

Dick Cheney Becomes Ever More Impeachable

by Edward Spannaus and Nancy Spannaus

Vice President Dick Cheney, the linchpin of the British oligarchical hold on the U.S. government, took some political body blows in the week of June 4, which have increased the pressure for bringing him to account for his crimes and offenses. With more and more spotlights being trained upon Cheney's high crimes and misdemeanors against the U.S. Constitution, he becomes ever more impeachable—and the political excuses for failing to pursue impeachment more and more unacceptable.

Specifically, if impeachment is “off the table,” the war against Iran and shredding of the U.S. Constitution are surely *on* the table.

The three hits delivered to Cheney were: 1) the sentencing of his chief of staff, I. Lewis Libby, to 30 months in prison; 2) the stunning revelation by former Deputy Attorney General James Comey of Cheney's pivotal role in the illegal NSA wiretap program; and 3) the legal overturning of two cases before the Cheney-promoted Military Commissions at Guantanamo.

The Libby Sentence—Is Cheney Next?

Cheney should be worried, very worried. On June 5, his former chief of staff, Lewis Libby, was handed a two-and-one-half-year sentence in Federal prison for lying and obstructing the investigation into the exposure of CIA covert officer Valerie Plame Wilson—actions which everyone knows Libby took to protect his boss Cheney.

Now, facing a substantial prison term, Libby is reportedly under intense pressure to cooperate with Special Counsel Patrick Fitzgerald, and to tell Fitzgerald what he knows, in order to obtain a reduced sentence. Which is one of the reasons that the campaign to obtain a pardon for Libby, before he talks, is so intense.

The sentence handed down by Federal Judge Reginald Walton was considerably tougher than the 15-21 month recommendation of the U.S. Probation Office, which provided

the court with a pre-sentencing report. (Libby's lawyers asked for no jail time, only probation.) In pronouncing the sentence, Judge Walton stressed the seriousness of Libby's illegal conduct, and he also indicated that he is well aware that Libby was acting in concert with the Vice President himself.

Special Counsel Fitzgerald clearly persuaded the judge that, in calculating the sentence under the Federal sentencing guidelines, he should take into account not just Libby's crimes, but also the nature of the investigation which Libby had obstructed, specifically, violations of the Federal Espionage Act and the Intelligence Identities Protection Act.

In a memorandum submitted to the court to justify his sentencing recommendation of 30-37 months, Fitzgerald cut through the clouds of obfuscation generated by Libby's defenders—such as GOP Presidential candidate Fred Thompson and the *Wall Street Journal*—who claim that since Fitzgerald didn't prosecute anyone for leaking Plame's identity, that therefore no actual crime was committed; and thus, Fitzgerald's prosecution of Libby was just a political witch-hunt.

Libby's defenders also claim that Mrs. Wilson was not really a covert CIA officer, and therefore she was not protected by the Intelligence Identities Protection Act—a law passed to prevent the disclosure of the identity of a covert CIA agent or other secret intelligence personnel.

To refute these bogus arguments, Fitzgerald released previously secret information proving that Mrs. Wilson was, at the time of her exposure in July 2003, a covert CIA officer responsible for detecting and countering the proliferation of weapons of mass destruction, and that she had travelled overseas in an undercover capacity a number of times.

Demonstrating that he accepted Fitzgerald's argument, an obviously irritated Judge Walton declared at one point during the sentencing hearing, raising his voice, that “if the CIA was concerned that an agent who's protecting our country was outed, then that's a legitimate basis for the Department of Justice to investigate.”



White House Photo

Vice President Dick Cheney meets with senior staff members, including his chief of staff, I. Lewis Libby (left), after 9/11. Libby's sentencing to 30 months in prison tightens the screws on Cheney: Will he be next?

Walton's Rebuttal

In responding to the over 150 letters requesting clemency, from friends and colleagues of Libby, most of whom pointed to Libby's record of high-level government service, Judge Walton threw this back at them, stating that we expect and demand more from people who put themselves in high-level positions, and that such a position carries with it a high-level obligation to protect national security secrets.

And, Walton said, that "as the National Security Advisor to the Vice President of the United States, Mr. Libby had a unique and special obligation" to make absolutely sure that she [Mrs. Wilson] did not have covert status, before he said anything to the news media about her.

And, as to Libby's contention that he had forgotten how he learned about Plame's CIA employment, because he was so busy with other things, Walton pointed out that Libby had downloaded articles about her husband, former Ambassador Joseph Wilson, and kept them in his personal files, and that Libby had a conversation directly with Vice President Cheney about Mrs. Wilson.

In addition to Libby's 30-month prison sentence, Judge Walton ordered two years of supervision following his release, and a \$250,000 fine.

Walton also ordered that Libby surrender to Federal prison authorities as soon as the Bureau of Prisons selects the facility where he will serve his sentence, which normally takes 45-60 days. At the request of Libby's lawyers, Walton set a hearing for June 14 on the defense motion for the court to allow Libby to remain free on bond until his appeal is determined, but Walton is clearly not inclined to grant any such motion.

Following the sentencing, Joe Wilson, issued a statement saying that "both Valerie and I are grateful that justice has been served." And he continued:

"It is our hope that he [Libby] will now cooperate with

Special Counsel Fitzgerald in his efforts to get to the truth. As Mr. Fitzgerald has said, a cloud remains over the Vice President.

"Every official in this Administration must be held accountable for their actions."

Butt Out, Mr. Vice President

After the sentencing, Cheney issued a statement praising Libby and urging "a final result consistent with what we know of this fine man."

The Vice President's comments prompted a quick response from House Judiciary Committee Chairman John Conyers (D-Mich.), and Rep. Jerrold Nadler (D-N.Y.), who heads the Subcommittee on the Constitution. They wrote directly to Cheney on June 7, calling on him to recuse himself from involvement in any issues relating to Libby, including that of a potential pardon, and to refrain from further public comment about his former aide.

They point out that, during Libby's trial, "evidence was elicited of your involvement with Mr. Libby in connection with the events that formed the basis of his prosecution"; they also note Fitzgerald's comments about "'a cloud' over certain aspects of your conduct." The letter concludes: "It would be deeply divisive, and invite deep cynicism and disrespect for the legal process, were the American people to conclude that Mr. Libby undertook actions that subjected him to criminal liability to protect you, knowing or believing, or having the facts ultimately reveal, that you would thereafter take steps to protect him from the consequences of his criminal conduct."

Comey Revelation: Cheney's Role on Wiretaps

The second major hit against Cheney came June 7, when written testimony from a former top Justice Department official was released, which confirmed that Cheney was personally pushing for extension of the domestic wiretap program in March 2004, after the top leadership of the Justice Department had found the program to be illegal.

According to supplemental testimony submitted to the Senate Judiciary Committee by former Deputy Attorney General James Comey, he and other top DOJ officials met with White House officials on March 9, 2004, the day before the dramatic confrontation in then-Attorney General John Ashcroft's intensive-care hospital room. The White House officials present for that meeting, which Comey described as "the culmination of ongoing dialogue between DOJ and the White House, were Cheney and Cheney's legal counsel David Addington, plus White House Counsel Alberto Gonzales and Chief of Staff Andrew Card. When Comey, then the Acting Attorney General during Ashcroft's hospitalization, refused to approve any extension of the wiretap program, Gonzales and Card were dispatched to Ashcroft's hospital room the next day; the critically ill Ashcroft still refused to reauthorize the program, deferring to Comey.

After the hospital room confrontation, President Bush went ahead and re-authorized the wiretap program anyway,

causing Comey and about 30 top DOJ officials to threaten to resign.

Comey's written submission also reports that, after this showdown, Cheney personally blocked the promotion of another DOJ official, Patrick Philbin, one of those who had opposed the re-authorization of the wiretap program.

Commenting on Comey's testimony, Sen. Charles Schumer (D-N.Y.) said, according to the *Washington Post*, "The Vice President's fingerprints are all over the effort to strong-arm Justice on the NSA program."

Illegal Military Trials Thrown Out

The third hit against Cheney came on June 4, when two military judges dismissed all charges against two prisoners at Guantanamo, in a major defeat for the Cheney-promoted scheme of military tribunals, which was created to bypass traditional U.S. military and civilian law.

In the first case, charges were dismissed against a young Canadian, Omar Khadr, who was accused of killing a U.S. soldier in Afghanistan in 2002. Army Col. Peter Brownback, the military judge presiding over the Khadr trial, ruled that the military commission does not have jurisdiction to try Khadr, in a ruling seen as having broad implications for all of the other 380 prisoners at Guantanamo. Although a military review board had designated Khadr as an "enemy combatant," under the 2006 Military Commission Act, the newly created military commission is only empowered to try "unlawful enemy combatants."

One military law specialist told EIRNS that the Khadr ruling was "certainly a shocker."

Later the same afternoon, charges were dismissed against Salim Ahmed Hamdan of Yemen, who is described as having been a driver and bodyguard for Osama bin Laden. The military judge in his case, Navy Capt. Keith Allred, likewise ruled that Hamdan is "not subject to this commission" under the 2006 Military Commissions Act.

"It is not just a technicality," AP quoted Marine Col. Dwight Sullivan, the chief military defense attorney at Guantanamo, as saying after the Khadr ruling. "It's the latest demonstration that this newest system just does not work. It is a system of justice that does not comport with American values." Sullivan said that this could mark the end of the military commissions scheme which was created last year, when the Military Commissions Act was jammed through Congress after the U.S. Supreme Court had ruled, in a case brought by Hamdan, that the previous system of military tribunals, created under a 2001 Bush military order, was unconstitutional.

It is well-known that Cheney and Addington were the primary promoters of the unworkable and unconstitutional military tribunal and detention system, twice struck down in different aspects by the U.S. Supreme Court, and then modified by the 2006 law.

The charges were dismissed "without prejudice," meaning that the charges could be refiled, if the government could find a way to legally remedy the defect in the proceedings, such as holding new hearings to reclassify all prisoners as "unlawful enemy combatants." Prosecutors also said they intend to appeal—even though the military appeals court envisioned in the 2006 law hasn't yet been established.

All in all, it was not a good week for Dick Cheney.

Momentum for Impeachment

A breakthrough in the drive to build support for House Resolution 333, Rep. Dennis Kucinich's (D-Ohio) bill for the impeachment of Vice President Dick Cheney, occurred on June 7, when the vice chairmen of the 71-person Congressional Progressive Caucus, Rep. Lynn Woolsey and Rep. Barbara Lee, both California Democrats, signed on as co-sponsors. Kucinich is also a member of the Caucus. They join four other co-sponsors: Rep. Yvette Clarke (D-N.Y.); Rep. William Lacy Clay (D-Mo.); Rep. Janice Schakowsky (D-Ill.), and Rep. Albert Wynn (D-Md.).

The action by the two Congresswomen is backed by the California Democratic Party, where the LaRouche Youth

Movement led a revolt for passing a resolution for the impeachment of Cheney, during the recent state Democratic convention.

Representative Clarke issued the following statement when she added her name to H.R. 333 on June 6: "This Administration has continued to erode the trust of the American people and enough is simply enough. When the American people voted on November 7th, they asked for a change in direction by electing the Democratic Party in the House and Senate. I have heard the loud cries of my constituents, and they want accountability. My support of H.Res. 333 reflects the voices of the residents of central Brooklyn."

H.R. 333 was introduced to the House of Representatives by Kucinich on April 24, and asserts that the Vice President committed high crimes and misdemeanors by manipulating intelligence to make the case for going to war with Iraq; falsifying a connection between Iraq and al-Qaeda; and carrying out an illegal surveillance program against the American people.