


CHENEY'S BETRAYAL MADE AN IIPA CHARGE FOR LIBBY POSSIBLE

Yesterday, I showed the many ways that Dick Cheney hung his purportedly valued aide, Scooter Libby, out to dry in his interview with Patrick Fitzgerald. 

But I didn't do a very good job of explaining the consequences of that action from Cheney. Luckily, perris did that for me.

As a reminder, I've shown over the years that a great deal of circumstantial evidence suggests that Dick Cheney ordered Scooter Libby to leak a number of things to Judy Miller on July 8, 2003: The NIE (as Libby testified), but also the report from Joe Wilson's trip and Valerie Wilson's identity. From public reporting, it always looked like Cheney had constructed a firewall to defend against an IIPA violation. If Fitzgerald ever proved that Libby leaked Valerie Wilson's identity to Judy Miller knowing she was covert, then Cheney could claim that he had insta-declassified her identity, thereby giving that leak a legal defense, however dubious. Cheney even went so far to imply to Tim Russert that he hypothetically could have declassified Valerie Wilson's identity.

Q There was a story in the National Journal that Cheney authorized Libby to leak confidential information. Can you confirm or deny that?

THE VICE PRESIDENT: I have the authority as Vice President under an executive issued by the President to classify and declassify information. And everything I've done is consistent with those authorities.

Q Could you declassify Valerie Plame's status as an operative?

THE VICE PRESIDENT: I've said all I'm going to say on the subject, Tim.

But Cheney's denials of all knowledge of the Plame leak during his Fitzgerald interview would have made that defense impossible.

[Cheney] has no personal knowledge of anyone having provided [Mrs. Wilson's employment] to Robert Novak, or any other reporter.

[snip]

he does not recall having a conversation with the President about the Wilsons.

[note, Cheney goes on to contradict this claim]

[snip]

He does not recall discussing Valerie Wilson with Libby prior to her name appearing in Novak's column on 7/14/03.

[snip]

His handwritten notes on the 7/6/03 editorial about Wilson's trip and the involvement of Wilson's wife in the CIAs selection of Wilson was triggered by his recollection of the prior telephone conversation he had with George Tenet, wherein Tenet identified Wilson's wife as an employee of the agency. The Vice President also indicated that he never discussed the substance of his call with Tenet with anyone prior to the publication of Valerie Wilson's identity in Novak's 7/14/03 newspaper column.

[Note, earlier he had said he may have told Libby]

[snip]

The Vice President advised that it is possible he and Scooter Libby discussed former Ambassador Wilson's credentials for undertaking the mission for the CIA,

but he has no specific recollection of such a discussion. Additionally, he does not recall any discussion with Libby of perceived nepotism associated with Wilson's selection for the CIA assignment. [elsewhere he admits he discussed Wilson's op-ed, which he had annotated, with someone]

[snip]

The Vice President believed it possible that he and Libby discussed the Wilson trip as some kind of a junket or boondoggle, words which are to him synonymous in their meaning. However, he has no solid recollection of any such discussion.

The Vice President advised that there was no discussion of "pushing back" on Wilson's credibility by raising the nepotism issue, and there was no discussion of using Valerie Wilson's employment with the CIA in countering Joe Wilson's criticisms and claims about Iraqi efforts to procure yellowcake uranium from Niger.

[snip]

The Vice President does not recall any member of his staff, including Scooter Libby, meeting with New York Times reporter Judith Miller during the week of 7/7/03, just after publication of Joe Wilson's editorial in the New York Times. [Note, Libby has clear notes recording a discussion between him and Cheney about this]

[snip]

The Vice President advised that no one ever told him of a desire to share key judgments of the NIE with a news reporter prior to the NIEs declassification on 7/18/03.

[snip]

The Vice President cannot specifically recall having a conversation with Scooter Libby during which Libby advised the Vice President that he wanted to share with the key judgments of the NIE with Judith Miller. Although if it did occur, he would have advised Libby only to use something if it was declassified. He believed Libby would have told him about any attempts to put something out to the media prior to its declassification and the Vice President cannot recall such a discussion. [Note this paragraph contradicts Cheney's statements elsewhere in several key ways, and the question was not about key judgments but about the uranium portion]

When asked if he ever had a conversation with Scooter Libby wherein Libby informed the Vice President that certain material within the NIE needed to be declassified before it could be shared externally, Vice President Cheney advised he does not recall. [This is where Cheney refuses to answer questions about whether he said the President, and then he started complaining that he was short of time]

While Fitzgerald never asked Cheney whether Libby had asked him about declassified Plame's identity—as distinct from the NIE—Cheney asserted that:

- He has no personal knowledge of anyone providing Plame's identity to any reporter.
- He does not recall discussing Plame with Libby prior to Novak's column
- He does not recall Libby meeting with Judy Miller

- He has not recall any conversations about declassifying the NIE before leaking it to a journalist

Again, this is not a specific denial of remembering a conversation about declassifying Plame's identity, but it would be virtually impossible for Cheney, after having made these assertions, to later claim he remembered insta-declassifying Plame's identity in anticipation of leaking it to Judy Miller (on Cheney's order, it must be said). Sure, Libby could have and would have had some evidence that Cheney had done just that. And Cheney could have said, "Eureka! I remember now, insta-declassifying that counterproliferation officer's identity!" But given the way Cheney claimed to have no memory of anything related to declassifying even the NIE, much less Plame's identity, such approaches would have been pretty weak defenses for Libby.

Of course, speaking as he was in May 2004, when everyone assumed there would be no way Judy Miller would testify about her conversation with Libby, Cheney probably thought no one would ever wonder whether Libby was authorized to leak Plame's identity to Miller.

But after 2005, when Judy testified, it was too late for Cheney to change his testimony. Libby was already fucked. Fucked over by the guy he went to such lengths to protect.

Cheney was publicly implying that he would have had the authority to declassify Plame's identity. Perhaps this was just an attempt to make people ignore inquiries like mine. But it's just as likely that when Cheney realized that Libby had testified he had ordered Libby to leak stuff to Judy Miller (this happened the same weekend Cheney shot an old man in the face), he wanted to give Libby the impression that his own testimony protected Libby from an IIPA violation.

But it didn't. Judy's unreliable testimony saved Libby. But without that, Cheney's own testimony would have been the evidence Fitzgerald would have needed to charge Libby with deliberately outing a CIA spy.