

President did right thing by Libby

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CONTRARY to the outcries from leading Democrats in Congress, President Bush finally has brought some justice to the case of I. Lewis "Scooter" Libby. By commuting Libby's utterly unreasonable sentence but leaving his \$250,000 fine and two years of probation in place, the president also has put this victimless crime into perspective.

If you doubt this, compare Libby's original punishment for lying and obstructing an inquiry into the outing of Plame with that of Steven Griles who pleaded guilty to lying and obstructing a congressional investigation. For using his influence to help lobbyist Jack Abramoff, Griles received a 10-month prison sentence and a \$30,000 fine.

And if that doesn't convince you that Libby was a political scapegoat and in many ways the only victim in the special counsel's probe of a leak that was determined not to be a crime, then here's another shocking comparison. A federal court recently gave a one-year sentence to a man arrested and convicted of building bombs and sexual abuse. The man, like Libby, had no arrest record.

The unreasonableness of Libby's sentence was compounded by the fact that the federal judge who handed it out not only saw Vice President Cheney's former chief of staff as Public Enemy No. 1, he refused to agree to permit Libby to stay out of jail pending the outcome of an appeal. An appeals court upheld that position last Monday and the president decided that fairness demanded he commute an excessive sentence. Until then, Bush

Libby's behalf. Bush noted that the district court rejected the advice of the probation office, which recommended a lesser sentence, and the consideration of factors that could have led to a sentence of home confinement or probation. The importance of the entire case has been exaggerated beyond any kind of reasonableness. It was stimulated by a political act by the CIA to knock down a claim that Saddam Hussein was trying to buy "yellowcake" uranium from Africa. The CIA, under criticism for intelligence failures, assigned Joseph Wilson, Plame's husband, to investigate. His report undercut the claim.

The disclosure that Plame worked for the CIA, at one time in a covert position, was a calculated effort by the White House to discredit Wilson's report. Her name was leaked to columnist Robert Novak, who printed it and set off the investigation. When Fitzgerald took over the inquiry, he already knew Novak's source was Richard Armitage, and determined shortly thereafter that there was no violation of the Intelligence Identities Protection Act or the Espionage Act. So why did Fitzgerald continue the investigation? There has been reasonable speculation that he set out to nail someone in the White House, perhaps the vice president or Karl Rove, the president's chief political adviser who also talked to reporters about Plame. That failed, and Libby took the fall for what is an everyday political occurrence in Washington. Now the president has another decision to make. It won't be easy given his statement in commuting Libby's sentence, which expressed his respect for Fitzgerald and the jury. But this is a president who now often seems to be keeping his own counsel, determined in the face of sagging popularity to go his own course. In this case, he was utterly correct.

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