

Washington jury convicts top Cheney aide of four felonies

Patrick Martin
7 March 2007

The conviction of former Cheney chief of staff I. Lewis Libby is the first case in which a top Bush administration has been found criminally culpable for lies related to the war in Iraq, but it should not be the last. A Washington jury handed down the guilty verdicts on four counts Tuesday, after ten days of deliberation.

Libby, once one of the most powerful figures in the Bush White House and a leading instigator of the war in Iraq, was found guilty of obstruction of justice, two counts of perjury, and one count of making false statements. He was acquitted of a single count of making false statements to the FBI.

The four convictions could bring combined sentences of as long as 20 years, but federal sentencing guidelines suggest that Libby could receive as little as one or two years in prison on each charge, to be served concurrently, since he will be treated as a first-time offender. Sentencing has been set for June 5, but Libby's attorneys said they would seek a retrial or appeal the verdict, a process that could delay any jail time until the end of 2008, when Bush presumably would issue a presidential pardon.

Far more important than Libby's individual fate is what the case reveals about the methods of the Bush administration. Libby was convicted of obstructing justice—i.e., he lied in order to block the investigation by a federal grand jury into the leaking of the name of CIA covert operative Valerie Plame. Her name was leaked to columnist Robert Novak, who made it public July 14, 2003, eight days after her husband, former ambassador Joseph Wilson, publicly attacked the Bush administration in an op-ed column in the *New York Times*. Wilson revealed that Bush had lied in his 2003 State of the Union speech, which included the claim, "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."

After CIA officials pressed for an investigation into the

leak, citing the 1982 Intelligence Identities Protection Act, which makes deliberate exposure of a covert agent a felony crime, the Justice Department appointed Patrick Fitzgerald, the US Attorney in Chicago, as a special prosecutor. Fitzgerald was quickly informed by then deputy secretary of state Richard Armitage that he had told Novak that Plame worked at the CIA, and White House political adviser Karl Rove subsequently admitted being the second source for Novak's column.

It had long been thought that Fitzgerald's investigation was focused on making a case against Rove, and Wilson himself expressed the hope that he would one day see Rove frog-marched out of the White House in handcuffs. What became clear in the course of the trial, however, is that the prosecutor's focus was not only Rove—who ultimately was not indicted—but Vice President Cheney.

The trial testimony portrayed Cheney as the moving force in the White House campaign to vilify Wilson and expose his wife's employment—both to cheapen Wilson's credibility with the suggestion that his trip to Niger was a case of nepotism, as well as to punish him by putting an end to his wife's career as a covert agent.

Libby's defense attorneys argued that he had not been lying when he denied leaking Plame's name to several reporters and claimed to have learned about her CIA status from NBC journalist Tim Russert. They insisted that he had merely forgotten the details of a relatively minor affair because he was preoccupied with much weightier matters of counterterrorism and the course of the war in Iraq.

Numerous witnesses testified, however, that Cheney and Libby were preoccupied with the political damage being done by Wilson. The two men repeatedly discussed how to combat public criticism of the war and hatched elaborate scenarios for political counterattacks, including selective leaks of classified information to journalists who could be relied on to put out the administration's version

of events.

Fitzgerald introduced notes hand-written by Cheney dictating how the anti-Wilson campaign was to be conducted, and then later, expressing concern that other White House officials were allowing Libby to take the blame for the leak.

In this context, it was highly doubtful that a jury would accept the “forgetfulness” argument, and at least one juror who spoke to the press after the verdict was issued said that, given the fact that Libby was told about Plame at least nine times by Cheney and CIA and State Department officials, “it seemed very unlikely that he would not have remembered about Mrs. Wilson.”

The juror, Denis Collins, a former *Washington Post* reporter, said that he and other jurors would have like to hear from Rove and Cheney, originally considered potential defense witnesses in the case, but not called by Libby’s lawyers, in a decision that surprised the judge and prosecutors.

“I will say there was a tremendous amount of sympathy for Mr. Libby on the jury,” Collins told the press afterwards. “It was said a number of times, ‘What are we doing with this guy here? Where’s Rove? Where are these other guys?’” He continued, “I’m not saying we didn’t think Mr. Libby was guilty of the things we found him guilty of. It seemed like he was . . . the fall guy.”

The verdict handed down by this jury, which was heavily vetted during the selection process to exclude virtually all minorities and anyone expressing serious opposition to the Iraq war, is a telling indication of the extreme political isolation of the Bush administration.

As the WSWS noted in a February 15 article, “Is there a Bush pardon in Lewis Libby’s future? Cheney aide abruptly ends defense in perjury trial”, the decision of the defense to rest its case without calling Cheney, Rove or Libby himself amounted to conceding conviction—with the expectation that so long as Libby protected Cheney and covered up his role in the campaign to destroy the Wilsons, he could look forward to a presidential pardon that would allow him to escape any legal consequences for his actions.

In his closing argument—although not reported in the press until after the guilty verdict—Fitzgerald specifically singled out Cheney’s role, declaring that “a shadow hangs over the vice president’s office.” But in comments to the press after the jury verdict, Fitzgerald downplayed the prospects of any additional charges. “We’re all going back to our day jobs,” he said, indicating that there will be no effort to use the conviction to “flip” Libby and induce

him to testify against Cheney, or even Bush himself.

The White House maintained the response it has given to all questions on the Plame/Wilson affair since the Justice Department investigation first began. There would be no discussion of the matter because it was an ongoing criminal case. This stance has no legal justification and would, in a different political environment, be denounced as stonewalling. Deputy press secretary Dana Perino even claimed “I would not agree” with suggestions that four felony convictions for a top White House aide was politically embarrassing. She dismissed questions about a pardon for Libby as “wildly hypothetical.”

Senate Majority Leader Harry Reid hailed the verdict and called on Bush to pledge not to pardon Libby. “It’s about time someone in the Bush Administration has been held accountable for the campaign to manipulate intelligence and discredit war critics,” he said. But the Democrats share responsibility for both the unprovoked aggression against Iraq and the campaign of propaganda lies used to justify the war. Any genuine investigation into the launching of this criminal war would find prominent Democrats like Reid and Hillary Clinton in the dock side-by-side with Bush, Cheney and Rumsfeld.

While the Fitzgerald investigation has been effectively ended, the legal conflict over the Plame/Wilson affair could still produce wider effects. Plame and Wilson filed a civil lawsuit last July against Libby, Cheney and Rove, charging them with violating their rights to free speech, privacy and equal protection under the law by conspiring to expose Plame’s CIA identity. This lawsuit has been delayed while the criminal case proceeded. Once it becomes an active case—assuming a Bush-friendly judge does not dismiss it arbitrarily—the plaintiffs will have discovery rights to subpoena testimony and documents about the decision-making process that led to the disclosure of Plame’s covert status.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact