

reassure the American people that you understand the enormous gravity of the allegations. To this end, we urge you to pledge that if Mr. Libby or anyone else is found guilty of a crime in connection with Patrick Fitzgerald's investigation, you will not exercise your authority to issue a Presidential pardon.

It is crucial that you make clear in advance that, if convicted, Mr. Libby will not be able to rely on his close relationship with you or Vice President Cheney to obtain the kind of extraordinarily special treatment unavailable to ordinary Americans. In addition you should do nothing to undermine Mr. Fitzgerald's investigation or diminish accountability in your White House. A pardon in these circumstances would signal that this White House considers itself above the law.

We also urge you to state publicly whether anyone in the White House, including White House Counsel Harriet Miers or Vice President Cheney, has already discussed the possibility of a pardon with Mr. Libby. Particularly given that the American people are still in the dark about what precisely transpired in the White House with respect to the CIA leak, it would be highly inappropriate if there were such discussions going on behind the scenes.

Swift public action on your part will make clear that you take seriously perjury and obstruction of justice at the highest levels of our government, and that you meant what you said about bringing honor and dignity to the White House. We eagerly await your response and hope that you will announce your intentions promptly.

Rockefeller Specifies Investigation Targets

Sen. Jay Rockefeller, a Democrat from West Virginia, issued the following press release on Nov 7.

Today, the Vice Chairman of the Senate Select Committee on Intelligence (SSCI), Senator John D. (Jay) Rockefeller IV, outlined key remaining issues that must be addressed in order to produce a thorough, prompt and credible Phase II report.

First and foremost, we cannot allow the delay in proceeding with Phase II to compromise the quality of the investigation, and the report. We must apply the same standards of professionalism that was used to produce the first report, which dealt exclusively with the quality and objectivity of prewar intelligence assessments.

The Phase II report must encompass all five aspects of Phase II that were laid out in the committee's press release on Feb. 12, 2004.

The committee must be prepared to interview witnesses, including but not limited to individuals in the White House, the Office of the Vice President, as well as other senior policy

makers. We also must have the ability to interview individuals in the Office of the Undersecretary of Defense for Policy. If the committee is denied testimony or documentation, we must be prepared to issue subpoenas.

On the issue of the use of intelligence, charts comparing public statements with what the intelligence community published does not alone tell the story. To determine whether statements were substantiated by the intelligence is going to require analysis and context. If necessary, we may need to conduct interviews and request supporting documents. And, we must understand the flow of intelligence information back and forth between policy makers and intelligence agencies.

We must undertake this responsibility seriously. The credibility of the committee is at stake.

Vice Chairman Rockefeller identified the following areas of concern that still require review by the committee:

Since the President's January 2003 State of the Union speech and Secretary Powell's February 2003 United Nations speech represent major public statements using intelligence to support the war, the committee must address issues related to them that were not examined in the July 2004 Phase I report, specifically: 1) the use of al-Libi information that the DIA had discounted; 2) new revelations on the source known as Curveball; and, 3) the Office of the Vice President's input to the CIA for Secretary Powell's United Nations speech, which the National Journal reports was withheld from the SSCI on direction of Vice President Cheney and Scooter Libby.

On the issue of the intelligence activities by the Under Secretary of Defense for Policy, the committee needs to interview Douglas Feith and other officials in his office, and demand all outstanding documents. As was agreed to by the Chairman, the committee must address press reports on the alleged intelligence-related meetings that took place overseas with officials from this office, and whether these activities were authorized and coordinated with the Intelligence Community.

On the issue of the Iraqi National Congress (INC), the committee needs to interview INC officials, including Ahmed Chalabi. The committee must also interview current and former officials at the Office of the Vice President, including Scooter Libby and John Hannah, and at the Office of the Secretary of Defense, including Douglas Feith and William Luti, which the INC, in its June 2002 letter to the Senate Appropriations Committee, claims directly received intelligence information from the INC.

On the issue of post-war findings on Iraq WMD (Kay/Duelfer Report) and links to terrorism, the committee needs to tell the story of the Iraq Survey Groups reports, including testimony of Kay and Duelfer before the SSCI, and the CIA retrospectives on these issues. The committee needs to examine recent information about al Qaeda operatives Zarqawi and al-Libi. This section cannot be cursory and should tell the complete story of how the post-war findings contrast with pre-war assessments.