

Scooter scooted

by the St. Louis Post-Dispatch

Anyone who is surprised that President George W. Bush commuted I. Lewis "Scooter" Libby's prison sentence hasn't been paying enough attention to the way this administration does business:

It wages a pre-emptive war in search of nonexistent weapons of mass destruction. It ignores the judges of the Foreign Intelligence Surveillance Court and wiretaps citizens without warrants. It holds prisoners for years without charges or trial, and uses secret prisons overseas where prisoners are tortured in everything but name. It nominates its own unqualified lawyer to the Supreme Court and fires career prosecutors to make room for its own stooges. It ravages the environment and calls it the Healthy Forests Act and Clear Skies Initiative. It walks away from international arms treaties and even claims the vice president isn't part of the executive branch.

Surely giving Libby a get-of-jail-free card is no big deal.

After all, Vice President Dick Cheney's former chief of staff merely saluted and followed orders. He was told to undermine the credibility of former Ambassador Joseph Wilson's assertions that the administration knew its claims about Iraq buying uranium for Niger were bogus. So Libby chatted up some reporters, fed them some misleading information and suggested that Wilson's trip to Niger was a boondoggle set up by his wife, Valerie Plame Wilson, who happened to be a CIA operative.

Then Libby lied to FBI agents and a grand jury investigating the leak of Mrs. Wilson's identity about what he had said when to whom. Special Prosecutor Patrick Fitzgerald charged him, appropriately, not with exposing a covert agent but with perjury and obstruction of justice. A jury convicted him, and Judge Reggie Walton sentenced him to spend 30 months in prison, pay a \$250,000 fine and serve two additional years on probation - all well within the federal sentencing guidelines for a first-time offender.

But on Monday, the very day that a federal appeals court said Libby's basis for appeal was so weak that it wouldn't permit him to stay out of prison as the appeal proceeded, Bush declared the sentence "excessive." The fine and the probation will suffice, he said - although on Tuesday he would not rule out an eventual pardon for Libby, which would erase those punishments as well.

The political calculus on this was easy: With 18 months to go in his presidency and his approval ratings hovering in the 30s and with Republicans in the Senate having jumped ship on his immigration bill and beginning to jump ship on his Iraq policy, Bush has little left to lose by giving Libby a break.

Indeed, some conservatives thought the president should have done more for Libby. The Wall Street Journal

editorial page even argued that the president should have issued Libby a full and complete pardon.

It is almost impossible to be overly cynical about this administration's regard for the rule of law. In that regard, Cheney's office said the vice president would have no comment about his role in Bush's decision. As if comment were necessary.

The single significant unanswered question is this: Would Libby, perhaps as he was being issued a toothbrush and his prison blues, have cut a deal with Fitzgerald and Judge Walton? It would have been interesting to know more, for example, about how the decision to out Mrs. Wilson had been made, who else was involved, what other secrets have been kept and what other deals have been cut.

Now we'll never know. How convenient.

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