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February 22, 2007

Why the Libby Trial is Important

As we wait for the jury to return its verdict in the Scooter Libby perjury trial, it's a good time to stand back and think about why this trial has been important and what we've learned from it.

A few weeks ago, I was on Goldy's radio show at 710 KIRO talking about the Libby Trial. A young female caller, named Susie, said she didn't see why we were wasting time trying to convict this man over a simple lie when there were such important issues, such as the Iraq War, to be dealing with. It struck me then that there has not been a widespread understanding of why the Libby Trial is important. Even if, heaven forbid, the jury doesn't return a conviction, the trial has been worth it for everything we've learned and the focus this trial has put on Dick Cheney's role on taking us into the war.

Ever since Susie's question on the radio, I have been gathering a bunch of articles to write this post on why the trial is important. Yesterday, the incredible Jane Hamsher of Firedoglake saved me the trouble. She listed what she sees as [the overarching narratives](#) to emerge from the case:

1. The administration lied us into war and tried to abuse its power to punish the whistleblower who told the American public the truth.
2. Scooter is the firewall to Shooter.
3. Dick Cheney, Scooter Libby and other members of the

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February 21, 2007

Closing Arguments in the Libby Case

Yesterday was probably the most interesting day in the court - closing arguments all around. Sorry to be late in my summary of it but I had that nasty 24-hour flu that's been going around - in my case probably a gift from the normally delightful 3-year old I was with over the weekend who was sick and had a nasty earache.

Jane, Christy and Marcy have a great take on the closing in [their daily video-clip](#). They begin by saying that they are pretty sure from the prosecutor's arguments that Fitzgerald's team will going to be going after Cheney after all. Pretty amazing if that proves to be true. Marcy has done [an analysis of how Cheney was involved](#) in the leak and cover-up from the beginning which I'll summarize sometime during the upcoming break from the trial, while we wait for the jury to return their verdict. After reading Marcy's live-blogging of the closing arguments on both sides from yesterday, I personally think they will not have to take very long to convict Libby on charges of lying to the Grand Jury. There will be an appeal of course but that will then allow Fitzgerald and team to turn to focus on Cheney. Wow! Truly that will be exciting.

I know. I know. I'm an optimist.

Peter Zeidenberg opened for the prosecution and laid out a clear argument that Libby had been lying to the Grand Jury. He claimed that Wells hadn't made the case for Libby's innocence. He pointed out that Libby had discussed Valerie Plame with nine people in the time period that he claimed not to know anything about her. He discussed the Russert conversation that Libby lied about, the one that Russert says he couldn't have told Libby about Plame because he didn't know anything about her at that point. Zeidenberg said that Libby tried to obscure where he learned this information about Wilson's wife, Valerie Plame, because most everything Libby learned, he learned first from Dick Cheney. He said it was not credible that Libby could have forgotten that he learned of Valerie Plame from the Vice President. Then he walked the jury through what he had told the Grand Jury.

Libby Defense Team lead attorney Ted Wells began by

defending himself against what he evidently saw as Zeidenberg's argument that the defense hadn't made their case. Doing so, according to our on-sight Firedoglake team, threw him off balance and took time away from arguing Libby's case. Wells again sought to impugn Tim Russert's testimony, saying he submits that Russert didn't lie, but that he simply didn't remember the conversation correctly and cited other public situations where Russert didn't recall events correctly. Wells ended this first part of the defense's closing by saying that the requirement for not convicting if there was a reasonable doubt demanded a high burden of proof.

William Jeffress was up next for the defense and, according to our pals in the courtroom, was much more effective than Wells had been. He noted that there were several reporters hearing from members of the government about Valerie Plame's part in sending her husband to Niger - Richard Armitage, Ari Fleischer and Karl Rove.

Ted Wells was up again to finish the arguments for the defense, although he was short of time, because of the time he'd taken earlier in defending himself rather than Libby. He said that the prosecution has to provide powerful evidence to make a lying charge stick and he simply didn't think they had. He reiterated Libby's memory problem and again talked about how very, very busy Libby was with very, very important national security issues during this time. He ended with a plea that our gals thought was truly odd: "Don't sacrifice Scooter Libby . . . He's been under my protection for the last month. Just give him back. Give him back to me."

Marcy added that it wasn't really very convincing to see Wells go from a rushed, rational argument to fake tears in about 16 seconds.

Then apparently Wells spent the remainder of the time with his head in his hands, not looking at anyone, while Fitzgerald finished up the prosecution's arguments very convincingly.

Our courtroom reporters said that Fitzgerald's opening really woke the jury and the entire court up after pretty lackluster performances from the defense.

"Madness. Madness. Outrageous," he began. He talked about how the defense was trying to make the jury think this was about only 2 calls. In fact, when you looked at the full body of evidence, it was clear that Libby had talked with nine people about Valerie Plame in the time before he theoretically found out about Plame from Tim Russert. He said that the Vice President dictated the talking points to Libby and said more than once that "a cloud hung over the

Vice President". Fitzgerald said the reason that Libby didn't tell more reporters was that the best way to get a story is to leak an exclusive not broadcast to a bunch of reporters. He added that several people reported that when Libby talked with them, he was angry - angry that

Wilson's story was getting coverage, angry that the reporters dared to say that the Vice President's request had been behind Wilson's trip to Niger, angry that people didn't realize that Wilson's trip to Niger had been a boondoggle from his wife who worked at the CIA. He said that people remember what they say when they are angry.

Fitzgerald ended the closing remarks by saying that the FBI deserves straight answers and that Libby threw sand in the eyes of the FBI when he lied to the Grand Jury. He stole the truth of the judicial system. "You return a guilty verdict, you give the truth back."

And there it is, folks - as good a single picture of what this administration has been up to as we've had laid out for us.

Posted by Lynn Allen on February 21, 2007 at 04:05 PM in [Media](#), [National and International Politics](#) | [Permalink](#)

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The Fitzgerald cheering section at Firedoglake puts the most optimistic shine on their pet causes. For a more pragmatic view of the proceedings, check out Jeralyn Merritt at Huffpo:

<http://www.huffingtonpost.com/jeralyn-merritt/>

She fears that by charging too narrowly, and not charging Cheney, where his evidence seems to point, he is offering a reasonable doubt to jurors.

Don't forget that at least one of the jurors appeared to be a conservative posing as a moderate (saying he reads both liberal and conservative blogs? C'mon.). All it takes is one ideologue on the jury to hang it.

Posted by: [op99](#) | Feb 22, 2007 6:52:37 AM

Yes, Jeralyn definitely presents another school of thought - much as she would rather not. I truly hope the jury comes back in today or tomorrow. I think a longer trial would be more likely to mean a hung jury. But, what do I know?

Posted by: [Lynn](#) | Feb 22, 2007 7:52:44 AM

The FDL crowd were the same ones who were so sure that Rove was going to be indicted in this case, too, so I have to take their views about what happens next with somewhat of a grain of salt.

While some accused Jeralyn of being too defense-biased in her HuffPo piece, I actually found it a much more balanced and realistic analysis of what may happen next. And, frankly, a whole lot easier to read and comprehend than Marcy's live-blogging - I appreciated her efforts, but the result was nearly incomprehensible.

Patrick Fitzgerald is an excellent attorney, but he is not a rock star, and he is not at all playing to the crowds; FDL has managed to make him a mythic hero, and I fear that the relentless cheerleading will end up turning on him - rather than Jane and Christy and Marcy - if this does not end the way FDL thinks it should.

Should this blossom into a bigger and more extensive case, I hope Jeralyn will be along for the ride.

Posted by: [Anne](#) | Feb 22, 2007 2:08:44 PM

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administration
conspired to keep
federal investigators
from uncovering their
crimes.

4. The media was
complicit in spreading
administration
propaganda rather
than doing
investigative
journalism, and are
now helping to set the
table for a pardon.
5. The administration
lied us into war and
tried to abuse its
power to punish the
whistleblower who
told the American
public the truth.
6. The journalistic
standards that have
been exposed in the
case (witness Tim
Russert, Judy Miller,
Andrea Mitchell,
Robert Novak and
others) are
reprehensible, and
have undermined the
public trust in the
media.
7. The degree to which
this story about the
lies that lead to war
has been ignored by
the media (relative to
the feeding frenzy
over a Clinton

blowjob) left a huge opening that the blogs have filled.

There's also [another great video-clip](#) of Jane and Marcy talking big picture.

Posted by Lynn Allen on February 22, 2007 at 10:40 AM in [Media](#), [National and International Politics](#) | [Permalink](#)

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For most of my Rep friends the mere mention of this case creates hostility and then a mass exodus out of the room muttering that you can't trust ANY politician. To a one, they all believe that govt is for the elected and when something like the Libby case comes up it underscores that our govt can't run on autopilot...it needs people, real people to engage. And therein lays the rub, to engage in the facts and nuances of the Libby trial means you personally have to acknowledge that our govt's autopilot is set on a course to run on the rocks and it's time for the crew to put out some oars; time to each of us to put out some oars.
Thanks Lynn

Posted by: [mainsailset](#) | Feb 22, 2007 4:35:42 PM

You don't have to be Jane Hamsher or Marcy Wheeler to know that the Libby trial is standing in for a number of "big picture" items that are not getting nearly the attention they deserve - but how can they when a network like CNN spends most of the day in a courtroom in Florida covering where Anna Nicole Smith is to be buried, and next in their pipeline is probably the latest news about Britney?

We can only hope that this case is not the end of something, but the beginning, and that Fitzgerald has tugged on the only loose thread he could reasonably get a grip on, and that the whole sordid and shameful mess that is the Bush administration is beginning to unravel.

P.S.: The incredible Jane would probably appreciate it if you spelled her name right: Hamsher. And I think the last part of your #4 appears as #6. Toobz must be wifty today.

Posted by: [Anne](#) | Feb 22, 2007 5:23:47 PM

Lynn - You've done an excellent job of covering this trial from start to (almost) finish. Considering that Bush Sr. once said that outing a CIA agent was a heinous crime, let's hope the jury hangs this one around Libby's -- and by extension, Cheney's and Bush Junior's -- neck. If Fitzgearald can get a conviction with this, the stage may be set for going after the WH itself. But, as others have noted, we shouldn't necessarily be expecting it (though I admit that meeting Joe Wilson last fall made me want to see that conviction, for everybody's sake).

Posted by: [shoephone](#) | Feb 22, 2007 6:51:47 PM

Anne,

Toobz being wifty is just an extension of me being wifty today. Thanks and fixed.

I remember being so annoyed in the mid-80's when the press and the people just didn't get what was happening with the Iran-Contra situation, simply did not get how the administration had deliberately gone against laws enacted by Congress to prevent just such a thing. I'm so glad we have our own ways of getting the information and distributing it now.

Posted by: [Lynn](#) | Feb 22, 2007 7:09:30 PM

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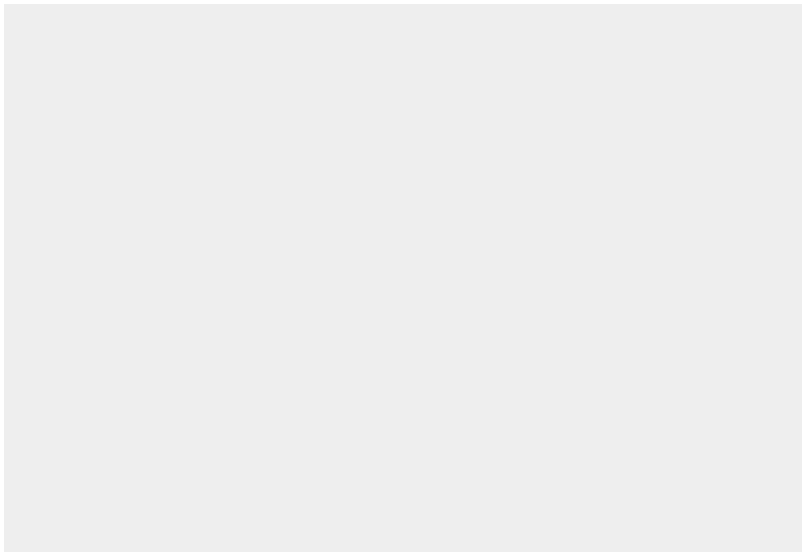
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