those individuals knew that it wasn't that serious or that urgent of a threat that needed addressing, I don't know.

Ms. WASSERMAN SCHULTZ. But you emphasize in the book, and I want to clarify that now, that that was not necessarily the primary reason for going to war, of course democracy was, but that they thought that was the argument that would be the most convincing to the American people.

Mr. MCCLELLAN. Right. And I think that has been made in statements made in the public record.

Ms. WASSERMAN SCHULTZ. As my time expires, Mr. Chairman, I wanted to ask one other question.

Do you think Karl Rove lied to the President of the United States about his involvement in the Plame scandal?

Mr. MCCLELLAN. Based on what the President told me, I believe that, because the President told me that Karl had told him he was not involved in the revealing of her identity.

Ms. WASSERMAN SCHULTZ. Do you think Vice President Cheney lied at any point in this process?

Mr. MCCLELLAN. I don't know, because I have not had conversations with him about it.

Ms. WASSERMAN SCHULTZ. Do you think there are any instances in which Karl Rove lied to the President on other policy matters?

Mr. MCCLELLAN. I don't know specifically. We would have to try to address each specific issue, but I don't know specifically off the top of my head of anything I can think of.

Ms. WASSERMAN SCHULTZ. Just let me ask, if you don't mind, Mr. Chairman, one more thing, if you can indulge me.

Whom in the White House are the relevant people, if anyone, that you believe should be brought before this Committee or any other congressional Committees to get more specific answers to these questions that might have more specific knowledge?

Mr. MCCLELLAN. Well, certainly on the Plame episode, the Vice President has information that has not been shared publicly. You could go on down the list, from Scooter Libby to Karl Rove, Ari Fleischer. There are others that have probably not—that have not shared everything that they know about this.

Ms. WASSERMAN SCHULTZ. So you think each of those people should be brought in front of a congressional Committee?

Mr. MCCLELLAN. Well, I think that it would be a benefit if they shared—if everything was known, and if they shared what they knew, and it would be a benefit if they did it under oath.

Ms. WASSERMAN SCHULTZ. Thank you.

I yield back the balance of my time.

Mr. CONYERS. Keith Ellison of Minnesota is a former State Senator, a trial lawyer of more than a decade, and serves on the Immigration Subcommittee, and the Constitution Subcommittee.

Mr. ELLISON. Mr. McClellan, since you have made these revelations, has it damaged some of your personal friendships that you had in the White House?

Mr. MCCLELLAN. Well, you find out who your true friends are during a time like this. So that's the way I would describe it. But, yes.

Mr. ELLISON. And people who you got to know pretty well now may not be talking to you? Is that right?

Mr. MCCLELLAN. That is correct.

There are also a number that are still good friends, and they understand me, and they understand where I am coming from. They know who I am.

Mr. ELLISON. But also, too, you know, I mean, I know that you are probably going to make some money off your book, but the truth is, you are a pretty capable guy and could have done pretty well and will, I guess, do well in your professional capacity aside from a book; right?

Mr. MCCLELLAN. Well, yeah, there are certainly other opportunities I could have pursued separate from this book.

Mr. ELLISON. And they would be pretty lucrative?

Mr. MCCLELLAN. I think that—yes. Yes, sir.

Mr. ELLISON. And so this is not about money. This is not about grudges. You are just trying help your country. Is that right?

Mr. MCCLELLAN. Trying to make a difference.

Mr. ELLISON. And I think what you are doing is courageous, and I just want to let you know that I hope you continue to be open and have candor.

What are the lessons here? I mean, the fact is, you know, you worked in that White House. I imagine there was a tremendous—when things began to occur to you that really were not right, you must have just felt, man, I don't know what to do, I am just going to shut up and do my job. Is that right?

Mr. MCCLELLAN. Well, there is—I think there is maybe a little bit of that. But those last 10 months certainly became a disillusioning period——

Mr. ELLISON. Right.

Mr. MCCLELLAN [continuing]. When I learned from the media, or just as the media was about to report it, that I had been knowingly misled by Karl Rove and Scooter Libby. Then when the NIE revelation came out. But even things in-between that, from the terrorist surveillance program or the warrantless wiretapping program to the Vice President's hunting accident, you can go down a list of other events.

Mr. ELLISON. We certainly could. I want to touch on a few of those. But I just want to say that, you know, I want to talk—ask you about what do you think the lessons are? How do we keep our Government transparent, open? How do we stop this sort of culture of secrecy, silence, and obfuscation that, in your opinion—what do

we do to make sure that doesn't happen in the next Administration?

Mr. MCCLELLAN. Well, I mean, certainly you are exercising your oversight role and trying to get to some of these answers.

Mr. ELLISON. So is part of the solution that we have got to have an active Congress that does its part?

Mr. MCCLELLAN. Oversight is very important. And the other aspect of this is a White House that is committed to embracing openness and Government in the sunshine, and willing to be candid with the American people.

Mr. ELLISON. How do you think that we got into this frame of mind in the White House where, you know, they sort of like circle the wagons? And you used the term "permanent campaign," but was there a tolerance for alternative and dissident points of view, for example on the war?

Mr. MCCLELLAN. Well, once the policy was set, there was not tolerance for different views. Before the policy was set, the President would welcome differing views. But I think this Iraq policy, as I state, was set early on.

Mr. ELLISON. Like Dan Levy, for example. Do you know him?

Mr. MCCLELLAN. No, I don't.

Mr. ELLISON. You don't know Daniel Levy?

Mr. MCCLELLAN. I am sorry?

Mr. ELLISON. Maybe I have got the name wrong.

Daniel Levin, sorry. Do you know him? He was an Acting Assistant Attorney General for a while.

Mr. MCCLELLAN. Okay.

Mr. ELLISON. He rewrote the memo that was originally written by Addington and you.

Mr. MCCLELLAN. No, I would have dealt with the Counsel's Office on that or maybe Addington.

Mr. ELLISON. Okay. Did you deal with Addington?

Mr. MCCLELLAN. I dealt with the Counsel's Office primarily on that, when Al Gonzales was still the White House Counsel, and David Leach I believe was still there at that time. We did some press briefings on those issues.

Mr. ELLISON. Now, let me tell you, Addington and you came up with a memo that sort of gave license to these enhanced interrogation techniques that have gotten a lot of press. Did you—were you privy to any conversations that took place before the actual drafting of those memos? Do you understand what I am asking you?

Mr. MCCLELLAN. In terms of the detainee policy?

Mr. ELLISON. Yes.

Mr. MCCLELLAN. No, I was not involved in those meetings where that was discussed. Now, I certainly had to go out and defend the Administration on some of those policies, and so information was shared with me in terms of Counsel's Office, whoever else it might have been.

Mr. ELLISON. How did they tell you—how do they equip you to go out there and face the press given those policies that they——

Mr. MCCLELLAN. Well, part of it was also getting them out there to talk about it. We did a detailed briefing. I don't remember what year it was. Maybe August of 2004 or 2003, we did a pretty detailed—or maybe it was later than that—detailed briefing with re-

porters, with Al Gonzales, with I think the counsel at the Pentagon, Haynes, Jim Haynes, and some others as well.

Mr. ELLISON. Now, when you got them out there to talk about it, after, for example, they talked about—I am talking about that December 2002 memo that Addington-Bybee-you memo. Did you ever sort of wonder about what they were going out to ask you to defend and ask them questions about it?

Mr. MCCLELLAN. Well, I trusted their assurances they were giving me on those issues. That was one time when the press secretary is relying on others within the Administration to get his information.

Mr. ELLISON. Did you ever in your own mind ever think, wow, you know, they are giving me a tough thing to defend here?

Mr. MCCLELLAN. I, certainly looking back on it, I have some reservations about some of the things that were said during that time.

Mr. ELLISON. Let's talk about the Abu Ghraib issue. I mean, the fact is, is that you were at the White House during that time.

Mr. MCCLELLAN. Yes, sir.

Mr. ELLISON. And the world knows that people like Lynndie England and others were put on trial for those things. Did you ever get the impression that that incident started higher up?

Mr. MCCLELLAN. Well, the sentiment within the White House was that this was something that was not higher up, that it was always to put the focus on those individuals that had been responsible for doing this without authority. And that was the attitude within the White House.

Mr. ELLISON. Was there any dialogue around that you heard that, you know, where people were saying, well, we know we may have sort of given them license to do this, get that intelligence however——

Mr. MCCLELLAN. I know the President never personally thought that or expressed that to me in conversations. I mean, he certainly felt that it was the responsibility of those individuals going beyond their authority. And certainly——

Mr. ELLISON. What about Donald Rumsfeld?

Mr. MCCLELLAN. I am sorry?

Mr. ELLISON. What about Donald Rumsfeld?

Mr. MCCLELLAN. I didn't have direct conversations with him on that.

Mr. ELLISON. What about Jim Haynes?

Mr. MCCLELLAN. I did not have direct conversations with Mr. Haynes either.

Mr. ELLISON. Did you talk with anybody about that during that time?

Mr. MCCLELLAN. Well, certainly, yeah, we were talking about it internally, but, you know, the information I received was pretty much what I was saying publicly.

Mr. ELLISON. Did you—were you ever told—was there any discussion about, we are going to honestly try to get to the bottom of this to prevent it from happening?

Mr. MCCLELLAN. I did not hear that or a focus that it may have been higher up. I mean, certainly it was investigated and looked into. I can't add anything to that record.

Mr. ELLISON. Okay. What about Guantanamo and the detainee policy there? Were you privy to much discussion around that?

Mr. MCCLELLAN. Well, not direct discussions in terms of meetings where those policies were set in place. Again, that was part of some of the briefings that we did for the press with Al Gonzales and the others that I mentioned.

Mr. ELLISON. Yeah, but I know that before you go out there and look at those cameras, I am sure you get yourself ready.

Mr. MCCLELLAN. Yes. And I talk to individuals inside the White House who would have knowledge of those of issues.

Mr. ELLISON. Yeah. And so what you are telling me is that when it comes to addressing, for example, those torture memos, the Addington-you torture memo, you never had any private—you never had any conversation before you had to go out and defend that policy?

Mr. MCCLELLAN. No, I would have had conversations with people about what the message is here and what we can share with the public.

Mr. ELLISON. Right. Did you ever have any discussion about how that might be—about how people—are we there? Okay.

Mr. CONYERS. Very close.

Mr. ELLISON. Last question.

You know, of course—are you familiar with a guy named Maher Arar.

Mr. MCCLELLAN. Doesn't ring a bell.

Mr. ELLISON. He is a Canadian of Syrian ancestry who was rendered to——

Mr. MCCLELLAN. Right.

Mr. ELLISON [continuing]. Syria.

Mr. MCCLELLAN. Okay, now I know who you are talking about.

Mr. ELLISON. Yeah. Did the Administration ever talk about what you were to do to defend that policy?

Mr. MCCLELLAN. I don't remember if I commented on that publicly or not. I would have to go back and look at that time period to see.

Mr. ELLISON. Did they ever talk about rendition at all?

Mr. MCCLELLAN. What we talked about, I know we talked publicly about rendition, yes.

Mr. ELLISON. What were you told to say about that?

Mr. MCCLELLAN. Without looking back at my notes, it is hard for me to talk about it other than what I said publicly is probably what I knew about that issue.

Mr. ELLISON. Thanks a lot, Mr. McClellan.

Mr. MCCLELLAN. Thank you, Congressman.

Mr. CONYERS. I want to thank my colleagues, Steve King and Bill Delahunt and Mr. Ellison for staying with me.

Counsel Mike Tigar and Jane Tigar, we appreciate your endurance.

But I am very impressed, Mr. McClellan, with your ability to recall with such precision the many incidents and issues and names in the course of this very unusually long hearing. I compliment you on what you are doing, what you have done, and probably the further contributions that you will be able to make to our trying to make this a better Federal system of Government.

And so without objection, the record will remain open for 5 legislative days for the submission of other materials that you or the Committee might want to submit for the record.

And with that, the Committee stands adjourned.

Mr. MCCLELLAN. Thank you, Mr. Chairman.

Mr. CONYERS. Thank you very much.

[Whereupon, at 2:52 p.m., the Committee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

EXHIBITS SUBMITTED BY THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN, AND CHAIRMAN, COMMITTEE ON THE JUDICIARY

THE VICE PRESIDENT HAS SEEN

[People have made too much of the difference in how I described Karl and Libby]

I've talked to Libby.

I said it was rediculous about Karl and it is rediculous about Libby

Libby was not the source of the Novak story.

Taint without name.

And he did not leak classified information.

Has to happen today

Call out to key press saying same thing about Scooter as Karl

Not going to protect one staffer + sacrifice the guy ~~[illegible]~~ that was asked to stick his neck in the meat grinder because of the incompetence of others -

GOVERNMENT EXHIBIT 532 05 Cr. 394(JD)

009502

LL001-00099

COBURN & COFFMAN PLLC
1244 19th Street, NW
Washington, DC 200306
202-657-4490 T
866-561-9712 F
Skype: COBURN.COFFMAN
www.cclegal.us

BARRY COBURN
Admitted in MD, DC & VA
202-470-6706
barry@cclegal.us

JEFFREY COFFMAN
Admitted in DC & VA
202-470-0941
jeff@cclegal.us

June 18, 2008

The Honorable John Conyers, Jr.
Chairman
Judiciary Committee
United States House of Representatives
2426 Rayburn Building
Washington, DC 20515

Dear Chairman Conyers:

We write to the Committee to explore the implications of certain disclosures in Scott McClellan's book, "*What Happened*," relating to Mr. McClellan's conversations with Lewis "Scooter" Libby.[1] In particular, this letter examines whether statements and other conduct attributed by Mr. McClellan to Mr. Libby may constitute the criminal offense of obstruction of justice. We do not, of course, mean to assert conclusively here that Mr. Libby is guilty of any criminal offense. However, we do suggest that a substantial predicate exists for investigation of this question.

The authors of this letter have substantial experience with federal criminal law and procedure. Barry Coburn, now in private practice, is a former Assistant United States Attorney, participated on the prosecution side of two Independent Counsel investigations, and has represented numerous persons in federal criminal prosecutions. Adam Kurland, a former Assistant United States Attorney, has served for many years on the faculty of Howard University School of Law, where he teaches federal criminal law and other criminal law courses.

McClellan's Disclosures

The McClellan book provides a window into the White House's response to the initiation of a criminal investigation into an alleged disclosure of classified information, *i.e.*, the disclosure that Ms. Valerie Wilson (Plame) had worked for the Central Intelligence Agency.

[1] Law clerk Mike Stollenwerk made invaluable contributions to the drafting of this letter.

A criminal investigation by the FBI into the disclosure of Ms. Wilson's CIA status was authorized by the Department of Justice on September 26, 2003. According to the McClellan book, three days later – at 8:30 p.m. on September 29, 2003 – the Department of Justice informed then-White House Counsel Alberto Gonzalez of the commencement of this investigation, instructing the White House to preserve all documentary records that might be relevant. On the same day, September 29, 2003, Mr. McClellan "explicitly asserted that Karl Rove had not leaked classified security information – Valerie Plame's identity." McClellan, *What Happened,* at 213.

McClellan describes in detail his disinclination to provide similar assurances about other White House personnel. On October 1, 2003, at the conclusion of a meeting with the press, John Roberts of CBS initiated the following exchange with McClellan:

> *Roberts*: One more question. You said the other day, emphatically, that you had received assurances from Karl Rove that he had nothing to do with this. Have you since then received similar assurances from the Vice President's Chief of Staff?
>
> *McClellan*: John, I'm not going to go down – I made this clear the other day – I'm not going to go down a list of every single member of the staff in the White House.

Roberts pressed McClellan, but McClellan refused to provide any additional assurances.

Later that day – only a few minutes later, it appears – McClellan saw Mr. Libby in the Oval Office staff area. McClellan told Libby that the press was asking specific questions about whether Libby might have leaked Wilson's name. McClellan informed Libby how he had responded to these inquiries. He told Libby that he had

> told them [the press] that I was not going to go down a list of White House staff and answer whether every staffer was involved in the leak. . . . I want you [Libby] to know why. Now that there's an investigation under way, I can't put myself in that position. I want you to know I'm not trying to leave you hanging out there to dry.

Id. at 217. Mr. Libby appeared to accept this. Three days later, however, on Saturday, October 4, 2003, McClellan received a call from Andrew Card. McClellan quotes Card as stating: "The president and vice president spoke this morning. They want you to give the press the same assurance for Scooter that you gave for Karl." *Id.* McClellan describes his profound reluctance to comply with this instruction, but he nonetheless obeyed after confirming his intention to do so with Mr. Libby.

Additional detail about this sequence of events is set forth in the prosecution's opening statement in Mr. Libby's trial, as recounted in Waas, *The United States v. I. Lewis Libby*. According to the prosecutor, McClellan initially limited his exculpatory remarks to Mr. Rove, stating: "I talked to Karl Rove. Karl Rove is not involved. It is ridiculous to suggest that he's involved. . . ." *The United States v. I. Lewis Libby* at 33. Consistently with the account in the McClellan book, the Libby prosecutor alleged that it initially was McClellan's view that he "can't go down a list and go name, by name, by name, so I'm just drawing a line after Rove." *Id.* Shortly thereafter, however, according to the Libby prosecutor, Mr. Libby wrote a note to the vice president indicating that he wished Mr. McClellan to exculpate him in the same manner. Only a few days later, on October 7, 2003, Mr. McClellan had this exchange with the press:

> *Press:* Scott, you have said that you personally went to "Scooter" Libby, Karl Rove and Elliott Abrams to ask them if they were the leakers. Is that what happened? Why did you do that? Can you describe the conversations you had with them? What was the question you asked?
>
> *McClellan*: Unfortunately, in Washington, D.C., at a time like this, there are a lot of rumors and innuendoes. There are unsubstantiated accusations that are made. That's exactly what happened in the case of these three individuals. They are good individuals. They are important members of our White House team, and that's why I spoke with them, so that I could come back to you and say that they were not involved. I had no doubt of that from the beginning, but I like to check my information to make sure it's accurate before I report back to you exactly what I did.
>
> *Press*: So you're saying – you're saying categorically those three individuals were not the leakers or did not authorize the leaks; is that what you're saying?
>
> *McClellan*: That's correct. I've spoken with them.

Id. at 34. David Addington evidently testified at the Libby trial about his personal knowledge of the existence of the note Libby wrote about this.

Obstruction of Justice

The conduct described above may have violated at least two federal obstruction of justice statutes. 18 U.S.C. § 1512 provides:

> (b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or

> engages in misleading conduct toward another person, with intent to— (1) influence, delay, or prevent the testimony of any person in an official proceeding; (2) cause or induce any person to— (A) withhold testimony, or withhold a record, document, or other object, from an official proceeding; . . . or (3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation supervised release, parole, or release pending judicial proceedings . . . shall be fined under this title or imprisoned not more than ten years, or both. . . .
>
> (c) Whoever corruptly— (1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or (2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both. [Emphasis added.]

18 U.S.C. § 1505 contains similarly broad language stating that a person who "corruptly . . . influences, obstructs or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States," is guilty of a felony.

At a symposium on obstruction of justice presented on May 29, 2008 by The Federalist Society, moderated by the Honorable Merrick Garland of the United States Court of Appeals for the District of Columbia Circuit, emphasis was placed on the critical importance of the obstruction of justice statutes for the administration of justice in the United States. The point was made that the obstruction statutes protect the integrity of the criminal justice system, preventing miscarriages of justice. A panelist noted that, to run afoul of these statutes, "all you have to do is to try" to influence the administration of justice. Further, the point was made that one need not be a target of an investigation to commit an obstruction. Professor Stephen Saltzburg observed forcefully that governmental cover-ups are the most egregious form of obstruction of justice, noting that individuals with power, government officials, sometimes think that they can be above the law. As Professor Saltzburg stated, anything that corrupts the administration of justice ought to be a problem for us all.

The question here is whether efforts by Mr. Libby, and possibly others, to induce Mr. McClellan to make public exculpatory statements about him, days after the FBI

investigation was authorized, could constitute an obstruction of justice. The proposition to be investigated would be whether, in so doing, Mr. Libby and possibly others were seeking to divert the course of the investigation away from Libby. Abundant case authority suggests that this is a legal theory warranting investigation. Such conduct, if proven, could constitute precisely the kind of corrupt attempt to influence the course of a criminal investigation that violates federal law. While we have not found a case sanctioning an obstruction of justice prosecution predicted on precisely these facts, a number of reported federal obstruction cases support the viability of this theory:

- *United States v. Frankhauser*, 80 F.3d 641 (1st Cir. 1996). The defendant sought to derail a federal investigation by persuading another individual – the mother of the suspect being investigated – to discard potentially incriminating evidence. The Court of Appeals noted that for conviction on this "corrupt persuasion" theory, the defendant need not know that an official proceeding had been commenced or scheduled.

- *United States v. Farrell*, 126 F.3d 484 (3d Cir. 1997). In this case relating to an alleged attempt by a conspirator to persuade a co-conspirator not to provide inculpatory information to federal investigators, the Court noted that attempting to persuade someone to provide false information to federal investigators constitutes "corrupt persuasion" violative of § 1512.

- *United States v. Veal*, 153 F.3d 1233 (11th Cir. 1998), *cert. denied*, 526 U.S. 1147 (1999). In this interesting case, Miami police officers were convicted of federal obstruction of justice for making misleading statements to *state investigators*. The Court of Appeals noted that the federal nexus requirement of the federal obstruction statute, which prohibits misleading conduct toward another person with intent to hinder or delay communication of information about a federal offense, was satisfied even without an ongoing or imminent judicial proceeding or the defendant's knowledge of one. The key requirements, as the Court explained, are the possible existence of a federal crime and a defendant's intention to thwart an inquiry into that crime. All that is required is the possibility or likelihood that false or misleading information would be transferred to federal authorities.

- A similar obstruction theory was adopted by the Department of Justice in its investigation of Computer Associates International, which resulted in a number of pleas of guilty by company employees. The press release issued by the Department of Justice alleged that the prosecuted individuals obstructed justice by communicating falsely exculpatory information to corporate lawyers conducting an internal investigation, so that these lawyers "would present such justifications to the U.S. Attorney's Office, the SEC and the FBI." *See* http://www.usdoj.gov/opa/pr/2004/September/04_crm_642.htm.

Timing of Events

The fact that the allegedly misleading conduct at issue occurred only days after the FBI investigation was authorized is of critical importance in determining whether a provable intent existed to seek to influence the course of the investigation. Relevant cases include:

- *United States v. Keeling*, 235 F.3d 533 (10th Cir. 2000), *cert. denied*, 533 U.S. 940 (2001) (the timing of the defendant's conduct was the critical factor underlying a finding of obstruction of justice).

- *United States v. Barry*, 938 F.2d 1327 (DC Cir. 1991) (timing of conduct is critical factor in determining whether obstruction of justice occurred).

- *United States v. Smith*, 2007 WL 1893929 (D.Kan. 2007) (obstruction of justice enhancement was properly applied based principally upon the timing of a telephone call to a witness).

Double Jeopardy

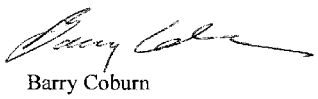
Mr. Libby previously was indicted and convicted of obstruction of justice for making false statements directly to federal authorities regarding his communications with the press about Ms. Wilson's covert status with the CIA. Though the Fifth Amendment provides that no person shall "be subject for the same offence to be twice put in jeopardy of life or limb," U.S. CONST. AMEND 5, the facts discussed here are separate and distinct from those underlying the criminal conviction. Successive prosecutions for the same offense, but predicated on separate and distinct facts, do not violate the Double Jeopardy Clause. *See, e.g., United States v. Smith*, 532 F.2d 158 (10th Cir. 1976) ("It is not double jeopardy because there were distinct transactions and distinct violations").

Conclusion

The alleged attempt by Mr. Libby and others, only days after the authorization of an FBI investigation, to cause the White House spokesman to issue a public statement exculpating Libby, warrants investigation as a possible federal obstruction of justice.

Sincerely,

Adam Kurland



Barry Coburn

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, AND MEMBER, COMMITTEE ON THE JUDICIARY

SHEILA JACKSON LEE
18TH DISTRICT, TEXAS

WASHINGTON OFFICE:
2435 Rayburn House Office Building
Washington, DC 20515
(202) 225-3816

DISTRICT OFFICE:
1919 SMITH STREET, SUITE 1180
THE GEORGE "MICKEY" LELAND FEDERAL BUILDING
Houston, TX 77002
(713) 655-0050

ACRES HOME OFFICE:
6719 West Montgomery, Suite 204
Houston, TX 77019
(713) 691-4882

HEIGHTS OFFICE:
420 West 19th Street
Houston, TX 77008
(713) 861-4070

FIFTH WARD OFFICE:
3300 Lyons Avenue, Suite 301
Houston, TX 77020

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

COMMITTEES:
JUDICIARY
SUBCOMMITTEES:
COURTS, THE INTERNET, AND INTELLECTUAL PROPERTY
IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW
CRIME, TERRORISM AND HOMELAND SECURITY
HOMELAND SECURITY
SUBCOMMITTEES:
CHAIR:
TRANSPORTATION SECURITY AND INFRASTRUCTURE PROTECTION
BORDER, MARITIME, AND GLOBAL COUNTERTERRORISM
FOREIGN AFFAIRS
SUBCOMMITTEES:
AFRICA AND GLOBAL HEALTH
MIDDLE EAST AND SOUTH ASIA
CHAIRWOMAN:
DEMOCRATIC CAUCUS
AND:
CONGRESSIONAL BLACK CAUCUS
CHAIR:
CONGRESSIONAL CHILDREN'S CAUCUS

CONGRESSWOMAN SHEILA JACKSON LEE, OF TEXAS
COMMITTEE ON THE JUDICIARY

FULL COMMITTEE HEARING ON "REVELATIONS BY FORMER WHITE HOUSE PRESS SECRETARY SCOTT MCCLELLAN"

FRIDAY, JUNE 19, 2008

Thank you, Mr. Chairman, for your leadership in holding today's very important hearing on "Revelations by Former White House Press Secretary Scott McClellan." This hearing will allow the Committee to explore recent revelations by former White House Press Secretary Scott McClellan, as reported in his recent book *What Happened: Inside the Bush White House and Washington's Culture of Deception*, including reported attempts to cover up the involvement of White House officials in the leak of the covert identity of CIA officer Valerie Plame Wilson. Mr.

McClellan has agreed voluntarily to appear at the hearing and will be the only witness at the hearing.

This hearing provides an opportunity for members to question former White House Press Secretary Scott McClellan about revelations in his recent book. In particular, in both book and recent interviews, Mr. McClellan has revealed that after the Patrick Fitzgerald investigation, White House Chief of Staff Andrew Card specifically directed Mr. Clellan to publicly "vouch" for Lewis "Scooter" Libby, then chief of staff for Vice President Cheney, and claim that Mr. Libby was not involved in the Wilson leak. The book also indicates that Mr. Libby, Vice President Cheney, and President Bush were involved in arranging for this to happen, and that Mr. Libby lied to Mr. McClellan in claiming that he was not involved in the Wilson leak.

If these allegations are true, they could amount to obstruction of justice beyond that for which Mr. Libby has been charged and convicted, and clearly warrant further inquiry. The legal basis for concern is further explained in the enclosed letter

received from a former federal prosecutor and a criminal law professor, who concludes that there is a "substantial predicate" for investigation of whether additional obstruction of justice under federal law has occurred, based upon what Mr. Clellan has said in his book.

As a former high-ranking White House official in the Bush Administration, Mr. Clellan is in a unique position to provide insight concerning a number of actions by the Administration. For example, Mr. Clellan has discussed the misuse of intelligence by the Bush Administration in the context of the buildup for the war in Iraq.

I look forward to hearing today's very exciting testimony. I welcome, former White House Press Secretary Scott McClellan. Mr. McClellan served as White House Press Secretary from July 2003 until April 2006. Before that, he served as the Principal Deputy White House Press Secretary and as traveling press secretary for the Bush-Cheney 2000 campaign. Earlier in his career, he worked as deputy communications director in the Texas

governor's office under then-Governor George W. Bush, a legislative aide, and campaign manager for three statewide campaigns in Texas. Born in Austin, Texas, he graduated from the University of Texas, and now lives near Washington, D.C. with his wife, Jill. Again, welcome, Mr. Clellan.

I yield the remainder of my time.

MATERIAL SUBMITTED BY THE HONORABLE STEVE KING, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA, AND MEMBER, COMMITTEE ON THE JUDICIARY

DX439.1

~~SECRET~~

[redacted]

CENTRAL INTELLIGENCE AGENCY

[redacted]

[redacted] 8 MARCH 2002

[redacted] NIGERIEN DENIAL OF URANIUM YELLOWCAKE SALES TO ROGUE STATES

[redacted]

SOURCE: A CONTACT WITH EXCELLENT ACCESS WHO DOES NOT HAVE AN ESTABLISHED REPORTING RECORD. (SENSITIVE CONTACT)

[redacted]

TEXT: 1. (HEADQUARTERS COMMENT: THE SUBSOURCES OF THE FOLLOWING INFORMATION KNEW THEIR REMARKS COULD REACH THE U.S. GOVERNMENT AND MAY HAVE INTENDED TO INFLUENCE AS WELL AS INFORM.) FORMER NIGERIEN GOVERNMENT OFFICIALS CLAIMED THAT SINCE 1997 THERE HAD BEEN NO CONTRACTS SIGNED BETWEEN NIGER AND ANY ROGUE STATES FOR THE SALE OF URANIUM IN THE FORM OF YELLOWCAKE. THE FORMER OFFICIALS ALSO ASSERTED THERE HAD BEEN NO TRANSFERS OF YELLOWCAKE TO ROGUE STATES.

2. FORMER NIGERIEN PRIME MINISTER IBRAHIM (MAYAKI)), WHO WAS NIGER'S FOREIGN MINISTER FROM 1996-1997 AND NIGER'S PRIME MINISTER FROM 1987-1989 AND WHO MAINTAINED CLOSE TIES TO THE CURRENT NIGERIEN GOVERNMENT, STATED HE WAS UNAWARE OF ANY CONTRACTS BEING SIGNED BETWEEN NIGER AND ROGUE STATES FOR THE SALE OF YELLOWCAKE DURING HIS TENURE AS BOTH FOREIGN MINISTER AND PRIME MINISTER. MAYAKI, HOWEVER, DID RELATE THAT IN JUNE 1999 BARKA ((ZEFRIDI)), A NIGERIEN/ALGERIAN BUSINESSMAN, APPROACHED HIM AND INSISTED THAT MAYAKI MEET WITH AN IRAQI DELEGATION TO DISCUSS "EXPANDING COMMERCIAL RELATIONS" BETWEEN NIGER AND IRAQ. ALTHOUGH THE MEETING TOOK PLACE, MAYAKI LET THE MATTER DROP DUE TO THE UNITED NATIONS (UN) SANCTIONS AGAINST IRAQ AND THE FACT THAT HE OPPOSED DOING BUSINESS WITH IRAQ. MAYAKI SAID THAT HE INTERPRETED THE PHRASE "EXPANDING COMMERCIAL RELATIONS" TO MEAN THAT IRAQ WANTED TO DISCUSS URANIUM YELLOWCAKE SALES. MAYAKI SAID HE UNDERSTOOD ROGUE STATES WOULD LIKE TO EXPLOIT NIGER'S RESOURCES, SPECIFICALLY URANIUM, BUT HE BELIEVED THE NIGERIEN GOVERNMENT'S REGARD FOR THE UNITED STATES (U.S.) AS A CLOSE ALLY WOULD PREVENT

001524

LL010-10483

~~SECRET~~

DX439.2

~~SECRET~~

SALES TO THESE STATES FROM TAKING PLACE DESPITE *NIGER'S* ECONOMIC WOES. MAYAKI CLAIMED THAT IF THERE HAD BEEN ANY CONTRACTS FOR YELLOWCAKE BETWEEN *NIGER* AND ANY ROGUE STATE DURING HIS TENURE, HE WOULD HAVE SEEN THE CONTRACT.

3. BOUCAR ((MAI MANGA)), *NIGER'S* FORMER MINISTER OF ENERGY AND MINES UNTIL 3 APRIL 1999, A FORMER DIRECTOR OF THE NIGERIEN COMINAC MINE AND CURRENTLY HONORARY PRESIDENT OF COMINAC, STATED THAT THERE WERE NO SALES OUTSIDE OF INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA) CHANNELS SINCE THE MID-1980S. MAI MANGA SAID THAT HE KNEW OF NO CONTRACTS SIGNED BETWEEN *NIGER* AND ANY ROGUE STATE FOR THE SALE OF *URANIUM*. HE ADMITTED THAT YEARS AGO A PAKISTANI DELEGATION VISITED *NIGER* AND OFFERED TO PURCHASE *URANIUM* BUT THAT NO SALES RESULTED FROM THESE TALKS. MAI MANGA ALSO SAID THAT (FNU) ((BLASCHER)), THE FORMER DIRECTOR GENERAL OF SOMAIR AND CURRENTLY A DIRECTOR AT COGEMA, CAME TO HIM IN 1998 WITH AN IRANIAN DELEGATION TO DISCUSS BUYING 400 TONS OF YELLOWCAKE FROM *NIGER*; HOWEVER, THE ONLY RESULT WAS A MEMORANDUM OF CONVERSATION, WITH NO CONTRACT BEING SIGNED AND NO YELLOWCAKE TRANSFERRED TO IRAN. MAI MANGA THEORIZED THAT *NIGER'S* MINES COULD HAVE INCREASED PRODUCTION TO SUPPLY IRAN WITH THIS AMOUNT OF YELLOWCAKE BUT THIS WOULD HAVE REQUIRED OPENING ADDITIONAL MINING FACILITIES THAT HAVE BEEN MOTHBALLED FOR SEVERAL YEARS. MAI MANGA THEREFORE CONCLUDED THAT A SALE TO A ROGUE STATE SUCH AS IRAN WOULD HAVE BEEN DIFFICULT GIVEN THE NEED OPEN MORE FACILITIES. (SOURCE COMMENT: MAI MANGA APPEARED TO REGRET THAT *NIGER* EVEN DISCUSSED *URANIUM* SALES WITH IRAN IN LIGHT OF THE INTERNATIONAL PRESSURE THAT RESULTED.)

4. MAI MANGA STATED THAT *URANIUM* FROM *NIGER'S* MINES IS VERY TIGHTLY CONTROLLED AND ACCOUNTED FOR FROM THE TIME IT IS MINED UNTIL THE TIME IS LOADED ONTO SHIPS AT THE PORT OF COTONOU, BENIN. ACCORDING TO MAI MANGA, EVEN A KILOGRAM OF *URANIUM* WOULD BE NOTICED MISSING AT THE MINES. ON-SITE STORAGE IS LIMITED AND HE SAID THAT EACH SHIPMENT OF *URANIUM* IS UNDER NIGERIEN ARMED MILITARY ESCORT FROM THE TIME IT LEAVES ONE OF THE TWO NIGERIEN MINES UNTIL IT IS LOADED ON TO A SHIP IN COTONOU. AIR TRANSPORT IS TOO EXPENSIVE TO SHIP YELLOWCAKE AND TRUCKING BARRELS OF YELLOWCAKE NORTHWARD WOULD REQUIRE AN EXPERIENCED GUIDE AND MANY ARMED GUARDS, DUE TO THE SHIFTING DUNES AND BANDITS IN THAT REGION. MAI MANGA THEREFORE BELIEVED THAT IT WOULD BE DIFFICULT, IF NOT IMPOSSIBLE, TO ARRANGE A SPECIAL SHIPMENT OF *URANIUM* TO A PARIAH STATE GIVEN THESE STRICT CONTROLS AND THE CLOSE MONITORING BY THE NIGERIEN GOVERNMENT AND THE TWO MINING COMPANIES. MAI MANGA ALSO SAID THAT THE MINE AND YELLOWCAKE WORKERS ARE TOLD THAT *URANIUM* IS DANGEROUS SO THEY DONOT KNOW HOW TO HANDLE THE MATERIAL OUTSIDE OF THE STANDARD PROCEDURES.

5. MAI MANGA PROVIDED AN OVERVIEW OF THE TWO *URANIUM* MINES IN *NIGER*, SOMAIR AND COMINAC. SOMAIR IS AN OPEN PIT MINE THAT PRODUCES ROUGHLY 1000 TONS OF YELLOWCAKE PER YEAR. THIS HAS BEEN THE AMOUNT PRODUCED FOR YEARS AT THIS MINE WHICH IS JOINTLY OWNED BY FRANCE AND *NIGER*. COMINAC IS AN UNDERGROUND MINE THAT PRODUCES ROUGHLY 2000 TONS OF YELLOWCAKE PER YEAR. THIS MINE IS JOINTLY OWNED BY FRANCE, JAPAN, SPAIN AND *NIGER*. IN THE EARLY 1980S THE COMBINED OUTPUT WAS INCREASED FROM 3000 TONS TO NEARLY 4000 TONS OF YELLOWCAKE PER YEAR, BUT PRODUCTION WAS CUT IN THE 1980S WHEN THE *URANIUM* PRICE FELL AND SEVERAL YELLOWCAKE PRODUCTION LINES WERE MOTHBALLED AND HAVE YET TO RESTART. *NIGER* DOES NOT TAKE ITS OWN PERCENTAGE OF THE PRODUCT; ALL THE YELLOWCAKE IS SHIPPED TO FRANCE, JAPAN OR SPAIN. FRANCE'S COGEMA OVERSEES THE PRODUCTION FROM BOTH MINES AND SETS THE PRODUCTION

001525

~~SECRET~~

LL010-10484

DX439.3

~~SECRET~~

SCHEDULE ALONG WITH THE MINE MANAGEMENT , FIRST FOR THE YEAR AND THEN BREAKING THE PRODUCTION INTO MONTHLY TARGETS. PRODUCTION IS ADJUSTED DEPENDING ON THE URANIUM YIELD FROM THE MINE ORE. ADDITIONALLY, FRANCE CONTROLS THE FINANCIAL ASPECTS OF THE MINES BECAUSE URANIUM IS PRICED IN U.S. DOLLARS ON THE WORLD MARKET, BUT NIGER'S CONTRACTS WITH COGEMA ARE IN CFAS. WHEN THE CFA WAS DEVALUED, THIS EFFECTIVELY CUT THE PRICE IN HALF--A CHRONIC SOURCE OF FRICTION BETWEEN FRANCE AND NIGER.

[redacted]

001526

~~SECRET~~

LL010-10485

POST-HEARING QUESTIONS OF THE HONORABLE LAMAR SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, AND RANKING MEMBER, COMMITTEE ON THE JUDICIARY, TO SCOTT MCCLELLAN, FORMER WHITE HOUSE PRESS SECRETARY

HEARING ON REVELATIONS BY FORMER WHITE HOUSE PRESS SECRETARY SCOTT MCCLELLAN

QUESTIONS FOR THE RECORD SUBMITTED BY RANKING REPUBLICAN MEMBER LAMAR SMITH

Submitted July 8, 2008

---

(1) You assert that it was wrong to reveal Valerie Plame's identity to the public. Given that White House officials did not know that her CIA employment was classified, many believe that her relationship to Joe Wilson was relevant to the credibility of Joe Wilson's claims. Please respond to the following three questions:

a. Do you agree that Valerie Plame's employment was significant information to the administration because, as a result of her work for the CIA, she suggested that her husband, Joe Wilson, be dispatched to Niger?

b. Do you agree that Valerie Plame's employment was significant information to the administration because White House officials knew nothing about Joe Wilson's mission before it was disclosed in the press?

c. Do you agree that Valerie Plame's employment was significant information to the administration because in making inquiries about Joe Wilson's mission having learned of it from press reports, White House officials became aware of Mrs. Wilson's connection and the circumstances by which the CIA selected him for the trip?

(2) On page 9 of your book you say of Mr. Wilson's claims:

"As far as I knew we were simply doing what we had to do – fighting back against unsubstantiated, malicious charges that the president had knowingly lied in order to take the nation to war."

a. Did you later obtain information that led you to believe that Mr. Wilson's claims had been or could be substantiated?

b. Are you aware that Mr. Fitzgerald did not bring criminal charges against any individual who disclosed Valerie Plame's CIA employment, thus he found insufficient evidence that any of these individuals knew that she was covert or that her identity or place of employment was classified?

(3) In his July 6, 2003, *New York Times* op-ed, as you know Mr. Wilson declared that "it was highly doubtful" that Niger had provided yellowcake to Iraq. Mr. Wilson wrote that, based upon his knowledge of U.S. government procedure, he had "every confidence" his assessment "was circulated to the appropriate officials within our government," including those in the CIA and Vice President's office, although it may have been "ignored" by "political leadership" because the assessment "did not fit certain preconceptions about Iraq."

a. Did you know that the bipartisan Senate Select Committee on Intelligence unanimously found that until the first press accounts about his mission appeared, administration officials did not know either Mr. Wilson's name or anything about him? Thus, this bipartisan finding undermines Mr. Wilson's assertion that his evidence had been ignored and supports the assertion that Mr. Wilson was being less than truthful about the President's policies and the actions of White House officials.

I. Given that Mr. Wilson was stating what White House officials believed to be false, why do you believe it was wrong for White House officials to wish to correct the record?

b. Did you know that the Senate Select Committee on Intelligence also found that the Vice President was never informed of Mr. Wilson's findings, including in any way that mentioned Mr. Wilson by name, title, or description, before press accounts of the matter? Thus, this finding undermines Mr. Wilson's assertion that his evidence had been ignored and supports the assertion that Mr. Wilson was being less than truthful about the President's policies and the actions of White House officials.

I. Given that Mr. Wilson was stating what White House officials believed to be false, why do you believe it was wrong for White House officials to wish to correct the record?

c. Did you know that the Senate Select Committee on Intelligence also found that the report from Mr. Wilson's trip actually "lent more credibility" to the yellowcake reports in the eyes of most intelligence analysts and that it "added to most Intelligence Community analysts' concerns about Iraqi interest in uranium form Niger." Thus this undermines Mr. Wilson's assertion that his evidence had been ignored and supporting the assertion that Mr. Wilson was being less than truthful about the President's policies and the actions of White House officials.

I. Given that Mr. Wilson was stating what White House officials believed to be false, why do you believe it was wrong for White House officials to wish to correct the record?

d. Given these findings, do you believe today that Mr. Wilson was, in fact, credible?

(4) You cited a *Washington Post* story that said two White House officials called six reporters regarding Valerie Plame. (That story is a September 28, 2003, *Washington Post* piece authored by Mike Allen and Dana Priest). In the article it says:

> "Yesterday, a senior administration official said that before Novak's column ran, two top White House officials called at least six Washington journalists and disclosed the identity and occupation of Wilson's wife. Wilson had just revealed that the CIA had sent him to Niger last year to look into the uranium claim and that he had found no evidence to back up the charge. Wilson's account touched off a political fracas over Bush's use of intelligence as he made the case for attacking Iraq."

a. Were you the source for this story?

b. If you were not the source do you know who was?

(5) Do you acknowledge that it was Mr. Armitage who leaked to Bob Novak?

(6) Do you acknowledge that Judge Walton threw out the claim that Mr. Libby leaked Ms. Plame's identity to Judith Miller?

(7) Do you acknowledge that at his trial Mr. Libby was acquitted by the jury on the charge that he leaked to Matt Cooper?

(8) Do you acknowledge that Mr. Libby was convicted of making a false statement to the Special Counsel and not on any leak charge?

(9) In response to questioning at the June 20, 2008, Judiciary Committee hearing at which you testified you cited a Washington Post story claiming that six reporters were leaked to about Ms. Plame (the same article referred to in question four above). Do you acknowledge that the Special Counsel investigated the leaks and did not prosecute anyone besides Mr. Libby?

(10) Do you acknowledge that Mr. Libby was acquitted of all the leaking charges brought against him?

(11) Do you acknowledge that no one else was prosecuted for any leak related to Ms. Plame's identity, despite the Special Counsel's thorough investigation?

(12) In your statement you say: "I do know that it was wrong to reveal her identity, because it compromised the effectiveness of a covert official for political reasons."

a. Do you believe that when Mr. Armitage revealed Ms. Plame's identity to Bob Woodward in June 2003, that he was "compromis[ing] the identity of a covert agent for political reasons"?

b. Do you believe that when Mr. Armitage again discussed Ms. Plame working at the CIA in July 2008 to Bob Novak – and was Mr. Novak's first source – that he was engaged in "compromis[ing] the identity of a covert agent for political reasons"?

c. Do you believe that when Bill Harlow – the CIA spokesman – confirmed to Mr. Novak that Ms. Plame worked at the CIA that he was "compromis[ing] the identity of a covert agent for political reasons"?

(13) Were you ever in a White House meeting at which a plan to discredit Mr. Wilson was discussed?

(14) It appears that the only thing new in your book with regard to the Plame matter is that you saw Mr. Libby and Mr. Rove hold a meeting behind closed doors, a meeting you acknowledged in your book and at the June 20, 2008, Judiciary Committee hearing that you did not hear. Is that correct?

(15) So, if there is nothing new in your book with regard to the Plame matter, why is your discussion of it relevant to the work of the committee or to public discourse?

(16) In your book you write that you believe the administration included the "16 words" in the President's State of the Union speech despite knowing it was doubtful or false. Please answer the following questions:

a. Were you aware that the unanimous and bipartisan Senate Select Committee on Intelligence found that the CIA did not disapprove of this language in January 2003? Please respond.

b. Were you aware that the unanimous and bipartisan Senate Select Committee on Intelligence found that the CIA's Iraqi nuclear analysts believed the statement to be true at the time and for several months afterwards? Please respond.

c. Were you aware that the unanimous and bipartisan Senate Select Committee on Intelligence found that one week after the State of the Union, the CIA, in a classified communication with the UN's International Atomic Energy Agency, expressed support for the intelligence about Iraq's interest in obtaining needed materials for a nuclear weapon? Please respond.

d. Were you aware that the unanimous and bipartisan Senate Select Committee on Intelligence found that one month after the State of the Union, the CIA expressed support for the intelligence in a letter to Senator Carl Levin? Please respond.

e. Were you aware that the unanimous and bipartisan Senate Select Committee on Intelligence found that in March 2003, two months after the State of the Union address, the CIA issued a classified report expressing support for the intelligence? Please respond.

f. Were you aware that the unanimous and bipartisan Senate Select Committee on Intelligence found that the CIA did not start to doubt the intelligence until after March 2003? Please respond.

(17) By your own description, you were not involved in the "16 words" issue very much when you were Deputy Press Secretary and that you were more focused on domestic issues. But on July 22 you answered questions about the Novak column and said:

> "Thank you for bringing that up. That is not the way this President or this White House operates. And there is absolutely no information that has come to my attention or that I have seen that suggests that there is any truth to that suggestion. And certainly no one in this White House would have given authority to take such a step." And you repeated again at that same press briefing: "I'm saying no one was certainly given any authority to do anything of that nature."

a. Did you discuss that answer within your own office before you gave it to the press? How did you reach the answer you provided above?

b. Did you discuss the above answer with your predecessor Ari Fleischer who had just recently left his job at the White House days before?

c. Did you consider talking with your predecessor before you gave this answer on July 22?

d. Did you talk with Dan Bartlett who at that time was the Communications Director and worked daily with you?

e. At that time were you aware that Ari Fleischer had talked with two reporters about Joe Wilson's wife working at the CIA when he was on the trip to Africa the week following Wilson's appearance on "Meet the Press" and his column in the NYT accusing the White House of lying about intelligence?

f. Wouldn't it be your responsibility as the Press Secretary to at least check with your own staff and office before making such a statement?

(18) You've said you participated in White House Iraq Group meetings for the ten days Mr. Fleischer, who was Press Secretary and your boss at the time, was away for his wedding.

a. How many White House Iraq Group meetings were held during this period?

b. Isn't ten days a short time within which to determine the group's tactics and strategy?

c. In your best recollection, how many times did you speak up during these meetings? After?

(19) In your book you state that on October 4, 2003, you spoke with Mr. Card, the President's former chief of staff, and you state that he said: "'The president and vice president spoke this morning. They want you to give the press the same assurance for Scooter that you gave for Karl.'"

a. Did you make the Special Counsel aware of this conversation with Mr. Card?

b. Did you make the Special Counsel aware of the "closed door" meeting between Mr. Libby and Mr. Rove?

c. Did the Special Counsel have all of the information in your book when he closed his investigation?

d. If you did not disclose all the relevant information in your book to the Special Counsel why?

(20) The Associated Press has reported that your publisher, Peter Osnos, did not read your proposal but instead, and I quote from the Associated Press here, "sought out people who knew McClellan and said they regarded him as an honest man unhappy in his job."

Yet, according to one of your deputies, Trent Duffy, throughout the time he served with you, you seemed very happy with your job in the White House. Mr. Duffy describes having had numerous conversations with you leading him to believe that "you were gleeful about your job." He also wrote that around Christmas of 2005 you told him "you weren't going anywhere, you loved the job, you were feeling good" and that in late 2005 and early 2006 you told him, and I quote Mr. Duffy here, you were "happy in your job and proud to serve President Bush and that you had no intention of leaving soon."

a. Are Mr. Duffy's statements correct?

(21) In an effort to promote transparency I ask that you submit all of the talking points you utilized for the marketing of your book such as who you gave advance copies to, the excerpts that you highlighted and any other materials related to the "marketing plan" for this book.

RESPONSE TO POST-HEARING QUESTIONS FROM SCOTT MCCLELLAN, FORMER WHITE HOUSE PRESS SECRETARY

RESPONSE TO QUESTIONNAIRE SUBMITTED BY RANKING REPUBLICAN MEMBER LAMAR SMITH, HOUSE JUDICIARY COMMITTEE

Submitted August 17, 2009

I received Congressman Lamar Smith's questionnaire late on Friday, July 17, 2009, more than one year after it was submitted to the committee by the Ranking Republican Member. Even though I understand I am under no obligation to respond to his questions, since they are part of the record and they contain so many false statements, implications and premises, I feel a response is warranted.

I voluntarily accepted the committee's invitation to testify under oath about the new facts in the Valerie Plame leak episode that I publicly shared for the first time in my book *What Happened: Inside the Bush White House and Washington's Culture of Deception*. The episode is important because it relates directly to the underlying issue of how the White House took the nation to war in Iraq. I chose to write about it in my book because I felt it was important to share fully what I knew about the personal, political and institutional context in which it took place. The truth is often not as black and white as some in Washington frequently try to portray it. Such was the case with this episode. I hoped that sharing what I knew in its full context would help prevent any of it from being misconstrued for political purposes, while shedding as much light on the truth for the public as I could. When it comes to an issue as grave and irrevocably consequential as war, the public--especially our troops and their families--deserves nothing less.

I am more than open to answering serious follow-up questions that seek to get to the truth.

After reviewing the questionnaire, however, I am confident that any objective observer would conclude that it is duplicitous. It is loaded with questions that seek to darken rather than illuminate the underlying truth behind the Plame leak episode, specifically the truth about how the President and his top advisers used intelligence to sell the Iraq war to the American public.

Many of the premises of the questions are intellectually dishonest, false and misleading, including blatant misrepresentations of what I wrote. The questions selectively and conveniently ignore significant facts in the public record that undermine and disprove the premises and assumptions within many, if not most, of the questions. There are instances where the premise of one question contradicts the premise of another question. Additionally, given that many of the answers the questions purport to seek are easily found within the pages of the book I wrote, the questions demonstrate a failure to read it or decision to ignore what I actually wrote in its entirety and full context.

Since I am neither interested in wasting the Committee's nor my time addressing every last fallacy in his duplicitous, pseudo questionnaire, I will briefly address the three central premises of Congressman Smith's questionnaire and why they are false.

Congressman Smith's False Premise #1

In his questionnaire, Congressman Smith embraces the partisan and factually unsupportable premise that White House officials involved in revealing Valerie Plame's CIA employment were justified in doing so because they did not know it was classified and it was necessary to counter her husband and his assertions (see questions 1(a)-1(c), 3(a)-3(c)). The Congressman's false premise appears to be based on the incorrect assumption that Mr. Libby was convicted on a technicality (see question 8) and that no underlying crime was committed because the Special Counsel did not charge anyone for leaking despite his "thorough investigation" (see questions 2(b), 9, 11).

This assumption, while politically convenient, ignores important facts.

First, the fact is that a jury convicted Mr. Libby of four felonies: Obstruction of justice (Count One), making a false statement to FBI agents (Count 2) and two counts of perjury (Count 4 and Count 5). Mr. Libby's lies impeded the government's ability to determine whether there was criminal intent by White House officials involved in the unauthorized disclosure of Plame's CIA employment.

In the indictment and during the trial, the Special Counsel presented evidence of Mr. Libby's obstruction. Here are some examples that clearly undercut Congressman Smith's central premise:

- Count One (Obstruction of Justice), Paragraph 9: "On or about June 12, 2003, Libby was advised by the Vice President of the United States that Wilson's wife worked at the Central Intelligence Agency in the Counterproliferation Division. Libby understood that the Vice President learned this information from the CIA" (source: http://www.usdoj.gov/usao/iln/osc/documents/libby_indictment_28102005.pdf).

  Government Exhibit 104: In his personal notes from that time, Mr. Libby wrote in reference to Ambassador Wilson, "CP/his wife works in that division" (source: http://www.usdoj.gov/usao/iln/osc/exhibits/0130/GX10401.PDF).

  The Counterproliferation Division was part of the CIA's Directorate of Operations, the clandestine arm of the Agency. Those intimately familiar with the CIA, as the Vice President and Mr. Libby were, know that the employment of many who work in the Counterproliferation Division is classified.
- Count One (Obstruction of Justice), Paragraph 13: "Shortly after (the June 19, 2003) publication of (an) article in *The New Republic*, **LIBBY** spoke by telephone with his then Principal Deputy and discussed the article. That official asked **LIBBY** whether information about Wilson's trip could be shared with the press to rebut the allegations that the Vice President had sent Wilson. **LIBBY** responded that there would be complications at the CIA in disclosing that information publicly, and that he could not discuss the matter on a non-secure telephone line" (source: http://www.usdoj.gov/usao/iln/osc/documents/libby_indictment_28102005.pdf).
- Government Exhibit 402: The Vice President handwrote on his copy of Joe Wilson's July 6, 2003 *New York Times* opinion piece, "Or did his wife send him on a junket?" (source: http://www.usdoj.gov/usao/iln/osc/exhibits/0125/GX52301.PDF).

  Government Exhibit 523: Cathie Martin, the Vice President's communications chief, prepared talking points on the Wilson trip were dictated by the Vice President on July 8. The number one talking point was, "It is not clear who authorized Joe Wilson's trip to Niger" (source: http://www.usdoj.gov/usao/iln/osc/exhibits/0125/GX52301.PDF).

  In his closing arguments during the trial, the Special Counsel stated that the evidence demonstrated the Vice President and Mr. Libby were obsessed with Joe Wilson and who sent him on the trip. They felt his wife, Valerie Plame, was responsible. She was not a person to them. She was an argument to use to cast suspicion on Joe Wilson and they wanted people to know it was not the Vice President who sent Joe Wilson on his trip. The number one talking point is a question that would lead to the answer Valerie Plame. It was also important enough for Libby to set up a lunch with Ari Fleischer on July 7 and inform him about Plame's employment while telling him that it was hush-hush or on the QT.
- In his closing arguments during the trial, the Special Counsel also stated that Mr. Libby had left a "cloud" over the Vice President and the White House because of his lies and obstruction.

If White House officials were justified in revealing Plame's CIA employment and did not know it was classified or could be classified, why would the Vice President dictate a talking point that posed a question

that they knew would lead to the answer Valerie Plame instead of just stating that she was responsible for her husband getting the assignment? Why do it surreptitiously? Why would the Vice President misleadingly state that "it was not clear who" was responsible for Wilson's trip when he believed it was Wilson's wife?

Why did Mr. Libby, an attorney (J.D., Columbia University School of Law), tell his deputy that there would be complications in disclosing information about Wilson's trip publicly and that he could only discuss it over a secure phone line if he did not know Plame's CIA employment was or could be classified?

Why would Mr. Libby make up a false story to prosecutors and the grand jury if he did not know Plame's CIA employment was or could be classified?

Secondly, White House officials with security clearance are required to participate in a briefing regarding the handling of classified national security information. Upon completion of the briefing, they are also required to sign, as I and my colleagues did—Including Mr. Libby as you will see below—the "Classified Information Nondisclosure Agreement." Here is a quote from the agreement Mr. Libby signed:

> "I understand that if I am uncertain about the classification status of information, I am required to confirm from an authorized official that the information is unclassified before I may disclose it, except to a person as provided in (a) or (b), above. I further understand that I am obligated to comply with laws and regulations that prohibit the unauthorized disclosure of classified information." See Special Counsel's Government Exhibit 5A at http://www.usdoj.gov/usao/iln/osc/exhibits/0208/GX005A01.PDF for the entire agreement signed by Mr. Libby.

Knowing that Plame worked in the Counterproliferation Division, why would the Vice President and Mr. Libby not have sought confirmation whether (1) the information relating to Plame's role in her husband's trip, even if it was only suggesting him, was classified, and (2) her employment at the Agency was classified.

Thirdly, the Special Counsel repeatedly stated that Mr. Libby had prevented him from making a determination about criminal intent by White House officials into the unauthorized disclosure of Plame's CIA employment. Yet, he also clearly suggested that he believed criminal activity or "a violation" had occurred and that if he proved Mr. Libby's lies obstructed his ability to get to the bottom of the investigation then the public interest would still be vindicated because Mr. Libby would be held accountable for the violation anyway.

Here are some examples of quotes from the Special Counsel noting his inability to make a call on criminal intent:

- "It was apparent from early in the investigation that classified information relating to a covert intelligence agent had been *disclosed without authorization* (emphasis added). Also early in the investigation, investigators learned the identities of three officials – Deputy Secretary of State Richard Armitage, Senior Adviser to the President Karl Rove, and Mr. Libby, the Vice-President's Chief of Staff – who had disclosed information regarding Ms. Wilson's CIA employment to reporters. What was not apparent, however, were the answers to a series of questions central to whether criminal charges arising from the *unauthorized disclosure* (emphasis added) of Ms. Wilson's identity as an intelligence agent were both viable and appropriate." (source: http://graphics8.nytimes.com/packages/pdf/politics/libby_sentencing_memo.pdf)

  Moreover, in assessing the intent of (Mr. Libby, Mr. Rove and Mr. Armitage), it was necessary to determine whether there was concerted action by any combination of the officials known to have disclosed the information about Ms. Plame to the media as anonymous sources, and

also whether any of those who were involved acted at the direction of others. This was particularly important in light of Mr. Libby's statement to the FBI that he may have discussed Ms. Wilson's employment with reporters at the specific direction of the Vice President." (source: http://graphics8.nytimes.com/packages/pdf/politics/libby_sentencing_memo.pdf)

"In short, Mr. Libby lied about nearly everything that mattered. These lies had two direct results. First, they made impossible an accurate evaluation of *the role that Mr. Libby and those with whom he worked* (emphasis added) played in the disclosure of information regarding Ms. Wilson's CIA employment and about the motivations for their actions." (source: http://graphics8.nytimes.com/packages/pdf/politics/libby_sentencing_memo.pdf)

- "[K]nowing that he gave the information to someone who was outside the government not entitled to receive it, and knowing that the information was classified is not enough. You need to know at the time that he transmitted the information, he appreciated that it was classified information, that he knew it or acted, you know, in certain statutes with recklessness. And that is sort of what gets back to my point in trying to figure that out, you need to know what the truth is. So our allegation is in trying to drill down and find out exactly what we got here, if we receive false information, that process is frustrated. But at the end of the day, I think I want to say one more thing, which is when you do a criminal case, if you find a violation, it doesn't really, in the end, matter what statute you use if you vindicate the interest. If Mr. Libby is proven to have done what we've alleged, convicting him of obstruction of justice, perjury and false statements --very serious felonies --will vindicate the interest of the public in making sure he's held accountable. It's not as if, you know, you say well, this person was convicted, but under the wrong statute. I think --but I will say this: The whole point here is that we're going to make fine distinctions and make sure that before we charge someone with a knowing intentional crime, we want to focus on why they did it, what they knew and what they appreciated. We need to know the truth about what they said and what they knew." (source: http://www.usdoj.gov/usao/iln/osc/documents/2006_03_17_exhibits_e_g.pdf

Congressman Smith ignores the obvious to intimate that no underlying crime was committed. Not being charged with something does not mean those involved did not do it.

(Note: Questions 7 and 10 assert that Scooter Libby was "acquitted" of all leaking charges "brought against him." Such an assertion is false and misleading. Mr. Libby was never charged with leaking. He was charged with obstruction of justice, perjury and making false statements and later convicted of all, except for one count of making a false statement to the FBI. If one were to accept the twisted logic that because he was acquitted of making a false statement to the FBI about his conversation with Matt Cooper he was acquitted of leaking to Matt Cooper, then one would also have to use the same twisted logic to conclude that Mr. Libby was convicted of leaking to Cooper because he was similarly convicted of making a false statement about the same conversation to the Grand Jury and convicted of obstruction of justice in part on said conversation with Cooper.)

If as Congressman Smith asserts Plame's CIA employment was significant to White House officials and they did not know it was or could be classified, why was its disclosure not authorized?

(Note: the implication of question 17 that White House officials were authorized to leak Plame's CIA employment and I did not properly verify that fact is false; one only need to look at the Special Counsel's own words to verify the former and as for the latter I received assurances from the President, the White House Chief of Staff and White House Counsel that such notable comments I made on the President's behalf were accurate).

Lastly, leaking Plame's CIA employment had nothing to do with "setting the record straight" about the merits of Ambassador Wilson's assertions, as I noted in *What Happened*, were based on wrong assumptions. Using her as a talking point was designed to raise questions to undercut Ambassador Wilson's credibility, and to deflect from the substance of what he was saying. It is further false for Congressman Smith to imply, as he does in questions 3(a)-3(c), that what I wrote is anything but consistent with the bipartisan reporting of the Senate Select Intelligence Committee.

As the questionnaire wrongly implies, in June and July of 2003 top White House officials from the President on down would have viewed Plame's CIA employment as significant information. It is only logical to conclude that the mere fact that neither anyone in the White House was authorized to nor anyone at the CIA, such as Director Tenet, was asked to publicly "set the record straight" by revealing Plame's CIA employment and role in her husband's mission is because White House officials knew her CIA employment was or could be classified. Instead, according to the Special Counsel, certain White House officials took "concerted action" to reveal anonymously, yet publicly, her CIA employment. Furthermore, at least two—Libby and Rove—lied about being involved in revealing Plame's CIA employment. Libby's lies violated the law; Rove's lies at the very least violated the public trust and perhaps, also, the law. Why would they do so if they had no reason to be concerned about criminal exposure? It makes no sense for officials to reveal anonymously Plame's CIA employment and then lie about it unless they knew her employment was or could be classified. Richard Armitage is the only one of the three people Fitzgerald stated were known to have revealed Plame's CIA employment early in the investigation and apparently not lie about his role.

To infer anything other than the Special Counsel had reason to believe White House officials involved in revealing Plame's CIA employment to reporters not only acted in concert, but did so (1) for political purposes and (2) knowing such information was or could be classified is completely contrary to the evidence uncovered by his "thorough investigation" (as the Congressman himself states), his statements, his actions and the known facts in the public record. All of which reveals only tip-of-the-iceberg information to the public as not a single White House official other than me has testified under oath in a public setting to help shed additional light on the truth.

Congressman Smith is entitled to question the credibility of the jury and the Special Counsel, but he is not—as the late-Senator Daniel Patrick Moynihan would say—entitled to his own facts.

Congressman Smith's False Premise #2

Congressman Smith falsely asserts that I "believe the administration included the '16 words' in the President's State of the Union speech despite *knowing* (emphasis added) it was doubtful or false" and therefore what I wrote is inconsistent with the bipartisan reporting of the Senate Select Committee on Intelligence (see Questions 16(a) – 16(f)). The assertion is a complete misrepresentation of what I wrote. Yet again, my writing is consistent with the committee's bipartisan reports on Iraq.

On pages 308-309 of *What Happened* I clearly state that I believe it was not an intentional effort to mislead:

> "And what about the sixteen words controversy behind it all? Was the Bush administration guilty of a deliberate attempt to mislead the American people with the sixteen words? I don't think so. I think that researchers at the Annenberg Political Fact Check, which describes itself as a nonpartisan advocate for voters that aims to reduce the level of deception and confusion in U.S. politics, gets it about right on its acclaimed website, factcheck.org:

'None of the new information suggests Iraq ever nailed down a deal to buy uranium, and the Senate report makes clear that US intelligence analysts have come to doubt whether Iraq was even trying to buy the stuff. In fact, both the White House and the CIA long ago conceded that the 16 words shouldn't have been part of Bush's speech.

'But what he said—that Iraq sought uranium—is just what both British and US intelligence were telling him at the time. So Bush may have indeed been misinformed, but that's not the same as lying.

'The "16 words" in Bush's State of the Union Address on Jan. 28, 2003 have been offered as evidence that the President led the US into war using false information intentionally. The new reports show Bush accurately stated what British intelligence was saying, and that CIA analysts believed the same thing.'"

Congressman Smith's False Premise #3

Congressman Smith falsely asserts that I had nothing new and substantive to reveal in my book, *What Happened*, about the Plame leak episode (see questions 14 and 15). The Congressman's assertion is contradicted by his own questionnaire (see question 19) and, of course, the fact that there are additional revelations in my book.

The revelation cited in question 19, specifically the Vice President having asked the President to direct me to publicly exonerate Scooter Libby of being involved in the leaking of Plame's CIA employment, is very significant new information. I am confident the Special Counsel would have asked the President and, more importantly, the Vice President about it. I know he asked me about it and discussed it with Andy Card.

Given the Special Counsel's comments about the Vice President's role in the leak episode, I am confident he viewed this conversation as highly significant to the investigation. If the Ranking Republican Member is genuinely interested in helping to shed light on the truth for the public, then I would urge him as well as his Republican colleagues on the committee to call on the Justice Department not to block efforts to obtain the public release of the Special Counsel's interview with Vice President Cheney.

The Special Counsel showed great interest in my conversations with Mr. Rove and Mr. Libby where I asked each unequivocally if they were involved in any way in the leaking of Plame's CIA employment were highly relevant. He also was interested in the fact that Mr. Rove had told the President he was not involved. For more on this new information I shared publicly for the first time in *What Happened*, see pages 179-185 and 217-221of my book.

I also believe the brief conversation I had with the President that I wrote about and shared publicly for the first time at the beginning of Chapter 16 is highly relevant. The President's actions may have inadvertently set in motion the chain of events that led to the disclosure of Plame's CIA employment. For more on this new information, see pages 293-297 in *What Happened*.

Steve Hadley's private (and later public) admission that he "blew it" on allowing the "16 words" to be included in the State of the Union is similarly significant. I based the conclusion I previously noted from pages 308-309, namely that the White House did not intentionally mislead the nation on the Niger claim, largely on the conversation in Andy Card's office a handful of top advisers, including myself, had with him. See pages 177-178 in *What Happened*.

Yet, as I wrote on page 309 of *What Happened*:

> "This doesn't mean that the Bush Administration was blameless in the way it handled intelligence during the run-up to war. As I've detailed in this book, the campaign mentality at times led the president and his chief advisers to spin, hide, shade, and exaggerate the truth, obscuring nuances and ignoring the caveats that should have accompanied their arguments. Rather than choosing to be forthright and candid, they chose to sell the war, and in so doing they did a disservice to the American people and our democracy. However, this is not the same as saying they deliberately misled and lied—words that are emotionally charged and tend to obscure important truths and lessons in the fog of political sniping over difficult-to-prove accusations. As far as I can see, the evidence clearly supports one charge but not the other. However, embracing the permanent campaign tactics that increasingly fuel a culture of deception in Washington is just as problematic in its own way.
>
> "I don't believe the path to better democracy is served by exaggerated claims, distorted partisan attacks, or unsupported accusations of bad faith. Neither of our leading political parties is a repository of evil, and the vast majority of leaders on both sides of the aisle and at all levels of government are decent, well-meaning, and hard-working citizens who love our country and want to do the right thing. In diagnosing the problems we suffer from and the kinds of changes we need to make, I think it's crucial to cling to the truth, even when it is more nuanced, complex, and ambiguous than extreme partisans on either side may choose to believe."

I worked deliberately and diligently to provide readers of *What Happened* a serious and thoughtful look at the truth about how the Bush presidency veered off course, including the way in which it took the nation to war in Iraq, and what we can learn from it.

Some of the president's strongest defenders attacked me personally and misrepresented what I wrote in an effort to muddy the waters of truth, instead of choosing to illuminate them by engaging in an honest, reasoned and substantive discussion. Unfortunately, as his duplicity demonstrates, Congressman Smith sought to do the former while only pretending to do the latter. Very few of the president's defenders, in fact, have even tried to refute what I actually wrote.

Which brings me back to what is most important—the underlying truth about how the White House used the intelligence to sell the war in Iraq to the American people. On this larger point, my book is also consistent with the Senate Select Committee on Intelligence on Iraq and its bipartisan, final phase report, "Whether Public Statements Regarding Iraq by U.S. Government Officials Were Substantiated by Intelligence Information," which was released in June of 2008 not long after publication of my book. Excerpts of conclusions from both are included in the attachments at the end of my response.

Some of the president's staunchest critics believe I did not go far enough when I said the deception by the President and his top advisers, including members of his National Security Council, was not sinister and intentional. First, I am not a grand conspiracy theorist. Second, I do not believe people alongside whom I served, like Andy Card or Colin Powell or Steve Hadley—good and decent human beings—would engage in such a plot. Third, there is nothing I know of to prove such a grand conspiracy.

Whether certain individuals engaged in such deliberate deception or sinister tactics, however, remains an open question. History will render that final judgment as all the documents and correspondence from the Bush Administration are released for public scrutiny in the years to come.

What I do know is war should only be waged when absolutely necessary, and when we go to war we must fully support our troops. The best way to do so is to give them and the public the truth, because the only

way to build bipartisan support at the outset and sustain it through its conclusion is by being open and forthright from the beginning.

Many Americans, and I include myself, were willing to give the president and his top advisers the benefit of the doubt in the build-up to war in Iraq. We now know it was misplaced to do so.

A fundamental mistake the President and his top advisers made was their belief that war was something that could be marketed and sold to the American people. They excessively conflated political campaigning and governing, with the tragic result of the former drowning out the quiet necessity of a war-making campaign based on candor. They embraced commonly-practiced political marketing strategies instead of the openness and forthrightness required to sustain support for war. The White House engaged in a massive political marketing campaign that overstated, over-packaged and oversold the threat. It was made to sound more urgent, more certain and more grave than it actually was. The chief rationale was downplayed for a lesser motivation that had a better chance of gaining public support.

This is not to absolve the president or policymakers—they, in fact, bear responsibility for their decisions and actions. Rather it is to help us all learn the truth so we can fix what is wrong going forward and, hopefully, never again go to war when it is not absolutely necessary.

Similarly, the deep distrust and suspicion created by President Bush and his top advisers was of their own making. Openness and forthrightness could have greatly diminished both and would have enabled the President to help move us beyond the partisan warfare he pledged to end, instead of exacerbating it.

The reason the facts and conclusions revealed in *What Happened* continue to stand the test of time is simple—they are grounded in truth. I was heartened when the *Associated Press* called it a "sophisticated assessment" that "makes an important commentary on Washington's poisonous political climate."

The permanent campaign, along with its inherently deceitful tactics, has been excessively embraced by partisans in Washington for far too long, creating a culture of deception. Sadly, the duplicitous questionnaire submitted to the committee by the Ranking Republican Member is not only symptomatic of but also feeds this destructive culture.

I am optimistic that the day is near when we can move beyond the lack of reasoned discourse and achieve intellectually honest dialogue. That day will only come when more of our elected leaders at the highest levels of power remember and honor the reason they came to Washington in the first place—to make a positive difference by working together to solve our most pressing priorities—and embrace the most important thing for making that happen: candor.

ATTACHMENT A

Excerpts of Conclusions from the Bipartisan Report by the Senate Select Committee on Intelligence (source: http://intelligence.senate.gov/080605/phase2a.pdf) *:*

- "Statements by the President, Vice President, Secretary of State and the National Security Adviser regarding a possible Iraqi nuclear weapons program were generally substantiated by intelligence community estimates but they did not convey the substantial disagreements that existed in the intelligence community." It added that there were "clear dissenting views from the State Department's Bureau of Intelligence and Research, which argued that reconstitution was not underway." (page 14)
- "Statements by the President and Vice President prior to the October 2002 National Intelligence Estimate regarding Iraq's chemical weapons production capability and activities did not reflect the intelligence community's uncertainties as to whether such production was ongoing." (page 38)
- "Statements by the President, Vice President Secretary of State and Secretary of Defense regarding Iraq's possession of weapons of mass destruction were generally substantiated by intelligence information though many statements made regarding ongoing production prior to late 2002 reflected a higher level of certainty than the intelligence judgments themselves." (page 50-51)
- "Statements by the President, Secretary of Defense and Secretary of State that Iraq was developing unmanned aerial vehicles (UAVs) that could be used to deliver chemical or biological weapons were generally substantiated by intelligence information bud did not convey the substantial disagreements or evolving views that existed in the intelligence community." (page 56)
- "Statements and implications by the President and Secretary of State suggesting that Iraq and al-Qa'ida had a partnership, or that Iraq had provided al-Qa'ida with weapons training were not substantiated by the intelligence." (page 71)
- "Statements in the major speeches analyzed, as well additional statements, regarding Iraq's contacts with al-Qa'ida were substantiated by intelligence information. However, policymakers' statements did not accurately convey the intelligence assessments of the nature of these contacts, and left the impression that the contacts led to substantive Iraqi cooperation or support of al-Qa'ida." (page 71)
- "Statements by the President and the Vice President indicating that Saddam Hussein was prepared to give weapons of mass destruction to terrorist groups for attacks against the United States were contradicted by available intelligence information." (page 82)
- "Statements by President Bush and Vice President Cheney regarding the postwar situation in Iraq, in terms of the political, security, and economic, did not reflect the concerns and uncertainties expressed in the intelligence products." (page 88)

ATTACHMENT B

Excerpts of Conclusions from " What Happened:"

- "[T]he administration chose a different path—not employing out-and-out deception but shading the truth; downplaying the major reason for going to war and emphasizing a lesser motivation that could arguably be dealt with in other ways (such as intensified diplomatic pressure); trying to make the WMD threat and the Iraqi connection to terrorism appear just a little more certain, a little less questionable, than they were; quietly ignoring or disregarding some of the crucial caveats in the intelligence and minimizing evidence that pointed in the opposite direction; using innuendo and implication to encourage Americans to believe as fact some things that were unclear and possibly false (such as the idea that Saddam Hussein had an active nuclear weapons program) and other things that were overplayed or completely wrong (such as implying that Saddam might have an operational relationship with al Qaeda)." (page 132)
- "The rhetoric in our campaign to sell war would continue to grow more certain and more grave. The nuclear threat and Iraq's contacts with al Qaeda became increasingly central to the talking points helping to create a needed sense of urgency for dealing with the grave and gathering threat from Iraq." (page 138)
- "Most important, the White House forestalled any debate about the fundamental goals and long-term plans for such an invasion. By pushing so hard on the WMD issue, reducing the larger issue of the future of the Middle East into a short-term emergency threat that must be dealt with *now*, the president and his advisers avoided having to discuss the big issues of what would happen in after the invasion. Who would rule Iraq? How would the region respond? How long would the United States have to remain on the ground? How would tensions among the nation's ethnic and religious groups be resolved?
  " Few of these questions ever appeared on the national radar screen during the run-up to the war But they would come back to haunt the president and the nation, in the years to come when it became clear that the stated rationales for war—the WMD threat and Iraq's link to terrorism—were less than convincing. The lack of candor underlying the campaign for war would severely undermine the president's entire second term in office." (page 143)
- "The goal was to win the debate, to get Congress and the public to support the decision to confront Saddam. In the pursuit of that goal, embracing a high level of candor and honesty about the potential war—its larger objectives, its likely costs, and its possible risks—came a distant second." (page 133)
- "An even more fundamental problem was the way his advisers decided to pursue a political propaganda campaign to sell the war to the American people. It was all part of the way the White House operated and Washington functioned, and no one seemed to see any problem with using such an approach on an issue as grave as war. A pro-war campaign might have been more acceptable had it been accompanied by a high level of candor and honesty, but it was not. Most of the arguments—especially those stated in prepared remarks by the president and in forums like Powell's presentation at the UN Security Council in February 2003—were carefully vetted and capable of being substantiated. But as the campaign accelerated, caveats and qualifications were downplayed or dropped altogether. Contradictory intelligence was largely ignored or simply disregarded. Evidence based on high confidence from the intelligence community was lumped together with intelligence of lesser confidence. A nuclear threat was added to the biological and chemical threats to create a greater sense of gravity and urgency. Support for terrorism was given greater weight by playing up a dubious al Qaeda connection to Iraq. When it was all packaged together, the case constituted a "grave and gathering danger" that needed to be dealt with urgently." (page 144-145)