

Washington Post's Richard Cohen offers "liberal" case for Lewis Libby's freedom

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The conviction and sentencing of I. Lewis Libby, the former chief of staff to Vice President Dick Cheney, for perjury and obstruction of justice in connection with the exposure in July 2003 of former CIA operative Valerie Plame Wilson, has elicited a furious response from the American right.

Bush administration officials, including Libby and Karl Rove, informed reporters about Plame Wilson's status to punish her husband, former diplomat Joseph Wilson, for his role in exposing administration lies about alleged Iraqi nuclear weapons programs. Libby was convicted March 6 of lying to FBI agents and a federal grand jury investigating the leak of Plame Wilson's CIA identity. A judge recently ordered Libby to begin serving his 30-month prison sentence—hence the right-wing campaign to free him or win his pardon.

To the right-wing clamor in defense of Libby, the *Washington Post's* Richard Cohen, a self-avowed liberal, has now added his own philistine arguments. This is nothing new. Cohen has the habit of falling in with the arguments of the right-wing while stridently posturing as an iconoclast and confounder of liberal or left conventional wisdom.

In his column Tuesday Cohen claims that Special Counsel Patrick J. Fitzgerald made a "mountain out of a molehill" in prosecuting Libby for what was, after all, a "run-of-the-mill leak."

As an introduction to his column, Cohen refers to a speech made by former Attorney General Robert H. Jackson to federal prosecutors in 1940. Jackson noted that, owing to the impossibility of fully prosecuting all transgressions of the law, "What every prosecutor is practically required to do is to select the cases for prosecution and to select those in which the offense is the most flagrant, the public harm the greatest, and the proof the most certain."

We will return to Jackson further on, but precisely why Cohen believes this quotation supports Libby's case remains unexplained. Libby, as Cheney's right-hand man, was one of the principal actors in the conspiracy to attack Iraq in violation of international law, dragging the American population into a disastrous conflict. He then played a key role in the effort to smear critics of that war effort and, thereby, he hoped, intimidate opposition in general. If these actions do not constitute public harm, what would?

Cohen finds it objectionable that Libby should be sentenced for lying under oath. He writes, cynically: "This is not an entirely trivial matter since government officials should not lie to grand juries, but neither should they be called to account for practicing the dark art of politics. As with sex or real estate, it is often best to keep the lights off."

Cohen continues, "I cannot approve of lying under oath—not by Scooter, not by Bill Clinton, not by anybody. But the underlying crime is absent." The amalgamation is absurd. Clinton lied about a sexual relationship, while Libby had a hand in hatching one of the greatest war crimes of the past 50 years.

At the heart of Cohen's argument, made almost in passing, lies the assumption that conspiracy to launch a war leading to the deaths of hundreds of thousands of people, the falsification of evidence and officially organized retribution against political opponents simply constitute "the dark art of politics"—business as usual—for which operators such as Libby "should not be called to account."

Further down, Cohen seeks to equate the prosecution of Libby with the very assault on democratic rights that the latter and the rest of the Bush administration worked to carry out:

"The special counsel [Fitzgerald] used the immense power of the government to jail Judith Miller [of the *New York Times*] and to compel other journalists, including Time's Matt Cooper, to suspend their various and sacred vows of silence just so they could, understandably, avoid jail.... As Fitzgerald worked his wonders ... many opponents of the Iraq war cheered. They thought—if 'thought' can be used in this context—that if the thread was pulled on who had leaked the identity of Valerie Plame to Robert D. Novak, the effort to snooker an entire nation into war would unravel and this would show ... who knows? Something. For some odd reason, the same people who were so appalled about government snooping, the USA Patriot Act and other such threats to civil liberties cheered as the special prosecutor weed-whacked the press, jailed a reporter and now will send a previously obscure government official to prison for 30 months."

Forcing reporters to reveal sources is a practice not to be taken lightly. But who was the *Times's* Judith Miller and what was she doing? Was she prosecuted for exposing the Bush administration's lies? Was she protecting whistleblowers who

had lifted the lid on official crimes? In fact, Miller was an accomplice in the conspiracy to drag the American people into war, as her earlier role as a conduit of lies about alleged weapons of mass destruction demonstrated.

Miller was jailed because she refused to disclose the source in the Bush administration of the leak about Valerie Plame Wilson, i.e., she refused to name the individual responsible for smearing political opponents. She was hardly the martyr of the free press that Cohen paints her to be. It is, in fact, a commentary on the state of the American media that its members could face charges, not for revealing official crimes, but for covering them up.

And what of Libby, this “previously obscure government official”? Cohen makes him sound like a lowly clerk in some corner office. In fact, in his concurrent positions as Cheney’s chief of staff, assistant to the vice president for national security affairs and assistant to President George W. Bush, Libby played a prominent role in perpetrating the present administration’s crimes. Further, he was found guilty of two counts of perjury, one count of obstructing justice in a grand jury investigation, and one of the two counts of making false statements to federal investigators in an attempt to cover up his culpability in an attack on a prominent critic of the Bush administration. Cohen’s endeavor to paint Libby as the victim of a repressive government dragnet is patently absurd.

Cohen goes on to conclude that the investigation “would not have been conducted if, say, the Iraq war had ended with 300 deaths and the mission had really been accomplished.” That may be true, but then again, the war has not cost the lives of 300 people, but some 700,000 or more. And even if it had cost only 300, Libby and the rest should still have been held accountable for their crimes.

Of course, here Cohen lets the cat out of the bag. He hoped, along with many others, that the war for Iraq’s oil reserves would be a quick and easy affair. If he now says, “I have come to hate the war,” which one has reason to doubt, it is largely because the invasion and occupation have been a calamity, with ominous political consequences.

Cohen has good reason both to fear serious investigation of the drive to war with Iraq and to pass off the latter, including Libby’s role, as ‘business as usual’: his own rotten role. In February 2003, Cohen was one of those who saw the light after Secretary of State Colin Powell’s presentation of the US case against Iraq in the United Nations Security Council.

It is instructive to recall Cohen’s journalistic conversion to the righteous cause only hours after hearing Powell present evidence—really a pack of fabrications—that Iraq was stockpiling illegal weapons. He wrote at the time: “The evidence presented to the United Nations—some of it circumstantial, some of it absolutely bone-chilling in its detail—had to prove to anyone that Iraq not only hasn’t accounted for its weapons of mass destruction but without a doubt still retains them. Only a fool—or possibly a Frenchman—could conclude otherwise.”

We will not insult Mr. Cohen’s intelligence by claiming he actually believed what he wrote. But regardless, he numbered among the cheerleaders of the invasion of Iraq and he, like Libby, bears a portion of the blame for the deaths of hundreds of thousands.

This being the case, why should Cohen not be adamant about Libby going free? After all, pundits like Cohen were as instrumental in feeding the Bush administration’s lies to the American public as top officials like Libby were active in fabricating them.

In this regard, it is noteworthy that Cohen begins his article with a quote from Robert H. Jackson without mentioning Jackson’s most significant role, as the chief US prosecutor at the 1945-46 Nuremberg Trials of Nazi war criminals.

In summing up its findings, the Nuremberg court concluded: *“To initiate a war of aggression, therefore, is not only an international crime; it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole.”*

Is not the Bush administration and the entire American ruling elite, including its media establishment, guilty of such a crime, initiating a war of aggression?

It is certainly impossible to argue that Libby, as national security advisor to Dick Cheney, had no part in planning and perpetrating just such a war. His position of influence was not exceedingly lower than that of, for instance, Walther Funk, the Nazi Minister of Economics, or Albert Speer, the Reich’s minister of Armaments, both of whom the court found guilty of war crimes.

It is instructive to note that the people prosecuted by Jackson at Nuremberg were not simply politicians and military leaders. To cite only two examples: Julius Streicher, editor of the pro-Nazi newspaper *Der Stürmer*, and Hans Fritzsche, a leading Nazi radio commentator and propagandist, were both indicted before the Nuremberg court for their roles in adapting German public consciousness to the Nazi regime’s drive toward aggressive war.



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