



## Office of Special Counsel

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### **WHITE HOUSE OFFICIAL I. LEWIS LIBBY INDICTED ON OBSTRUCTION OF JUSTICE, FALSE STATEMENT AND PERJURY CHARGES RELATING TO LEAK OF CLASSIFIED INFORMATION REVEALING CIA OFFICER'S IDENTITY**

WASHINGTON – Senior White House official **I. Lewis Libby** was indicted today on obstruction of justice, false statement and perjury charges for allegedly lying about how and when in 2003 he learned and subsequently disclosed to reporters then-classified information concerning the employment of Valerie Wilson by the Central Intelligence Agency. Libby was charged with one count of obstruction of justice, two counts of perjury and two counts of making false statements in a five-count indictment returned today by a federal grand jury as its term expired, announced Justice Department Special Counsel Patrick J. Fitzgerald.

The defendant, also known as “Scooter” Libby, has served since January 20, 2001, as Assistant to the President, Chief of Staff to the Vice President, and Assistant to the Vice President for National Security Affairs. Libby, 55, will be arraigned at a later date in U.S. District Court for the District of Columbia.

The charges allege that Libby lied to FBI agents who interviewed him on October 14 and November 26, 2003; committed perjury while testifying under oath before the grand jury on March 5 and March 24, 2004; and engaged in obstruction of justice by impeding the grand jury’s investigation

into the unauthorized disclosure – or “leaking” – of Valerie Wilson’s affiliation with the CIA to various reporters in the spring of 2003.

Beginning in late May 2003, Libby allegedly began acquiring information about a 2002 trip to the African country of Niger by Joseph Wilson, a former United States Ambassador and career State Department official, to investigate allegations concerning efforts by the former government of Iraq to acquire uranium yellowcake, a processed form of uranium ore. The CIA decided on its own initiative to send Wilson to Niger after an inquiry to the CIA by the Vice President concerning certain intelligence reporting. Wilson orally reported his findings to the CIA upon his return. Subsequently, Libby allegedly lied about information he discussed about the CIA employment of Wilson’s wife, Valerie Plame Wilson, in conversations Libby had in June and July 2003 with three news reporters – Tim Russert of *NBC News*, Matt Cooper of *Time* magazine, and Judith Miller of *The New York Times*.

Prior to July 14, 2003, Valerie Wilson’s employment status was classified. Prior to that date, her affiliation with the CIA was not common knowledge outside the intelligence community. Disclosure of classified information about an individual’s employment by the CIA has the potential to damage the national security in ways that range from preventing that individual’s future use in a covert capacity, to compromising intelligence-gathering methods and operations, and endangering the safety of CIA employees and those who deal with them, the indictment states.

“When citizens testify before grand juries they are required to tell the truth,” Mr. Fitzgerald said. “Without the truth, our criminal justice system cannot serve our nation or its citizens. The requirement to tell the truth applies equally to all citizens, including persons who hold high positions in government. In an investigation concerning the compromise of a CIA officer’s identity, it is especially important that grand jurors learn what really happened. The indictment returned today alleges that the efforts of the

grand jury to investigate such a leak were obstructed when Mr. Libby lied about how and when he learned and subsequently disclosed classified information about Valerie Wilson,” he added.

Mr. Fitzgerald announced the charges with John C. Eckenrode, Special Agent-in-Charge of the Philadelphia Field Office of the FBI and the lead agent in the investigation. The Washington Field Office and the Inspection Division of the FBI assisted in the investigation.

The indictment alleges that Libby had frequent access to classified information and frequently spoke with officials of the U.S. intelligence community and other government officials regarding sensitive national security matters. With his responsibilities for national security matters, Libby held security clearances giving him access to classified information. Libby was obligated by federal criminal statute, regulations, executive orders, and a written non-disclosure agreement not to disclose classified information to unauthorized persons, and to properly safeguard classified information against unauthorized disclosure.

According to the indictment, on September 26, 2003, the Department of Justice and the FBI began a criminal investigation into the possible unauthorized disclosure of classified information regarding Valerie Wilson’s CIA affiliation to various reporters in the spring of 2003. In January 2004, the grand jury investigation began examining possible violations of criminal laws prohibiting disclosing the identity of covert intelligence personnel (The Intelligence Identities Protection Act), improperly disclosing national defense information, making false statements to government agents, and perjury. A major focus of the grand jury investigation was to determine which government officials had disclosed to the media prior to July 14, 2003, information concerning Valerie Wilson’s CIA affiliation, and the nature, timing, extent, and purpose of such disclosures, as well as whether any official made such a disclosure knowing that Valerie Wilson’s employment by the CIA was classified information.

The over-arching obstruction of justice count alleges that while testifying under oath before the grand jury on March 5 and March 24 2004, Libby knowingly and corruptly endeavored to influence, obstruct and impede the grand jury's investigation by misleading and deceiving the grand jury as to when, and the manner and means by which, he acquired, and subsequently disclosed to the media, information concerning the employment of Valerie Wilson by the CIA. The obstruction count alleges that Libby made the following materially false and intentionally misleading statements:

- ▶ When Libby spoke with Tim Russert of *NBC* on or about July 10, 2003, Russert asked Libby if Libby knew that Wilson's wife worked for the CIA, and told Libby that all the reporters knew it; and Libby was surprised to hear that Wilson's wife worked for the CIA; when, in fact, Libby knew Russert did not ask Libby if Libby knew that Wilson's wife worked for the CIA, nor did Russert tell Libby that all the reporters knew it. And, at the time of this conversation, Libby was well aware that Wilson's wife worked at the CIA and Libby had participated in multiple prior conversations concerning this topic;
- ▶ Libby advised Matt Cooper of *Time* magazine on or about July 12, 2003, that he had heard that other reporters were saying that Wilson's wife worked for the CIA, and further advised him that Libby did not know whether this assertion was true; when, in fact, Libby did not advise Cooper during that conversation that Libby had heard other reporters were saying that Wilson's wife worked for the CIA, nor did Libby advise him that Libby did not know whether this assertion was true. Rather, Libby confirmed to Cooper, without qualification, that Libby had heard that Wilson's wife worked at the CIA; and
- ▶ Libby advised Judith Miller of *The New York Times* on or about July 12, 2003, that he had heard that other reporters were saying that Wilson's wife worked for the CIA but Libby did not know whether that assertion was true; when, in fact, Libby did not advise Miller during that conversation that Libby had heard other reporters were saying that Wilson's wife worked for the CIA, nor did Libby advise her that Libby did not know whether this assertion was true.

Among the events leading up to these conversations, on January 28, 2003, President Bush delivered his State of the Union address which included sixteen words asserting that "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."

On May 6, 2003, *The New York Times* published a column by Nicholas Kristof which disputed the accuracy of the “sixteen words” in the State of the Union address. The column reported that, following a request from the Vice President’s office for an investigation of allegations that Iraq sought to buy uranium from Niger, an unnamed former ambassador was sent to Niger in 2002 to investigate the allegations. According to the column, the ambassador reported back to the CIA and State Department in early 2002 that the allegations were unequivocally wrong and based on forged documents.

According to the indictment, beginning in late May and throughout June, Libby participated in multiple conversations concerning Valerie Wilson’s employment by the CIA, including on the following occasions:

- on or about May 29, 2003, in the White House, Libby asked an Undersecretary of State for information concerning the unnamed ambassador’s travel to Niger. The Undersecretary thereafter directed the State Department’s Bureau of Intelligence and Research to prepare a report concerning the ambassador and his trip. The Undersecretary provided Libby with interim oral reports in late May and early June 2003, and advised Libby that Wilson was the former ambassador who took the trip;
- on or about June 9, 2003, a number of classified documents from the CIA were faxed to the Office of the Vice President to the personal attention of Libby and another person in the Vice President’s office. The documents, which bore classification markings, discussed, among other things, Wilson and his trip to Niger, but did not mention Wilson by name. After receiving these documents, Libby and one or more other persons in the Vice President’s office handwrote the names “Wilson” and “Joe Wilson” on the documents;
- on or about June 11 or 12, 2003, Libby was orally advised by the Undersecretary of State that Wilson’s wife worked for the CIA and that State Department personnel were saying that Wilson’s wife was involved in the organization of his trip;
- on or about June 11, 2003, Libby was informed by a senior officer of the CIA that Wilson’s wife was employed by the CIA and was believed to be responsible for sending Wilson on the trip;

- prior to June 12, 2003, *Washington Post* reporter Walter Pincus contacted the Office of the Vice President about a story he was writing about Wilson’s trip. Libby participated in discussions in the Vice President’s office concerning how to respond to Pincus;
- on or about June 12, 2003, Libby was advised by the Vice President of the United States that Wilson’s wife worked at the CIA in the Counterproliferation Division. Libby understood that the Vice President had learned this information from the CIA;
- on or about June 14, 2003, Libby met with a CIA briefer and expressed displeasure that CIA officials were making comments to reporters critical of the Vice President’s office, and discussed with the briefer, among other things, “Joe Wilson” and his wife “Valerie Wilson,” in the context of Wilson’s trip to Niger;
- shortly after publication on or about June 19, 2003, of an article in *The New Republic* magazine online entitled “The First Casualty: The Selling of the Iraq War,” Libby spoke by telephone with his then Principal Deputy and discussed the article. That official asked Libby whether information about Wilson’s trip could be shared with the press to rebut the allegations that the Vice President had sent Wilson. Libby responded that there would be complications at the CIA in disclosing that information publicly, and that he could not discuss the matter on a non-secure telephone line; and
- on or about June 23, 2003, Libby met with Judith Miller of *The New York Times*. Libby was critical of the CIA and disparaged what he termed “selective leaking” by the CIA concerning intelligence matters. In discussing the CIA’s handling of Wilson’s trip to Niger, Libby informed Miller Wilson’s wife might work at a bureau of the CIA.

On July 6, 2003, *The New York Times* published an opinion article by Joseph Wilson entitled “*What I Didn’t Find in Africa.*” On the same day, the *Washington Post* published an article about Wilson’s 2002 trip to Niger, which was based partially on an interview of Wilson, and he was a guest on the television program “*Meet the Press.*” In the article he wrote, as well as in the print and broadcast interviews of him, Wilson asserted, among other things, that he had taken a trip to Niger at the request of the CIA in February 2002 to investigate allegations that Iraq has sought or obtained uranium yellowcake from Niger, and that he doubted Iraq had obtained uranium from Niger recently, for a

number of reasons. Wilson said that he believed, based on his understanding of government procedures, that the Vice President's office was advised of the results of his trip.

Following Wilson's July 6, 2003 statements, according to the indictment, Libby engaged in the following actions:

- on or about July 7, 2003, Libby had lunch with the then White House Press Secretary and advised that individual that Wilson's wife worked at the CIA, noting that such information was not widely known;
- on or about the morning of July 8, 2003, Libby met with Miller of *The New York Times*. When the conversation turned to the subject of Joseph Wilson, Libby asked that the information he provided on the topic of Wilson be attributed to a "former Hill staffer" rather than to a "senior administration official," as had been the understanding regarding other information that Libby provided to Miller during this meeting. Libby then discussed with Miller Wilson's trip and criticized the CIA reporting concerning Wilson's trip. During this discussion, Libby advised Miller of his belief that Wilson's wife worked for the CIA;
- also on or about July 8, 2003, Libby met with the Counsel to the Vice President in an anteroom outside the Vice President's office. During their brief conversation, Libby asked the individual what paperwork there would be at the CIA if an employee's spouse undertook an overseas trip;
- no earlier than June 2003 but on or before July 8, 2003, the Assistant to the Vice President for Public Affairs learned from another government official that Wilson's wife worked at the CIA and advised Libby of this information;
- on or about July 10, 2003, Libby spoke to *NBC's* Russert to complain about press coverage of Libby by an *MSNBC* reporter. Libby did not discuss Wilson's wife with Russert;
- on or about July 10 or July 11, 2003, Libby spoke to a senior White House official ("Official A") who advised Libby of a conversation Official A had earlier that week with columnist Robert Novak in which Wilson's wife was discussed as a CIA employee involved in Wilson's trip. Libby was advised by Official A that Novak would be writing a story about Wilson's wife;
- on or about July 12, 2003, Libby flew with the Vice President and others to and from Norfolk, Va., on Air Force Two. On his return trip, Libby discussed with other officials aboard the plane what Libby should say in response to certain pending media inquiries, including questions from *Time's* Cooper;

- on or about July 12, 2003, in the afternoon, Libby spoke by telephone to Cooper, who asked whether Libby had heard that Wilson's wife was involved in sending Wilson on the trip to Niger. Libby confirmed to Cooper, without elaboration or qualification, that he had heard this information too; and
- on or about July 12, 2003, in the late afternoon, Libby spoke by telephone with Miller and discussed Wilson's wife, and that she worked at the CIA.

The false statement charge in Count Two of the indictment alleges that Libby lied to FBI agents on October 14 and November 26, 2003, regarding the conversation with Russert on July 10, 2003. Count Three charges Libby with making false statements to FBI agents during the same FBI interviews in October and November 2003 relating to his July 12, 2003 conversation with Cooper.

The perjury charge in Count Four alleges that Libby lied while testifying under oath before the grand jury on March 5, 2004, about his conversation with Russert on July 10, 2003, because, in fact, Russert did not ask Libby if Libby knew that Wilson's wife worked for the CIA, nor did Russert tell Libby that all the reporters knew it, and at the time of their conversation, Libby was well aware that Wilson's wife worked at the CIA.

Count Five charges Libby with perjury before the grand jury for allegedly lying when he said that he told reporters that he was telling them what other reporters were saying – first, on March 5, 2004, about his conversation with Cooper on or about July 12, 2003, and second, on March 24, 2004, regarding conversations with reporters. In fact, Libby well knew that he did not advise Cooper or other reporters that he had heard other reporters were saying that Wilson's wife worked for the CIA, nor did Libby advise Cooper or other reporters that he did not know whether this assertion was true.

If convicted, the crimes charged in the indictment carry the following maximum penalties on each count: obstruction of justice – 10 years in prison, and making false statements and perjury – 5 years in prison, and each count carries a maximum fine of \$250,000, making the maximum penalty for

conviction on all counts 30 years in prison and a \$1.25 million fine. Note, however, that the Court would determine the appropriate sentence to be imposed.

The public is reminded that an indictment contains only charges and is not evidence of guilt. The defendant is presumed innocent and is entitled to a fair trial at which the government has the burden of proving guilt beyond a reasonable doubt.

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