

The Libby perjury trial and the Washington media establishment

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A parade of journalist-celebrities to the witness stand in the perjury trial of I. Lewis Libby, former chief of staff to Vice President Cheney, has put the spotlight on the incestuous connections between the media elite and the highest circles of the political, military and intelligence establishments.

Television, newspaper and magazine reporters drawn from the elite of the Washington press corps, who make six-figure and even seven-figure incomes, are all testifying in the case.

Libby is charged with perjury and obstruction of justice by lying to the grand jury investigating the unauthorized leak of the identity of former CIA covert operative Valerie Plame Wilson. Wilson's name and profession were leaked to the press by the Bush administration in retaliation for public criticism of White House lies about the war in Iraq by Wilson's husband, former US ambassador Joseph Wilson.

Testimony this week by journalists and former and current White House aides confirmed that White House deputy chief of staff Karl Rove, Bush's top political operative, played a leading role in disseminating the information about the ambassador's wife.

Other testimony has strengthened the case against Libby, who told FBI agents as well as the grand jury convened by special prosecutor Patrick Fitzgerald that he had learned about Mrs. Wilson's CIA role from the press itself, and had played no role in spreading the information. Both claims were flatly untrue, and have been refuted by more than a dozen witnesses.

Two journalists testified that Libby told them about Valerie Plame's CIA role in late June and early July 2003: Matt Cooper, formerly of *Time* magazine and now with *Newsweek*, and Judith Miller, formerly of the *New York Times*.

The timing of these conversations is critical, both from a legal and a political standpoint. As a legal matter, Libby faces perjury charges because he repeatedly told the FBI and the grand jury that he learned that Plame was a CIA operative in a conversation July 10, 2003 with Tim Russert of NBC, who is scheduled to be the final prosecution witness Monday. Russert has denied having any discussion on the subject.

Miller testified to two discussions about Valerie Plame prior to the July 10 Libby-Russert conversation, on June 23 and July 8. Cooper testified to learning of Plame's CIA role from Karl Rove in a conversation July 11, and having Libby confirm it on

July 12.

The Miller discussions are particularly important because they reveal that the White House and the Washington media were discussing the charges raised by Ambassador Wilson well before he made them publicly in an op-ed column July 6, 2003 in the *New York Times*. His allegations—that the White House included false information about alleged Iraqi purchases of uranium in Niger as part of Bush's January 2003 State of the Union speech—were first reported, without his name attached, in a column by Nicholas Kristof of the *Times* in May 2003.

The White House quickly identified Wilson as the unidentified official cited by Kristof, and a struggle began to vilify the dissident former ambassador and challenge his credibility. There was particular sensitivity to the role played by Vice President Cheney: in 2002, Cheney had demanded the CIA look into allegations of an Iraqi connection to African uranium deposits, a mandate that ultimately led the agency to send Wilson to Niger, where he found no evidence of any recent Iraqi attempts to purchase uranium.

Miller testified that when she met with Libby on June 23, 2003 he “appeared to be agitated and frustrated,” particular complaining that the CIA was engaged in “a perverted war of leaks” about the Wilson trip to Niger. Did she know, he asked, that Wilson was married to a CIA operative named Valerie Plame? He described Mrs. Wilson's job with the agency and suggested that her influence had led to her husband's selection for the mission.

The *Times* reporter had just returned to Washington from Iraq, where she had spent several months “embedded” in a secret military intelligence unit that was scouring the country for evidence of “weapons of mass destruction,” but finding nothing. This was a subject on which Miller had written numerous articles and one book, all of them supporting the claims that Iraqi President Saddam Hussein was accumulating a huge stockpile of such weapons.

Libby had praised this work and became a regular source for Miller's writings—or to put the relationship more precisely, Miller had become a favorite mouthpiece for the Bush administration to disseminate pro-war propaganda in the period before and during the US conquest of Iraq.

It was in this capacity of co-conspirator in the promotion of

war that Miller was meeting with Libby. That is the only explanation for the next encounter of the two, at the Hotel St. Regis in Washington on July 8. This came two days after the *New York Times* op-ed piece by Joseph Wilson, exposing a key aspect of the administration's WMD fraud.

In a breakfast meeting that lasted two hours—the length suggests more a working session of confederates than an interview between a government official and a nominally independent reporter—Libby proposed that Miller write an exposure of Valerie Plame Wilson, attributing the information he was supplying to “a former Hill staffer.” This description that was technically true, since Libby had once worked on Capitol Hill as a Republican congressional staffer, but deliberately misleading, aimed at disguising the role of the Bush administration in damaging a critic.

Miller claimed in her testimony that Jill Abramson, the Washington bureau chief of the *Times*, vetoed the proposal, but Abramson denies this. In any case, no story appeared, and the *Times* published nothing on the subject until after a July 14 column by right-wing pundit Robert Novak, naming Plame and describing her role at the CIA.

Miller testified as a witness for special prosecutor Fitzgerald, who had her jailed for 85 days in 2005 to compel her to answer questions about who in the Bush administration had discussed the Plame/Wilson affair with her. She only dropped her refusal to testify after a cryptic letter from Libby, discharging her of any promise of confidentiality, and suggesting—perhaps in coded language—that the two were “joined at the roots.”

The Libby case is not the only criminal proceeding in which Fitzgerald has compelled Judith Miller to testify. She took the stand last November in the trial of Muhammad Hamid Khalil Salah, suburban Chicago grocer, and Abdelhaleem Ashqar, a former university professor from suburban Washington, DC, on charges that the two men had organized financial support for Hamas, the group that is currently the elected leadership of the Palestinian Authority, but classified as a terrorist organization by the US government. Coincidentally, that trial ended Thursday with a jury acquitting the two men of all terrorism charges, while finding them guilty of lesser offenses of lying to federal investigators.

This trial, which attempted to retroactively criminalize support allegedly given to Hamas in the early 1990s, deserves separate analysis. The significance of Miller's role is that she was called as a rebuttal witness to challenge Salah's claims that he had been tortured by the Israeli secret service Shin Bet, whose evidence was a major part of the prosecution case. Two Israeli secret policemen testified in the trial, with their faces and voices disguised.

Miller described witnessing an interrogation of Salah by Shin Bet in 1993, while she was reporting for the *New York Times* from Israel. He didn't appear to be a torture victim, she said, “He was boasting. He was jaunty. There was no reason to believe that he had been subjected to that kind of treatment.”

Aside from the dubious value of this testimony—Salah was interrogated for weeks, while Miller saw him for a few minutes—there is the extraordinary fact that Miller was invited by then Israeli Prime Minister Yitzhak Rabin and Shin Bet chief Yaakov Perry to sit in on a Shin Bet interrogation of a “terrorist,” and the Shin Bet agents even suggested that she could ask questions.

Under cross-examination, Miller claimed that her visit to the Shin Bet interrogation center had been approved by a *Times* editor. Which editor, she was asked. “I don't recall,” she answered. “We had a lot of editors.” She admitted that the interrogation had been conducted in Arabic, which she does not speak, and that she relied on the translation of a Shin Bet interpreter. She also claimed she could not recall whether she tape-recorded any part of the session, although she had described using a tape recorder in a 1998 radio interview. Miller was asked directly, by Salah's attorney Michael Deutsch, “Have you ever been used as a Mossad asset?” Miller said no.

Miller wrote about the interrogation of Salah in a 1993 article for the *Times*, although she concealed the fact that she had actually been present at the session. In a 1996 book of her reporting on the Middle East as a *Times* reporter, however, she recounts the incident in detail, noting the invitation to join in the formulation of questions to the suspect, and asking the self-damning question, “Where was the line between journalism and participating in an official inquiry, and, for all I knew, torture?”

That after these revelations Miller remained a *Times* correspondent for the next decade demonstrates that the newspaper's top leadership was perfectly willing to employ a de facto agent of the Israeli and American intelligence services, and even promote her as a path breaking investigative reporter.



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