Loyalty and the law

by the St. Louis Post-Dispatch

I. Lewis "Scooter" Libby has been sentenced to 2 1/2 years in prison because he put his loyalty to the Bush administration above the law of the land. Libby's basic mistake was the same one committed by the underlings of President Richard Nixon 35 years ago: Coarsened by the hardball politics of Washington, they treated the law as an inconvenience that could be stepped over to advance the interests and protect the vulnerabilities of their boss.

Libby was convicted of lying to the FBI and perjuring himself before a grand jury. At his sentencing, Federal District Judge Reggie Walton - who was appointed to the federal bench by President George W. Bush - said the evidence against Libby weighed by the jury had been "overwhelming." Libby had told at least two reporters that Valerie Plame, the wife of an administration critic, was a CIA operative working to control the spread of weapons of mass destruction. Then he lied about it to investigators probing how a covert agent had been exposed.

Judge Walton said he had a "sense of sadness" as he sentenced Libby. He said he respects people who work in government and try to protect the country. "I also think it is important we expect and demand a lot from people who put themselves in those positions," the judge said. "Libby failed to meet the bar."

That's exactly the point of a 2 1/2-year sentence. Libby wasn't some junior clerk lying about the length of his lunch hour. He was the chief of staff to the vice president of the United States, and he lied in an investigation of a case involving national security.

Bush is getting some pressure to pardon Libby. Doing so would send a wrong but sadly consistent message. An administration that has concocted legal rationalizations for torture and warrantless wiretapping would be saying that perjury is OK, too. It would indicate that the president regards the White House as a bubble within which the law does not apply.

Libby was the ultimate administration loyalist, dedicated to the neoconservative cause and allied with Vice President Dick Cheney, former Defense Secretary Donald Rumsfeld and former Deputy Defense Secretary Paul Wolfowitz. As one of Cheney's two top aides - the other was counsel David Addington, who became chief of staff after Libby's indictment and resignation - Libby played a key behind-the-scenes role in selling the Iraq War to the press and American people. When the postwar effort and support for it began to falter, Libby was called upon to try to reverse the damage.

Plame's identity was exposed in July 2003, as the White House was battling with her husband, former Ambassador Joseph Wilson IV. Early in 2002, at the behest of the CIA, Wilson had looked into claims that Saddam Hussein was trying to buy uranium from the country of Niger. He was persuaded that the claims were without substance.

Yet the administration continued to insist they were true. Indeed, in his State of the Union speech in January 2003, President Bush had referred to British information that Saddam was uranium shopping in Africa. In July, with the administration clinging to the claim, Wilson wrote an opinion piece for The New York Times explaining his earlier mission for the CIA and expressing his belief that the administration knew that the uranium claims were false.

Shortly thereafter, the administration admitted that Bush's address to Congress should not have included the reference. Days later, Plame's identity was exposed in a syndicated column by Robert Novak. The CIA officially requested an investigation into the disclosure of the identity of a covert agent, and the FBI launched one.

Plame's exposure caused a political firestorm. Had the leak been traced to Cheney's office, it would have caused great embarrassment, as well as possible criminal charges. When questioned by the FBI, Libby lied and then lied again under oath before the grand jury. Special prosecutor Patrick Fitzgerald has said that those lies stymied his investigation into Cheney's own role in the case.

Libby's conviction reminds us of the lesson of Watergate: Trying to cover up a mess is invariably worse than coming clean about it. And Libby's prompt delivery into federal custody, which Judge Walton is considering and seems inclined to order, would remind other officials that ours is a government of laws, not of men.

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