

Right-wing furor demanding pardon for convicted Cheney aide

Patrick Martin
13 March 2007

Former Bush administration officials, congressional Republicans, and the whole panoply of the American ultra-right are raising the demand for an immediate Bush pardon of I. Lewis Libby, the former Cheney chief-of-staff who was convicted last Tuesday of four felony counts involving lies to a federal grand jury.

Some of these same individuals and institutions—pundit William Kristol, Fox News anchor Brit Hume, the editorial board of the *Wall Street Journal*—raised a hue and cry for the impeachment of President Bill Clinton for lying about a private sexual relationship. But now they are declaring, in tones of outrage, that to try Libby for the same charges (perjury and obstruction of justice), for which Clinton was impeached, amounts to “criminalizing political differences.”

The two cases, however, are radically different. The Clinton impeachment was indeed a case of “criminalizing political differences,” in the sense that a criminal charge against Clinton was manufactured for political reasons. Ultra-right groups brought forward and financed the Paula Jones lawsuit as a means of harassing and destabilizing the Clinton administration. After the Supreme Court agreed, in an unprecedented decision, that Clinton could be compelled to testify in a civil suit while still in office, Jones’s lawyers took Clinton’s deposition, set a trap with questions about the unrelated Monica Lewinsky affair, and then handed off the case to Independent Counsel Kenneth Starr.

The criminal case against Libby likewise had its source in political conflicts in Washington, but the charges arise directly from Libby’s own actions as a public official. Libby lied to the grand jury, not about a purely private matter like the Lewinsky affair, but about the White House effort to smear and punish a critic of its war policies in Iraq, former ambassador Joseph Wilson.

While no one was charged with the underlying offense of leaking the identity of Wilson’s wife, CIA operative Valerie Plame Wilson, to the media, there is no question that Libby’s conduct was directly related to his work as Cheney’s chief political hatchet man, and one of the most fervent advocates of the Iraq war. In that context, his conviction is a serious blow to the Bush administration.

The *Journal* is, of course, well aware of the political

implications of the verdict. Its March 7 editorial declares that Libby should be pardoned immediately, warning that the conviction of one White House aide for lies related to the Iraq war will only inflame those who believe (quite correctly) that “President Bush ‘lied us into war’” and lead to demands “that Dick Cheney be strung up next.” The editors reproach Bush for failing to respond aggressively, thus allowing “a trivial matter to become a threat to the Administration itself.”

Bush was noncommittal in his reaction to the verdict, given in an interview with CNN En Español just before departing for his Latin American tour. “This was a lengthy trial on a serious matter, and a jury of his peers convicted him,” he said, “and we’ve got to respect that conviction.” He said he was “pretty much going to stay out of” the Libby case until the legal process had run its course, suggesting that an immediate pardon was unlikely. This comment only fueled the furor on the right, however.

Even more significant than the predictable howls from the *Journal*, *National Review* and the *Weekly Standard* was the editorial in the *Washington Post* March 7. This nominally liberal newspaper has moved sharply to the right over the past decade, and was perhaps the most important US editorial voice in support of the invasion and conquest of Iraq.

The editorial acknowledges that Libby’s conviction on four counts of perjury, making false statements and obstruction of justice “was grounded in strong evidence and what appeared to be careful deliberation by a jury.” It then goes to say, in effect, “So what?”

The Libby case is “a pointless Washington scandal,” one “remarkable for its lack of substance. It was propelled not by actual wrongdoing but by inflated and frequently false claims and by the aggressive and occasionally reckless response of senior Bush administration officials—culminating in Mr. Libby’s perjury.”

In point of fact, the Libby case does have substance, not merely because the offenses of perjury and obstruction of justice are significant, but because they were only the tip of the iceberg. Libby’s perjury was only a small portion of the monumental lying which has been the basis of the Bush administration’s case for war, from “weapons of mass destruction” to the suggestions of connections between Saddam

Hussein and the September 11 terrorist attacks.

As for “actual wrongdoing,” the entire political program of the Bush administration consists of a series of criminal assaults on international law, the US Constitution, and the democratic rights and social interests of the vast majority of the American people.

Libby’s perjury and obstruction of justice were carried out as a necessary part of the waging of an illegal war in which more than 3,200 American soldiers and hundreds of thousands of Iraqis have been killed. The immediate purpose of Libby’s actions—to discredit and punish a critic of the war—dovetails with the most important domestic policy of the Bush administration, its creation of the legal framework for a police state, in which anyone targeted by the White House can be spied on, wiretapped, or designated an “illegal enemy combatant” and arrested and locked away for life in a US government camp, with no legal recourse.

It is, of course, true that Libby’s selection as the sole member of the Bush administration to face a prison term—at least up to now—may seem unfair, in the sense that there are many other officials even more deserving of criminal prosecution. But that is an argument, not for dismissing the significance of the Libby case, but for establishing an international tribunal to try all the perpetrators of the US war of aggression in Iraq, including not only those directly responsible for ordering the criminal war, but those who played prominent roles in justifying and providing political cover for the monstrous slaughter unleashed against the people of Iraq—including the editors of the *Journal* and the *Post*, among others.

There is another aspect of the Libby case that deserves attention: whether the White House, despite its proclaimed “hands-off” policy, secretly colluded with Libby’s own defense attorneys and with Libby himself.

An astonishing passage buried in a *Washington Post* news article of March 8 notes: “Despite the defense’s trial argument that Libby was made a scapegoat by the White House, aides and advisers said there is no anger toward him in the West Wing. Libby’s defense team reached out to an intermediary after its opening statement to reassure the White House about its strategy, according to a source close to the situation.”

The American media has generally passed over this report in silence, but the *Post*’s online White House columnist, Dan Froomkin, took note of it in a posting headlined, “Did Libby Make a Deal?” Froomkin asks some apt questions about the sudden shift in tactics by the Libby defense, which initially suggested it would put both Cheney and Libby on the stand, and that it would charge that Libby was being made a scapegoat for higher-level administration officials (given Libby’s prominence, that could only be Karl Rove, Cheney and Bush himself).

Froomkin writes: “Wow! In what form did this reaching out take place? Was it two-way? Was Team Libby’s threat to attack Rove, call Cheney to the stand and potentially spill

plenty of White House secrets just a bargaining chip in some sort of negotiation? Was their decision to rest their case in any way related to any promises from the White House? Could Libby have made some sort of a deal with the White House to ensure a presidential pardon?”

If such a deal did take place—as seems likely—the White House has added to its crimes with a further effort to obstruct justice by ensuring that the Libby trial did not provide an exposure of the responsibility of top administration officials for the smear campaign against Joseph Wilson and his wife. Any secret assurances to Libby of a pardon would continue and escalate the underlying crime which he committed through his initial perjury—obstructing the investigation into the leaking of Plame’s name by providing Libby with an incentive to continue his cover-up.

The impact of the Libby case is reflected in a second remarkable commentary which appeared in the *Post* on the same day as Froomkin’s blog, written by the newspaper’s foreign-policy columnist, Jim Hoagland, a longtime proponent of a US war to overthrow Saddam Hussein. “What has happened to Dick Cheney?” the column’s headline queries, and Hoagland then asks, “Is the vice president losing his influence, or perhaps his mind?”

He notes that the question of whether Cheney has become delusional is now widespread in government circles around the world, and increasingly in top US political and media circles as well. Referring to Cheney’s angry and agitated demeanor in several recent television appearances, he writes, “his irascibility in television interviews triggers diplomatic cables analyzing his equilibrium.”

Hoagland observes, “The Libby trial revealed serious splits between Cheney and Bush’s political team, led by Karl Rove, who suffered no legal consequences for his role in the scandal.” But he suggests that Cheney is unlikely to resign unless doubts continue to grow about whether the United States has “a vice president in stable physical, emotional and political health.” In other words, according to this Washington insider, “reasons of health” will be the pretext if Cheney has to be removed because he has become too much of a political liability.



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