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Still more leak investigation falsehoods

In recent days, news outlets have continued to repeat or air unchallenged [numerous falsehoods](#) and baseless claims surrounding the CIA leak investigation. These unfounded claims involve various aspects of the scandal and investigation, including the events that led up to the alleged leak by Bush administration officials of CIA operative Valerie Plame's identity; the role of her husband, former ambassador Joseph C. Wilson IV, in the saga; and special counsel Patrick J. Fitzgerald's handling of the nearly two-year federal probe.

Claim: Fitzgerald's investigation is focused on technicalities; lacks an "underlying crime"; and represents the "criminalization of politics"

In response to news reports suggesting that Fitzgerald is likely pursuing charges arising from the investigation itself -- such as perjury or obstruction of justice -- several politicians and media figures have attempted to minimize the legitimacy of such an outcome.

On the October 23 [edition](#) of NBC's *Meet the Press*, Sen. Kay Bailey Hutchison (R-TX) expressed hope that if Fitzgerald does announce indictments, they are indictments "on a crime and not some perjury technicality where they couldn't indict on the crime, and so they go to something just to show that their two years of investigation was not a waste of time and taxpayer dollars" [[transcript](#)]. Hutchison had expressed a different view of such offenses during the impeachment trial of President Clinton. When the articles of impeachment against Clinton came before the Senate on February 12, 1999, she voted "guilty" on both the [perjury](#) and the [obstruction of justice](#) charges. A February 14, 1999, *Dallas Morning News* article quoted her as saying: "The principle of the rule of law -- equality under the law and a clear standard for perjury and obstruction of justice -- was the overriding issue in this impeachment." But on the October 25 edition of Fox News' *Fox & Friends*, following widespread criticism of her remarks about some perjury technicality, Hutchison [stated](#): "I certainly think that if someone has lied to an investigator, of course that is a crime. It is a terrible crime."

An October 24 *Wall Street Journal* [editorial](#) echoed Hutchison's comments about the leak case. The editorial suggested that the duration of the investigation indicates that "this is a less than obvious case." It further counseled that Fitzgerald should resist the temptation to simply "show an indictment for his money and long effort" or "become the agent for criminalizing policy differences":

But the fact that the prosecutor has waited as long as he has -- until the last days of his grand jury -- suggests that he considers this a less than obvious case. A close call deserves to be a no call.

[...]

The press is full of reports of discrepancies in accounts of who told what to whom. However, an obstruction of justice charge against senior officials ought to require more definitive evidence.

The temptation for any special counsel, who has only one case to prosecute, is to show an indictment for his money and long effort. But Mr. Fitzgerald's larger obligation is to see that justice is done, and that should include ensuring that he doesn't become the agent for criminalizing policy differences. Defending a policy by attacking the credibility of a political opponent -- Mr. Wilson -- should not be a felony.

Numerous conservative media figures have also characterized Fitzgerald's investigation as concerned with "policy differences," rather than violations of the law. On the October 22 edition of Fox News' *The Beltway Boys*, *Weekly Standard* executive editor Fred Barnes asserted that the probe lacked an "underlying crime" [transcript]. On the October 21 edition of PBS' *The Journal Editorial Report*, *Wall Street Journal* columnist John Fund repeated this claim [transcript].

Fox News host Chris Wallace and *Weekly Standard* editor William Kristol furthered this depiction on the October 23 edition of Fox Broadcasting Co.'s *Fox News Sunday*. Kristol persisted in complaining about the "criminalization of politics," and Wallace asked former independent counsel Robert Ray, a guest on the show, whether the leak investigation amounted to "criminalizing political conduct" [transcript]. Also, on the October 25 edition of NBC's *Today*, nationally syndicated radio host Laura Ingraham, while commenting on the investigation, argued that "criminalizing policy differences over the war in Iraq is something I think that it's not really gonna help anyone" [transcript].

Claim: Fitzgerald's investigation initially focused on 1982 law

The administration's defenders also have accused Fitzgerald of exceeding his original mandate. Media figures have repeatedly asserted or implied that Fitzgerald was appointed to investigate possible violations of the 1982 [Intelligence Identities Protection Act](#) (IIPA), which prohibits the knowing disclosure of the identity of a covert intelligence officer. In fact, [his mandate was far broader](#).

For example, the October 24 *Journal* editorial asserted that Fitzgerald's "original charge was to investigate if anyone had violated the 1982 Intelligence Identities Protection Act" [excerpt]. On *Fox News Sunday*, host Wallace referred to the violation of IIPA as "the alleged crime that was the basis for this entire case in the first place" [transcript]. In a column appearing in the October 31 edition of *The Weekly Standard*, Kristol described the IIPA as "the original act whose possible violation he [Fitzgerald] was charged with investigating." And in an October 25 column, *New York Times* columnist Nicholas D. Kristof referred to investigation of possible violations under the IIPA as Fitzgerald's "prime mandate."

But contrary to these assertions, the Department of Justice (DOJ) granted Fitzgerald "plenary" authority to investigate the "alleged unauthorized disclosure" of Plame's identity. Fitzgerald's December 2003 delegation as special counsel on the case mentioned neither the IIPA nor any other particular statute. Further, shortly after his designation as special counsel, Fitzgerald sought clarification from then-acting attorney general James B. Comey regarding the scope of the case. Comey's [written response](#) clearly established that the special prosecutor's mandate had included from the outset:

[T]he authority to investigate and prosecute violations of any federal criminal laws related to the underlying alleged unauthorized disclosure, as well as federal crimes committed in the course of, and with intent to interfere with, your investigation, such as perjury, obstruction of justice, destruction of evidence, and intimidation of witnesses.

Nonetheless, numerous conservative media figures have continued to place undue weight on the question of whether the alleged actions under investigation qualify as violations of the IIPA. On Fox News' *The Beltway Boys*, after asserting that no "underlying crime" existed in the case, Barnes further stated that there was "no undercover CIA agent outed at a time when that person was covered by the law" and that Plame "had been back in the United States for more than five years, so the law wouldn't apply" [transcript]. (To qualify as a "covert agent" -- and therefore receive protection under the IIPA -- an intelligence officer must have served overseas "within the last five years.") On October 24, nationally syndicated radio host Rush Limbaugh similarly claimed there "was no violation" at the center of the case because Plame "wasn't even covert, and you have to have been covert within the last five years" [transcript]. On the October 24 edition of Fox News' *Hannity & Colmes*, radio host and former Nixon administration official G. Gordon Liddy stated, "I don't think there will be an indictment on the outing of Valerie Plame because that is a very specific statute, which requires, amongst other things, I think, that she be an operative under cover abroad in the past five years, and she was not" [transcript]. The October 24 *Wall Street Journal* editorial vaguely asserted that Plame was "surely not undercover" at the time of her alleged outing [excerpt]. Fund also [echoed](#) these statements on *The Journal Editorial Report*: "Almost everyone agrees that the law that was investigated probably should not have been investigated" [transcript].

On *The Journal Editorial Report*, *Wall Street Journal* deputy editorial page editor Daniel Henninger further distorted Fitzgerald's mandate. He claimed that special prosecutors "are not like a normal prosecutor who looks for a crime and then decides whether you have an individual attached to it. They are appointed to investigate individuals, in this case Karl Rove and Scooter Libby" [transcript]. But just as Fitzgerald's official delegation as special counsel did not indicate the particular statutes under investigation, it also did not mention "individuals" at all, neither by name nor by office, to be targeted by the

probe.

Claim: Fitzgerald requested that the scope of investigation be widened

CNN political correspondent Bill Schneider twice claimed on October 25 ([here](#) and [here](#)) that Fitzgerald had "requested permission from the Justice Department to investigate a wider range of potential wrongdoing" after he was "initially asked to investigate" possible violations of the IIPA. Beyond his repetition of the false claim that Fitzgerald's probe was originally focused on a single law, Schneider repeated a [misrepresentation](#) made in several news stories concerning correspondence that took place between Fitzgerald and Comey in early 2004.

In a February 6, 2004, [letter](#) to Fitzgerald, Comey wrote:

At your request, I am writing to clarify that my December 30, 2003, delegation to you of "all the authority of the Attorney General with respect to the Department's investigation into the alleged unauthorized disclosure of a CIA employee's identity" is plenary and includes the authority to investigate and prosecute violations of any federal criminal laws related to the underlying alleged unauthorized disclosure, as well as federal crimes committed in the course of, and with intent to interfere with, your investigation, such as perjury, obstruction of justice, destruction of evidence, and intimidation of witnesses; to conduct appeals arising out of the matter being investigated and/or prosecuted; and to pursue administrative remedies and civil sanctions (such as civil contempt) that are within the Attorney General's authority to impose or pursue.

Contrary to Schneider's assertion, Comey's letter makes clear that Fitzgerald had plenary authority from the beginning to investigate and prosecute any crime arising during his investigation. Fitzgerald had not "requested permission" to widen the scope of the investigation, as Schneider reported, but rather had simply sent a "request" to "clarify" the original scope of the probe.

Fox News host Sean Hannity similarly distorted the nature of Comey's letter on the October 24 edition of his nationally syndicated radio show, ABC Networks' *The Sean Hannity Show*. He stated that Comey "was supposed to oversee the Fitzgerald probe to make sure the investigation didn't go off track from its original mission, which was suppose to be to find out whether it was illegal that somebody outed Valerie Plame's name." He then claimed that "after Fitzgerald was on the job for five months," he asked Comey to "expand the investigation beyond its original charter" to include offenses "committed in the course of the probe" [[excerpt](#)].

Claim: Plame was not covert at the time of the alleged leak

On the October 21 [edition](#) of MSNBC's *Hardball with Chris Matthews*, conservative radio host Melanie Morgan asserted that Plame's CIA identity was "already exposed" at the time syndicated columnist Robert D. Novak revealed her name in his July 14, 2003, [column](#) [[transcript](#)]. On the October 24 broadcast of *The Sean Hannity Show*, Hannity echoed Morgan's claim. He said of Plame: "It appears she was not covert, given her very public appearance, thanks to her husband" [[transcript](#)]. Neither Morgan nor Hannity provided evidence relating to Plame's covert status. But there is evidence to suggest that Plame was indeed undercover at the time of the leak.

Without mentioning her covert status, the CIA's referral of the leak case to the DOJ reflected the agency's position that classified information might have been leaked. As *The Washington Post* [reported](#) on October 1, 2003, the CIA submitted a detailed questionnaire to the DOJ in July 2003 to initiate an investigation into whether the alleged leak amounted to a "violation of federal law that prohibits unauthorized disclosures of classified information." Two months later, the DOJ launched its investigation into the case.

Further, a July 20 *Washington Post* [article](#) indicated that Plame's affiliation with the CIA was classified. The article reported that a 2003 State Department memo -- which was likely read by top administration officials during a trip to Africa -- designated as "S" for "secret" a section mentioning Plame, even though it did not mention her covert status.

Morgan's claim, which has been repeated numerous times by other conservative media figures, suggests that because Plame was "already exposed," no harm resulted from Novak's column outing her as a CIA operative. But this is contradicted by statements from several current and former intelligence officials. For example, on the September 20, 2003, [edition](#) of PBS' *NewsHour with Jim Lehrer*, former CIA analyst Larry Johnson asserted that Plame was indeed undercover:

JOHNSON: I worked with this woman. ... She has been undercover for three decades, she is not, as Bob Novak suggested, a CIA analyst. ... [P]eople she meets with overseas could be compromised. When you start tracing back who

she met with, even people who innocently met with her, who are not involved in CIA operations, could be compromised. For these journalists to argue that this is no big deal, and if I hear another Republican operative suggesting that well, this was just an analyst, fine, let them go undercover.

In [testimony](#) before a [joint committee of congressional Democrats](#) on July 22, Johnson reiterated his knowledge of Plame's covert status:

Although Val started off with official cover, she later joined a select group of intelligence officers a few years later when she became a NOC, i.e. a Non-Official Cover officer. That meant she agreed to operate overseas without the protection of a diplomatic passport. She was using cover, which we now know because of the leak to Robert Novak, of the consulting firm Brewster-Jennings. When she traveled overseas she did not use or have an official passport. If she had been caught engaged in espionage activities while traveling overseas without the black passport she could have been executed. We must put to bed the lie that she was not undercover. For starters, if she had not been undercover then the CIA would not have referred the matter to the Justice Department.

Furthermore, CNN national security correspondent David Ensor told host Wolf Blitzer on the October 25 [edition](#) of CNN's *The Situation Room* that an unnamed intelligence official had informed him that an assessment conducted by the CIA following the leak had determined that the disclosure had damaged intelligence operations:

BLITZER: I know you've been looking into this question. The CIA -- does the CIA believe that there was damage done to U.S. national security as a result of Valerie Plame Wilson's name being leaked?

ENSOR: I'm told that in the day when it was leaked, there was a quick look done, as there routinely would be, at whether there was damage. Officials simply won't go into the details. But I did speak to one official who said, yes, there was damage. This woman had a long career. And she was posing as someone else. And all those people who saw her now know she wasn't the person they thought they were dealing with. So there was damage. Yes.

Claim: Wilson claimed Cheney sent him to Niger

Media figures have continued to assert that Wilson claimed Vice President Dick Cheney was responsible for dispatching him to Niger in 2003. This claim purports to explain the motivation for the vice president's office to set the record straight on the genesis of Wilson's trip. But, as previously [noted](#), *Media Matters for America* can find no record of Wilson ever making such a claim.

On the October 21 [edition](#) of MSNBC's *Hardball with Chris Matthews*, Republican strategist Charlie Black asserted that Wilson lied about the trip: "Wilson was telling people the vice president sent him to Niger. That was a lie. He's a documented liar, documented by the bipartisan Senate Intelligence Committee." Matthews replied, "That's right," then went on to say, "Here's the problem, just so we're on this point. Joseph Wilson put out the word -- Joseph Wilson, Ambassador Joseph Wilson -- that he was sent on the trip by Cheney. He wasn't, because Cheney never knew there was any connection between Cheney's inquiry and the decision by the CIA to send Wilson on the trip" [[transcript](#)].

Further, on the October 25 edition of Fox News' *The Big Story*, host John Gibson claimed that the "whole thing started" when Wilson wrote an op-ed claiming, "the vice-president sent me." Gibson went on to say, "Wouldn't you expect the vice-president would want to know, 'Wait a minute. I didn't send him. Who did?' " [[transcript](#)].

Claim: Plame suggested Wilson for the trip

White House defenders have also persisted in asserting that Plame suggested Wilson for the trip to the Niger. The October 24 *Journal* [editorial](#) claimed that Plame "had been instrumental in getting [Wilson] the CIA consulting job ... as a bipartisan report by the Senate Intelligence Committee documented in 2004" [[excerpt](#)]. In fact, the degree to which Plame was responsible for Wilson's selection by the CIA is still a [matter of dispute](#). Moreover, the Senate Intelligence Committee [reached no official conclusion](#) regarding her involvement.

On the October 23 broadcast of NBC's syndicated *The Chris Matthews Show*, *New York Times* columnist David Brooks further suggested that the entire investigation was the result of inevitable questions that would arise because Wilson's connection to the CIA through his wife would be the only way someone with his background could have gotten the job to begin with: "And why it all started, is because why is this guy who writes for [The Nation](#) magazine being sent out by the Bush administration to do an investigation? That was the original question," Brooks said. "So I suspect, you know, people will call

around, why is this guy who's an unlikely Bushie working for the Bush administration, and somebody said, 'Well, his wife works at the CIA, got him the job, blah blah blah,' and I think that was the real kernel" [transcript].

Conservatives in the media have also repeated what is essentially a "he-asked-for-it" mantra -- that in writing his July 6, 2003, *New York Times* op-ed, Wilson was guaranteeing that his wife would be outed. Former Speaker of the House and Fox News analyst Newt Gingrich suggested this during the October 19 broadcast of Fox News' *Hannity & Colmes*; however, the argument not only rests on the uncertain claim that Plame did suggest him for the trip, it also relies on an [erroneous ordering](#) of events.

On the October 23 *Fox News Sunday*, Kristol said, "Maybe they were a little too obsessed with discrediting Joe Wilson. Joe Wilson writes an op-ed, which, in effect, ensures that his wife's covert career is over, since ... it was going to be investigated why he was on this trip to Niger" [transcript]. The October 24 *Journal* editorial stated, "Ms. Plame was surely not undercover, and her own husband had essentially made her 'outing' inevitable when he exploited his former CIA consultant status (that she had helped him obtain) to inject himself in the middle of a Presidential campaign" [excerpt].

Wilson's op-ed, of course, makes no mention of Valerie Plame; further, efforts by Bush administration officials to discredit Wilson, which include leaking the name of his wife to members of the press, began well ahead of its July 6, 2003, publication. In her own [account](#) of her testimony before the grand jury, *New York Times* reporter Judith Miller stated that "well before Mr. Wilson published his critique, Mr. [I. Lewis "Scooter"] Libby [chief of staff to Vice President Dick Cheney] told me that Mr. Wilson's wife may have worked on unconventional weapons at the C.I.A."

Claim: Wilson lied about the findings from his trip to Niger

Conservative media figures have attempted to shift the focus from the leak in question to Wilson's credibility by claiming that he lied in his *New York Times* op-ed, which challenged claims made by the administration in making its case for the Iraq war. On the October 23 edition of CNN's *Reliable Sources*, John Hinderaker, a lawyer and contributor to the conservative weblog Power Line, said, "Joe Wilson lied in the pages of *The New York Times* about his own trip to Niger and what he learned there. He reported to the CIA that what he found out was that Saddam Hussein in fact had tried to buy uranium from Niger in the late 1990s. He then wrote an op-ed in which he lied about his own report. That's the genesis of this whole thing." *Reliable Sources* host and *Washington Post* media critic Howard Kurtz replied, "Wilson's credibility problems have been reported in these newspapers" [transcript].

The October 24 *Journal* editorial echoed Hinderaker's assertion. It stated, "Mr. Wilson's original claims about what he found on a CIA trip to Africa, what he told the CIA about it, and even why he was sent on the mission have since been discredited" [excerpt].

But the allegation that there is a discrepancy between what Wilson told the CIA following his trip and what he wrote in his op-ed is baseless, as *Media Matters* has previously [noted](#). While the CIA report on Wilson's findings is still classified, the Senate Intelligence Committee disclosed much of its contents in its 2004 "Report on the U.S. Intelligence Community's Pre-War Intelligence Assessments on Iraq." The [descriptions contained in the committee's report](#) indicate that the findings and version of events Wilson disclosed to the CIA did not contradict those detailed in his op-ed.

From the October 21 [edition](#) of MSNBC's *Hardball with Chris Matthews*:

PETER WALLSTEN (*Los Angeles Times* reporter): Well, he's [Libby's] very protective of Cheney and the Cheney family, and he was consumed with the fact that **Joe Wilson, they believed, was tying his mission to a request that Cheney had made, which upset them very much.** And they also felt that Joe Wilson was a partisan, and they felt that that wasn't being --

MATTHEWS: **Well, both of those facts are true, by the way.**

WALLSTEN: Yes.

MATTHEWS: He is a Democrat, and **he did keep saying over and over again, I went to Africa at the behest, in fact, you know, at the orders basically of the vice president,** when, in fact, the vice president -- people thought there was no connection at all at the time this was going, between the vice president, inquiry about a possible deal in Niger and the Wilson trip to Niger.

WALLSTEN: That's right.

[...]

BLACK: But the issue there -- there were two issues there. **Wilson was**

telling people the vice president sent him to Niger. That was a lie. He's a documented liar, documented by the bipartisan Senate Intelligence Committee.

MATTHEWS: Well, but -- it's not that complicated -- there are facts here --

BLACK: Second, he was saying that his study -- that his report demonstrated that the Iraq-Niger connection was false. His report did not establish that.

MATTHEWS: **That's right. You're right on that.**

BLACK: The White House was obligated to correct those two issues. That's all they were trying to do.

MATTHEWS: Here's the problem, just so we're on this point. **Joseph Wilson put out the word -- Joseph Wilson, Ambassador Joseph Wilson -- that he was sent on the trip by Cheney. He wasn't, because Cheney never knew there was any connection between Cheney's inquiry and the decision by the CIA to send Wilson on the trip.** But it turns out that Wilson was sent on that trip because of the vice president's inquiry about the possibility of Saddam Hussein buying nuclear materials from Niger. That's the great irony of this. They were both in the dark on what the other was up to.

[...]

AMY GOODMAN (host of the radio show *Democracy Now!*): And then the administration went after him, and they exposed his wife, Valerie Plame, who ironically, was an undercover CIA agent, who in fact was investigating weapons of mass destruction. And *The New York Times* --

MORGAN: Allegedly was an undercover agent --

MATTHEWS: Let's give Melanie a chance here. Melanie, please.

MORGAN: **She allegedly was an undercover agent.** That's a part of the whole story that nobody's really talking about because that's where a crime would have taken place if there was one and whether or not somebody knowingly, knowingly released that information. This whole thing is just ridiculous and I really have to say --

GOODMAN: There's nothing ridiculous about this.

MATTHEWS: Melanie, are you denying -- Melanie, I've never heard this before. Are you questioning whether Valerie Plame was an undercover agent?

MORGAN: **There are a lot of people who are saying that she was already exposed. She had outed herself as an agent --**

GOODMAN: And Melanie, Melanie -- Melanie, are you --

MATTHEWS: No, I think her status was undercover.

From the October 21 edition of PBS' *The Journal Editorial Report*:

PAUL A. GIGOT (*Wall Street Journal* editorial page editor): Two of the most influential men in the Bush administration -- the president's senior adviser, Karl Rove, and Vice President Cheney's chief of staff, I. Lewis Libby -- waited for word this week on whether they would be indicted in connection with leaking the name of a CIA agent. Special prosecutor Patrick Fitzgerald has to make a decision within a week and it has enormous implications for the Bush presidency. Dan, how did this investigation over what was after all a routine kind of Washington leak come to this point?

HENNINGER: Well, it came to this point because the original story, the alleged leaking of this covert CIA agent's name, was a mole hill that was generated into a mountain of controversy. **The mistake was that the administration decided that the only way to resolve it was to appoint a special prosecutor. Special prosecutors are very unusual institutions. They are not like a normal prosecutor who looks for a crime and then decides whether you have an individual attached to it. They are appointed to investigate individuals, in this case Karl Rove and Scooter Libby.** Having spent all this time and money on this investigation, he has to have something to show for it. We are faced with the prospect of the president's closest advisor being indicted which will be catastrophic for the presidency.

GIGOT: It would be damaging, wouldn't it, John?

FUND: Very much so, and of course the White House is already in disarray on all these other issues that we've been talking about. I have to say though, if it happens, **I think it will be one of the strangest stories ever in Washington because there is no underlying crime. Almost everyone agrees that the law that was investigated probably should not even have been investigated.**

From the October 22 edition of Fox News' *The Beltway Boys*:

BARNES: You know, we didn't, I think, and I wanted to say something about the leak case, because I think, I think it's a case in which we know now, I mean, look, our information may be very incomplete, but we know pretty well now that there was not an underlying crime, that there was nobody, no undercover CIA agent outed at a time when that person was covered by the law, in this case, it was Valerie Plame, who had been back in the United States for more than five years, so the law wouldn't apply. So the only question is whether it's going to be obstruction of justice or, or perjury or something like that.

My colleague, Bill Kristol, has written in *The Weekly Standard* that, OK, these -- indictments there might be justified if the, say, the lying is as gross and obvious as Bill Clinton's was, when he was president and, and then appeared before a grand jury, and he wasn't indicted, or as the obstruction of justice by Bill Clinton was in the, in the same case when he was president. And we know it's not going to be nearly anything like that, so there probably shouldn't be any indictments.

From the October 23 [edition](#) of NBC's *Meet the Press*:

HUTCHISON: And secondly, I certainly hope that if there is going to be an indictment that says something happened, that it is an indictment on a crime and not some perjury technicality where they couldn't indict on the crime and so they go to something just to show that their two years of investigation was not a waste of time and taxpayer dollars. So they go to something that trips someone up because they said something in the first grand jury and then maybe they found new information or they forgot something and they tried to correct that in a second grand jury.

From the October 23 [edition](#) of Fox Broadcasting Co.'s *Fox News Sunday*:

WALLACE: All right. We're going to get to that question in just a moment. But let's talk about **the alleged crime that was the basis for this entire case in the first place**. The issue here is whether someone tried to discredit one of the critics of the administration, former ambassador Joe Wilson, by revealing that his wife, Valerie Plame, worked at the White House. **Mr. Ray, the real purpose of this law -- it was passed in the early '80s, but it was based on actions in the mid-70s -- was to protect CIA agents' lives in case they were outed**. Are we, instead, here, **criminalizing political conduct** -- hardball politics, to be sure, but criminalizing political conduct?

[...]

KRISTOL: Tom DeLay is not a criminal. I mean, the criminalizing of politics is now at an extremely dangerous point. [Show guest and attorney] Abbe Lowell is exactly right about this. Are we seriously going to pretend that shuffling hard and soft money around, which hundreds of politicians have done over the last two decades - - this is before McCain-Feingold was enacted -- is a crime? Are we seriously going to pretend that Scooter Libby talking to Judy Miller three times about a woman -- Judy Miller never published a word. That's a crime? Maybe he shouldn't have done it. Maybe they were a little too obsessed with discrediting Joe Wilson. **Joe Wilson writes an op-ed which, in effect, ensures that his wife's covert career is over**, since obviously how could -- it was going to be investigated why he was on this trip to Niger. And Scooter Libby or Karl Rove are going to be judged criminals for perhaps acknowledging her name, perhaps knowing, though there's no evidence that they did, that she was a covert operative to two reporters, neither of whom broke the story. That's a crime?

From the October 23 [edition](#) of CNN's *Reliable Sources*:

HINDERAKER: Well, you know, the whole Judy Miller thing, I think -- and the Valerie Plame side of this -- may be the most overblown story in the history

of journalism. There is really only one significant thing going on here, and that's the thing that your paper, Howard, and *The New York Times* and other mainstream media don't want to talk about, and that is that Joe Wilson lied in the pages of *The New York Times* about his own trip to Niger and what he learned there. **He reported to the CIA that what he found out was that Saddam Hussein, in fact, had tried to buy uranium from Niger in the late 1990s. He then wrote an op-ed in which he lied about his own report.** That's the genesis of this whole thing.

KURTZ: Wilson's credibility problems have been reported in these newspapers. But they've also reported about whether or not people in the White House are going to get indicted and about a reporter who ended up going to jail.

From the October 23 edition of NBC's syndicated *The Chris Matthews Show*:

BROOKS: And why it all started is because, why is this guy who writes for *The Nation* magazine being sent out by the Bush administration to do an investigation? That was the original question. So I suspect, you know, people will call around, why is this guy who's an unlikely Bushie working for the Bush administration and somebody said, "Well, his wife works at the CIA, got him the job, blah blah blah," and I think that was the real kernel.

From the October 24 *Wall Street Journal* editorial, headlined "[All About Iraq](#)":

Amid an election campaign and a war, Bush administration officials understandably fought back. One way they did so was to tell reporters that Mr. Wilson's wife, CIA analyst **Valerie Plame, had been instrumental in getting him the CIA consulting job. This was true** -- though Mr. Wilson denied it at the time -- as a bipartisan report by the Senate Intelligence Committee documented in 2004.

[...]

Mr. Wilson's original claims about what he found on a CIA trip to Africa, what he told the CIA about it, and even why he was sent on the mission have since been discredited. What a bizarre irony it would be if what began as **a politically motivated lie by Mr. Wilson** nonetheless leads to indictments of Bush Administration officials for telling reporters the truth.

Mr. Fitzgerald's original charge was to investigate if anyone had violated the 1982 Intelligence Identities Protection Act. But as we and others have repeatedly written, to violate that law someone must have deliberately and maliciously exposed Ms. Plame knowing that she was an undercover agent and using information he'd obtained in an official capacity. Ms. Plame was surely not undercover, and her own husband had essentially made her "outing" inevitable when he exploited his former CIA consultant status (that she had helped him obtain) to inject himself in the middle of a Presidential campaign.

From the October 24 broadcast of *The Rush Limbaugh Show*:

LIMBAUGH: I'm going to tell you what this is really all about. You know, it's apparent now. I mean, too many people have looked into it, the people who wrote the law. It's risky to say this before anything happens, but it just seems on paper that the whole reason for the empanelment of this independent counsel's inquiry can be written off as a non-crime. **There was no violation of this Espionage Act, because what's-her-face, Plame, she wasn't even covert, and you have to have been covert within the last five years, and there's a six-year period of time we're talking about here between the last time she was covert and when her identity came out** -- and it just seems to me that what's happened here is that we've had a crime or a series of crimes or alleged crimes committed in the investigation. So we've got a cover-up of a non-crime! I mean, if you look at it, we've got a cover-up of a non-crime.

From the October 24 broadcast of ABC Radio Networks' *The Sean Hannity Show*:

HANNITY: Now, who told the media what, where, when -- and what, we still don't know what kind -- **we don't even know what her classification is. Do you realize that? It appears she was not covert, given her very public appearance, thanks to her husband.**

[...]

HANNITY: Now, the problem here is **this guy that was supposed to oversee the Fitzgerald probe to make sure the investigation didn't go off track from its original mission**, which was supposed to be to find out whether it was illegal that somebody outed Valerie Plame's name -- **but after Fitzgerald was on the job for five months, he asked his old friend to expand the investigation beyond its original charter to include crimes that had not been committed in the course of the probe**. And his friend's letter acknowledging the request granting his friend the new authority is posted now on the website that Fitzgerald put up there.

From the October 24 edition of Fox News' *Hannity & Colmes*:

LIDDY: Well, there is no real comparison between the Clinton situation and this situation because, first of all, we don't know what this situation is. There may or may not be an indictment. **I don't think there will be an indictment on the outing of Valerie Plame because that is a very specific statute, which requires, amongst other things, I think, that she be an operative undercover abroad in the past five years, and she was not**. That leaves obstruction of justice and or perjury. And if either of those two things occurred, then of course, there should be an indictment.

From the October 25 broadcast of NBC's *Today*:

INGRAHAM: It looks like what the prosecutors are looking for is false statements from someone in the Bush administration. But *The New York Times* itself said that Vice President Cheney -- there is no indication that he even knew the name of Plame or her covert status. So that is not a crime to inquire about one of your critics and how one of your critics ultimately got his position in that mission to Niger. So *The New York Times* actually said that. But, if there is an indictment out of all of this, it brings the story into to the public's perception in a way it's not now. But criminalizing policy differences over the war in Iraq is something I think that it's not really gonna help anyone in this country.

From the October 25 [edition](#) of *CNN Live Today*:

DARYN KAGAN (anchor): And just to be clear about -- because there is so much that's still nebulous about that, it's not -- it's political hardball, but it's not a crime to discredit Joseph Wilson. He made a report that was critical of the administration. What would be -- the crime would be intentionally and knowingly giving out the name of a CIA undercover agent.

SCHNEIDER: That is one crime, and that's a crime that Mr. Fitzgerald was initially asked to investigate. But he requested permission from the Justice Department to investigate a wider range of potential wrongdoing in crimes, such as giving false statement, here's a potential false statement.

From the October 25 [edition](#) of *CNN's Your World Today*:

JIM CLANCY (CNN International anchor): But have you a problem here, Bill. And the problem is this: that you've started an investigation saying who leaked the name. You end up catching somebody in the administration on what is a technicality, a legal technicality, saying, well, you didn't tell the story straight while we were looking into these other affairs. I mean, is there a risk here that the special prosecutor is going to be forced to show, really, that he can come up with something?

SCHNEIDER: Well there is pressure. Of course, he's been investigating for almost two years now. But he does have authority, which he requested from the Justice Department, to broaden his investigation. And essentially he has the authority to charge anyone with a crime who obstructs his investigation.

From the October 25 edition of Fox News' *The Big Story with John Gibson*:

GIBSON: The whole thing started when Joseph Wilson wrote a piece -- Valerie Wilson, Valerie Plame's husband -- wrote a piece saying, "The vice president sent me." Wouldn't you expect the vice president would want to know, "Hey, wait a minute. I didn't send him. Who did?"

— J.K. & R.M.

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