

Digging Deeper: Why No Conspiracy Count for Libby?

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The pre-Iraqi War intelligence was “fixed around the policy,” according to the Downing St. Memos. The perjury case of Irving “Scooter” Libby, Dick Cheney’s gofer, is only one small piece of the scheme to lie the country into war. Special Counsel Fitzgerald failed to use a conspiracy count against Libby, but he didn’t hesitate to do so in the Khaled Dumeisi case. Why the double standard? The Congress must get to the bottom of this cover-up.

On Oct. 28, 2005, Irving “Scooter” Libby, a presidential advisor and chief of staff to V.P. Dick Cheney, was indicted for lying to the FBI and to a federal Grand Jury about the identity of a covert CIA operative, Valerie Plame, and also for obstructing justice.[1] Libby is a quintessential inside-the-Washington, D.C.-beltway politico and is also a rabid Iraqi-war hawk. He was one of that blood stained conflict’s leading proponents, along with others in the “White House Iraq Group,” (WHIG). [2] A zealous Neocon, Libby has a long personal and profession relationship with the primary architect of the Iraqi War - Paul “The Wolf” Wolfowitz. [3] In fact, Libby has been described by Slate’s pundit, John Dickerson, as a “Neocon’s Neocon.” [4]

When Plame’s husband, former U.S. Ambassador Joseph C. Wilson, revealed that Iraq’s Saddam Hussein had not sought “uranium from an African country,” as claimed by President George W. Bush in his State of the Union speech, on Jan. 28 2003, Libby went ballistic. It later turned out that the “Niger documents” had been forged. In any event, perhaps to hide the fact that it was lie that Baghdad was a nuclear threat to the U.S., Libby launched a vicious campaign to personally discredit Wilson, using his CIA-based spouse as his primary target. He got into trouble doing that because it’s a federal crime to “out” a covert CIA agent. [5]

There are much bigger questions in this matter, however, which the Special Counsel, Patrick J. Fitzgerald, failed to address in his narrowly constricted probe of Libby. Try these four: What was Libby trying to cover-up by smearing Ambassador Wilson? Who put him up to the smear tactics? Who knowingly assisted Libby in his effort to either “out” Plame and/or mislead the FBI and/or the Grand Jury? What were Libby’s real motives? There is something else that is very odd about the Libby case. In most every major indictment of a public figure—a drug dealer, a politician, union official or Mafia kingpin—a conspiracy count is utilized by the federal prosecutor in the charging document. Generally, its use is pro forma. Why is this? It’s because a conspiracy count in an indictment allows a skilled prosecutor to resort to hearsay evidence in order to prove some parts of his case. It also throws a wider net over the supposed wrongdoing. It’s possible to prove that someone conspired to commit a crime, like outing a CIA agent, without proving the distinct offense itself. It’s a powerful weapon, which makes it a lot easier for the prosecutor to nail a defendant and his cohorts. Yet, in the Libby

case, Fitzgerald neglected to include this primary prosecutorial tool in the indictment. Why?

When this same Fitzgerald, as the US Attorney for Northern Illinois, indicted a publisher of an Arabic-language newspaper, Khaled Abdel-Latif Dumeisi, on July 9, 2003, for “failing to register as a foreign agent,” he included a conspiracy count in his charges against the defendant. [6] Why the obvious double standard in the Libby case? Was Libby acting on his own initiative in the Plame affair; or at the urging of Cheney, his immediate boss; and/or of President George. W. Bush, via Bush’s brain, Karl Rove; or did Wolfowitz have something to do with it? The public is entitled to have answer to these kinds of questions, and more, especially to this central query: Who is responsible for lying the country into the Iraqi War? Also, Libby’s indictment claimed, at paragraph 33, page 12, that Cheney, not a journalist, was one of Libby’s administration sources about Plame’s CIA identity. So, to repeat what Dick Morris, asked in the NY Post, on 10/27/05, if that allegation turns out to be true, “Why did Cheney let his chief of staff mislead the public – for two years, including [for] the entire [duration of the] 2004 presidential campaign?” If Libby is a liar, isn’t Cheney one, too?

By now, most people know that things can be “fixed!” For example, there is a long record of sleazy gangsters fixing sporting events, such as horse racing, college basketball and even professional baseball games. The notorious Chicago mobster, Arnold Rothstein, reportedly helped to fix the 1919 World Series between the Chicago White Sox and the Cincinnati Reds. We also know that if you have connections, and have been convicted of a serious crime, or are even a fugitive from justice, like Marc Rich then was, you can get a presidential pardon, if you know the right people. Libby was one of Rich’s attorneys at the time the then-President, Bill Clinton, granted the well connected Rich a pardon. (5) Can the reasons for going to war also be “fixed?”

There is abundant evidence on the public record, which is growing daily, thanks to the disclosure of the Downing St. Memos, that the country was lied into the Iraqi War. It appears that the pre-war intelligence was “fixed around the policy.” [7] Saddam had no WMD (despite the hot air of the NY Times’ Judith Miller to the contrary). He had no connections to Al-Qaeda and he had nothing whatsoever to do with the 9/11 tragedy. Who “fixed” the intelligence to justify a pre-emptive attack on Iraq? Was it Libby? Cheney? Rove? Bush? Wolfowitz? A cabal of Neocons? All of the above? And, who tried to cover up the fix? Fitzgerald owes a duty to the Republic to dig deeper into the bottom of this mess.

Meanwhile, the U.S. Congress should begin the process of redeeming its lost honor by conducting a no holds barred probe into this sordid affair. [8] What is encouraging on that end is this: Sen. Barbara A. Mikulski (D-MD), who sits on the important Senate Intelligence Committee, has finally broken her vow of silence on this scandal. In a press release, on Oct. 28, 2005, she stated: “The charges against Mr. Libby are grave, disturbing and shocking. The alleged crimes appeared to be part of a larger strategy by senior White House staff to manipulate the information that falsely led America into war.” Now, that last sentence is a good working premise for the needed probe.

Finally, my sources advise me that V. P. Dick Cheney has purchased a palatial estate, worth in the tens of millions of dollars, in quaint St. Michaels, located in Talbot County, Maryland. The Eastern shore county borders mostly on the Chesapeake Bay and its tributaries. The chances are good that Cheney, an unrepentant War Hawk, will spend his retirement years cashing in on his lucrative Halliburton holdings, while looking out on glorious sunsets. The same, however, won’t be said for his gofer, Irving “Scooter” Libby, if he convicted on all

counts and gets serious prison time on the charges. And, of course, the 2,023 brave American military personnel, who have already died in Iraq, based on a policy built on deliberate lies and half truths, will never get that chance either. The cowardly liars in the Bush-Cheney Gang, who have yet to be punished for their evildoings, took their futures away from them. Isn't it time that these shameless culprits who deceived the American people, and the U.S. Congress, into an unjustified war, were exposed and brought to the bar of justice? [9]

William Hughes is a Baltimore attorney and the author of "[Andrew Jackson vs. New World Order](#)" (Authors Choice Press) and "[Saying 'No' to the War Party](#)".

Notes

- [1]. <http://news.findlaw.com/hdocs/docs/plame/usvlibby102805ind.pdf>
- [2]. <http://www.afterdowningstreet.org/?q=node/661>
- [3]. <http://www.slate.com/id/2128530/?nav=ais>
- [4]. <http://www.unknownnews.net/031102a-be.html>
- [5]. "A Leak, Then a Deluge," by Barton Gellma, Washington Post, 10/30/05.
- [6]. <http://news.findlaw.com/hdocs/docs/iraq/usdumeisi71603ind.pdf>
- [7]. <http://www.afterdowningstreet.org/>
- [8]. <http://nationaljournal.com/about/njweekly/stories/2005/1027nj1.htm>
- [9]. http://bellacio.org/en/article.php3?id_article=9002

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