

**U.S. SENATOR BYRON L. DORGAN (D-ND) HOLDS FORUM ON
NATIONAL SECURITY IMPLICATIONS OF DISCLOSING THE
IDENTITY OF A COVERT INTELLIGENCE OFFICER -
COMMITTEE HEARING**

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SENATE DEMOCRATIC POLICY COMMITTEE AND DEMOCRAT MEMBERS OF
THE HOUSE GOVERNMENT REFORM COMMITTEE HOLD A FORUM ON THE
VALERIE PLAME LEAK INVESTIGATION

JULY 22, 2005

SPEAKERS: U.S. SENATOR BYRON DORGAN (D-ND)

U.S. SENATOR HARRY REID (D-NV)

U.S. SENATOR CHARLES SCHUMER (D-NY)

U.S. REPRESENTATIVE HENRY WAXMAN (D-CA)

U.S. REPRESENTATIVE RUSH HOLT (D-NJ)

U.S. REPRESENTATIVE JOHN CONYERS (D-MI)

U.S. REPRESENTATIVE LOUISE MCINTOSH SLAUGHTER (D-NY)

U.S. REPRESENTATIVE JAY INSLEE (D-WA)

LARRY JOHNSON, FORMER CIA ANALYST

JIM MARCINKOWSKI, FORMER CIA OFFICER

DAVID MCMICHAEL, FORMER CIA CASE OFFICER

MEL GOODMAN, FORMER CIA ANALYST

COLONEL PATRICK LANG (USA RET.), FORMER DIRECTOR, DEFENSE
HUMAN INTELLIGENCE SERVICE

[*] DORGAN: We'll call this hearing to order this morning.

This is a special joint hearing that is held today with the Democratic Policy Committee and the House Government Reform Committee minority holding a hearing on the subject of the national security consequences of disclosing the identity of a covert intelligence officer.

My name is Senator Byron Dorgan.

I am joined by Congressman Waxman, who is co-chairing the hearing today.

Let me begin just very briefly. I'm going to make a very brief open statement.

Because of a time constraint, I'm going to call on my colleague, Senator Schumer, who will make a statement. And then I'll turn it over to Congressman Waxman for his opening statement, and then he will recognize additional House members as well.

This issue, obviously, is a very important issue. Someone from the White House, according to a column that was printed around the country, a column authored by columnist Robert Novak, leaked the identity of a covert agent of the CIA, an agent of the CIA that was undercover.

This is often being reported as some sort of political spat. There is an investigation going on, great intrigue about who might have leaked this or that, who talked to this person or that person. And while an investigation moves forward, it is often reported as some kind of a political spat.

It is not that. This investigation is a result of the CIA asking the Justice Department to conduct a criminal investigation.

Why would the CIA have done that? Because this issue is critically important. Protecting the identity of covert agents representing this country in the gathering of intelligence is critically important.

In fact, the identifying of a covert agent can be a very serious breach of national security.

The identifying of a covert agent who's collecting intelligence for this country can also put lives at risk and lives in danger.

This is a very serious issue.

And once again I say, I know the reporting of it in almost every morning paper is this party or that party, or this person or that person -- it's, kind of, identified as a political dispute. It is very far from that.

We are joined today by a number of witnesses, all of whom previously worked in this

country's intelligence community, and they will describe from their perspective and the perspective of many in the intelligence community what this issue means, why it is important, and why they are pleased that there is an investigation, why an investigation is necessary in a circumstance like this.

Again, the identification of someone working in this country's intelligence agency in a covert way, the identification of that person can put that person and many others at risk, can put many of our intelligence operations at risk. And it is a serious breach of national security.

That is why this investigation is ongoing. And I'm very pleased that there are those who have previously worked in the intelligence community who are willing to come forward and discuss it this morning.

And we very much appreciate your attendance.

The witnesses will be introduced shortly. But let me then call on my colleague Senator Schumer for a brief opening statement.

SCHUMER: Well, thank you, Mr. Chairman.

I want to thank you and Congressman Waxman and my colleagues from the House, all of whom I have the pleasure to serve with, for being here.

And I want to thank your witnesses for their perseverance and their courage.

I am here because I wanted to corroborate what Byron and Henry have been saying and how important this is.

SCHUMER: As many of you know, I called for an initial investigation the day after or a couple of days after I read Robert Novak's column. I was simply outraged that the name of an agent could be outed.

Immediately after I made that call, I got calls from people in the Central Intelligence Agency who said they were furious at what had happened.

And so I called George Tenet, who was then the head of the CIA -- and I'd known him for a long time; he's a Queens guy, I'm a Brooklyn guy -- and he was furious.

And in a series of conversations with him and with others, we came to the conclusion that the only thing that could force the Justice Department to launch an investigation was the CIA making a strong request for one, and he did.

So the origins of this investigation do not come from anybody on the political side, they come from the CIA itself, which I think, from the very highest level down to the agent functioning and helping our country out there in the field, there was fury that this had

happened.

When we called for the investigation -- when I did and then later the CIA -- nobody knew where it would lead. Nobody knew who had done it. Maybe it was some low-level functionary in the administration or the White House. Who knew?

But we knew a dastardly crime had in all likelihood been committed. And if nothing was done, it could happen again and again, jeopardizing the lives of both agents in the field, their sources and Americans because of the important work that the CIA does.

The White House tried to deny it. They denied the involvement of Mr. Rove. They denied the involvement of Mr. Libby.

And then, because of the perseverance of the prosecutor, when they could no longer deny it, they are now in the stage of trivializing it. They've put out false information: "Oh, Agent Plame was not undercover. Oh, Agent Plame never went on overseas mission."

And one thing I can say for sure, despite the White House's effort to first deny and now trivialize, Mr. Fitzgerald, a prosecutor's prosecutor, we'll get to the bottom of this. Not for a political purpose -- he's the most non-political man around -- but because we have to protect the national security of our country. Today, it's come out in the New York Times that a memo that might have revealed Agent Plame's identity was passed around on the political side of the White House and that Karl Rove was involved in figuring out the strategy not just on the politics but on the how you deal with the idea that maybe there was no uranium going from Iraq to Niger and try to backtrack on statements that the president made.

SCHUMER: All I can say is, where there's smoke there's usually fire, and we are not going to rest till we get to the bottom of this.

In the meantime, just three quick things -- three things should be done by the White House.

Number one, I believe that the security clearance of Mr. Rove and now Mr. Libby should be suspended. They may have not have met a criminal standard, but they certainly have met a standard where they don't deserve to have to security clearance, particularly given the non-disclosure agreement that every White House person is supposed to sign.

Second, that the president should reiterate his commitment that anyone who was involved in the leak, not simply that anyone who meets that narrow and high criminal standard, be fired.

And third, Andrew Card should begin a new internal investigation to figure out what went on, again because that's not the criminal standard but there's a lower standard that they should have to see what happened, since his first investigation, obviously, didn't do

the job.

With that, I want to thank my colleagues for their good work, and again underscore how serious this is and how its entire origin did not come from the political side but rather from the Central Intelligence Agency itself, whose fury at the agent's name being leak led to the investigation.

WAXMAN: I want to thank the House and Senate members who have joined together today, and particularly our distinguished witnesses who are going to give us their point of view from their expertise.

And I want to especially recognize Senator Dorgan for his continuing leadership.

Today's hearing is about the implications of revealing the identity of a covert CIA agent.

The disclosure of Valerie Wilson's identity as an undercover CIA agent is indefensible on many levels. It was an indefensible betrayal of her and her family. It was an indefensible affront to the men and women who are on the front lines of defending America. And it was an indefensible breach of our national security.

And it is an issue deeply personal to me. One of the hardest votes that I cast was to authorize the war in Iraq. Like many others, I was torn. But in the end, I sided with the president because of the administration's insistence that Iraq was on the verge of nuclear capability.

Today, we know the truth. I was misled, as were the American people. And it was Valerie Plame Wilson's husband, Ambassador Joe Wilson, who helped expose what really happened.

If we're going to understand this scandal, we need to put what happened in July 2003 in the context of that time. And I'll try to do that briefly today.

WAXMAN: On March 7th, 2003, the International Atomic Energy Agency announced that a key part of the administration's evidence, its claim that Iraq sought uranium from Africa, consisted of crudely forged documents.

This finding rebutted the famous 16 words the president used in his State of the Union address, and it raised serious questions about the integrity of the administration's case against Iraq.

I was concerned enough, upon hearing that, to write to the president on March 17th, 2003. I won't read the entire letter into the record, but it said in part: "Upon your order, our armed forces will soon initiate the first preemptive war in our nation's history.

"The most persuasive justification for this war is that we must act to prevent Iraq from developing nuclear weapons. In the last 10 days, however, it has become incontrovertibly

clear that a key piece of evidence you and other administration officials have cited regarding Iraq's efforts to obtain nuclear weapons is a hoax.

"What's more, the CIA questioned the veracity of the evidence at the same time you and other administration officials were citing it in public statements.

"This is a breach of the highest order, and the American people are entitled to know how it happened."

Well, the president never responded to my letter. And throughout March and April the administration was largely able to ignore the uranium issue.

By early May, however, others began to pay attention. Nicholas Kristof wrote in a May 6 op-ed in the New York Times that a U.S. envoy to Niger had concluded the reports about Iraq seeking uranium from Niger were, quote, "unequivocally wrong."

A month later, June 9th, 2003, Newsweek reported that the Senate department's Bureau of Intelligence Research had also reached the same conclusion as the U.S. envoy: The Iranian claim was implausible.

Well, the pressure on the administration was continuing to build in the weeks that followed. And on July 6th, the issue became impossible for them to ignore because in a New York Times op-ed and in a nationally televised interview on "Meet the Press," Ambassador Wilson publicly identified himself as the envoy that had investigated the uranium claims. And it was reasonable for him to be the one to investigate it, because he had been our ambassador to Niger.

WAXMAN: He was a career Foreign Service officer.

As he explained on "Meet The Press," either the administration had some information it had not shared with the public or, yes, they were using selective use of facts and intelligence to bolster a decision in the case that had already been made, a decision that had been made to go to war.

Well, the White House responded to Ambassador Wilson in the worst possible way.

They did not present substantive evidence to justify the uranium claim. In fact, to this day, the White House has not cited a shred of credible evidence of a uranium deal between Iraq and Niger. Instead, it appears that the president's advisers launched a smear campaign and Ambassador Wilson's wife, Valerie Plame Wilson, became collateral damage.

We only have partial information about what happened in the hours and days that followed, but we do know that a classified State Department memorandum identifying Valerie Wilson was circulated aboard Air Force One; that Karl Rove, the president's closest adviser, talked about Mrs. Wilson's identity with columnist Robert Novak and

Time reporter Matthew Cooper, and maybe other press people as well; and that Scooter Libby, the vice president's chief of staff, also spoke with at least one journalist about Mrs. Wilson.

And these were not the only leaks. My staff put together a fact sheet that describes 11 different leaks or reported leaks that involved Mrs. Wilson.

Well, today's New York Times fills in another piece of the puzzle.

In October 2002, CIA Director George Tenet personally called the deputy national security adviser, Stephen Hadley, to stop President Bush from using the uranium claim in his speech in Cincinnati.

Around the same time, the CIA sent the national security adviser, Condoleezza Rice, a memo warning her not to rely on the uranium evidence.

Yet on July 11, 2003, five days after Ambassador Wilson's op-ed, it was CIA Director Tenet, not the security adviser or the president, who took the responsibility for the inclusion of the uranium claim in the president's State of the Union address. Well, today we can understand why Mr. Tenet took the blame for his statement that he repeatedly warned the White House not to make.

According to the revelations in the New York Times, it was Mr. Rove and Mr. Libby who orchestrated what he said.

It is the job of the special prosecutor, Patrick Fitzgerald, to determine whether a crime has been committed in the Rove and Libby cases. But it is Congress' job to assess whether the White House has complied with its obligations to protect national security secrets.

Before these recent facts emerged, the White House was eager to dismiss reports of Mr. Rove's involvement as ridiculous.

But now the White House has gone silent. It won't answer any questions. It won't investigate whether national security secrets were leaked, and it won't take any administrative actions against Mr. Rove, Mr. Libby or others who may be implicated.

Well, this is a blatant failure on the part of the White House to protect our national security interests.

There is an executive order -- Executive Order 12958 -- that governs protection of national security information. Under this executive order, the White House has an affirmative obligation to take appropriate and prompt corrective action to address the leaks of classified information.

The White House is required to conduct an investigation, and if anyone is found at fault,

even if the disclosures was negligent rather than intentional, the president is required to discipline those responsible.

Yet now that Mr. Rove and Mr. Libby are implicated, the president has ignored every one of these obligations to protect national security secrets.

There's a special standard for Karl Rove: There will be no questions asked and no accountability.

Well, not only is the president ignoring his obligation, but Congress is refusing to do its job.

There is a simple way to get to the bottom of this scandal: The Republican Congress can hold a hearing as early as next week with Mr. Rove.

For the sake of all the men and women who are defending America's freedom, Republicans in Congress should join us in asking questions and getting answers for the American people.

They have refused to hold these hearings, and that is why we're doing what we can today, but we can't subpoena Karl Rove or Scooter Libby, and they would refuse to come to appear before us. They would have to come if Congress did its job as a separate and independent branch of government and exercised its oversight responsibility for the protection our nation.

In closing, let me say how pleased I am to have the witnesses here today. They are former intelligence officers and analysts from the Central Intelligence Agency and Defense Intelligence Agency.

WAXMAN: They know how serious these leak allegations are, and they have the courage and patriotism to speak up when our national interests are in jeopardy. And we thank them very much for that.

I want to now call on the House members that are here with us to make any opening statement they wish to make.

And first the ranking member of the Judiciary Committee, a man who's been very involved in this whole issue, Congressman John Conyers.

CONYERS: Thank you, Ranking Member Waxman. You serve your committee in the House with extreme competence, and I'm happy to join you, the senators and my colleagues here.

I don't think we need many more opening statements. We've derived many important facts just from the beginning presentations, and we'd like to get to our witnesses.

I have Attorney Marcinkowski, who is a near-constituent of mine from the Detroit area, here, who we're pleased to be with.

The only thing I would add -- and I ask that my statement just be put in the record -- is that 90 members of the Congress joined with me on my letter to the president on July 14th that asked another thing that we might want to do is to urge the president to require that Chief of Staff Karl Rove either come forward immediately to explain his role in the Valerie Plame matter, or to resign from your administration.

And so, to the list of about five things that I've heard suggested now that could easily get to the bottom of this, I add that one.

And I join in supporting the recommendations that have been made by the two senators and the ranking member from the Government Reform Committee.

And I ask that my statement be put in the record.

And I thank you so much for holding these hearings.

DORGAN: Thank you very much, Mr. Conyers.

I'm going to skip over to Representative Louise Slaughter from New York, who's the ranking member of the Rules Committee and, in that capacity, has been very active in pointing out that we need to get to the truth of all this.

And my colleague from Washington will understand that, while in my early days in Congress I didn't appreciate seniority as much as I do now...

(LAUGHTER)

... I have a vested interest in protecting it.

SLAUGHTER: It gets better every day.

(LAUGHTER)

Good morning. And I want to give my thanks, Senator Dorgan, and to you, Henry Waxman, for bringing this hearing together on what is a most important subject, and one that occupies most of our minds.

And let me add my thanks to the witnesses for your courage and your bravery but, moreover, for your service to your country.

George W. Bush campaigned on restoring dignity to the White House. During his first inaugural address, he affirmed the commitment to live out our nation's promise through

civility, courage, compassion and character.

However, time and events have conspired to reveal a different attitude in the Oval Office. Today, this White House is more accurately defined by a striking form of relativism, a willingness to twist the truth and a propensity to use power for personal and political advantage.

Over the course of the past five years, transparency of government operations has steadily eroded. Open access to information critical to our democracy has been replaced by closed-door meetings and "no comment."

In fact, we can recount any number of incidents in which this administration has failed to take the responsibility or to be held accountable by the Republican-controlled Congress: from the inaccurate intelligence that led to our invasion of Iraq to the detainee abuses at Guantanamo Bay and Abu Ghraib, from the revelations contained in the Downing Street memos to the realization that at least 20 federal agencies used taxpayer dollars to produce partisan television segments disguised to look like impartial news reports.

Time and time again, this administration has been let off the hook by their allies in Congress.

Worse yet, those who have dared to demand answers and accountability from the administration have gone from being celebrated as honored patriots to being attacked as subversive dissidents.

The deepening scandal surrounding the leaked identity of covert CIA operative Valerie Plame is perhaps the most poignant example of this today. At its worst, treason was committed by high-ranking White House officials. At its best, we have witnessed a startling abuse of power by this administration, one which has seriously compromised our national security, jeopardized the war on terror and placed the lives of a covert CIA operative and her contacts in danger; all of what so far appears to be a reprehensible act of political retribution.

What we know at this point is that, on July 14th, 2003, the covert identity of a CIA agent was revealed to the American public by conservative commentator Robert Novak.

As a direct result, an entire intelligence network was destroyed, and our ability to thwart another terrorist attack was recklessly compromised.

We know that a State Department memo containing Valerie Plame's identity was marked as classified and circulated on June 10th, 2003, under the direction of Undersecretary of State for Political Affairs Marc Grossman.

We know that Secretary of State Colin Powell requested a copy of the memo the day after Ambassador Joe Wilson's op-ed discrediting the administration's case for the war in Iraq

appeared in the New York Times.

We know that on July 7th, 2003, Secretary Powell took that memo on the Air Force One, where other senior administration officials may have had access to it.

We also understand that Press Secretary Ari Fleischer may have had access to the same document.

That very day, Karl Rove, the president's deputy chief of staff and senior political adviser, discussed the identity of Ambassador Wilson's wife with Time reporter Matthew Cooper.

SLAUGHTER: We also know that the vice president's chief of staff Scooter Libby discussed Valerie Plame's identity with reporters.

Despite the information we have about the leak of Valerie Plame's identity, many questions remain.

Aside from Karl Rove, Scooter Libby, Colin Powell and Ari Fleischer, who else in the White House had access to the classified memo?

Given that so many of the president's men had access to the memo, it is incumbent upon Congress, the special prosecutor and the American people to ask the following difficult question: What did President Bush know about the Valerie Plame leak and when did he know it?

Is it possible that he and Vice President Cheney, along with most of Bush's inner circle, could have known about this plot to exact retribution on Ambassador Wilson at the expense of national security?

Is it possible that President Bush or Vice President Cheney could have been involved themselves?

These are tough, serious questions that must be addressed.

And while we will not get to the bottom of these questions here today, it is my hope that we will gain a more fundamental understanding of just how serious that breach of national security was.

A senior White House official disclosed the identity of a covert CIA agent, a statement of fact that is not disputed.

It concerns the direct and gross abuse of power inside the walls of the White House at the highest levels. The United States Congress has a constitutional responsibility to conduct a full, bipartisan investigation into this matter immediately.

Like former Republican National Committee Chairman Ed Gillespie, I believe the real world implications of this abuse are far more serious than Watergate, and warrant the same level of scrutiny and investigation.

This is not just dirty politics; it is a compromise of national security at a time of war.

Before I close, I would like to address one other point which I believe is particularly important.

When it was confirmed that Valerie Plame's identity was disclosed to reporters from inside the White House, the president made a promise directly to the American people. That promise was that he would fire anyone in his administration involved in the leak.

But last week, as his deputy chief of staff emerged as the primary culprit, the president broke that promise. In one defining moment, the president of the United States took the official stance that anything which isn't technically illegal is legitimate.

In doing so, he unequivocally redefined the standard for service at the highest levels of this government.

Apparently the action of all the president's men have only to meet the abysmally low ethical threshold of not being a convictable crime in a court of law in order to be acceptable to our president.

This is something that should deeply concern all Americans.

Such a precedent inescapably opens the door to countless unchecked abuses of power in the very heart of our democracy.

Unfortunately, these misguided priorities have come to define this White House. And as a result, we have not only damaged national security, but diminished the office of the presidency.

Yet despite the gravity of these incidents, we have failed to receive the answers demanded from the White House, and the pursuit for accountability and justice have fallen by the wayside.

We cannot let that happen this time.

America demands more than "no comment." We owe it to Valerie Wilson and to all of America's courageous intelligence agents to bring those who leaked her identity to justice.

Thank you. And I look forward to learning much from our expert witnesses this morning.

WAXMAN (?): Thank you very much, Ms. Slaughter.

Last week, Congressmen Rush Holt and Jay Inslee introduced a motion for notice of inquiry in the House of Representatives.

Mr. Holt is going to join us later, but Mr. Inslee is here and I want to recognize him for comments.

INSLEE: Thank you.

Briefly, nobody died in Watergate. And over 1,750 of our sons and daughters are dead in the sands of Iraq. And I have come here to show my respect for our intelligence covert agents and Foreign Service officers who risk their lives to get the truth to the American people.

And Ambassador Wilson got the truth for the American people, and I think you can warrant without knowing too much about his wife's career, she did as well.

Valerie Wilson deserved better from the president of the United States than she received, and so did Ambassador Joe Wilson.

And just one quick comment.

Ambassador Joe Wilson is the guy recommended and commended by the first President Bush as the last American officer in Baghdad in the first Persian Gulf War. When Saddam Hussein threatened to kill any American officer who took Americans out of Iraq because he wanted to keep them hostage, Saddam Hussein heard from Joe Wilson, who said, "You can come get me first and put a noose around my neck, because I'm taking my people home." And he took everybody home safely from Baghdad before the beginning of the Persian Gulf War and he was commended for that by the first President Bush.

The second President Bush was not so honorable in the treatment of Ambassador Joe Wilson in his administration as the first President Bush.

They took on the wrong fellow when they tried to intimidate Joe Wilson. He stood up to Saddam Hussein, and he's standing up to the White House now.

Now, let me just suggest briefly, I want to just make a couple comments about what is happened and what this administration should do after this sordid affair took place.

What does any administration owe to America and to its Foreign Service intelligence officers when there is an outing that takes place, whether it's intentional or negligence or careless or just a slip of the tongue? In any circumstances, what does any American president and their administration owe?

I think they owe them three things.

First, no excuses. And that's what we've got, is excuses. This excuse that Karl Rove didn't use the name of Valerie Wilson, he just said it was Joe Wilson's wife; unless Joe Wilson was a polygamist, we knew exactly who he was talking about. That excuse, that dog does not hunt. No excuses.

Second, we need a little candor and truth, just simple candor.

INSLEE: Just tell us the truth, Mr. President.

For two years, what has this president told America: that nobody in the White House was involved in any way, shape or form for this.

Did we get the candor for the president after this sordid affair? No. Through his spokesperson, Mr. Mehlman, we got falsehood.

And the third thing that any American president owes America and our Foreign Service officers, covert or otherwise, is an aggressive, assertive command of any executive in an executive branch of the government to find who is responsible for them and punish them appropriately. And this president has sat on his hands and did nothing except hide behind the existence of saying, "I'll just let the law take its course," while the person sat three feet away from him, while his spokesperson was telling falsehoods to America.

America deserves better than that treatment, and we're calling for the president to start that investigation today.

And one, quick -- this is a legal point -- if the president -- there may not be indictments in this case; we don't know yet. But if this president takes the position that Karl Rove was right and that he should stay on the job, then we need to change this law.

If the president says that it's hunky dory for what Karl Rove and his staff did, or whoever is responsible for this, we need to change this law and that's why Congress needs to be involved.

Thank you, Mr. Chairman.

DORGAN: Well, thank you very much, Congressman Waxman, and members of the House, as well.

We're joined today by witnesses, four of whom are present. I believe we have one additional who will join us.

They are all witnesses with backgrounds in intelligence. And let me begin -- I have them in this order, I guess.

Larry Johnson, former CIA analyst, CEO and co-founder of BERG Associates, an international business consulting firm that helps multinational corporations and financial institutions identify strategic opportunities to manage risks and counter threats.

Mr. Johnson has worked previously with the CIA and the U.S. State Department's Office of Counterterrorism. He is a recognized expert in the fields of terrorism, aviation security, crisis and risk management.

From 1989 until October 1993, he served as deputy director in the U.S. State Department's Office of Counterterrorism. In 1985 to September 1989, he worked for the CIA. And in his final year with the CIA, received two exceptional performance awards.

He's taught at American University's School of International Service while working on a Ph.D. in political science.

Mr. Johnson, we thank you very much for your willingness to come before this group and to speak publicly on this subject. And thank you for your service to our country.

Mr. Johnson, you may proceed.

JOHNSON: I'm going to just make a brief introduction and then we'll start with Colonel Patrick Lang.

It's important to understand, there's another intelligence officer, Robert Baer, who served overseas in several covert positions, as well, who's added his name subsequent to delivering a letter to Congress to this group.

The people represented in this group -- if you went down and you polled us in terms of our politics and our political affiliations, you would find Republicans, you would find Democrats, you'll find independents; you'll find people who voted for President Bush and you'll find people who voted for John Kerry.

The one thing that we all agree on, that crosses party lines, that has no basis in partisan politics, is that intelligence officers deserve protection.

Colonel Lang, who's sitting to my right -- I put some pressure on him to get him here and he finally relented. Besides being a dear friend, he's also a mentor.

Here's a man who made his bones in Vietnam with the special operations group, and then through his career rose to the very top ranks of running all Department of Defense human intelligence services. So he's seen it soup to nuts. He knows this inside and out.

And it is important that -- I wanted his voice to start this hearing off to be able to bring the right perspective of why this is so important.

Then when he finishes, I'll speak.

To my left, Jim Marcinkowski -- I don't know if this will ruin him for Congressman Conyers, but he started off in Michigan as president of the Young Republicans...

(LAUGHTER) ... Michigan's president.

The point of this is we've got to get beyond this partisan madness and recognize, as you have noted today correctly, that harm is done.

And with that, I want to turn it over to Colonel Patrick Lang.

DORGAN: Mr. Johnson?

JOHNSON: Yes, sir.

DORGAN: First of all, thank you very much. I've already identified you, and so will not do that prior to your presentation. But because you have identified Colonel Lang as beginning, let me describe with just a bit more detail what I have about Colonel Lang because he has a very distinguished record in serving this country.

Retired senior officer of the U.S. military intelligence and U.S. Army Special Service Forces. He served in the Department of Defense both as a serving officer and a member of the Defense Senior Executive Service; highly decorated veteran of several of America's overseas conflicts, including the war in Vietnam; trained and educated as a Middle East specialist by the U.S. Army and served in that region for many years; the first professor of the Arabic language at the United States Military Academy at West Point.

DORGAN: And in the Defense Intelligence Agency, he was the defense intelligence officer for the Middle East, South Asia on terrorism and later the first director of the Defense HUMINT Service. For his service in the DIA he was awarded the presidential rank of Distinguished Executive.

He's an analyst/consultant for many television-radio broadcasts, among them "Jim Lehrer NewsHour."

I wanted to say that all publicly because, Mr. Lang, you have a very distinguished record of serving the United States of America and for that we are all very deeply appreciative.

Mr. Lang, you may proceed.

LANG: Thank you, Senator.

Mr. Chairman, distinguished members of the House of Representatives, it's a great

pleasure to be here. And I thank you for letting me speak here today.

I feel particularly strongly about this case, not so much on a personal level so much as I feel that what has happened with regard to this disclosure and follow-up is a kind of structural assault on the ability of the United States to have sound and well-respected and effective clandestine intelligence services.

As I'm sure you know, the present war that we are engaged on, which will go on for a long time, I think, because it is, in fact, a war against a kind of tendency, a set of ideas, that moves around, that kind of war involves enemies that go into subway stations carrying 10-pound packs of homemade explosives.

These fellows, they don't have much of a technical signature for their intelligence detection. They have no overhead photography signature: a pickup truck, something like that. They don't really have a signals intelligence signature much because they're very clever and they've gotten to be better and better at not doing the kinds of things that make them vulnerable.

So in the end, what you have to have is you have to have human beings who will go and find out for you what it is they're going to do next.

And we haven't done that very well, evidently, up until now. It doesn't seem that way to me, anyway, from the outside. But it is a peculiarity of this kind of war that that is exactly the kind of intelligence that you have to have.

And what has happened here, I think is, as I say, an assault on the ability of the United States to do that.

Why would that be? It's because HUMINT is about human beings. It's about one person, an American person, a case officer in the parlance of the trade, causing some foreign person to trust him enough and to trust his unit and to trust the United States enough to put his life, his fortune and, indeed, his sacred honor in many cases into the hands of this case officer and the American intelligence unit that stands behind this case officer.

It's all about trust; it's completely about trust. It's about -- I happen to have done a good deal of this kind of work in my life. And the moment in which some person, whether he's an ambassador or a Montagnard in the hills of Vietnam with filed teeth, decides that he's going to trust you enough so that he's going to believe that you will protect him in every way in doing what he is doing, which is extremely dangerous to him and his family and to everyone else, is a magic moment, indeed. It's almost sacramental in a lot of ways, really.

And it imposes on the case officer and the unit behind him in the United States the kind of obligations that are as serious in some ways as the seal of the confessional, really. I mean, I'm a Catholic; I understand exactly what that means.

And the obligation to protect this person is absolute, in fact. And it's not only absolute from the point of view of morality; it's absolute from the point of view of practicality as well, because if within a practicing clandestine intelligence unit the case officers believe that their superiors will not protect the identity of their sources or their own identity, in fact, in doing things which are dangerous and difficult, then a, kind of, circle of doubt begins to spread, like throwing a rock into the water.

And it spreads in such a way so that if an intelligence service that belongs to a particular country comes to be thought generally in the world as an organization that does not protect its own, does not protect its foreign assets, then the obvious is true in that people are not going to accept recruitment, are not going to work for you. And the smarter they are, the better placed they are, the better educated they are, the less likely they are to accept recruitment and to work for you if they believe that you are not going to fight in the last ditch to protect their identities.

And so, this is all completely about trust.

In a strange kind of way, the kind of people who are valuable to recruiters, foreign assets, are a kind of community. They're a community of the well-informed and the alert, and the people who have a great deal of situational awareness.

They're often in government. They're in banking or they're in this or that. And these people pay attention to what's going on. And they know whether or not the clandestine services of a particular country can be trusted with their lives. They know that.

And in an odd way, our former Soviet opponents in the GRU and the KGB, they're a good example of the fact that you have to do this the right way, because it was an absolutely never violated thing in the KGB that they ever gave up an agent permanently. They would struggle -- if someone was captured, imprisoned, tried, like Colonel Abel or somebody like that, they would work forever to try to get this person exchanged and get him back, because they knew that if the word got out, in fact, that they wouldn't do that, their sources of recruitment, the trust that people would have in them, would dry up and would go away.

So when you have an instance like this, in fact, in which not just the intelligence community, but the elected government of the sponsoring government, of the major country in the world, deliberately, and apparently for trivial and passing political reasons, decides to disclose the identity of a covered officer, the word goes around the world like a shock, in fact, that, in fact, "The Americans can't be trusted -- the Americans can't be trusted. If you decide to cooperate clandestinely with the Americans, someone back there will give you up -- someone will give you up, and then everything will be over for you." So you don't do it.

And so the very kinds of people you need to get into the heart of this galaxy of jihadi groups and people like this will make a judgment that they are not going to trust you in this way. And once that happens, then the possibility of penetrating these groups, the

possibility of knowing that they're going to carry 10-pound bags of explosive in the subway stations, will go right down the drain.

It will be done forever. It would take forever to get that back, because this is all about trust and this is a violation of trust.

LANG: Thank you.

JOHNSON: (OFF-MIKE) I also meant to mention that Dave McMichael joined us here this morning as well, with years of experience as a national intelligence officer.

And we decided that it was important that we hang together rather than hang separately on this.

I wouldn't be here this morning if President Bush had done the one thing that is required of him as the commander in chief of the United States armed forces and, by extension, the intelligence services, and if he'd upheld that portion of his oath to protect and defend the Constitution; when, in the minute that Valerie Plame's identity was outed, that he delivered a very strict and stern warning to those in his employ, and to the members of the Republican Party and the Republican National Committee in particular, to lay off and stop the attacks.

But instead what we've seen, particularly over the last two or three weeks, is one of the most malicious, disingenuous smear campaigns, not only of Ambassador Wilson, who can publicly defend himself, but of Valerie Plame his wife, who is still an officer at the Central Intelligence Agency and is unable to speak out publicly, is unable to defend herself and to correct the record.

When I see a group of mostly men ganging up on one woman, that, to me, is a group of bullies. And I was raised that when I see some bullies, I get involved.

I entered on duty in September of 1985 with Valerie. We were classmates in the career trainee program. There was only about 50 of us.

And, at that time -- from the day we walked in the door -- we were all under cover. And to the extent that when Valerie's name was first released in July of 2003, I didn't realize it was her because I didn't really know her as Valerie Plame. I knew her as Valerie P.

Catch this: Even though every single one of us in that career trainee program had top secret clearances, even internally we were told to limit our identification of each other by last name in order to protect our identities. That's how serious it was.

It wasn't just "protect it from the outsiders," it was "work together to help protect each other." And then, as Colonel Lang correctly noted, when you breach that trust -- and what we had here was, for the first time in the history of the United States by any administration, a political operative went after an active intelligence officer and leaked

their name for petty, trivial, political reasons and, at the end of the day, have caused terrific damage to the United States.

Val started -- and let me say, she has not asked me to come defend her, nor has Ambassador Wilson. I'm speaking up on my own, because I know her, because I value what she's done for this country.

She started off initially with official cover, but moved to nonofficial cover.

Now, regardless of whether you're under official or nonofficial cover; you are under cover, that's a protected identity. When I left the Central Intelligence Agency on September 30th of 1989, the day I walked out the door my cover was lifted.

JOHNSON: Up to that point, I had been sitting at a desk but I was undercover and release of my name would have been a violation, at least, under the law although I had not served overseas.

But in Valerie's case, she went to the non-official cover which simply means you don't have the protection of the U.S. government. You may operate under a U.S. passport, you may operate under some other passport. But if you're caught engaged with espionage overseas, you could be executed. You have no protection under the Geneva Convention.

And it's this lie, first and foremost, I want to put to bed. Because you've had the Republican National Committee sending out members of Congress like Congressman Peter King and Roy Blunt who are perpetuating a lie. And I think it is inappropriate for members of the Senate and the House to go on national television -- and I've seen individuals even such as Senator Hatch insist that this is of no consequence, and that's relevant because Senator Hatch is the one who wrote my recommendation letter getting me in the CIA.

I will not stand for any American official to launch these unwarranted, unfair attacks and mislead the American people on issues so basic.

There have been efforts to say, well -- the Washington Times quoted a former supervisor, Fred Rustman, saying, "Oh, her cover was light." This is not true.

Fred Rustman left the agency in 1990 and he was not aware of anything that happened subsequent to that because he was not in social contact with Valerie or Joe Wilson. And he was not in a position to know. And that's how been with the agency and throughout the intelligence community; it's called the need to know.

We're told that Valerie was just a desk jockey; didn't do anything important. If you just sit at a desk you're not an intelligence officer.

It is that expression by people who are on intelligence committees to display such gross ignorance at times makes me wonder if they have been asleep at the meetings to not

understand how this system works and the requirements and obligations for protecting people.

The last lie I want to put to bed -- and unfortunately the Senate Intelligence Committee report on this helped feed the flame -- and that is that Valerie sent her husband on the mission to Niger.

Now, apart from the fact that in February of 2002, when Valerie allegedly sent Joe Wilson on this mission, at that time the administration did not have a clear, publicly defined position stipulating that, in fact, Iraq was selling uranium or trying to acquire uranium from Niger.

So it mystifies me how a low-level case officer could on her own discern what the administration's policy subsequently would be so she could put in place this dastardly scheme to send her husband to Niger to find out that that was false so that then she could embarrass the administration a year and a half later.

That is laughable.

But the reality is Valerie was not a manager. When the referral came, when Vice President Cheney's office -- when Vice President Cheney himself asked the CIA briefer, "What about the Defense Intelligence Agency report that Iraq is trying to acquire uranium from Niger?"

The briefer said, "We'll check it out." Went back. In the process, works at headquarters in this way. The briefer comes back, meets with the office directors who are the very senior managers at CIA.

The office directors in turn talked within their offices. They'll have several divisions. That office director from the Counterproliferation Center talks to the division director for the Counterproliferation Division who in turn later sends an e-mail, the deputy of that office, to Valerie saying, "Could your husband do this? Is he available?"

She wrote the memo back. Unfortunately, what the Senate Intelligence Committee only reports is the memo that she sent back. Nobody had the decency and honesty to ask the natural question: Who asked her to write the memo? Because she didn't just generate it on her own.

Beyond that, the way the Senate Intelligence Committee is so disingenuously and, in my opinion, dishonestly written, to leave you the impression, "Well, nobody really knows what happened and Valerie clearly was there to do this," except she's not a manager. She has no authorization to approve travel for anyone. She can't expend taxpayer dollars on her own. It requires the signature of a boss. And that is the central issue here: that she was someone who was down on the food chain, but now, for political reasons, has been put right in the crosshairs.

Let me make one final comment.

JOHNSON: It was, I guess back in 2000, I voted for George Bush because, at that point, I wanted a president who knew what the meaning of "is" was.

I was sick and tired of word games, parsing words, and the kind of refusal to admit the obvious. And I was tired of political operatives who were showing up on cable news channels parsing words.

And I voted for President Bush with the understanding that he was going to come to Washington and bring a new set of ethical standards.

So where are we?

The president, within the last week, has flip-flopped and backed away from his promise to fire anyone at the White House implicated in the leak. He never stipulated at the outset that there had to be some sort of judicial or criminal process to its completion.

Rather, he sent the appropriate message that: If there's anyone in my staff doing this, they're going to be gone.

We now know from press reports that at least Karl Rove and Scooter Libby were involved. And instead of the president being, first and foremost, concerned, in my judgment, with protecting this country and the intelligence officers who serve it, we're confronted with a president who's willing to sit by -- to this day -- while various political operatives go around and savage the good reputations of people like Valerie and Joe Wilson.

This is wrong. This should stop. And it could stop in a heartbeat if the president would simply put a stop to it -- he hasn't. That speaks volumes.

Without firm action to return to those principles that he promised to follow when he came to Washington, I fear that the political debate in this country will degenerate into an argument about what the meaning of "leak" is.

But, as Pat correctly noted, the implications of this, the breach of trust with these people whose secrecy we've promised to protect, is far more serious and has far graver implications for the United States.

We deserve people who work in the White House who are committed to protecting classified information, who will tell the truth to the American people and who will live by the example of the idea that, when we're a country at war with Islamic extremists, we cannot expend our efforts and energies attacking other American citizens like Joe and Valerie, who simply told the truth.

DORGAN: Thank you very much, Mr. Johnson and Mr. Lang.

I want to call on, next, Mr. Marcinkowski. He's been the deputy city attorney in supervision of criminal prosecution at the Royal Oak City Attorney's Office since 1996. He was the assistant deputy city attorney also for the city of Royal Oak. He maintained a private practice specializing in criminal defense, and as a general counsel to the Financial Mortgage Institution '93 to '97.

Mr. Marcinkowski has also worked in the computer system division of the FBI from '74 to '75; as an operations specialist for the U.S. Navy from '75 to '80; as a prosecutor intern in the St. Clair County Prosecutor's Office, '84 to '85; operations officer for the CIA '85 to '89; executive staff attorney in the Oakland County Prosecutor's Office in Michigan '89 to '93.

He has, obviously, a very extensive background about national security and prosecutorial matters, and we're pleased to have you with us, Mr. Marcinkowski.

MARCINKOWSKI: Good morning, and thank you, members of the Senate and House, for giving me the opportunity to be here.

A special good morning to Representative Conyers -- a near congressman from where I'm at, a neighboring congressional district.

I would like to follow up on two things that Pat Lang and Larry Johnson just indicated.

MARCINKOWSKI: When you look at this issue and really boil it down, you're looking at two different things -- you're looking at trust and the way the media has handled that.

The first real issue is, can you ever recover from the loss of trust? And I'm talking about around the world. Are we going to be able to recover that? And that's really -- that strikes to the heart, in my mind, of this issue.

The second issue, the media, and the coverage this story has gotten recently -- now, I'm from the Midwest. I'm from Michigan. Believe it or not, we cannot follow this story in the great detail that's out there in the national media.

It just can't be done. People are raising families, they're going about their business, they're trying to make a living.

But there are things that are simply undisputed.

First undisputed fact that everyone understands is that we have irreparably damaged our capability to collect human intelligence. And by doing so, we've significantly diminished our capability to protect the American people.

Understandable to all Americans, is a simple, incontrovertible but damning truth: The

United States government exposed the identity of a clandestine officer working for the CIA (inaudible) partisan politics.

But equally disastrous from that first breach of trust is that we have continued on a course of self-inflicted wounds by government officials who have refused to take responsibility. They've played hide-and-seek with the truth and engaged in semantic power games for more than two years, all at the expense and the safety of the American people.

And from my position, I don't believe any government official has that right.

And it's important that the American people understand that trust, and as Pat Lang has indicated, cover is part of that trust.

No country, no hostile group, no drug rings -- everybody understands this -- likes to be infiltrated or spied upon. That's what the CIA does. Similar to any police department, they have undercover officers, they have spies. To operate undercover, that means you use a ruse to cloak your identity and your intentions.

Now, the degree of cover needed to carry out any operation varies depending on the target of the investigation. This isn't complicated.

An officer performing a street buy, for example, drug buy on the street, uses a very light cover; meaning he or she could pose as something as simple as a drug user, operate only at night, and during the day, believe it or not have a desk job in the police station. The American people understand that.

And when you see the criticisms of Valerie Plame as a paper pusher, as a desk jockey -- whatever they want to slander -- whatever slander they want to put on her for what she has done, it's irrelevant.

Now, while some people have light cover, other people may have a different degree of cover.

When the FBI attempts to infiltrate an organized crime network or a drug ring, obviously, the FBI agent is not going to go and be seen at the local police department, the local FBI headquarters, and he's not going to be seen having drinks with his colleagues after work.

In any scenario, your cover, no matter what the degree -- that's the thing that provides personal protection and safety. But it doesn't end there.

MARCINKOWSKI: Cover is also used to protect collection methodologies, as well as innocent persons a CIA officer may have regular contact with, such as overseas acquaintances, friends and even other government officials.

Now, the cover of a case officer and their asset and agent are mutually dependent upon one other. A case officer has to maintain his cover because if it's not maintained,

obviously, he's going to expose the people that he's working for.

And just like any drug ring, just like any syndicate, you cannot expect an officer to go in there and identify who he is. Otherwise, why would we have spies if they'd give this information up?

They go undercover. It's important for them to maintain their cover so people will talk to them, because otherwise they would be exposed as spying in their own country in many cases.

If the informant is exposed, the CIA officer is going to be exposed. And conversely, if the CIA officer is exposed, all the agents and all the other people they happen to come in contact with are going to be exposed as well.

Now, what are the effects when you do the exposure when someone is exposed who has that clandestine operation, or clandestine duty?

The exposure of Valerie Plame by anyone in the White House is the same as a local police chief announcing to the media the identity of his undercover officers. It's that simple; everybody gets that.

In both cases, the ability of the officer to operate is destroyed.

But there is also an added dimension. An informant in a major sophisticated crime network or a CIA asset working in a foreign government is exposed they have a rather good chance of losing more than just their ability to operate.

Any undercover officer, whether in the police department, the CIA, will tell you the major concern of their informant or their agent is their personal protection and that of their family. Cover is safety.

If you cannot guarantee it in some form or other, the other person is not going to work for you; it's as simple as that. And you will lose that source of information. So the real issue before the Congress and the country today is not the partisan politics, not even the loss of secrets. The secrets of Valerie Plame's cover are long gone. What has suffered irreversible damage is the credibility of our case officers when they try to convince an overseas contact that their safety is of primary importance to us.

If you cannot guarantee that safety, you will not have that person working for you, because if they are exposed, they will in many cases die.

How are case officers supposed to build and maintain that confidence when their own government cannot even guarantee the personal protection and security of the home team? That's what this is about.

The loss of secrecy in the world of espionage occur from time to time, and they may be

damaging. The stealing of credibility of the CIA officers, however, is simply unforgivable.

Now, as a lawyer, I've been on both ends of the spectrum. I've been in the CIA and I've prosecuted crimes for many, many years. It is not my intention to downplay the significance of the work of the special prosecutor. We live in a country of law governed by law. We all understand the importance of their work.

However, as a former case officer, I have a minimal understanding of the impact of political capitulation to lengthy criminal processes and the resulting wait-and-see attitude.

While we in this country may accept this process, overseas, quite simply, it doesn't play.

CIA officers recruit foreign agents to spy on their own country. I am not aware of any country in the world where spying is not a criminal act.

The fact is CIA officers recruit agents to break the law.

MARCINKOWSKI: That's the nature of the business.

How is a case officer to alleviate the safety concerns of their agents by referencing legal processes when, in fact, they need to minimize the importance of law in order to have these same agents provide useful information?

While blind deferences to legal niceties may be accepted within the context of the American politics, in an overseas setting it doesn't work. When it comes to personal security and safety, a potential foreign national recruit should not be expected to understand, much less accept, legalistic notions of criminal intent, reckless disregard, negligence or just plain ignorance.

I've been a lawyer for more than 20 years now, and every once in a while I get confused between criminal intent and ignorance and that.

So you can't explain these concepts to foreign nationals.

And even if they were understood, what is going to be the result? They follow the history of this country. They do. A presidential pardon? Such notions are not without precedent.

The only concern that matters is, to that agent, is, "Can you protect me if I do this for you?" The legal niceties don't count. They're not going to rely on them.

So we're left with one fundamental truth: The U.S. government exposed the identity of a covert operative. I'm not going convinced that the toothpaste, at this point, can be put back into the tube. Great damage has been done, and that damage has been increasing every single day for more than two years.

The problem with a refusal to accept responsibility by senior government officials is ongoing, causes greater damage to our national security as well as our ability to collect human intelligence. But the problem of inaction by the government lies not only with government officials, but also with the media, the commentators and other apologists who have no clue as to the workings of the intelligence community.

Think about what we are doing from the perspective of our overseas human intelligence assets or potential agents. I believed Bob Novak when he credited senior administration officials for the initial leak and then maybe the initial leak or simply the confirmation of that information, as I believe a CIA officer in some faraway country is going to lose an opportunity to recruit an asset that may be of invaluable service to our covert war on terror because the promises of protection will no longer carry the level of trust they once had.

Each time the leader of a political party opens his mouth in public to deflect responsibility, the word overseas is loud and clear: Politics in this country does, in fact, trump national security.

Each time a distinguished ambassador is ruthlessly attacked for the information he provides, a foreign asset will contemplate why he should risk his life when his information will not be taken seriously.

Each time there is perceived a political success in deflecting responsibility by debating or redebating some minutiae involved in this case, such actions are equally effective in undermining the ability of this country to protect itself against its enemies, because the two are, indeed, related.

Each time the political machine made up of prime-time patriots and partisan ninnyes display their ignorance by deriding Valerie Plame as a mere paper pusher or belittling the varying degrees of cover used to protect our officers or continuing to play partisan politics with our national security, it's a disservice to this country.

By ridiculing, for example, the degree of cover or the use of post office boxes, you lessen the confidence that foreign nationals place in our covert capabilities, especially when they're involved in a community of intelligence collection, they know how these things work. They know how they're used.

MARCINKOWSKI: So you may fool the American public by distracting minutia but you're not doing it for people overseas. They know better.

Those who would advocate the "I'm OK, you're OK" politics of non-responsibility should think about the impact of those actions on our foreign agents.

Non-responsibility means, "We don't care." Not caring means a loss of security, a loss of security means a loss of an agent, a loss of an agent means the loss of information, the

loss of information means an increase in the risk to people of the United States.

There's a very simple message here: Before you shine up your American flag lapel pin and fix your patriotism to your sleeve, think about what impact your actions are going to have on the security to the American people; think about whether your partisan obfuscation is creating confidence in the United States in general, in the CIA in particular. If not, a true patriot would just simply shut up.

Those who take pride in their political ability to divert the issue from the fundamental truth ought to be prepared to take their share of responsibility for the continuing damage done to our national security.

When this unprecedented act first occurred, the president could have immediately demanded the resignation of all persons even tangentially involved. Or at a minimum, he could have suspended the security clearances of those persons and placed them on administrative leave.

Such methods are routine across the country in every police department, and every American citizen understands that.

That would have, at least, sent the right message around the globe that we take the security of those risking their lives on behalf of the United States seriously.

Instead, we have flooded the foreign airwaves with two years of inaction, political rhetoric, ignorance and partisan bickering. That's the wrong message.

In doing so we have not lessened but increased the threat to the security and safety of the people of the United States. And we have done that since the time of this first breach of trust.

I thank you.

DORGAN: Mr. Marcinkowski, thank you very much.

Congressman Waxman and I are co-chairing this hearing. And I'm going to be over on the floor of the Senate introducing an amendment at 11:30. So what I'm going to do is ask a couple of questions and then -- let me mention that David McMichael is with us. He, as I understand, is not presenting formal testimony.

If you would choose to make some comments, we'd be very happy to hear you.

MCMICHAEL: I would like to make a comment, Senator.

DORGAN: Let me just describe who you are.

DORGAN: You're someone who has decades of experience in both the Defense

Department and also in intelligence matters, having been a former Marine Corps officer and also having worked previously for the CIA.

And, Mr. McMichael, we very much appreciate your being with us. Why don't you proceed?

MCMICHAEL: My colleagues here have presented a very strong case here on what is required, and have emphasized -- and, as you congressional members have done, too -- trust as essential and truth as essential.

And as my resume did not include here, I have, since leaving the CIA 22 years ago, been best known as a critic of many aspects of United States intelligence operations, especially in the area of covert operations.

And I want to point out to you that -- because we're talking about truth here -- in the 1991 Defense Appropriation Act, in the intelligence section, it finally incorporated a definition of covert operations.

And those are -- and I paraphrase -- actions undertaken by the United States government of a political, economic or military nature conducted in foreign countries, carried out in such a way that the role of the United States is not known or, if revealed, plausibly can be denied.

So we're talking plausible denial. So what we understand here is there is an element of untruth built into many intelligence operations, and it's the necessity to protect this which goes into plausible deniability.

And the person most essential to be protected, as those of you who follow the debates over many years know, is the president, the administration of the United States. So there's a built-in bias here on this.

What I would like to emphasize, both in supporting my colleagues entirely in the need and necessity for protecting the individuals who work in this system and devote their careers and lives to it and are paid to do it.

I would also emphasize that the responsibility of the Congress here -- and I'm not being critical, I don't think, beyond what you've heard many times before -- is to work to present the truth and not to allow this system to be used not merely to smear an individual some place, but to conceal the truth from the American people.

And at bottom, I think what we are dealing with today, as Larry Johnson has pointed out, in the whole buildup to the current war in which we are, there has been, let us say, less than complete regard for the truth, for delivering that truth to the American people by the administration. And at bottom, I think that is what we are all concerned with.

I think I'll stop here.

DORGAN: Mr. McMichael, thank you very much.

We all get dressed up and wear white shirts and suits and appropriate funds and create, in this government, something called an intelligence community. And then people in service of their country, working in that intelligence community, perhaps while we sleep, are in various corners of the world often risking their lives -- some have given their lives -- in order to find information that is necessary for us to have to protect our country.

DORGAN: That is especially important these days in this new age of terrorism. And we are, I think, now more than ever, with this debate, understanding the important of that.

And, Mr. Johnson, I'm going to just ask a couple of questions before I have to go to the floor of the Senate for a moment.

Mr. Johnson, you've talked, in your written testimony, about a black passport, which is a diplomatic passport, which means that you say people with official cover, CIA agents with official cover, enjoy benefits of a black passport, which you say is a, kind of -- if you're caught overseas engaged in espionage activity, the black passport was a "get out of jail free" card. It accords the bearer the protections of the Geneva Convention.

And then you said that, although Valerie Plame started off with official cover, she later joined a select group of intelligence officers when she became a non-official cover officer. That meant she agreed to operate overseas without the protection of a diplomatic passport; and meant if traveling overseas, she would not have the protection of a black passport -- could be tried for treason or executed or imprisoned. So she was someone who had risk in her job.

Let me just stop there. Can you describe -- because you've also quoted others who say, "Look, Valerie Plame was just a person who worked at a desk"; have tried to minimize all this. Your description, however, tells us that this is an intelligence officer whose status as an intelligence officer brought great risk to her and potentially her family.

Can you further amplify on that?

JOHNSON: Sure.

And let me emphasize that nothing that I'm talking about as far as the nature of her sensitive cover is based upon things that she's told me. She's been very careful not to divulge any of that.

But it's by virtue of my experience prior in the intelligence community and understanding how these things worked, when she is going out and presenting herself as a consultant for Brewster-Jennings, and that very company was uncovered because of Robert Novak's

article.

If that article hadn't been sent out, if he hadn't printed that -- that started the rush among journalists to find out, "Who is this Valerie Plame?" And then they find out she was making campaign contributions using her cover name, which is appropriate; that's how it's done.

And the reason I can tell by virtue of how that company was set up, she was traveling overseas as a consultant in order to meet with individuals who would have access, could be either agents of access, could be possible recruits to become spies for the United States in the area of about chemical, biological and nuclear weapons

DORGAN: And by the identification of Valerie Plame, would then allow people to track back to the cover she was using, the employer -- I assume that this probably would have disclosed other operations, other agents who used the same cover, which would have had a ripple effect across the world, is that correct?

I also assume -- someone suggested that virtually every intelligence officer in this town and every embassy in this town would have very quickly gone right to their records to find out who dealt with this company, who are the agents, who are the foreign contacts, and it would have had an impact substantially beyond that which we're now discussing.

JOHNSON: Absolutely. It's like throwing the bread crumbs backwards so that you can follow them to the original source.

And in this case, I guess what's so potentially devastating about this -- and, again, I'm giving you analytical conclusion and call it analytical speculation.

This much I know for certain: After every incident like this, there is a damage assessment done within the Central Intelligence Agency. I think that the gap between the date of the exposure, July 14th, and the date that the formal request was presented to the Department of Justice as a referral was the time frame in which the initial damage assessment was conducted, and that report was available.

Normally, those are filed with the House Intelligence and Senate Intelligence Committees. I will guarantee you that if that damage assessment said that there was no damage, that would have been leaked and we would have known that there was nothing here to follow.

The fact that that has not been leaked and the fact that the CIA made such a referral tells me that this wasn't just about outing Valerie Plame, this was about damaging intelligence assets and intelligence assets who almost certainly were involved in providing the United States information about chemical, biological...

DORGAN: Can I ask you to hold just for a moment?

Officer, did you have something...

(UNKNOWN): (OFF-MIKE)

DORGAN: We'd had a report that the Hart Building was being evacuated, and then we had heard that was a false alarm. And the officer just came in...

(UNKNOWN): (OFF-MIKE) pulled the alarm...

DORGAN: All right. So we're fine.

(UNKNOWN): (OFF-MIKE)

DORGAN: All right. Thank you very much. You can close the door.

Proceed, Mr. Johnson.

JOHNSON: This problem almost certainly damaged intelligence assets that were connected with providing the United States information about rogue states and terrorist organizations trying to acquire chemical, biological and nuclear material.

And that goes to the very heart of some of the threats that we face today.

DORGAN: And just one more point. You're saying -- and Mr. Lang and others, would you agree? -- that somewhere there is a damage assessment report. I'm not suggesting that ever should be made public because that is something that should remain secret, I would expect. But you're suggesting that that likely, almost certainly, would have been made?

JOHNSON: Yes.

DORGAN: Congressman Waxman, why don't you proceed? Thank you very much for co-chairing this hearing.

WAXMAN: Thank you, Senator Dorgan.

Let me thank each of you for your testimony and for your service to our country. We have political operatives in politics who write that kind of statement all the time, and we hear it from the president frequently, thanks men and women who have served the country for what they're doing.

And it rings rather hollow when we look at the jeopardy of national security by the failure to take responsibility.

Truth, trust and responsibility are essential for people who are putting their lives on the line. They're also essential for a democratic country.

If you look at what's happened here, the president brought us into war on the basis that Iraq had weapons of mass destruction and particularly nuclear capabilities. Turned out to be wrong.

So what does he do? He said, "Well, it was the CIA's fault. They didn't have human intelligence."

And then after that the CIA has come up and said, well, that the president's claim wasn't correct about having an attempt to get nuclear capabilities from Niger.

And then what does the White House say after that? "Well, they never told us. The CIA never told us." That's what Condoleezza Rice said.

Then we found out that they talked to her chief of staff, Stephen Hadley, and he was informed about all of this information.

And what did they do then? Well, they said that, well, maybe the CIA told them but Ambassador Wilson, when he wrote his article, was doing an injustice because he was assigned to this job because of his wife. And they go and attack him.

While doing that, they jeopardize covert activity by human intelligence agents for our national security.

Well, what do they do about that? The president says you've got to fire people who are responsible because if they're responsible, they shouldn't be continuing to get classified information.

And now, when it turns out that maybe Rove and Libby were involved, the president has set a new standard. And the new standard is, "Well, it has to amount to a crime."

Now in setting this new standard, I want to ask two questions. One, is that your understanding -- and maybe Mr. Marcinkowski can answer this -- is that your understanding of what is the standard applicable to people in the White House?

WAXMAN: Or is there a different view expressed by the Office of Special Counsel, Elaine Kaplan, who says they can be fired for misconduct well short of a crime if they get classified information and out a CIA agent?

So what is your opinion of that new standard? And what kind of message does that send to the people who are putting their lives on the line to help us get information out in the field and all around the world?

MARCINKOWSKI: I've added it up just the other day -- and, unfortunately, I've been in government service, like, over 30 years. I can't believe it.

In that whole period of time, the standard for government service -- or any government

service -- certainly was a high ethical standard. And that's why this aspect of hiding behind a criminal investigation, all the wait and see, doesn't make any sense.

The bottom line is, if we're going to allow anyone in the White House short of a criminal, what are we doing? That doesn't make sense.

You have at-will employees. You have a presidential staff. You serve at the pleasure of the president. You pick up the phone, and you tell someone, "Good-bye."

If you don't like what Oopsie the Clown's doing down in the office two doors down from Karl Rove, you call him up and you fire him. It's as simple as that.

But the fact that nothing's been done here: That's the message that's going out. Number one, you can be anything short of a criminal. And then -- you know what? -- then we're going to do nothing.

So a CIA officer overseas is confronted with this dilemma: "You guys aren't doing anything. First of all, you did the exposure. Now you're not doing anything. Now we're lowering the standard on government employees. And, oh, by the way, we have this whole investigation going on and we're going to have this legal process going on," and they're going to understand all of that is going to make perfect sense to them, right?

And I don't think so. You sit down with a foreign asset today and you try to explain to them why someone who breached security, who broke the law, obviously, is not in jail while reporters are.

Now, there's reasons. We all know what the reasons are on both sides of that. But I am asking you to put yourself in a foreign setting and try to start to explain that.

You have a Senate confirmation hearing coming up on the next Supreme Court justice; they've been trying to interpret the Constitution now for -- what? -- a couple hundreds years.

I can't sit down with an agent and explain to him in an understandable fashion the niceties of the law.

MARCINKOWSKI: So my point is, the fact that nothing has been done is sending a huge message overseas. And we've done nothing to fix it in the meantime. And hiding behind the special prosecutor doesn't work.

WAXMAN: There are three messages: One, someone in the White House can put out the name of a CIA covert agent, which is astonishing in and of itself. Then the president does nothing for years to find out what happened, even though he said he's going to take action and he has an obligation to take action. And then when we have a special prosecutor digging out some of the information, the White House is trying to set a different standard.

So all three of these actions have to send a clear message to operatives all around the world that this administration is not concerned about their lives and national security, they're concerned about their political well-being. Isn't that the conclusion?

MARCINKOWSKI: That is exactly the conclusion.

You have to go out and build that trust. And the bottom line is since no action has been taken, they're seeing nothing, they're wondering what's going on, evidently no one cares.

That's what it is. Because it is not a criminal standard; they know it just as well as anybody else. It's a high ethical standard to operate in government; if nothing's going on there, if we're going to establish a criminal standard, we're in trouble.

And in the meantime, "Oh, by the way, we don't care, because we're not looking into it, no one got fired, no one went on administrative leave." And the list goes on and on.

Inaction itself sends the message -- the wrong message.

WAXMAN: Thank you.

Mr. Conyers, I want to recognize you next.

CONYERS: I want to thank all of the witnesses for making this one of the most important hearings I've been a part of since we've begun the inquiry into this matter.

All of the members here have been working hard with their staffs in an individual way, but it's Senator Dorgan and Congressman Waxman who have brought all of us here together in this room to, for me, find out that the consequences of what has occurred here are far more serious than I first imagined.

And I thank my colleagues as well as the witnesses for helping us out here.

There are just a few things that I'd like any of you who would like to comment on to add here to this discussion.

What effects can the outing of a covert officer have on national security? And is there any intensification of these effects when the country is at war?

CONYERS: Would anyone like to give us a response?

Colonel? Thank you very much.

LANG: Yes, sir.

Everybody talks about HUMINT all the time. Everybody says that, "If only we had had HUMINT, if only we had better HUMINT everything would be OK." And this was the

implication all the time. But people, I don't think, really understand what the process is like.

The process of acquiring a foreign person as an intelligence asset -- someone who has the access to the kind of information you need to fight a war, for example, as we are doing now -- is a process so intimate and so empathic between these two people that it is completely wrapped up in what it is that they, in the end, mean to each other, in a lot of ways, and what the country, which is behind the recruiting case officer means to the person who's being recruited.

It's this image. It's the thought of the nobility of what it is you are asking this person to do that is really important in this. And your ability to convince them that not only is it the right thing to do -- whether it's against the law in the local country or not, is it the right thing to do -- but that your people will protect this person. He will be treated as one of our own beloved sons really, you know.

That's the all-important thing. And when you make that bond, that's what makes for good operations.

I mean, in the movies and things like this, you see all these strange things about swallow operations and intimidation and bribery and all this kind of stuff; that's all a lot of nonsense, in my opinion.

In fact, all the really good recruitments I ever saw were done on the basis of this kind of deep, empathic relationship and very, very profound trust. And it has nothing to do with legality, legalisms. Nothing at all.

This is a human phenomenon of deep relationships and trust. And so anything you do which causes this person either doing the recruiting or the person being recruited to believe that his fate is going to hang on the basis of whether or not somebody was exactly covered in this way or that way under some law or other -- if they come to believe that, then they're gone. You've lost them and you're not going to get any further with that line of advance toward what it is that you need to know, which is to find out things which will protect the American people.

So in peacetime, you know, a lot of times what you're collecting for is you're collecting for policy positions overseas or weapons programs, details of this or that, you know.

But in wartime, you're talking about stuff which is often called actionable intelligence; it has to be used to go after the enemies of the United States, to be waiting for them when they come the next time.

So, you know, if you start messing around with the essential humanity of these relationships involved in recruiting and running agents by doing the kind of thing that's been doing on here, you are, in fact, damaging the security of the United States.

So I think it's a very serious matter.

CONYERS: Thank you.

Did anyone want to add to that comment?

MCMICHAEL: Yes, I do, just briefly -- and I defer certainly to Colonel Lang's much greater experience than mine.

One of the things we have to look at, again, in the context of the leadup to the Iraq War and so forth -- and I think all I need to do is say the name "Ahmed Chalabi," where you developed a very special relationship: trust.

MCMICHAEL: But that trust was certainly abused by a person who had, first of all, an independent political agenda; and, secondly, was abused by people on the other end here who had a policy agenda and chose to exploit this for these purposes.

So while Colonel Lang is absolutely right that this trust relationship is extraordinarily important, it is also important not to forget that these are human beings you are dealing with who have -- to repeat my term -- agendas of their own.

JOHNSON (?): I'd just like to add one thing to that.

There are two separate functions here of the CIA that we're talking about.

One is the business of covert action, which Mr. McMichael spoke about eloquently before, which is the business of taking action to affect policy and things of that kind overseas. That's one thing.

The other thing is the business of clandestine intelligence collection, which is what we're talking about here, which is about information to serve the decision-making process. Those two things are quite different, and they're carried out by different people in the agency.

CONYERS: I see.

Mr. Marcinkowski?

MARCINKOWSKI: Just to re-emphasize the human aspect of this, you have to place yourself into the arena of the recruitment of a person with information that is important to the United States. When you talk to someone that has access to that information, the issue becomes -- at that point, you're not covert, right, you're just talking to this person one on one.

The issue is security; that's the first thing that's going to come up. And it's not only the security of the individuals in that room, because you know that person, you know that

person's family, you know their children, and it's a very personal goings on between the potential agent and the CIA officer.

CONYERS: Thank you, so much.

WAXMAN: Thank you, Mr. Conyers.

Ms. Slaughter?

SLAUGHTER: Thank you.

I recognized before I came this morning that the damage that had been done to everyone with whom Mrs. Plame had worked was pretty profound, but until, I think, Mr. Johnson, you mentioned it was like dropping a stone in the water, I did not realize the profound impact on the entire intelligence agency we have -- that's been built up over decades.

And my anger is -- I'm not sure I can describe that to you.

SLAUGHTER: But I would like to ask in all your years of experience, have you ever had anything like this where it appeared that someone from the White House had outed an agent of the intelligence agency?

JOHNSON: No, ma'am.

It's never happened. I mean, this is unprecedented.

And I don't want to steal Colonel Lang's poetic metaphor -- he was the stone dropper in the water.

(LAUGHTER)

SLAUGHTER: Thank you, Colonel Lang. I appreciate that.

LANG: My pleasure.

SLAUGHTER: Well, the reason I ask that question is that then there must be -- maybe we can infer from that, that persons who work in the White House in positions of great power are notified or taught or briefed or something on precisely what they can and cannot say about releasing that kind of information to the public.

Is that -- are you aware that, that is...

JOHNSON: They are told. They know that.

And, you know, you've got the presumption that the folks working at the White House are adults and not a bunch of petulant children. And unfortunately, this crowd that's there

right now acted like a bunch of kids that are fighting over baseball mitts.

SLAUGHTER: But Mr. Rove, Mr. Libby, everybody, before they take this position of great power and trust, are at least informed -- and we assume they'd have a pretty good idea -- but there is some official information, something given to them, you may not do that?

JOHNSON: If they're given access to classified information, there is a briefing that they receive and there is nondisclosure agreements that they're required to sign committing themselves not to disclose the information that's put under their care.

SLAUGHTER: Then I, frankly, see no way out for them, because we know and they have admitted to the fact that they have put out this information, which has caused irreparable harm. It's not just this. The polls show that the entire world holds us in minimum low regard at this point, and I keep thinking here this morning what Al Gore had said, how dare they drag our good name through the mud.

I am so angry about that. But they didn't always respond this way.

I don't know if you recall "60 Minutes," when Secretary O'Neill who went on "60 Minutes" to talk about the first meeting that he went to in the White House after the inauguration, they talked about invading Iraq and showed some document.

The White House was on him like fuzz on a blanket. And the very next day they were yelling "classified, classified." And then Vice President Cheney demanded an investigation in September 2001 when he thought something had been leaked.

So that, again, shows total inconsistency and the fact that they simply are not going to unless they are forced to the wall do something about this, which has caused such great harm.

I feel like I want to apologize to the entire intelligence agency of this country and realize that what it has done to all the agents out in the field, that people that they are working with will probably then shut them off and probably put some of their lives at danger simply because they wanted to really disparage Ambassador Wilson.

SLAUGHTER: I think of no other reason for why they wanted to do that.

So I think that our work is really cut out for us here, and that we have to really demand that Congress do its job and get to the bottom of this.

I have a lot of hope for the special prosecutor. But if he just comes up with something like perjury, I don't think that's really going to cover the issue of what's happened here.

Thank you for coming this morning. I'm very grateful to all of you.

WAXMAN: Thank you, Ms. Slaughter.

I do want, now, to recognize Mr. Holt. He's a distinguished member of the House Intelligence Committee and the author of a notice of inquiry by the House into this whole outing of Valerie Plame.

Mr. Holt?

HOLT: Thank you, Mr. Waxman.

And I thank the gentlemen before us today.

We don't often publicly acknowledge the extraordinary people who do the difficult and frequently dangerous work, precisely because it would compromise their effectiveness -- that's why we have retirees here.

But even retirees are reticent to speak about these things.

I don't know about your careers, but I wouldn't be surprised if some of you engaged in dangerous activities. At least you have the solemn responsibility of supporting and protecting those who do undertake the dangerous activities.

And I thank you for that.

It seems to me that this is an unusual occurrence that we're talking about here. In your careers, I'd like to know how often people have had their cover blown -- it's been disclosed.

You know, it's a terrible thing when the effectiveness of one of our undercover agents or officers is lost through some accident. It's even worse when they're exposed by the counterintelligence people in another country.

But it's almost an unthinkable tragedy when they're exposed by a representative of his or her own government and it's someone who has taken an oath to protect these secrets -- and even worse, if it's done gratuitously, which is what seems to be happening here.

What I want to get at is just kind of: How unusual is this? And how is this different?

Would a disclosure like this have been dealt with differently in the past in your careers? Because you have some decades of experience here.

And maybe another way to put it in perspective: How would other countries have regarded this? How might they have dealt with it? Because Congress does have a role in this; it's an oversight role.

I feel that I have a deep obligation to look after the safety and effectiveness of the people

whom we ask to do these difficult jobs -- not just because it's expensive to train and place agents under cover, but because we ask them to take things at risk in order to save American lives and protect our national security and put us in a better position -- well, to prevent war if we can and to put us in a better position should there be war.

So could I ask whoever would like to take that question: How unusual is it? How would this have been treated differently in the past?

LANG: Well, I have seen cover of American staff personnel, case officers, betrayed in places before -- usually by someone of gross immaturity who likes to be the center of attention at a cocktail party or something like that and who, you know, off-handedly would say to a foreign person, "Well, Lang here, he's actually a spook, you know. You've got to be careful about what you say around him."

But I have always treated such outbursts with extreme hostility and made sure that a price was paid for something like that -- and it isn't too hard to get it done.

But this is quite different than that, in fact.

In fact, here you have a disclosure made at the center of government by people who simply ought to know better and then want to hide behind legalisms in a matter which involves the trust of the world toward the American intelligence forces.

In my thinking, this is quite different than that.

But cover comes and goes, and it breaks down sometimes.

But a deliberate disclosure at the center of government I think is something I have never heard of before. It's very different to me.

MARCINKOWSKI: In my experience as a case officer, there are people who accuse you of being part of the CIA. MARCINKOWSKI: There's no question about that. And you use your cover to be able to turn those situations around.

And again, we'll go back to what American people understand. You see an undercover police officer being accused of being a police officer all the time, and you see how they handle it. We handle it the same way; you rely on your own personal skills to turn that situation around.

What's different in this case is, I'm not allowed the opportunity to use my personal skills, to use my skill to turn that situation around, because I can't debate a senior official in the White House, you see. That's the difference.

If somebody in the embassy accused me of being a CIA person or anywhere around, but once it gets to that level of government, all right, I may be good, but I'm just not that

good. There's nothing you can do about that.

So when you look at where it came from, that's what's critically important. When it's mentioned by someone of the status of Karl Rove, that's huge.

HOLT: And it's different in the effect that it would have down the line then, is that what you're saying?

MARCINKOWSKI: As a case officer, I can no longer defend myself. I can't go to the White House. Yes, absolutely, because the higher the person is, the more authority they speak with and the less ability I have to defend myself.

HOLT: In the short time we have, Mr. McMichael?

MCMICHAEL: An analogous situation of a breakdown here was during Watergate, when the White House made the egregious error of, in order to employ Howard Hunt in its activities, of assigning him to a cover company, Mullen & Company. I think you're familiar with the background.

And a very good friend of mine, the only consequence he suffered was to be told, "OK, the company is blown. Your job is gone. Adios. Forget your pension." Whatever else might have happened with Mullen & Company, I don't know.

But that is an analogous example of certainly careless and thoughtless use of an intelligence operation for nonintelligence purposes which had serious consequences.

HOLT: And how would this have been dealt with in the past, in your experience?

LANG: There is no experience. I think that's the point. It's so unprecedented there is no past history on an incident like this.

JOHNSON: It hasn't happened before. This is precedent-setting.

And what Jim has said and what Colonel Lang has said as well, that the message being sent is, "We're going to do nothing, so therefore if you do it again, we'll do nothing."

HOLT: If you had a message for Congress then, how should we prevent something like this from ever happening again, what would be called for?

JOHNSON: I say this as a currently registered Republican: I wish Howard Baker was back in the Senate. I wish there was a Republican of some courage and conviction that would stand up and call the ugly dog the ugly dog that it is.

But instead, you know, I watched last night, John McCain on Chris Matthews' "Hardball," making excuses, being an apologist. Where are these men and women over

there with any integrity to stand up and speak out against this?

And I don't have great Republican credentials, but I started out in '72 working on the gubernatorial campaign of Kit Bond. Orrin Hatch wrote my recommendation letter. And I'm still a registered Republican. I expect better behavior out of Republicans.

LANG: Look, let me just say something about this.

In the past, a junior officer in some setting who broke an intelligence person's operational cover would be punished administratively. The mechanism is there for doing this. This is an unauthorized disclosure of classified information. And if you didn't choose to deal with it yourself, as Marcinkowski said, you could get him punished.

But the problem is, when you get to this kind of level, you know, things stop being unauthorized disclosures in reality and become press releases. And that has to -- what has to be stopped. There has to be a way, in fact, to discipline people who are closer to the center of power.

Otherwise, I suspect that the temptation to deal with your enemies in ways like this may be overwhelming for a number of people. And it's a really despicable thing to do, really.

HOLT: Well, if time allowed, I would like to continue this. But let me just thank Mr. Waxman and Mr. Dorgan for setting this up. And I yield back my time.

Thank you. WAXMAN: Thank you very much, Mr. Holt.

WAXMAN: Compounding this problem appears to me not just that there was a disclosure, which was bad enough, and it was intentional, because they knew it was classified. Now whether it amounts to crime or not, that's still to be determined. But it amounts sufficiently to require under the executive order and the agreement that Mr. Rove signed that he would suffer some consequence of doing this. He should be fired. He should be at least not allowed access to other classified information.

But instead of taking any action at all, the Republican National Committee has put out talking points. And in their talking points, they are furiously mounting a campaign to defend Rove and to further denigrate Valerie Plame Wilson.

Mr. Johnson, I know you know Mrs. Wilson. I don't know if the rest of you know her personally.

Let me just go through some of the points in there talking -- you see Republicans, rather than say, "Our national security is jeopardized, let's do something about this, let's get to the bottom of it," instead, they have talking points that say, first, that Valerie Wilson really wasn't a covert agent.

And on July 17th, the Republican whip in the House, Roy Blunt, went on "Face the

Nation" and said, "This was a job that the ambassador's wife had that she went to every day. It was a desk job. I think many people in Washington understood her employment was at the CIA. She went to that office every day."

As intelligence officials that know her and know about these kinds of jobs, what's your reaction to this talking point that the Republicans put out for their members to use to the press and the republic?

JOHNSON (?): It would be one thing if he was a freshman member of Congress and never had any exposure whatsoever to national security issues. But we're talking about a member of the Republican leadership in the House and that level of ignorance is frightening. Perhaps that explains why we've gotten into some of the other messes overseas.

If they're that ill-informed on an issue so basic about how the intelligence community operates, what other things are they so ill-informed on?

WAXMAN: Well, you're giving him the benefit of doubt that he was only ill-informed. I would be even more critical because what he's doing is repeating something that is in the talking points.

There's a further talking point I want to ask you or others to talk about. Can someone be a covert agent who's sitting at the desk in Langley, Virginia? And do you know whether, in fact, Valerie Plame was a covert agent and had been working in this country and outside this country?

JOHNSON: Well, for sitting at the desk being a covert agent, I was until the day I walked out. And the answer to that's, yes.

Jim?

MARCINKOWSKI: That's absolutely correct.

The point of the matter is, when you look at people being covert in the CIA -- of course, you're covert and you can be inside the CIA headquarters because countries all over the world don't have the capability like the former Soviet Union to put surveillance on the local areas here, those kinds of things, so there's no harm to that person's cover when they go back and forth out of the CIA facility. So it doesn't matter. It just doesn't matter. Of course, there's covert people there.

And the second issue is to follow up on the first question that you had as far as what's the matter with some of these laws, perhaps we need to take a look at.

I don't know if criminal law is the answer we see at this point. That's just not going to work because these people should be out of there anyway.

But the fact that they're putting that in the paper or putting that out as talking points, to me, is really incredible because it's not partisan.

And the fact that the Republican Party is involved in it should raise grave concerns on everyone's part because they're putting it into the partisan arena.

And believe me, the people overseas understand that, they see that, and they say, it's just a spat between political parties. That's the perception that's trying to be projected. And I'm telling you, it's being projected successfully across the world, and it is hurting us -- there's no question in my mind.

WAXMAN: I want to ask Mr. Lang about another point they had.

They say, "Well, Joe Wilson lied about the fact that the vice president himself sent him to Niger." Now, that's a bit of an overstatement because as I understood, the vice president wanted further intelligence about possible uranium in Niger and asked the CIA to figure out what's going on. But let's say they're absolutely right. Let's say that it's 100 percent correct that Wilson claimed that Cheney sent him and it wasn't true that Cheney sent him.

Would that ever in a million years justify the outing of a covert CIA agent, Mr. Lang?

LANG: No, sir.

And on the other point for just a minute here, it is a very common thing for people involved in various kinds of projects to operate in a working name outside -- when they're doing the business of whatever intelligence project they're doing.

And the fact that they're living at home in a normal neighborhood and everything doesn't mean anything. That's a very common thing to have to do. It has to do with function and functional cover rather than some sort of permanent status or something like that.

LANG: Often, telephones are remoted all over the place. It's very common.

But your other point, in fact, the -- I don't think it has any relevance whatsoever.

There are a lot of things said about Wilson, about this trip of his that don't make any sense to me, and that's one of them.

If he had the impression and put that in his New York Times piece that it was the vice president who was ultimately responsible for his going, well, he may have been mistaken, but that doesn't make him some sort of forsworn liar or something about all this business.

And also, they say that when he went to Africa, that he says that there wasn't any real evidence the Iraqis were seeking yellow cake in Niger. And people are now saying, well, that's obviously not true also.

Well, I've read these reports that their claim is based on.

In fact, what it seems to me it says is that there was an Iraqi trade delegation there once upon a time that asked the Nigerian government if they would be interested in selling them any of this stuff and they were told no, and that was the end of it.

So far as I know, that was the sum total of the Iraqi government's efforts with regard to yellow cake in Niger.

So there is a whole string of things that are being put out as talking points that don't make any sense to me.

WAXMAN: They don't make sense. And what Wilson came back with was the fact that the story wasn't true.

And now Ken Mehlman, the head of the Republican National Committee, has said, "Well, Wilson lied in his report back to the CIA."

There is another thing I want to ask you about.

Some people are saying, well, Rove only confirmed the fact that she was a covert agent; he didn't identify her as a covert agent. The reporters told him that she was a covert agent and he confirmed that.

Does confirming someone as a covert agent in the CIA, does that make this better? Does this excuse him?

JOHNSON (?): Well, the 1982 law and Section A stipulates that anyone who provides, the phrase is "any information identifying."

So when you say "Joe Wilson's wife," that falls under that "any information identified," because that allows you to identify Joe Wilson's wife is a covert operator.

And so, again, it's -- the sloppiness of the Republican National Committee -- you know, apparently they didn't even take time to read the law before they issued those talking points, because if they'd read the law, they'd recognize that, that was just complete utter fabrication on their part, that this was an out.

WAXMAN: Yes?

MARCINKOWSKI: I would say this.

Just, again, in terms that I think most people understand, What is the standard for the media when they have a confidential source?

MARCINKOWSKI: They get some information. They have to have it confirmed. If

they're not going to print it unless you get confirmation, doesn't that, in fact, make the confirmation more important than the information?

Everybody understands that. So the confirmation is equally liable in this case, if not more so.

So confirmation is -- that puts them up there with the guy that released the information.

WAXMAN: It also strikes me as amazing that a lot of people, as you pointed out, think this is just a political spat between Democrats and Republicans.

But if we go back to the original issue, it really goes to the heart of being in Iraq and being at war.

It goes back to the essential evidence that President Bush put there before the country that convinced many of us that we should give him the power to go to war -- the idea that Saddam Hussein was going to have nuclear capability because he was getting the uranium from Niger and that was one indication that they were moving along in developing a nuclear bomb.

And, of course, that metaphor, I think it was Condoleezza Rice who used it, don't let a smoking gun be a nuclear cloud -- what a powerful metaphor.

So they manipulated the evidence that turned out to be not evidence at all, but based on a hoax. And that's what Ambassador Wilson revealed. and that's why they have such a venomous anger at him that they're willing to jeopardize -- his wife, obviously, they don't care about -- but our whole national security as a result.

Now, that seems to me the most disturbing aspect of all of this.

There's not just a Republican motive to gain an advantage, but an opportunity for them to blur any responsibility or accountability for how we got into war and why we're in Iraq now and what's happening that goes on every day, and a difficult situation we have whether to leave or not to leave or when to leave, and how many more lives do we throw away if we're there for some ill-conceived reason or now must sacrifice because our national stature and reputation is on the line and we can't just walk away.

As Secretary Powell said, because we broke it, we own it.

Partisan politics should stop when you've got a war going on.

WAXMAN: And after the attack on September 11th, Democrats and Republicans united behind the president. We all understood going to war in Afghanistan because Osama bin Laden and Al Qaida were permitted to use Afghanistan as a staging ground. We all understood that and we all rallied behind him. And we still rally behind him as our

commander in chief, because we support our troops.

But it seems to me that the basic tenet of patriotism is not to mouth the words "We support our troops," "We support America," but to really be there to support all of the people who are on the line for our country.

I want to, now that Mr. Inslee is here, recognize him to pursue the questions that he might want to pursue. But I thank you very much for your statements.

INSLEE: Thank you.

I really appreciate your coming here today. And one of the reasons is: You've articulated what I've been feeling for some time. I've been very troubled by the White House's decision -- the conscious decision -- not to take any action, not to even do the simplest things, such as ask the subordinates in the White House what happened in this situation.

And that's been troubling to me. And you've articulated why that compounds the situation: that there was an outing -- whether or was intentional or innocent, we don't for sure know, I suppose, at the moment -- but that has been compounded as far as the lack of confidence of our agents around the world by sending a message to the world that apparently this is no big deal; it's just not worthy of the president's time to ask anyone what happened here and to take corrective notice.

So you've articulated what I've felt.

But I want to ask you about the procedures used in the intelligence community when there is an outing of a covert agent.

I'm told that there is an Executive Order 12958 -- I'm not personally familiar with it -- which says that, when classified information is compromised, the head of the agency must take prompt corrective action.

That means immediately investigate the leak, remediate the damage that has been caused, and take administrative action against those who are responsible.

Of course, the standard of proof for disciplining an official administratively under an executive order is very different from the standards under criminal law, for obvious reasons.

I guess the question is, I don't know if you have familiarity with that executive order, but if you can tell us what is or should be the agency response, whatever agency is responsible -- and here it was the White House.

LANG: Well, I was an executive at this business, so I guess I know that.

It depends on the kind of information, of course. There are some things that have special

kinds of laws and regulation applied just to them, and a lot of us know what that means.

But there is this general rule, as you say.

And in the Defense Department, where I spent all my time, a compromise of classified information would be dealt with in exactly the way you're talking about, Congressman -- in fact, that there would be an investigating officer appointed. An investigation would take place to determine the degree of damage of the disclosure. If it was a really big disclosure, something like the Pollard case or something like this, then there'd be a huge investigation.

And then afterwards, there would either be disciplinary action -- there'd be action to correct the problem, there would be disciplinary action. And if it was a really serious matter, there would be a criminal referral often to the FBI or somebody like that for prosecution.

That's how that would be dealt with.

As I said, there are other kinds of information that some people get access to that are almost sort of go directly to jail, you know, don't go past go or anything like that.

But in general, the way you're describing it is the way this would go. I've seen it happen many, many times -- many times.

INSLEE: Now, you've described what you perceive -- I think all of you in one form or another described how a lack of meaningful response by the White House could add insult to injury and further degrade people's confidence that their covert status would be protected around the world. You've all talked about that.

Is there any reason to believe that, that phenomenon is less significant -- or maybe it's more significant here, if the leak comes out of the White House, as compared to a leak coming out of the bowels of the defense agency somewhere.

Is it the same, less or more?

LANG: I think it's much more serious, because the reverberation and the big bang that echoes around the world is that much bigger.

If there's a minor compromise somewhere by a junior person, that is dealt with properly and there's sufficient retribution, then the word will go around that this isn't a system failure -- that this isn't a system failure.

But if you have this kind of disclosure out of the very center of government, then it cracks the level of confidence people have as to how well the system is going to function to protect the identities and cover of various kinds of staff people and the sources around

the world too.

The sources -- think about them hanging out there in some God- awful place, you know, facing the tender mercies of their own government if somebody discloses their name.

So I think the fact that it comes from this kind of level makes it a lot worse. That would be my opinion.

INSLEE: Anyone else have any thoughts on that subject?

Let me ask a kind of a little different thing, and I'm not sure any of you talked about it, but I'm told -- and I don't want to get too far down in the weeds about this issue, but it just leads to my question.

I'm told that the State Department, some intelligence officers, had great doubt about the authenticity of these documents that at one time may have suggested that uranium yellow cake came from Niger and that Ambassador Wilson's trip essentially, according to Ambassador Wilson, lent credence to the State Department intelligence agency's doubts about the accuracy.

And subsequently, our secretary of state, Condoleezza Rice, and our CIA head, George Tenet, both confirmed, shortly after this became public, that it was a mistake to put this in the State of the Union address and had the president known this information, he would not have put it in the State of the Union address and that this was, in one way or another, a foul-up.

But the question I have is, apparently there may have been some different viewpoints by someone else in one of the intelligence agencies. They may have a little different view. There are some opinions of these issues, and there's diversity of opinion in our intelligence services, because there is not always certainty about these issues.

Does the fact that the White House has essentially blown the cover of an intelligence agent whose husband happens to be taking a position about the truth that is of a different version that the president gave it to us in the State of the Union address, does that have a negative impact in the agencies themselves about their ability to use their own independent judgment on how to make these calls?

Does it make them a little less willing to buck conventional wisdom coming out of the White House when they make calls about these tough issues?

LANG: I would say so.

I mean, look, there's a real intimidation factor out there.

It would be one thing if the incident and the outing of Valerie Plame was isolated and it

was unique.

But when you go back and you look at the efforts of Undersecretary Bolton at the Department of State, where he tried to fire both an intelligence analyst at the Bureau of Intelligence and Research, as well as remove a senior intelligence officer at the National Intelligence Council because he said that he had doubts about that individual -- this intimidation process of the intelligence community is out there and it's had a chilling effect.

There are two individuals who declined to put their name to the letter that we sent to Congress because those individuals still do work with the Central Intelligence Agency. And one of the individuals, in particular, had received some direct questioning and pressure about, "Why are you signing or even thinking about signing such a letter?"

So the intimidation factor is out there. And there are some people not willing to put their economic lives on the line.

INSLEE: And briefly, what is the letter, just so...

LANG: There was this open letter that we sent, that was sent to the leadership on Tuesday.

INSLEE: Asking for?

LANG: Just putting our two cents on the table, that we think it's wrong for the partisan political attacks to be levied against Valerie Plame and her husband Joe Wilson.

INSLEE: Do you want to add something, Mr...

JOHNSON: I would say there has to be some kind of a negative effect. I don't know the degree of the effect itself.

But when I collected intelligence, you didn't even thinking about politics when you were collecting the information and sending it up to headquarters, those kinds of things. Intelligence was collected from the bottom and went up.

I think what we're seeing now, when you look at a lot of these issues that are coming up, the question becomes is whether intelligence is coming from the top and flowing down -- they're seeking out the answers that they want. That's pretty dangerous.

I don't have any proof, but what I'm saying is there's a lot of indicators there that they're reaching down pretty far and perhaps playing with the information they want to hear, which has great ramifications, if in fact that kind of thing is going on. INSLEE: Yes, Mr. Lang?

LANG: Of course what you're talking about is the analytic process, as opposed to the

collection process.

As has just been said, when you're collecting in the field, you're collecting against established requirements and you're going after the information, and your function is essentially technical in the field.

It's the analysts who suffer the brunt of this kind of subtle in many ways kinds of pressure. Although I understand that before all these commissions, nobody was willing to come up and say that they were pressured. What a terrible surprise that was to everybody.

LANG: In fact, to be honest, I've written about this phenomenon quite a bit in an article I published on Middle East policy called "Drinking the Kool-Aid" a couple of years ago.

And so if you look at that, you'll find, in fact, that it's hard to escape the conclusion, in fact, that people understood that there would be penalties if they didn't, in fact, understand things the way it was hoped they would understand them.

INSLEE: Thank you.

WAXMAN: Thank you, Mr. Inslee.

And I want to thank the four of you for your testimony today and your willingness to take extraordinary amount of time to answer questions we have.

I just want to close by quoting the first President Bush, after whom we named the CIA headquarters.

And in a speech he made to the CIA on April 26th, 1999, he said, "Even though I'm a tranquil guy, now at this stage of my life, I have nothing but contempt and anger for those who betray the trust by exposing the name of our sources. They are, in my view, the most insidious of traitors." Very strong language, and you sometimes wish this president would talk to his father and get some of the wisdom that he's had from over the years.

Thank you very much. This concludes the hearing.

And we stand adjourned.

END

