

# The Libby Trial: A Rare Look Inside Dick Cheney's Cabal

by Edward Spannaus

Whatever the ultimate outcome of the criminal trial of Lewis “Scooter” Libby, going into its third week on Feb. 5, the proceeding taking place in a Washington, D.C. Federal courtroom has opened a dramatic and unique window into the secretive operations of the Office of the Vice President (OVP), through which Dick Cheney has operated a parallel intelligence and national security apparatus which has overridden the Executive branch’s official policy-making apparatus at crucial junctures over the past six years.

Just as members of Congress and others spoke of a “secret government” or “parallel government” behind the Iran-Contra shenanigans in the 1980s, Dick Cheney has run a similar operation in this Administration, but one with far more widespread and deadly consequences. It was the Cheney network centered in the OVP and in parts of the Pentagon (e.g., the Office of Special Plans), which manufactured the phony intelligence which dragged the nation into the disastrous war in Iraq, and now threatens to propel us into a nuclear confrontation with Iran. It was also Cheney’s network which overrode rational voices among the uniformed military and in the State Department, to bring us Abu Ghraib and Guantanamo, and which also pushed through the practice of warrantless domestic wiretapping—just to mention a few of the most egregious examples.

This is, at root, what the Libby trial is about. It is about, first, the faking and distorting of intelligence about Iraq’s alleged development of nuclear weapons, which was spearheaded by Cheney personally. Second, it is about how Cheney and his cabal resorted to abuse of their official powers, to attempt to discredit and silence former Ambassador Joseph Wilson, who was debunking a key component of their phony intelligence. And finally, it is about how Lewis Libby, acting to protect the Vice President, lied about what he and others in the OVP had done to silence Wilson.

## 1. Faking the Intelligence: The 16 Words

Special prosecutor Patrick Fitzgerald opened the trial, by pointing to the now-infamous 16 words in the President’s January 2003 State of the Union address: “The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.” Within weeks of Bush’s statement, the International Atomic Energy Agency (IAEA) had determined that the Niger government docu-

ments that surfaced in late 2001, purporting to describe the Iraqi effort, were forged. After those documents had mysteriously appeared, the CIA, responding in part to an inquiry from the Vice President, had sent retired Ambassador Wilson, with experience in both Africa and Iraq, to Niger to investigate the claims. Wilson reported back to the CIA that he had found no evidence to support the claim.

After the “16 words” appeared in the State of the Union address, Wilson began talking to reporters, at first without his name being used. One particular article, which triggered an accelerated push-back from Cheney’s office, was a May 6 column in the *New York Times* by Nicholas Kristoff, which reported on Wilson’s trip—without naming him—and that Wilson had told the CIA that the allegations about Iraq were wrong and were based on forged documents.

## 2. Cheney’s ‘Get Wilson’ Campaign

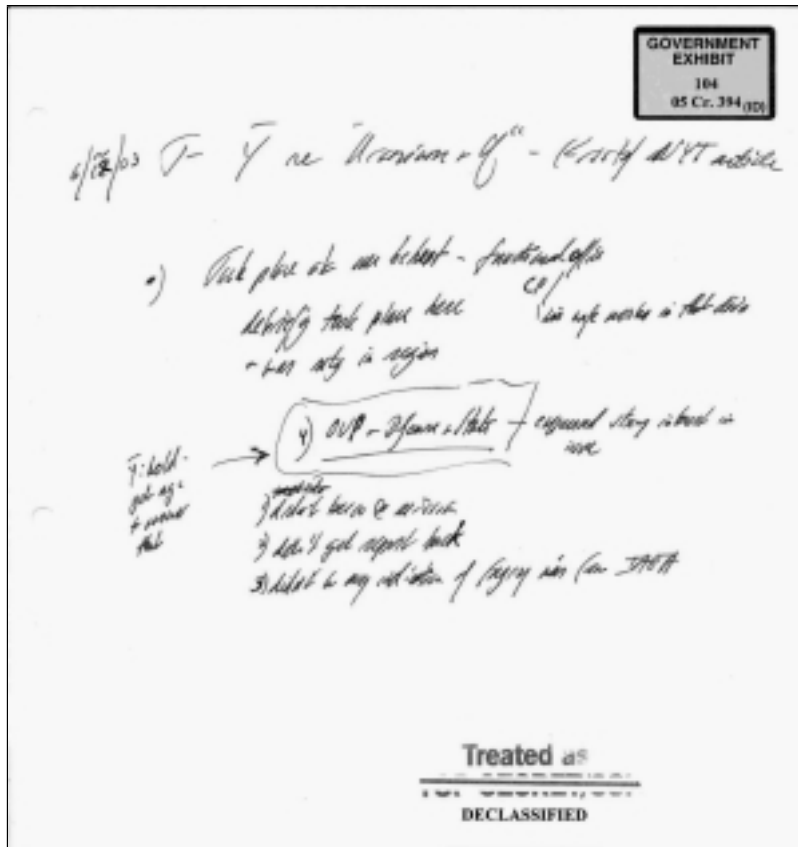
After this, as prosecutor Fitzgerald is proving in the courtroom, the Office of the Vice President went into a frantic, damage-control mode against Wilson, starting many weeks before Wilson himself went public in a *New York Times* op-ed and an NBC-TV interview on July 6, 2003.

Evidence presented to the jury so far shows some of Cheney’s and Libby’s reaction to Wilson’s revelations:

- On May 29, 2003, according to testimony by former Undersecretary of State Mark Grossman, Libby asked Grossman about a trip made by a former Ambassador to Africa to investigate uranium ore (yellowcake). Grossman inquired, and on June 11 or 12 informed Libby that the former Ambassador was Joe Wilson, and that Wilson’s wife worked at the CIA on weapons of mass destruction (WMD)

Around June 10-11, Cheney and Libby talked about the Kristoff article, and about inquiries from *Washington Post* reporter Walter Pincus. Cheney informed Libby that Wilson’s wife worked in the counter-proliferation division of the CIA, which he had apparently learned from CIA Director George Tenet, and that he wanted the Defense and State Departments to join the OVP in rebutting Wilson’s claims. This conversation was memorialized in Libby’s notes with what he called the “approximate” date of 6/12 (see graphic).

- On June 11, according to testimony by former CIA official Richard Grenier, the CIA’s Iraq Mission Manager, Libby called him to complain that Joe Wilson was going



This exhibit in the Libby trial is a note in Libby's handwriting, showing that the Vice President told him in early June that Valerie Plame worked in the counterproliferation (CP) section of the CIA.

around town telling people that he'd been sent to Africa by the CIA because of interest expressed by the Vice President. Grenier said that Libby was speaking in an agitated, accusatory tone, and that Libby wanted to know if there were any truth to this.

- Craig Schmall, the CIA officer responsible for briefing Libby in 2003, described a June 14 meeting with Libby. Schmall testified that an irritated Libby complained that people at the CIA were telling reporters that they had felt pressured by Cheney's and Libby's visits to the CIA, and that Libby was annoyed that CIA people were talking to the press. Schmall discussed Joe Wilson and Wilson's wife with Libby. Schmall also testified that later, he had been very concerned about the leaking of Valerie Plame Wilson's name, because people she had worked with overseas could be harassed, lose their jobs, be arrested, and be tortured or killed.

- On June 23, according to testimony from former *New York Times* reporter Judith Miller, she met with an "agitated and frustrated" Scooter Libby, who was upset at what he called CIA "backpedalling" from its earlier intelligence estimates. Libby told Miller that Joe Wilson's wife worked in the counter-proliferation bureau of the CIA.

- Sometime before the appearance of the July 6 Wilson op-ed, probably several weeks, Cheney's press spokeswoman

Cathie Martin found out that Wilson's wife worked for the CIA, and she also relayed this information to Cheney and Libby. Around July 7, Cheney directed Martin to keep track of press and television coverage of Wilson, and to report it to himself and Libby. On July 8, Cheney personally dictated talking points for what Martin should tell the press, and Cheney discussed with both Martin and Libby whether to leak information about Wilson to certain reporters. On July 11, Martin prepared Condi Rice for her Sunday talk shows appearances on July 13, in which Rice defended Cheney.

- Also on July 7, Libby had lunch with White House press spokesman Ari Fleischer, and Libby told Fleischer that Wilson's wife worked at the CIA and it was she, and not the Vice President, who had sent Wilson to Africa, but that this information was "hush-hush."

- At this same time, Libby asked Cheney's legal counsel David Addington, whether the President would have to authority to declassify information that could then be given to certain reporters; Libby then went directly into Cheney's office.

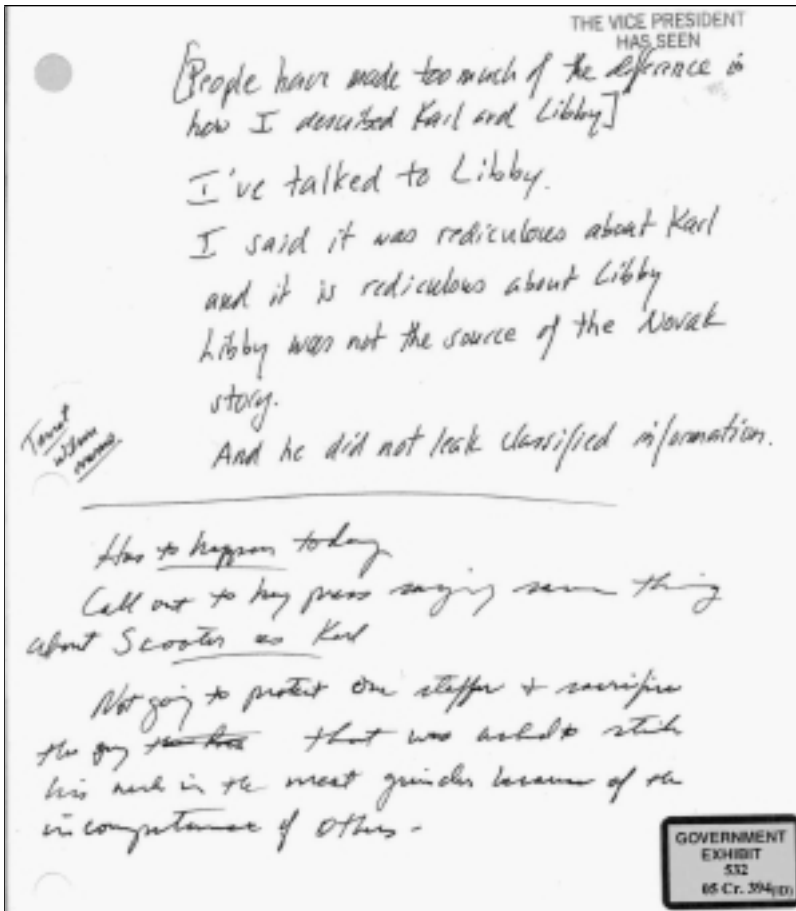
- On July 8, Libby met with Judith Miller for two hours, and gave her information about the "declassified" November 2002 National Intelligence Estimate (NIE) on Iraq, and told

her that Wilson's wife worked in a unit of the CIA dealing with WMD.

All of the above was presented to the jury. Outside the hearing of the jury, there was extensive argument as to whether an FBI agent could testify about notes that Libby took during a conversation with Cheney's then-press secretary Mary Matalin, on July 10. When Libby called Matalin for advice on how to deal with the Wilson issue, Matalin complained that the Wilson story was not going to go away, that it was playing into the Democratic story-line, and that they needed someone to get their story out about Wilson's motivation. "Wilson's a snake," Libby wrote in his notes while talking to Matalin. According to what Libby later told the FBI, she recommended calling NBC's Tim Russert to get the story out.

All of the events described above took place *prior* to Libby's conversation with NBC reporter Russert on July 10. When he was interviewed by the FBI, Libby stated that *Russert* had said that Joe Wilson's wife worked for the CIA, and Libby told the FBI that he was surprised to hear this, and that it was as if he were hearing it for the first time!

From the testimony given so far—and there is more to come—it is obvious that Cheney and Libby were obsessed with the issue of Joe Wilson for at least four weeks before



This exhibit contains the handwriting of both Libby and Cheney, and shows how Cheney responded to Libby's complaint (the top section) by ordering action to defend his Chief of Staff.

Wilson went public on July 6, and before Libby spoke with Russert on July 10; plus it is clear that Libby had disclosed Valerie Plame Wilson's CIA status to a number of others, well before the Robert Novak column made her identity public on July 14.

### 3. The Coverup

In September 2003, at the request of the CIA, the Justice Department opened a criminal investigation into the leaking of Valerie Wilson's identity and her affiliation with the CIA. On Oct. 14, and again on Nov. 26, 2003, Libby was interviewed by the FBI, and on March 4 and March 26, 2004, Libby testified under oath before a Federal grand jury.

As prosecutor Fitzgerald puts it, Libby made up a story to tell the FBI, to try to protect himself—and, we should add, to protect Cheney.

Fitzgerald has made a central point of Cheney's intervention in early October, in which Cheney demanded that the White House cover for Libby in the same manner it was covering for White House advisor Karl Rove. One document, shown to the jury repeatedly, consists of writing by both Libby

and Cheney on the same sheet. On the top are "talking points"—a script—written out by Libby, as to what the White House press spokesman is supposed to say to exonerate Libby, in the same terms as he has exonerated Rove.

The bottom half, Cheney's writing, says "has to happen today," and "call key press saying same about Scooter as about Karl." "Not going to protect one staffer and sacrifice the guy that was asked to stick his neck in the meat grinder because of the incompetence of others." The entire document is stamped at the top: "The Vice President has seen." (See graphic.)

David Addington testified that he thought that nothing should be said about it, since it was potentially a criminal investigation. But when he asked White House communications director Dan Bartlett why was he making statements about the case, Bartlett answered: "Your boss is the one that wanted me to say something." Or, as Fitzgerald put it: Cheney "stepped up to the plate."

What this shows, Fitzgerald told the judge, is that Libby had every reason to lie when he went in to talk to the FBI and then the grand jury. He had every reason to do what he did, which was to shift his identification of the source of his knowledge about Wilson's wife, away from the Vice President, onto news reporters.

After much argument outside the jury's presence, the jury was permitted to see short excerpts of White House spokesman Scott McClellan's "before" and "after" statements. In the first excerpt, McClellan was asked if he could give the same assurances about Libby and Elliott Abrams, that he had given about Rove. McClellan refused, saying, "I'm not going to go down a list of every single member of the White House." In the second tape, a few days later, McClellan said that he had personally spoken to Rove, Libby, and Abrams, and that they all had assured him they were not involved in the leak, and that anyone who was involved, would be fired.

What McClellan said, followed almost exactly the script written out by Libby, and approved and demanded by Cheney.

As to Cheney's role, Libby's lawyer Ted Wells declared, "Maybe we should just wait until the Vice President is here, to sort it out"—indicating that the defense is still intending, or threatening, to call Dick Cheney as a witness before the trial ends.

A complete set of the trial exhibits can found found at [www.usdoj.gov/usao/iln/osc/](http://www.usdoj.gov/usao/iln/osc/) and also at <http://wid.ap.org/documents/libbytrial/index.html>