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DEMOCRATIC POLICY COMMITTEE HOLDS A HEARING ON THE NATIONAL
SECURITY IMPLICATIONS OF DISCLOSING THE IDENTITY OF AN
INTELLIGENCE OPERATIVE

OCTOBER 24, 2003

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DASCHLE: This meeting of the Democratic Policy Committee will begin.

Earlier this year, someone publicly and willfully disclosed one of this nation's most protected and valuable national security secrets: the identity of an intelligence operative.

With this act, the person or persons responsible not only placed at risk the personal safety of an individual, but they also placed at risk the security of every American.

The importance of intelligence agents to our national security at this point in our history simply cannot be overstated. America and our troops are currently engaged in a war in Iraq and waging a war on terrorism and terrorists around the world.

Regarding the critical role human intelligence plays in our larger effort against terror, President Bush recently said, "The last several months have shown there is no substitute for good intelligence officers, people on the ground. These are the people who find the targets, follow our enemies and help us disrupt their evil plans."

Just as there is unanimity in the importance of human intelligence, Democrats and Republicans agree publicly disclosing the identities of these assets cause great harm.

According to Defense Secretary Rumsfeld, quote, "Leaks put people's lives at risk." And I think that the people in any branch of government have an obligation to manage their mouths in a way that does not put people's lives at risk.

DASCHLE: Folks that leak and put people's lives at risk ought to be in jail.

Former President George H.W. Bush put it even more succinctly: "I have nothing but contempt and anger for those who betray the trust by exposing the names of our sources. They are, in my view, the most insidious of traitors."

We are fortunate to have with us today people who have collectively served their country in the intelligence community for several decades. We are joined today by Jim Marcinkowski, a former CIA case officer; Larry Johnson, a former CIA analyst; and Vince Cannistraro, a former senior CIA officer.

These three men are here today because they believe that having the opportunity to serve our nations as intelligence officers was a great honor. Through their testimony today we will have a better understanding of the importance of human intelligence assets and the damage that results when their identities are disclosed.

As we work to work to examine the full ramifications of this leak on individual intelligence agents, our intelligence community and our national security, their expertise will help us to come up with ways to prevent future threats of this nature.

These men come here not as Democrats or Republicans but as Americans. Their presence demonstrates that their commitment to serve this great nation did not end when they left public service.

Given the open nature of this discussion -- this is not a classified meeting or hearing -- we will respect, obviously, the importance of maintaining our respect for the intelligence data with which we all work.

I'm grateful for their appearance today and before I call on each of them for their comments, let me call first on the ranking member of the Intelligence Committee, Jay Rockefeller.

ROCKEFELLER: Thank you, Mr. Leader.

And I'm also very pleased to re-welcome Mr. Marcinkowski, Larry Johnson and Vince Cannistraro. We were fortunate enough yesterday to have James Marcinkowski with us in a closed meeting.

ROCKEFELLER: And he gave us very, very excellent and important testimony.

I'm particularly glad that you two other gentlemen join him here.

These are all men who have enormous experience. In the case of Mr. Marcinkowski, he has served not only in the military and the FBI, but the CIA. So he's got a full range -- a prosecutor, a lawyer. He knows the full gamut of all that's involved here.

It may seem odd that we're doing this in, kind of, an open session and yet discussing matters which border on intelligence. Yet the fact -- as the leader said -- is that intelligence is now simply integral to the lives of every American.

Policy and intelligence go back and forth. War-fighting and intelligence go back and forth. They're joined at the hip. There isn't a separation between collection and analysis and then policies; all the same. And it's even so stated in the resolution which created our Intelligence Committee in the Senate.

So it plays an enormous role in our lives and that's why this outing and comments which these gentlemen will have to make on that and the effect of that become so incredibly important.

You get something of this sort when somebody is simply exposed. Then it becomes a public matter in a very, very different way.

I have to tell you, when I first learned of the leak, I found that -- I think I used the word "vile"; today I'll use the word "revolting" or both. We immediately requested that the CIA take action to determine the source of the leak. We have nothing from that yet. The CIA has since asked, as you know, the Justice Department to undertake a criminal investigation and that is ongoing.

On the other hand, I have to tell you that I'm very, very concerned -- and it is quite possible that Mr. Marcinkowski will say the same thing -- that this is being carried out by the Department of Justice headed by John Ashcroft.

ROCKEFELLER: I think most of us have called for a special counsel. We do not do so for political reasons, we do so for intelligence and national security reasons, that we get an independent understanding of how this came about.

I think that's terribly important. I do not think it is possible for the attorney general to be impartial in this matter.

And it was clearly, you know, from the White House that these leaks came, and from high administration officials, however you want to interpret that.

So we do have an investigation going, and I do not believe that the Intelligence Committee can therefore, sort of, double-cross or double-do that investigation. But believe me, while it's going on, and depending what happens afterwards, we'll be following it very closely, and then we'll decide what to do after that.

I also want to say that Senators Biden, Levin, Senator Daschle and myself requested a damage assessment from the national counterintelligence executive. That's the crux of what these three gentlemen are going to be talking about.

Since this case appears to involve the publication of classified information, we believe that damage assessment should be immediately taken so that swift action can be taken so that this does not happen again.

Finally, as you three men sit here before us, I must tell you that I'm extremely disappointed by the reaction from the White House. I'm especially concerned that this apparent leak is attributed to one of the president's aides, or a top official, and that it may have been done for political gain or for retribution. I personally, just from a personal point of view, believe it was meant to send a message.

That has the most disastrous effects on the ability of the CIA to recruit, but more importantly, it has unbelievable effects, which will be explained, on the ability for people to be secure and to carry out their lives, in fact to keep their lives.

The president should be committed to finding out who did this. He should be a part of it. He's been rather tepid; sort of detached from the process. He should call people in and on his own make very clear to the American people that this is a matter of extreme importance to him, intelligence being the root of what it is that alerts the country to danger.

ROCKEFELLER: And danger is amongst us and danger is all around us.

So in my judgment it's way past time for the president to send this strong message and I hope that he will do and I hope that he will be hearing about this hearing this morning.

The Valerie Plame case seems to be in part, I will have to say, in conclusion of an unfortunate trend. And that is, intelligence is, kind of, an interesting thing to leak, to out people, to play with when, in fact, it's, sort of, the fundamental underpinning of the national security of the American people and now one can talk, with the war on terrorism, way beyond that.

So I want to thank the individuals for coming, I want to thank Senator Daschle, the Democratic leader, for having a chance to have all of this -- be able to listen to what these gentlemen have to say.

I thank you.

DASCHLE: Thank you, Senator Rockefeller.

Senator Harkin?

HARKIN: Leader, thank you very much. And again I join in thanking you for calling this very important hearing today on this matter of vital national interest.

I was reading the resumes of each of these men sitting here before us. I don't know either -- any one of you personally, but I have certainly read your backgrounds and I just want to thank you -- each one of you -- for the service you've given to our country.

I think that many times those of us who've served in the military, we tend to think that those who defend our country always have on a uniform. There are a lot of non-uniform people who give their lives for this country and who are in the most dangerous of situations time and time again, in order that we have the information and the intelligence that we need to defend our country. And so, I thank you all for your great public service that you've given in the past and continue to give today.

I have a lot of concerns about what had happened here with this exposure, but perhaps my biggest concern that I keep talking about on the floor of the Senate is the chilling effect -- the possible chilling effect that this might have on those who are out there in the front lines in the intelligence-gathering service getting this information we need.

Now, people might dispute this, but I've often said that the most important thing we have in our battle against international terrorism is not smart bombs and missiles and B-1 bombers and F-22s and Joint Strike Fighters.

HARKIN: I mean, they're important for other things. But the most important thing is to get the information first, so we can nip it in the bud, get to these people before they can cause damage. And that means adequate, accurate information and intelligence.

And I'm concerned about this chilling effect, and if any of you might address that in your remarks, of what this might mean to agents in the field and their contacts that they have; and what happens if one of our agents in a very dangerous place is gathering information and has contacts, but maybe they'll be outed at some time. I mean, what does that do to a person's kind of psyche, in terms of how they operate and how they work?

And so, I worry about that, not only Ms. Plame herself, whom I don't know -- I've never met -- but just all of the other agents that are out there, and what that might mean in terms of that chilling effect.

Lastly, I must state publicly that there almost appears to be a double standard here emanating at least from the White House. Since September 11th, the White House has stressed -- rightfully so, I believe -- the critical importance of human intelligence in tracking down these terrorist groups and their leaders.

Until this leak of the CIA covert agent's identity, the administration quickly cracked down on anyone -- including U.S. senators, I might add -- who leaked classified information to the press.

But if the purpose of a leak is to discredit or intimidate an administration critic, well, that seems to be another story. And in that case, national security takes a back seat.

And so, I'm concerned about this, kind of, double standard -- both the chilling effect and this double standard and what this means to the intelligence services of our country.

So again, Mr. Chairman, it's a very important hearing. I thank you for your leadership on this and I especially also want to thank Senator Rockefeller for his leadership on the Intelligence Committee.

DASCHLE: Thank you very much, Senator Harkin, for your comments.

And let me ask now for the former chairman of the Senate Intelligence Committee, Bob Graham for his comments.

GRAHAM: Thank you, Senator Daschle. I will try to make my comments brief, so that we can get on to the testimony of our three witnesses.

I'd like to ask two questions: Why is this issue of leaks of the identity of a covert agent important and what has been done since we became aware of those leaks?

GRAHAM: I think it's important, particularly in this period of the war on terror, because one of the deficiencies that's been counted as a reason that we do so little about the events that were coming on September 11th was that we did not have persons within these terrorist cells who could report as to the capabilities of intentions. That is an extremely dangerous undertaking. This disclosure of a covert agent makes it even more dangerous.

Second, we understand that we are not going to win the war on terror without strong foreign relationships with those countries that have the greatest ability to assist in effective pursuit of the war on terror. Those relationships are damaged by this type of disclosure, since frequently covert agents are also working with foreign governments and they have a very high interest in not having that relationship disclosed. This undercuts the morale of agents and the confidence of foreign governments in the activities of the United States.

It also discloses or further underscores a pattern of selective intelligence. There are provisions within, for instance, the report which the Senate and House Intelligence Committees completed almost a year ago which relates to events leading up to 9/11 which have yet to be made available to the public. I can state that those currently censored sections have much less national security importance than the leak of the name of this covert agent. So it appears as if there is a, as Senator Harkin said, double standard being used as to what's made public and what is withheld.

GRAHAM: Second, what are some of the questions that we ought to be pursuing?

These would include who in the White House was aware of Ambassador Wilson's wife CIA role and why were they made available, why were they made knowledgeable of that covert relationship? What is the White House procedures as to how to deal with leaks of confidential information? When did the White House first become aware of this leak of information? What actions were instituted by the White House and what was the result of such inquiries within the White House itself?

And when was a damage assessment ordered, by whom, the CIA, the White House or others? What has been learned from that damage assessment? And what actions have been taken, based upon it?

Mr. Leader, those are some of the questions that I hope we could at least begin the process of unraveling this morning.

Thank you.

DASCHLE: Thank you, Senator Graham. They're certainly important questions.

Before I call upon Senator Lautenberg and Senator Levin, Senator Rockefeller had a postscript to add to his initial comments.

ROCKEFELLER: It just occurs to me, so clearly, so compellingly that there's such a parallel between what we are about to hear this morning and what we are discussing this morning and the work which is going on in the Senate Intelligence Committee, where it appears, at least to me -- Senator Levin can speak for himself -- but it appears to me that there is a very, very clear effort being made to blame everything on the Intelligence community and steer, by all means, away from anything that has anything to do with anybody in the administration at higher-up levels or elsewhere.

This is most unfortunate. I think it's very clear and I'll be glad to talk to about it later.

DASCHLE: Senator Lautenberg?

LAUTENBERG: Very briefly, Mr. Chairman, thank you for doing this, because perhaps we can clear up some of the history that surrounds this.

The public has certainly, in addition to ourselves, purportedly in a position to know what's happening, are dumbfounded by the mystery that, A, this kind of disregard for life and well-

being might be approved by people in the administration, people at the highest level; and the intimidation that accompanies this.

LAUTENBERG: What are we functioning as here, that in matters as sensitive as this, at as critical a time as this, to be willing to threaten someone in the intelligence service with exposure to life and limb is shocking beyond comprehension.

So, Mr. Chairman, I appreciate the opportunity to be here, and I'm very anxious to hear from our witnesses.

DASCHLE: Thank you, Senator Lautenberg.

Senator Levin?

LEVIN: Thank you very much, Leader.

It's very important that Americans hear the testimony of today's witnesses. The outing of a CIA undercover agent is a vicious and a premeditated act. It not only endangers the individual's life and career, it damages our nation's efforts to protect Americans as a whole.

And among the many questions which I know our witnesses will address will be the very broad underlying question of to what extent does the outing of an agent hinder the ability of the CIA to recruit foreign assets to address threats to this nation in the future.

Will people being asked abroad to give us information be less likely to give us that information secretly if they think that the person to whom they're giving that information may be publicly identified at a later time?

That is a significant security threat to this nation, as well as, obviously, a personal threat to the individual involved.

Thank you.

DASCHLE: Thank you, Senator Levin.

With those opening comments, let me first call on Mr. Cannistraro for his public remarks.

CANNISTRARO: Thank you, Senators, for inviting me here today. I'll make my comments as brief as possible.

I think it's very important to understand the context in which this leak occurred. We had a pattern of pressure directed at CIA analysts for a long period of time beginning almost immediately after September 11th in those disastrous events. The pressure was directed at providing supporting information data for the belief that Saddam Hussein was, one, linked to global terrorism and, two, was a clear danger not only to his neighbors but to the United States of America.

And in support of that argument assertions were made that he was about to renew a nuclear program and was attempting to acquire uranium ore in Africa for which he was going to be exploiting it for an enriched weapons program.

Toward December of 2001, intelligence report was received in Washington that alleged that Saddam Hussein had been attempting to acquire yellow cake uranium ore in Niger and two other African countries. The vice president of the United States and other senior officials in the administration seized on this information as a proof that Saddam was that clear and present danger and needed to be addressed immediately in order to eliminate that danger.

The vice president and his chief of staff went out to CIA headquarters on a number of occasions -- at least on two occasions -- specifically to address the questions of weapons of mass destruction and the attempt to acquire a nuclear capability. These meetings, I'm told secondhand, were contentious, but the vice president insisted that there must be some support for this reporting of the yellow cake acquisition attempt. CIA analysts, I'm told, didn't have any independent data to verify that, but as a result of the insistent pressure being applied to the analysts and particularly to the nonproliferation center, the CIA did send, as they've said publicly, Former Ambassador Joseph Wilson on a fact-finding mission to Niger.

CANNISTRARO: Ambassador Wilson speaks fluent French, had served in Gabon, knew the political leadership in Niger and was a plausible choice to go on fact-finding mission, particularly to a place which was not a critical area for U.S. national security in which we did not have high-level intelligence representation.

As we know, Ambassador Wilson's report found no support for the allegations of a uranium acquisition attempt in Niger. This was, obviously, not persuasive to the administration officials, both in the Pentagon, at the National Security Council and in the Vice President's Office, because public assertions about the renewed nuclear program were made insistently after CIA reporting.

The CIA's memoranda went, as you know, to the White House, the Vice President's Office, to the Pentagon, was distributed widely within the National Security Council.

Despite the lack of evidence, the assertions were made repeatedly. It was obvious that they weren't persuasive. And after Ambassador Wilson went public, after a series of leaks in the press, that there was no support for that uranium claim, the leak against Wilson took place in July of this year and gratuitously, his wife and her status as a clandestine officer of the CIA was exposed.

There were, in my view, two purposes in that. One was to trash Ambassador Wilson and to undermine the findings that he had in Africa, which were that there was no evidence that the uranium attempt was true.

And secondly, to demonstrate an underlying contempt for the professional intelligence community -- CIA in particular.

CANNISTRARO: Many of the people in the administration who were publicly identified as ideologues and members of the group that advocated war in Iraq were not happy with the CIA, were not happy even with DIA -- the Pentagon's own intelligence service -- because it didn't consistently provide the supporting data for the public assertions that Iraq was a clear danger.

So it seems to me that they were trying to not only undermine and trash Ambassador Wilson, but to demonstrate their contempt for CIA by bringing Valerie's name into it. Wasn't germane to their argument, but they brought it in there deliberately, vindictively in, in my judgment, a dirty trick.

I pass my comments on to my colleagues.

DASCHLE: Thank you, Mr. Cannistraro for your comments.

And we'll now turn to Mr. Johnson.

JOHNSON: Thank you, Senator.

I have submitted a statement in writing. It's not just my statement but it is reflective of two other colleagues, Brent Calvin (ph) and Mike Grimaldi (ph), who were also with me and with Ambassador Wilson's wife in training. We started training at the Central Intelligence Agency in September of 1985.

And we come at this as colleagues of hers. You know, in Washington people often figure that you have some sort of ulterior motive for doing these things. And when you look at the case of Ambassador Wilson, I've heard some ludicrous claims that what he's really trying to do is position himself for a new job in a Democratic administration.

I've spoken with Ambassador Wilson and told him, I said. "If you want to go back in government you've got to be out of your mind. You get to take a pay cut. You get to work seven days a week and you get to be blamed when sometimes things go right." So I really don't see the up side.

We are angry -- as we don't even like to use Ambassador Wilson wife's in public -- we're angry. It's not like she's a close personal friend and we've been corresponding over the years. The fact of the matter was, I didn't realize Ambassador Wilson was married to her until two days after the story appeared, because when we went to training we knew each other by last names.

Bob Gates, when he was at CIA -- I know there are things you can criticize about former Director Gates, but the one thing that he did that was really good, he brought the members of the directorate of operations, intelligence, science and technology, put us together in a career trainee course.

JOHNSON: And what that course did was, it has forged bonds which endure 18 years since. Some of us haven't seen each other in 10 years, but that bond of trust is strong.

We didn't have to hold hearings after the attacks on 9/11 to prove to people that we had been damaged by terrorists. And the reason is the American people and the world watched as the planes hit the towers, as the towers fell, as bodies were carried out of the Pentagon. It was visible; we saw it.

How do we show the damage done here? We can't. In fact, if we could reveal the nature of this damage and all of its ramifications, we would end up compromising the very sources and methods that we are obligated to protect.

Now, one other interesting thing about the three of us that submitted this written comment: We're all Republicans. We all voted for Bush. And we all contributed funds to him.

Now, that may immediately call into question my judgment in front of you, but I just wanted to use that as a disclosure, because what sickens me about this process is the partisan nature that the White House has allowed it to take on.

I would not be as angry if I had heard Scott McClellan, the president's spokesman, on the day that this happened said, "This is an outrage and we're going to find out what did it."

Instead, what we saw was a partisan assault on Joe Wilson and his wife. They contributed money to Democratic candidates.

Well, nobody said anything when Joe Wilson voted for George Bush Sr. twice and voted for Bob Dole. He wasn't a partisan then. They didn't send his money back when he sent it to the Republicans.

And instead of the White House delivering a clear, strong message that this is as an egregious attack on this country as what happened on 9/11, they persist in these rumor mills being sent out.

You see it today in the Washington Times, some FBI agent saying, "We need to be out finding terrorists instead of investigating this leak." If an FBI agent believes that, that man or woman needs to be put on suspension, because they don't understand -- they don't understand the threat that this represents to this country.

Because the message that's sent is, I think, as the senators have correctly note, one of intimidation. This is not the first case or the first time this happened.

JOHNSON: If you recall late last year, when Undersecretary Bolton tried to come up to the Congress to testify and provide his views on the bio-weapons threat in Cuba, he was prevented from doing so by the intelligence community. And the person who wound up in the bull's eye was the national intelligence officer for Latin America, whose name was brought up in the press and there were efforts to have him removed from his position.

Why? Well, he had worked at the Clinton National Security Council. And what people don't know about that individual is actually he started out in Washington working for Congressman Leach, who's a Republican from Iowa.

But what this man did was he tried to prevent an inaccurate view of intelligence being presented to the Congress and instead received the intimidation of pressure to try to have him outed.

To Director Tenet's credit, Director Tenet protected him.

But there are some bullies in this administration, and the essence of being a bully is being a coward. And I expect President Bush -- having voted for him, I expected something different from him. I expected him to call him out immediately and not tolerate it.

We have -- in terms of career-enhancing moves, this is not one of the smarter things I've probably done. And when people go back through and try to find out, "What can we find that's sordid and unwise and things that Larry has said in the past, where he's opened his mouth and probably shouldn't have?" you'll find that.

But at the end of the day, we're here because we're Americans. I think that the level of partisan -- I call it poisonous partisan politics in this town has sunk to a level that it has got to stop. And unfortunately, it's a curb on both sides.

The shame, I guess, we should feel when we live in a society where someone like former Senator McGovern is vilified as an appeaser and sellout when he was in the belly of a bomber flying over Europe, and he's the appeaser and yet we have President Nixon who's upheld as this combat veteran who wasn't in combat. We find a book out now by Ann Coulter calling - you know, if you're a Democrat, you're almost a traitor.

What happened to Ambassador Wilson's wife is symptomatic of that partisan poison and it has got to stop.

JOHNSON: And that is my bottom-line plea to you and to everyone that's listening in this town.

DASCHLE: Thank you very much, Mr. Johnson.

Mr. Marcinkowski?

MARCINKOWSKI: Senators, good morning. It's truly an honor to appear and for you to take the time to delve into this, I think, unprecedented and most important event.

The times we live in, according to Defense Secretary Donald Rumsfeld, he states we have entered what may very well prove to be the most dangerous security environment the world has ever known. It's because of the danger of that environment that the discussion involving the exposure of this clandestine intelligence officer is vitally important to the national security.

I'd like to speak about two separate issues: first, the act of the exposure itself and the damage that that has caused; and perhaps a little more disturbing is the myths that have been reported in the media that tend to downplay the dangerousness of this situation.

To my knowledge, the United States government has never before released the name of a clandestine officer. Until recently, there was never even a debate on whether it was wrong and whether it was harmful. Yet, we sit in this room today and there's questions that people are asking about, "Is this OK?" It is not OK.

Many of us who have spoken in outrage over this incident were Ambassador Wilson's wife's classmates in training at the Central Intelligence Agency. And the vitally important message that I bring to you this morning is simple, yet devastating.

My classmates and I have been betrayed. Together, we have kept the secrets of each other's identities a secret for 18 years. Each and every one of us have kept that secret, whether we were in the CIA, in other government service or in the private sector.

But this issue is not just about a blown cover. It is about the destruction of the very essence, the core of human intelligence collection activities: plausible deniability, apparently, for partisan domestic political reasons.

MARCINKOWSKI: There are only two entities that can definitively identify a clandestine officer: either that officer him or herself or the government for which they work.

When operating overseas or even working in the United States, the cover of a majority of case officers may be a mere fig leaf. Someone may suspect or even presume that a particular person is a CIA officer, but that officer still has the ability to deny that connection.

That plausible deniability, combined with the personal skills of the individual officer, provides the security for the officer in all of his or her contacts.

Blown cover probably happens more than anyone would like. The deliberate exposure and identification of Ambassador Wilson's wife by her own government was unprecedented, unnecessary, harmful and dangerous.

While there may be a damage assessment conducted in this specific case, there is a host of incalculable damage that flows from the exposure itself: damage to our ability to assuage the security concerns and personal safety of our current and potential agents overseas, damage to our reputation to maintain confidentiality with foreign friendly governments who

share intelligence with the United States, damage to our image in attracting our own talented people to come work for the CIA, damage to the credibility of this country's efforts to safety the well-being of its own citizens.

And perhaps striking at the heart of the matter, regardless whether this incident falls within the purview of the criminal law, what moral message has now been sent as to how this government will respond to the misdeeds of the keepers of that public trust?

The arguments made in the media, in an apparent attempt to downplay the effects of this incident, demonstrate a complete lack of understanding of undercover operations. It defies logic to pretend that anyone involved in this exposure did not know they were dealing with someone who was an employee of the CIA, which is by definition a spy agency.

MARCINKOWSKI: To have any effectiveness, the agency relies upon secrecy. Not even the janitor at the agency probably should report that he or she works for the agency, since that would or could make that person a target of a hostile intelligence service -- unnecessarily.

It's been reported that Ambassador Wilson's wife status as a CIA employee was not important to the initial story. If the identity wasn't important, then why was that information in the story? The disclosure of identity was evidently newsworthy, since it was included and it was reported by the national media.

The agent known to the senior official is -- the fact that a senior official is implicated in the story makes it important and therefore he must have been a knowledgeable person. The agent's identity was obviously included to give the entire report more credibility and to maximize the effect of the other information included within the story.

It's been said in some of the media that the act itself wasn't deliberate. How can anyone pretend that the disclosure of a CIA employee's identity to a reporter could be done by accident?

The fact is that the release of this information by a senior official was deliberate and done for a purpose.

It is equally clear that the purpose of the senior official was certainly not to advance the national security interests of the United States. Reasonable minds cannot differ as to the deliberate nature of this action by the senior official.

Anyone who would care to portray this action as mere negligent, as opposed to deliberate, should also be prepared to explain how anyone so completely inept as to divulge the information by accident ever became a senior official in any organization, let alone an organization who has charge of running the United States.

It must be assumed that a senior official would have at least a rudimentary working knowledge of the media, an understanding of what is on or off the record, what information is on background and so forth.

MARCINKOWSKI: The fact that such basic ground rules, if you will, were not used to protect the identity of Ambassador Wilson's wife exceeds any reasonable definition of gross negligence.

Disclosure was not an accident. It was a cynical effort to advance an interest deemed so important by this senior official as to potentially place lives at risk. The interest being advanced by this disclosure was certainly not national security.

Somehow the issue of disclosing the names of intelligence workers must be dealt with. It is my hope that the Congress can work together in a nonpartisan -- never mind bipartisan, but a nonpartisan manner to get at the heart of what before was common standards that this was bad. We're beyond that now. We're questioning whether this release was harmful, whether it should have been done. What harm is flowing from it? Those questions weren't asked before so this is the issue of a first impression.

And I'm hoping that the members of the Congress, as well as members of the presidency, can resolve this issue so it never happens again.

DASCHLE: Thank you very much, Mr. Marcinkowski, for your comments.

And I thank each of the members of our very distinguished panel for your eloquence and the passion with which you've expressed yourself this morning.

We have about a half-hour before we have to exit this room. In the interest of a accommodating all of our senators, I'm going to suggest that each of us ask a question. And if there is need for a follow-up, perhaps a follow-up that that will accommodate all of our members as we consider the time constraints under which we're working.

Let me begin by asking the panel -- each of you can reply if you wish. The motivation, as described by each of you, appears to have been two-fold: first, perhaps to punish by outing a CIA agent, for whatever reason to punish that person; and the second perhaps was to influence the actual assessment of the intelligence community itself with regard to a specific instance. Both of those are egregious demonstrations of intervention at the worst possible level.

I'm still trying to gather a better judgment as to the impact, the assessment that you'd have with regard to each of those motivations. What happens to the intelligence community?

I saw in the paper today where now it appears that the intelligence community will probably have 100 percent of the blame if the report from the community goes forward. And I'm wondering whether they were influenced at all by political pressures to make some of the judgments they were and whether we're still seeing the ramifications of that as we consider Iraq.

But of those two motivations, could you elaborate a little bit more on the repercussions of political intervention to change assessments made by the community and the impact of punishing one individual for whatever actions she may have taken?

CANNISTRARO: I think that the jury is still out, in terms of how good the CIA intelligence was on the subject of Iraq and its capabilities. And I'll leave that the intelligence community to look at in detail.

What I do know, however, is there was a pattern of pressure placed on the analysts to provide supporting data for objectives which were already articulated. It's the inverse of the intelligence ethic.

Intelligence is supposed to describe the world as it is and as best you can find it, and then policymakers are supposed to use that to formulate their own policies. In this case, we had

policies that were already adopted and people were looking for the selective pieces of intelligence that would support those policy objectives.

The outing of Valerie's name and her position has a chilling effect within the agency itself, Senator. And I think Jim and Larry have spoken eloquently of that chilling effect.

What it means, however, is that it is going to be very difficult to get young men and women to dedicate their lives to this particular kind of intelligence work, which is an unofficial cover, living abroad in a capacity in which you are not identified as a member of the U.S. government.

Better to provide the access you need. Senator Graham talked about our inability to penetrate Al Qaida before 9/11, and that was a well-spoken comment, because that was one of the egregious deficiencies at CIA: its lack of a non-official cover program that was robust and its ability to target very difficult things like close-knit terrorist groups and penetrate them. You obviously can't do that with people inside embassies affiliated with the U.S. government.

That means living in some pretty dangerous parts of the world, living without the protection of the U.S. government.

What we've done with the outing of Valerie is raise the doubts in young people's minds: "Is this the kind of life that I want to do?"

There are a lot of dedicated people out there and a lot of people rallied to the flag after 9/11. They wanted to help the country. Enlistments went up in the military, for example. Applications to CIA went up significantly.

But what this raises is the questions: "Can we protect the identity of people living dangerous covert lives?"

To me, it doesn't even make any difference what Valerie was doing at the time of the outing.

CANNISTRARO: It's what she had done before. It was her chosen career path was an unofficial cover clandestine operative abroad. Whether she ever was going back to that was irrelevant to the question; she was outted -- as everyone has acknowledged -- as a vindictive act.

But again, a vindictive act because the agency -- CIA and DIA and some of the other portions of the intelligence community -- were not providing support for policy statements that Saddam Hussein was renewing his nuclear program.

DASCHLE: Thank you, Mr. Cannistraro.

JOHNSON: On the political side of that, when I started training as an analyst I was trained by a man named George Allen; not the football coach.

George's role had been -- he was in the Westmoreland trial. He was in charge of the analysis at CIA when the Vietnam body count issues came up. And he talked to us about how to fend off political pressure.

It is true that there is inevitably going to be a struggle. It doesn't matter whether it's a Democratic administration or Republican administration, the intelligence community is always

going to be bringing some bad news downtown. And it's important to understand that I think that's one of the dynamics at work here.

I was right in the middle of the Central American war. I was an analyst in the Central American area. Even though I strongly supported that policy I found myself at times being accused of being a Communist sympathizer.

I'll just give you an example to illustrate it: We were at what's called a warning meeting and I made reference to the Contras and was stopped by the fellow running the meeting, he said, "No, no, you can't call them Contras, you have to call them the democratic resistance." And you know my mouth always gets me into trouble, I said, "But President Reagan calls them the Contras." And they said, "But yes, he's the president."

The person I'm talking to is in my chain of command. They write your evaluation, your fitness report. How willing are you to step out and speak your mind when someone writes the fitness report and says, "Well, you know, you don't appear to be cooperative." Well, the reason you're not cooperative is you keep poking the fingers in the eye sometimes, because I think the role of the intelligence community is to try to be an honest broker for the president.

JOHNSON: And I took my job very seriously then that to tell the president -- it didn't matter whether they're Republican or Democrat -- to tell them the truth.

They may not like the truth, they may not be able to handle the truth, but at least I felt, "I do my part; they can never say, 'I didn't know.'"

And, unfortunately, part of what has happened in this process -- and it's not just unique to Iraq. I mean, it's gone across other areas.

When you're looking for the connection, as Vince noted, that Saddam and Osama were working together and it's not there, you find that, in fact, there's the unusual connection of a stronger link between Osama and Iran, but they don't want to hear that. They want to see the link with Saddam and it wasn't there. I mean, Saddam was sponsoring terrorism, but the terrorist attacks were going against Israel and Iran. And that didn't fit in with the world view.

So, that effort to intimidate is sometimes subtle, but it exists.

MARCINKOSWKI: Just briefly, the fact that there is intimidation out there and the result of a political act is the exposure, trust me, if you're a case officer on the street, there are people around the world that are looking at the actions of the United States government, especially in these times of electronic mass media. These people are very bright. They pay attention to what happens in this country.

And when you're on the street trying to guarantee someone's security and they see an incident in the United States that we don't care or we're thinking that it's a nonchalant act, and, "Well, there wasn't really a lot of damage done," they're going, "Wait a minute. Wait a minute. I've been meeting with you for years and years and years. Are you going to be exposed? Because everybody knows I'm meeting with you."

That's definitely a concern. You can't politicize the act of the exposure. And I think that's what's happened here. And that's what makes it so egregious.

DASCHLE: Thank you, gentlemen.

Senator Rockefeller?

ROCKEFELLER: I'd ask all three of you gentlemen: The word goes about that there were 100 analysts that have been interviewed for the work that the Senate Intelligence Committee is doing, and that none of them, at any point, ever expressed any pressure being put upon them or talked about or hinted or anything of that sort.

ROCKEFELLER: Are the three of you -- in your experience, would it be your judgment that those analysts would be by themselves or that they might, perhaps, be accompanied by somebody, a congressional affairs person or somebody who works for the CIA who would be listening very carefully to what they had to say which, obviously, they would know?

CANNISTRARO: Yes. I've had some experience in that, Senator. And it's clear that when the analysts are being interviewed, there is always some senior person there with us, congressional affairs person, someone from the General Counsel's Office. And that could be construed by the person who's doing the testifying as subtle pressure not to be too candid, not to be too frank.

I've read the newspaper reports, but I've also talked to former colleagues of mine who are still active and who lived through some of this period of what I would call intimidation and pressure. Yes, they say it's intimidation, they say it's pressure.

The fact that it's manifested by a very senior official, vice president of the United States -- the first time in my 27 years in intelligence, the first time I have ever heard of a vice president of the United States going out to CIA and sitting down with desk-level analysts. President and vice president coming out, making a speech, cutting a ribbon? Absolutely. A commemoration ceremony.

But sitting down and debating with junior-level analysts, and pushing them to find support for something he personally believes, that Saddam was trying to acquire uranium, that, to me, is pressure and that's intimidation.

Analysts are generally a feisty lot. They don't often just roll over and play dead. But they are also political animals and they're also career minded. And they're not going to say, "Well, Mr. Vice President, you're full of it." And they say, "Well, you know, we haven't found anything." "So, well, you're not looking hard enough." "Well, you know, we'll go out and try again and find something."

CANNISTRARO: But that pressure is unrelenting. And even when you don't find something, and you report back and the vice president says, "It's true, he's renewing his program," and says it on the eve of the invasion of the war; or when other people -- officials in the government demand that those 16 infamous words are in the State of the Union address about the nuclear program; and the director of Central Intelligence has sent memoranda on that subject to the deputy chief of the National Security Council; when the head of the Nonproliferation Center has gone out to the National Security Council and debated the relevant officials who have responsibility for WMD and are unable to convince them and those words still appear, that's pressure. That means they're not going to take no for an answer. It means that, "We know what we believe. And if you don't find it, you're just doing an incompetent job."

I'm not making a judgment about how CIA's job was done, how professional it was, but it was at least an honest attempt. It may not have been adequate; I don't know. But at least they said what they thought was true, rather than try and just give them what exactly they wanted. And I think this is at the heart of this outing of a CIA clandestine officer.

JOHNSON: Very briefly, I think what -- we're not trying to present the image that CIA are a bunch of very sensitive violets that have to be protected from these nasty politicians, and that Vice President Cheney or President Bush don't have a right to ask hard questions. They absolutely have a right to ask hard questions.

But I know in the past when we were faced with, "OK, we've got an intelligence development that I as an analyst think is relevant and it should be brought up," you take it to your branch meeting. And then it starts moving up the food chain. And unlike a newspaper or magazine, where you may have to go through two or three editorial reviews before getting a thumbs up or thumbs down, in some cases out at the agency you're looking at five levels.

And I know in those levels, ultimately the agency is trying to serve the policymaker. And like any good editor who's putting out a magazine, if your readers don't like what you're giving them, you change it because every morning you come back and say, "What did the president think about article X, Y or Z? And what did they say?"

And that's part of the reason this investigation in Niger got launched. Vice President Cheney said, you know, "What about this?"

CIA, like an unruly dog looking to go out for a walk, will go loping off after the mission. But when you're faced with this -- they're not interested downtown.

I mean, I know of one particular instance in the field of terrorism that several years ago -- without mentioning the particular area or the particular group, but let's put it this way: It's clearly relevant to the war on terrorism today -- an analyst tried to get the story out about this terrorist group which has been responsible for the deaths of several hundred people. And the managers shut them down because they didn't want to hear that downtown.

JOHNSON: Now, that was under President Clinton. And as I said, this happens under both. And my goal here is not to try to beat up one administration or the other. It's happened under both. It's a pressure that's there. But it shouldn't be allowed to stand.

MARCINKOWSKI: Just quickly, if you interrupt the information flow or try to influence in any way, you do so, to your detriment. Perhaps, that's why we're sitting here today.

As a lawyer, I prepare a case to go to trial, I want to know all the facts. And I want to know the ugly facts because -- guess what? -- when I get into that trial, I'm going to either -- I know them now or I'm going to find out then. So this is, in many regards, self-created.

DASCHLE: Senator Harkin?

HARKIN: I have a lot of questions, but our time is so limited. I guess listening to you all, it just -- and I'm not on the Intelligence Committee, I've not served on the Intelligence Committee. But listening to you, it just seems that we need some other kind of a process here.

Another committee on which I do serve, that covers the National Institute of Health, some years ago some of the budget requests from NIH was being politicized. And so, we enacted into law what we call a bypass budget. In other words, the -- it (inaudible) to certain agencies at the NIH. Rather than going through Health and Human Services and the White House, they have a bypass budget, comes directly to us, without all the politicization, so we can look at what the people in the field are actually saying about what research ought to be done.

That's been enacted into law. I'm wondering if maybe such a thing -- I don't know how the Intelligence Committee works. But it seems to me there ought to be some way for unvarnished data and the kinds of information that you in the field collect, to somehow get to the relevant people up here on these committees without going through that politicization process you've talked about, Mr. Johnson, which I can only believe happens in every administration, as you've said.

Somehow, we need to get this information. And I don't know if that kind of thing would ever work or not. And perhaps, it does and I don't know about it and we can't talk about it. But I throw it out there for your consideration and Senator Rockefeller's consideration and others who are on the Intelligence Committee.

The last point I wanted to make was, again, Mr. Cannistraro, I want to be perfectly clear on this as much as I can. I read your testimony and I heard you say it again that the vice president and his chief of staff, Lewis Libby, visited the CIA headquarters to engage the CIA analysts directly on this issue of uranium acquisition in Africa.

You call it, "an unprecedented act for the vice president to engage desk-level analysts resulted in a contentious give-and-take. Vice president insisted that CIA analysts were not looking hard enough for the evidence."

HARKIN: Again, in all of your years you've never seen a vice president or his chief of staff come down and engage in that kind of activity?

CANNISTRARO: No, I haven't, Senator.

The vice president gets the president's daily brief every morning and he's briefed by a senior-level CIA official who goes out to the White House and does the briefing. So he has no need in going out and debating with desk-level analysts.

HARKIN: To the best of your knowledge, do you know that the vice president has some other sources of information from defense intelligence...

CANNISTRARO: Well, I think that underlies the purpose of the visits is that the vice president, as well as other senior officials in the administration, were convinced of this because they were getting separate information. They were getting information from an intelligence operation that has been described in various ways. There are euphemisms being used to describe it, but there was an intelligence collection operation at the Department of Defense in the undersecretary of policy's office and they were getting intelligence information from other people outside the intelligence community; information which was not vetted with the community, which was not coordinated with the intelligence community, not even with DIA.

And much of this information we now know, in retrospect, was fraudulent. Some of it was fabricated, some of it was just so speculative it should not have ever risen to the level of being reported. But a lot of this information made its way into policymakers' public statements.

Yes I think look there was an underground war going on within the administration, certainly between the Pentagon and the CIA. I'm a private citizen now and so I think I can comment on it as an observer outside government, but it was very clear to me that was going on.

Part of it was the underlying contempt for the CIA by professional ideologues who believed that the agency was a squishy place that came up with soft judgments and didn't look hard enough for the information. Their mantra was: "You're not going to find anything unless you know what you're looking for." Well, if you know what you're looking for, you are going to find it because you're predisposed to find it. And that's against the intelligence effort.

But I think that's the fundamental problem here is that policymakers at the NSC, at the Defense Department and the White House itself already believed in something and they were looking for the supporting intelligence data.

CANNISTRARO: Sometimes they got it. Many times they did not get it. And when they didn't get it it was again subjected to criticism and contempt.

There's no question that, you know, intelligence agencies and policy-makers should have a dynamic relationship; it's not that their assumptions should not be queried or second-guessed. That's fine. Policy-makers should be keeping the intelligence community on its toes.

"Are you looking for this? Are you looking for that?" You know, "Put more resources here. Put more resources there. Reexamine your assumptions." That's fine. I've seen it that happen. I saw it happen in the Reagan administration. Saw it happen with Bill Casey, who was originally accused of distorting intelligence for policy-makers.

Never, never did Casey ever drop to the level that we've seen today. He fought with analysts about the subject of whether the Soviet Union was involved with supporting terrorism. The analysts challenged him and challenged him quite effectively, and Casey backed off. That doesn't seem to happen today.

DASCHLE: Senator Graham?

GRAHAM: I'd like to pick up on the comments that you just made.

Earlier this week there was published reports of a memo prepared by Secretary of Defense Rumsfeld for some of his inner circle, raising questions, among other things, about the state of the war on terror. He questioned whether we has a plan for victory and whether we had what he called benchmarks or yardsticks to evaluate how we would proceed.

What would you, from your experience, see the role of the intelligence agencies in trying to answer those questions? What should be our plan for victory against terrorism? And how well are we pursuing that plan? And where do we currently stand?

And then what would be the effect of this kind of intimidation on the ability of the intelligence community to enhance the judgment-making of officials, for instance, at the Department of Defense, in answering those questions that are so central to the security of the American people?

CANNISTRARO: Well, I think, from reading the memo, I think Secretary Rumsfeld was asking the right questions. I don't see anything wrong with that.

But he does have a motivation: He believes there ought to be a new agency under the purview of Secretary Rumsfeld himself that's dedicated to foreign anti-terrorism. And that should include CIA, paramilitaries and special forces, et cetera.

It's not the question of whether that's a good idea or not a good idea.

CANNISTRARO: I mean, you can always refine the structures for dealing with terrorism, and lots of improvement can be made. The question is how you do it and is that sufficient.

I mean, to me, as a, kind of, an anti-terrorism expert, it's a mechanistic approach. It's like moving boxes around on a chart and say, "We can do this better and that better." You might be able to make things more efficient, but that doesn't get at the heart of the problem.

He asked the question, "Are the madrasas putting out more terrorists, recruiting more terrorists than we're eliminating?" The answer is yes. And part of it is our own fault.

I mean, you know, when you have headlines all across the Islamic world about General Boykin at the Defense Department making what they believe are anti-Islamic comments, and that plays into the widespread public opinion in the Islamic world, as well as in Europe, that the war on terrorism really is a war on Islam, what are you doing? You're providing more motivation to recruits. You're giving the madrasas more incentive to recruit more people to go out and commit suicide bombings.

I mean, you know, you can't kill all the potential terrorists in the world. And that's the problem with the mechanistic approach.

Yes, you have to go after it. You have to try and eliminate it. But you have to understand that there are other motivations that we ourselves sometimes contribute to that make the problem worse.

It's been well said that, you know, Saddam was not linked to global terrorism before the war in Baghdad, but Iraq may be linked to global terrorism now. But it's something we made. We made that happen.

And I think we have to understand those factors before we can really address the problem.

Larry may have a different view, but...

JOHNSON: Not necessarily different, but on the one hand, what's stunning is for Secretary Rumsfeld to say that they don't have any idea of the metrics of measuring terrorism and where we stand in the process. That's what the counterterrorism center should be doing, for starters. If they're not doing it, the Senate and the House need to ask why, because that should be done.

Because at the end of the day, I think part of what Secretary Rumsfeld is frustrated by is that the Department of Defense is designed to defeat entrenched, organized armies that have infrastructure, that have significant bases. And what we're facing when we look at the terrorist threat, despite the hype -- and I know I've been frequently criticized for what some would describe as a boneheaded op-ed that appeared in the New York Times before September 11, 2001.

JOHNSON: But the rhetoric we use -- and our government officials are using about terrorism -- if it's true, I ask "Why aren't we having attacks every day, every week or, heavens, every month?"

I'm not saying terrorism is not a threat. I think terrorism is a threat. I think we need to take it seriously.

But I got to tell you, when I listen to General Myers, chairman of the Joint Chiefs of Staff, describe the war on terrorism, this terrorism threat, as the greatest threat to the United

States since the Civil War, I wondered why members of the Senate and House didn't stand up and say, "What are you talking about?"

You know, we went through 40 years with nuclear missiles being aimed at us from the Soviet Union. Fifty-three million people died in World War II. These are not Larry Johnson's statistics; these are statistics prepared by the Central Intelligence Agency, published in "Patterns of Global Terrorism." Since 1968, deaths from international terrorism worldwide are fewer than 16,000.

Now we need to put it into context. It's a threat, but these terrorists are not the Soviet Union with nuclear missiles. They may try to get nuclear weapons. They may try to get chemical weapons and biological weapons. But I think somewhere in here we need to find the balance. And if the analysts are not being asked to provide those metrics -- you know, they shouldn't recommend the policy. That's not the role of the analysts.

The analysts are sitting there and saying, "Let us present the situation to you. Let us show you what you should consider looking at. And let us show you what factors will make it worse or could make it better. And then you, the policy-maker, you make the decision depending upon what you want because you were elected to do so."

That's the way -- I guess I'm naive. I think that's the way the process should work.

DASCHLE: Senator Lautenberg?

LAUTENBERG: Yes. Your comments, I assume, are not publicly introduced for the first time, your views.

JOHNSON: Correct.

LAUTENBERG: I want to just clarify something. I mean, the accusations are stark, and I respect what you're saying, because we've had a chance to look at what's been taking place here and try to understand, as impossible as it is, what is taking place and what you see on the surface, the intimidation, the risk to the individual.

LAUTENBERG: Is that risk, by the way, being exaggerated at all? Was she potentially a target for -- could she be? Has it ever happened in the history of the CIA?

MARCINKOWSKI: Senator, I think you have to start from a standard level of dealing with foreign countries.

For example, Americans in certain countries, because they're American, are targets of insurgents perhaps for kidnapping purposes and otherwise. And when you look all around the world, some space -- countries in South America that is the case.

And then you slowly move up there. How about an American that's overseas that's known as the Central Intelligence Agency person, now we kidnap that person? OK, we're not talking ransom now. What's the United States' response going to be?

This isn't a tourist from, you know, Main Street in the middle of America. All of a sudden, this person has seriously higher value and at least in the mind of the United States government.

So you keep rising to the level of an undercover officer who's actually in contact with other people in a clandestine relationship. All those people they come into contact with are certainly in danger.

Certainly, Ambassador Wilson's wife now will have a harder time picking her vacations spots, at a bare minimum, because of the exposure itself. And it's going to have that ripple effect on all the people that she came in contact with.

LAUTENBERG: Mr. Chairman, if I -- just for a one-word answer, has anybody from the administration or the professional intelligence community here been in touch with you to suggest that maybe your views are so radical as not to be believable?

MARCINKOWSKI: No one has been in contact with me from the intelligence community.

LAUTENBERG: From the intelligence community or the administration?

MARCINKOWSKI: No. The only comments I get are private ones among friends who are still in the intelligence community who support what I've said.

DASCHLE: Senator Levin? I'm sorry (OFF-MIKE) just exactly what had been said.

Senator Levin?

LEVIN: There is a lot of troubling evidence that the intelligence that was given to the policy-makers was exaggerated, was shaped probably to meet their goals and their policy goals.

There's also in the case of the -- and by the way, that's why it is so important, it seems to me, that we not only look at the intelligence that was given to them and whether it was exaggerated, but also as to how that intelligence was used by the policy-maker. Did they exaggerate or embellish or shape further, beyond what was given to them? That's the missing half in the Intelligence Committee investigation.

So far as Senator Rockefeller has pointed out, the Intelligence Committee chairman has refused to permit a review of how intelligence was used by the policy-makers. The investigation or review, so far, is limited to how was the intelligence produced and created.

That's just a statement on my part and I see by your nodding your heads, that I think you would probably agree with that, if I can use your nods for an answer.

LEVIN: My question is this, however. It's ironic that in the case of the uranium, with all of the pressure that was put on those analysts, that apparently they did not cave, because the 16 words don't say that, "We have learned." The 16 words were highly deceptive in that State of the Union message, because it says that the British have learned that Iraq is trying to get -- or was trying to get -- uranium from Africa, knowing, as at least our intelligence community knew, that we didn't believe it ourselves.

So the formulation in the State of the Union message had to create the impression that we believed it by quoting a British belief that we didn't believe ourselves.

So that that pressure, in that case at least, did not succeed, and the policy-makers found a way to create the impression without having as its basis the material from the intelligence community in the United States.

It's an irony in this case, and it reinforces why it's so important that we look at the policy-makers' use or misuse of the intelligence that was given to them, as exaggerated or as shaped as that was, because of pressure put on them or a desire to please the policy-makers.

Now my question: You've indicated that you know people upon whom pressure was placed to reach certain conclusions. Have those people been contacted by the Intelligence

Committee? And, if not, because the chairman of the Intelligence Committee the other day said, "We haven't found any evidence of pressure."

I don't think it was appropriate for him to reach any such conclusion or statement, given the fact that the investigation's not complete, there's no draft report that's been shared with the committee and so forth, but that's a different issue.

If you know people who felt that pressure, have those folks been contacted? And, if not, would you be willing to give those names to the Intelligence Committee so that they can contact those people?

I think I will start with you, Mr. Cannistraro.

CANNISTRARO: No, I think your comments are well taken, Senator.

I do know people. I would consult with them first whether or not they'd want their names passed to the committee for independent contact. I'd get their permission first. But, yes, I will -- I'll be happy to ask, yes.

LEVIN: Thank you.

CANNISTRARO: I think in one case you may have already had access to one person, but we can discuss that later.

LEVIN: Thank you.

Mr. Johnson?

JOHNSON: Same answer. I would, though, encourage the Intelligence Committee, you make sure you're talking to folks at the Defense Intelligence Agency.

LEVIN: Well, the names of people specifically, I would hope would be shared with the Intelligence Committee staff so that they can do that. We need to have those specific names.

JOHNSON: Right. I'll get the specific names, if they'll be willing to divulge them.

LEVIN: Mr. Marcinkowski, do you still have those contacts?

MARCINKOWSKI: Not on the analytical side. Most of my contacts that remain are on the operational side, so I have to say no to that.

LEVIN: Thank you.

DASCHLE: Thank you.

We are virtually out of time, but Senator Rockefeller, the ranking member of the Intelligence Committee, asked if he could have the opportunity to pose one more question. And so, we will accommodate that request.

Senator Rockefeller?

ROCKEFELLER: Thank you, Mr. Leader.

In my opening remarks, I said something which I feel very, very strongly about. And that is that it is improper for the attorney general of the United States to be conducting, through the Department of Justice, an investigation of what this press conference -- which is, sort of, like a hearing -- is all about, and that's Valerie Plame. And that's being investigated by John

Ashcroft who was appointed by the president of the United States and by some very good people, presumably, who work for John Ashcroft.

Nevertheless, the question remains: Is that the proper way to find out who it was who outed and put at risk Valerie Plame and potentially so many of her former friends and contacts? In your judgment, is that proper?

MARCINKOWSKI: Senator, I would answer that question from the view of perception of how that is going to be viewed in the small legal community that I'm involved with. There's some problems with the Executive Branch investigating itself.

And it's not so much because of this incident but I think it has to be taken into context of other events that have occurred. And I'll give you an example.

Sometime early this spring, Chief Justice Rehnquist made some comments that the federal sentencing guidelines may appear to be intimidating to certain judges. That was reported in the media; his remarks at a convention of some sort. Later in the summer, I believe, Attorney General Ashcroft sent out a letter to all the U.S. attorneys across the country asking them to report on judges that may not be following those particular guidelines. And again, it was reported perception-wise as Mr. Ashcroft reaching out to the federal judiciary; again perceived intimidation.

MARCINKOWSKI: Now as you look at that fact of the attorney general being perceived as reaching out to the judiciary where he has no control over judges that are appointed for life, the question becomes, "Is the Justice Department capable, being run by John Ashcroft, to investigate?" He's not prepared to influence them.

Whether he does a fair job, an honest job, and he comes to the right conclusion I think will be irrelevant. There will always be the questions if he does it himself, political or otherwise: Was a fair job done?

The perception is always going to be there that there's going to be a remaining question because somebody put something under the table or somebody's playing cat-and-mouse with the truth. It's going to be there. We've seen it in so many cases. You can expect that to happen again.

So I just point that out. For reasons of perception, I don't think you're ever going to get away from that.

ROCKEFELLER: Do you agree?

JOHNSON: Yes. I agree with what Jim said. I believed in the special prosecutor when Bill Clinton was on the chopping block. I think what's good for the goose is good for the gander. It was a necessary reflection that I didn't trust Janet Reno.

I'm from Missouri. It's not that I don't trust John Ashcroft, but, you know, I think at the end of the day, unless they come up with a guilty party, then it's going to leave this lingering suspicion that this administration was playing politics.

I think the problem here is some. It's not all. There are some who are overcome with their zealotry that have been cutting corners. And I think it's important for President Bush to get them under control.

CANNISTRARO: I would think that the attorney general should, at a minimum, recuse himself from the investigation. There are career people at Justice Department who can

handle it well, but they really need to have a wall placed between themselves and the attorney general.

And then you need the leadership at the White House to encourage people to come forth. That hasn't been there. Clearly, there's been a disposition to exculpate people in advance, as we've seen with three people who are named and claims made that they had nothing to do with it. So the investigation hadn't even started at that point.

So clearly you need some change in the structure.

DASCHLE: Thank you.

This has been an enlightening and therefore a very productive hearing. I want to thank each of our witnesses. It is not easy to come forward as you have and to speak as forcefully and clearly as you have. But I think we can say, on behalf of the Senate and the country, we're very grateful to each of you for your presentations and for the commitment you continue to make.

I thank my colleagues as well.

This hearing of the Democratic Policy Committee is adjourned.

END

NOTES:

[????] - Indicates Speaker Unknown

[--] - Indicates could not make out what was being said.[off mike] - Indicates could not make out what was being said.