

## Libby's Defense: 'The Devil Made Me Do It'

by Jeffrey Steinberg

While the "Establishment" media has been asleep at the switch, Special Counsel Patrick Fitzgerald has made a series of devastating filings before Judge Reggie B. Walton, in the United States District Court for the District of Columbia, which have placed a new spotlight on the personal role of Vice President Dick Cheney in the leaking of the identity of Central Intelligence Agency officer Valerie Plame Wilson.

Those filings, from May 12 and May 24, 2006, taken together, provide a clear picture of what motivated defendant I. Lewis "Scooter" Libby to lie before the Federal grand jury. As the Fitzgerald filings show, Libby obstructed justice in order to conceal the fact that Vice President Cheney was obsessed with discrediting Ambassador Joseph Wilson, whose July 6, 2003 *New York Times* op ed accused the Bush Administration of faking crucial evidence that justified the preventive-war invasion of Iraq earlier that year.

In February 2002, former Ambassador Wilson had been dispatched to the African nation of Niger, to probe reports that the Saddam Hussein regime in Iraq had been attempting to acquire large quantities of uranium, for a secret nuclear weapons program. Wilson's CIA-sponsored trip had come in response to queries from Vice President Cheney, who was seeking every ounce of "proof" to justify an invasion of Iraq. Wilson reported back to the Agency that there was no credible basis to believe Iraq had obtained uranium from Niger. Nevertheless, right up to the March 2003 invasion, top Administration officials, including Cheney and President Bush, had repeatedly claimed that Iraq was building a bomb and had been seeking uranium in Africa.

### The Handwriting on the Wall

On May 12, 2006, Special Counsel Fitzgerald filed a "Government's Response to Court's Inquiry Regarding

News Articles the Government Intends to Offer as Evidence at Trial," which contained a bombshell exhibit: a copy of Joseph Wilson's July 6, 2003 *New York Times* op ed, "What I Didn't Find in Africa," with handwritten margin notes from Vice President Cheney, and extensive underlinings of the article text. Among the notes on the article in Cheney's handwriting: "Do we ordinarily send people out pro bono to work for us? Or did his wife send him on a junket?"

Cheney's reference to "his wife" confirmed that the Vice President was aware, prior to the July 14, 2003 outing of Valerie Plame as a CIA officer in a syndicated column by Robert Novak, that she was employed by the CIA. Furthermore, as Fitzgerald noted in his filing, "Those annotations support the proposition that publication of the Wilson Op Ed acutely focused the attention of the Vice President and the defendant, his chief of staff, on Mr. Wilson, on the assertions made in his article, and on responding to those assertions. The annotated version of the article reflects the contemporaneous reaction of the Vice President to Mr. Wilson's Op Ed article, and thus is relevant to establishing some of the facts that were viewed as important by the defendant's immediate superior, including whether Mr. Wilson's wife had 'sen[t] him on a junket.'"

In the same section of the filing, Fitzgerald emphasized that, whether or not Libby had personally seen the annotated copy of the Wilson op ed, the document did go to the issue of "motive." Fitzgerald wrote, "The article, and the fact that it contains certain criticisms of the administration, including criticisms regarding issues dealt with by the Office of the Vice President ('OVP'), serve both to explain the context of, and provide a motive, for many of



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*I. Lewis "Scooter" Libby: Caught.*

*Libby's boss: Vice President Dick Cheney (left).*

the defendant's statements and actions at issue in this case."

As any first year law student knows, the crucial issue in any criminal prosecution is the ability of the government to show the motive of the accused criminal. In the Libby case, Fitzgerald has zeroed in on Libby's boss, Vice President Dick Cheney. Cheney went berserk when the Wilson op ed appeared. Indeed, according to the same May 12 Fitzgerald filing, Cheney was already spreading the word that Wilson's wife worked for the CIA as early as May-June 2003, when a series of news stories, appearing in the *Washington Post* and the *New York Times*, highlighted the Wilson fact-finding mission to Niger, even though his name was not mentioned.

### **Grand Jury Testimony Dripped Out**

On May 24, 2006, Special Prosecutor Fitzgerald dropped another bomb, filing a "Reply to the Response of I. Lewis Libby to Government's Response to Courts Inquiry Regarding News Articles the Government Intends to Offer at Trial," which further identified Cheney as the architect of the Plame leak. Appended to the filing were redacted portions of the transcripts of two grand jury appearances by Libby, on March 5 and March 24, 2004. In that testimony, Libby

described the Vice President's reaction to the appearance of the Wilson op ed, but claimed that his discussions with Cheney about how to respond to the Wilson story took place *after* the Novak column blowing Mrs. Wilson's cover as a CIA officer. Fitzgerald wrote that he will present witnesses at trial who will confirm that Cheney ordered the "Get Wilson" campaign prior to the Novak leak, and that Libby lied before the grand jury, to cover up Cheney's role.

Nevertheless, as the redacted portions of Libby's grand jury testimony—now out in the public record—make clear, Cheney was the driver of the campaign to discredit Ambassador Wilson. Libby admitted, under oath, that he and other officials in the Office of the Vice President, had numerous conversations with Cheney, about the need to "get the facts out" to counter the devastating impact that the Wilson revelations had.

Whether he likes it or not, Libby has adopted a defense strategy that centers around the central argument: "The Devil made me do it."

As part of *EIR's* role as a publication of record, we publish below the full texts of Special Prosecutor Fitzgerald's May 12, 2006 and May 24, 2006 court submissions, along with the full texts of the portions of the Libby grand jury testimony, appended to the May 24 filing.