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Counsel's Office, White House

Fielding, Fred - General Files

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W	19	23	4	1	11703	24566	11251	11717

Folder Title:

Libby [Folder 2]: [Correspondence] [Folder 1]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Q and A	Q & A re Libby Appeal	2	N.D.	P5;
002	Email	FW: Scooter - To: Edward W. Gillespie, et al - From: Tony Fratto	1	12/10/2007	P6/b6;
003	Email	RE: Scooter - To: Tony Fratto, et al - From: cosjbb [Joshua Bolten]	4	12/10/2007	P5; P6/b6;
004	Draft	Libby - Withdrawal of Appeal - To: Dana Perino, et al	4	N.D.	P5;
005	Q & A	[Draft Q & A]	1	N.D.	P5;
006	Email	Response to Gaggle - To: J. Michael Farren, et al - From: Albert C. Lambert	1	07/05/2007	P5;

COLLECTION TITLE:

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11703

RESTRICTION CODES

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
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- C. Closed in accordance with restrictions contained in donor's deed of gift.

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
007	Letter	[Letter to George T. Manning] [with attachments] - To: George T. Manning - From: Fred F. Fielding	8	07/10/2007	P5;
008	Letter	[Letter to The Honorable John Conyers, Jr.] [with attachments] - To: John Conyers, Jr. - From: Fred F. Fielding	5	07/11/2007	P5;
009	Email	Government Filing - To: Fred F. Fielding, et al - From: Albert C. Lambert	1	07/09/2007	P5; P6/b6;
010	Court Filing	Government's Position Statement	10	07/09/2007	P5;
011	Court Filing	Sentence Computation Manual	8	07/09/2014	P5;
012	Email	Ed Koch Positive Commentary of Libby Commutation - To: Mary Beth Bakke - From: Ray Groves	1	07/09/2007	P6/b6;

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013	Statement	Statement of Roger C. Adams	12	07/11/2007	P5;

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OA Num.:

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NARA Num.:

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2014-0127-F

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THE WHITE HOUSE
PRESIDENT
GEORGE W. BUSH

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For Immediate Release
Office of the Press Secretary
July 2, 2007

Statement by the President on Executive Clemency for Lewis Libby

[Grant of Executive Clemency](#)

[White House News](#)

The United States Court of Appeals for the D.C. Circuit today rejected Lewis Libby's request to remain free on bail while pursuing his appeals for the serious convictions of perjury and obstruction of justice. As a result, Mr. Libby will be required to turn himself over to the Bureau of Prisons to begin serving his prison sentence.

I have said throughout this process that it would not be appropriate to comment or intervene in this case until Mr. Libby's appeals have been exhausted. But with the denial of bail being upheld and incarceration imminent, I believe it is now important to react to that decision.

From the very beginning of the investigation into the leaking of Valerie Plame's name, I made it clear to the White House staff and anyone serving in my administration that I expected full cooperation with the Justice Department. Dozens of White House staff and administration officials dutifully cooperated.

After the investigation was under way, the Justice Department appointed United States Attorney for the Northern District of Illinois Patrick Fitzgerald as a Special Counsel in charge of the case. Mr. Fitzgerald is a highly qualified, professional prosecutor who carried out his responsibilities as charged.

This case has generated significant commentary and debate. Critics of the investigation have argued that a special counsel should not have been appointed, nor should the investigation have been pursued after the Justice Department learned who leaked Ms. Plame's name to columnist Robert Novak. Furthermore, the critics point out that neither Mr. Libby nor anyone else has been charged with violating the Intelligence Identities Protection Act or the Espionage Act, which were the original subjects of the investigation. Finally, critics say the punishment does not fit the crime: Mr. Libby was a first-time offender with years of exceptional public service and was handed a harsh sentence based in part on allegations never presented to the jury.

Others point out that a jury of citizens weighed all the evidence and listened to all the testimony and found Mr. Libby guilty of perjury and obstructing justice. They argue, correctly, that our entire system of justice relies on people telling the truth. And if a person does not tell the truth, particularly if he serves in government and holds the public trust, he must be held accountable. They say that had Mr. Libby only told the truth, he would have never been indicted in the first place.

Both critics and defenders of this investigation have made important points. I have made my own evaluation. In preparing for the decision I am announcing today, I have carefully weighed these arguments and the circumstances surrounding this case.

Mr. Libby was sentenced to thirty months of prison, two years of probation, and a \$250,000 fine. In making the sentencing decision, 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.

I respect the jury's verdict. But I have concluded that the prison sentence given to Mr. Libby is excessive. Therefore, I am commuting the portion of Mr. Libby's sentence that required him to spend thirty months in prison.

My decision to commute his prison sentence leaves in place a harsh punishment for Mr. Libby. The reputation he gained through his years of public service and professional work in the legal community is forever damaged. His wife and young children have also suffered immensely. He will remain on probation. The significant fines imposed

Bakke, Mary Beth

From: Fratto, Tony
Sent: Monday, December 10, 2007 10:36 AM
To: Gillespie, Edward W.; Kaplan, Joel; Perino, Dana M.; Fielding, Fred F.; Burck, William A.;
Farren, J. Michael
Subject: FW: Scooter
Importance: High



Libby's appeal withdrawal just hit. AP (and soon others) asking for reaction. Please see TP's and Q/A below...

(POTUS and VP statements from July pasted below as well for reference.)

LIBBY COMMUTATION - WITHDRAW OF APPEAL

- We don't comment on whether the President would decide with respect to clemency applications.
- In July the President said that he respected the Jury's verdict, but after carefully reviewing the case, he concluded that the prison sentence was excessive, and so he decided to commute the portion of Mr. Libby's sentence that required him to spend 30 months in prison.
- The President's decision to commute his prison sentence leaves in place a harsh punishment for Mr. Libby. The reputation he gained through his years of public service and professional work in the legal community is forever damaged. His wife and young children have also suffered immensely. He will remain on probation. The significant fines imposed by the judge will remain in effect. The consequences of his felony conviction on his former life as a lawyer, public servant, and private citizen will be long-lasting.

Q: Now that Libby has exhausted his legal appeals, will the President consider giving him a full pardon?

- There is a formal pardon process where individuals convicted of a crime can make a pardon application. The Office of the Pardon Attorney makes recommendations to the President.
- We don't comment on whether the President would rule in or out a pardon application.
- The President believes that the commutation of Mr. Libby's sentence was the appropriate thing to do. Not going to speculate on what future decisions the President might make.

Q. With Libby, the President went outside the regular pardon process - it didn't go through the Pardon Attorney to commute his sentence. Couldn't he do the same thing now with Libby?

- Not going to speculate on what the President may or may not decide to do when an individual applies for a pardon.

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The Constitution gives the President the power of clemency to be used when he deems it to be warranted. It is my judgment that a commutation of the prison term in Mr. Libby's case is an appropriate exercise of this power.

#

Vice President's Statement on Libby Sentencing

Scooter has dedicated much of his life to public service at the State Department, the Department of Defense and the White House. In each of these assignments he has served the nation tirelessly and with great distinction. I relied on him heavily in my capacity as

Secretary of Defense and as Vice President. I have always considered him to be a man of the highest intellect, judgment and personal integrity-a man fully committed to protecting the vital security interests of the United States and its citizens. Scooter is also a friend, and on a personal level Lynne and I remain deeply saddened by this tragedy and its effect on his wife, Harriet, and their young children. The defense has indicated it plans to appeal the conviction in the case. Speaking as friends, we hope that our system will return a final result consistent with what we know of this fine man.

-----Original Message-----

From: Riechmann, Deb [mailto:DRIECHMANN@ap.org]
Sent: Monday, December 10, 2007 10:32 AM
To: Perino, Dana M.; Fratto, Tony
Subject: Scooter

WASHINGTON (AP) _ I. Lewis "Scooter" Libby's attorney says the former White House aide is dropping his appeal in the CIA leak case.

Can we get a comment on this news? And is the pardon coming for Christmas?

Deb Riechmann
Associated Press-White House
202-776-9494 (WH booth)

(b)(6)

driechmann@ap.org

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Bakke, Mary Beth

From: White House News Update [News.Update@WhiteHouse.Gov]
Sent: Wednesday, July 04, 2007 8:03 AM
To: Fielding, Fred F.
Subject: NYT - Bush Rationale on Libby Stirs Legal Debate

Bush Rationale on Libby Stirs Legal Debate

By ADAM LIPTAK, New York Times

In commuting I. Lewis Libby Jr.'s 30-month prison sentence on Monday, President Bush drew on the same array of arguments about the federal sentencing system often made by defense lawyers — and routinely and strenuously opposed by his own Justice Department.

Critics of the system have a long list of complaints. Sentences, they say, are too harsh. Judges are allowed to take account of facts not proven to the jury. The defendant's positive contributions are ignored, as is the collateral damage that imprisonment causes the families involved.

On Monday, Mr. Bush made use of every element of that critique in a detailed statement setting out his reasons for commuting Mr. Libby's sentence — handing an unexpected gift to defense lawyers around the country, who scrambled to make use of the president's arguments in their own cases.

Given the administration's tough stand on sentencing, the president's arguments left experts in sentencing law scratching their heads.

"The Bush administration, in some sense following the leads of three previous administrations, has repeatedly supported a federal sentencing system that is distinctly disrespectful of the very arguments that Bush has put forward in cutting Libby a break," said Douglas A. Berman, a law professor at Ohio State University who writes the blog Sentencing Law and Policy.

Perhaps inadvertently, Mr. Bush's decision to grant a commutation rather than an outright pardon has started a national conversation about sentencing generally.

"By saying that the sentence was excessive, I wonder if he understood the ramifications of saying that," said Ellen S. Podgor, who teaches criminal law at Stetson University in St. Petersburg, Fla. "This is opening up a can of worms about federal sentencing."

The Libby clemency will be the basis for many legal arguments, said Susan James, an Alabama lawyer representing Don E. Siegelman, the state's former governor, who is appealing a sentence he received last week of 88 months for obstruction of justice and other offenses.

"It's far more important than if he'd just pardoned Libby," Ms. James said, as forgiving a given offense as an act of executive grace would have had only political repercussions. "What you're going to see is people like me quoting President Bush in every pleading that comes across every federal judge's desk."

Indeed, Mr. Bush's decision may have given birth to a new sort of legal document.

"I anticipate that we're going to get a new motion called 'the Libby motion,'" Professor Podgor said. "It

will basically say, 'My client should have got what Libby got, and here's why.' "

As a purely legal matter, of course, Mr. Bush's statement has no particular force outside Mr. Libby's case. But that does not mean judges will necessarily ignore it.

No one disputes that Mr. Bush has the authority under the Constitution to issue pardons and commutations for federal crimes. But experts in the area, pointing to political scandals in the Reagan, Truman and Grant administrations, said Mr. Bush had acted with unusual speed.

"What distinguishes Scooter Libby from the acts of clemency in the other three episodes," said P. S. Ruckman Jr., a political science professor who studies pardons at Rock Valley College in Rockford, Ill., referring to Mr. Libby by his nickname, "is that in those episodes they generally served their time and some other president pardoned them."

Mr. Bush repeated yesterday that he had found Mr. Libby's punishment to be too severe. But experts in federal sentencing law said a sentence of 30 months for lying and obstruction was consistent with the tough sentences routinely meted out by the federal system.

"On what legal basis could he have reached that result?" asked Frank O. Bowman III, an authority on federal sentencing who teaches law at the University of Missouri-Columbia, said of the commutation. "There is no legal basis."

Nor is there a reason to think that the Justice Department has changed its position about the sentencing system generally. Indeed, Attorney General Alberto R. Gonzales said last month that the department would push for legislation making federal sentences tougher and less flexible.

Similarly, in a case decided two weeks ago by the United States Supreme Court and widely discussed by legal specialists in light of the Libby case, the Justice Department persuaded the court to affirm the 33-month sentence of a defendant whose case closely resembled that against Mr. Libby. The defendant, Victor A. Rita, was, like Mr. Libby, convicted of perjury, making false statements to federal agents and obstruction of justice. Mr. Rita has performed extensive government service, just as Mr. Libby has. Mr. Rita served in the armed forces for more than 25 years, receiving 35 commendations, awards and medals. Like Mr. Libby, Mr. Rita had no criminal history for purposes of the federal sentencing guidelines.

The judges who sentenced the two men increased their sentences by taking account of the crimes about which they lied. Mr. Rita's perjury concerned what the court called "a possible violation of a machine-gun registration law"; Mr. Libby's of a possible violation of a federal law making it a crime to disclose the identities of undercover intelligence agents in some circumstances.

When Mr. Rita argued that his 33-month sentence had failed to consider his history and circumstances adequately, the Justice Department strenuously disagreed.

Senator Joseph R. Biden Jr., Democrat of Delaware, posted a copy of the government's brief in the Rita case on his blog yesterday and asked, "Why is the president flip-flopping on these criminal justice decisions?"

The Justice Department also took a hard line last year in the case of Jamie Olis, a midlevel executive at the energy company Dynegy convicted of accounting fraud. The department argued that Mr. Olis deserved 292 months, or more than 24 years. He was sentenced to six years.

Sentencing experts said Mr. Libby's sentence was both tough and in line with general trends.

"It was a pretty harsh sentence," Professor Berman said, "because I tend to view any term of imprisonment for nonviolent first offenses as harsh. But it certainly wasn't out of the normal array of cases I see every day."

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Bakke, Mary Beth

From: Fratto, Tony
Sent: Tuesday, July 03, 2007 5:50 PM
To: Fratto, Tony; Lambert, Albert C.; Gillespie, Edward W.; DeVuono, Amanda; cosjbb; Bartlett, Dan; Kaplan, Joel; Fielding, Fred F.; Farren, J. Michael; Snow, Tony
Cc: Isakson, Curtis M.; Aylward, Patrick S.; Wilmoth, Benton M.; Stefanik, Elise M.; Byrd, Leslea T.; Hickey, James P.; Herzog, John T.; Nugent, Caroline F.; Fratto, Tony; Staff Secretary
Subject: USAT Libby--(v9)



I'm going with this as FINAL unless someone raises a flag -- 6PM deadline.

Tony - i didn't take the empower/grants edit -- 2 "grants" in the same sentence.

USA Today Op-Ed
Tony Snow

President Bush commuted part of Lewis Libby's sentence for perjury because he considered a 30-month stretch in prison too severe. Libby was convicted of obstruction of justice and perjury; was fined \$250,000; must serve two years probation; and will likely lose his license to practice law. That qualifies as a stern penalty for a first-time offender with a long history of public service

The Constitution empowers the president to grant clemency in a wide range of cases, at his discretion, with no restrictions. In the final hours of the Clinton Administration this unfettered authority embodied itself in a mad rush to push through pardons with arresting haste – 141 grants on his final day in office; 211 in the final eight weeks. This Administration, in contrast, believes in reviewing each case with extreme care and employing the President's powers of clemency only when the facts strongly recommend action

No president in recent history has made more careful use of the pardoning power than George W. Bush, because the President believes pardons and commutations should reflect a genuine determination to strengthen the rule of law and increase public faith in government.

The Libby case was one such situation. After a highly publicized trial, involving calm legal analysis in the court room (but vicious vilification on the outside), Libby was convicted of perjury and obstruction of justice. In reviewing the case, the President chose to balance two vital considerations: The dictates of justice, and the integrity of our system of justice. On the first, he tried to rectify an excessive punishment that disregarded the recommendations of the Probation Office.

At the same time, President Bush made clear that he would not second-guess the jury that found Libby guilty, believing it important to respect the jury's work. The concept of judgment by a jury of peers forms the backbone of our judicial system. So the president left intact the felony convictions and two of the major punishments – the fine and probation.

Many analysts cleverly avoid grappling with either of these issues, and instead try to analyze the commutation as a raw political exercise.

But polling destroys the claim that politics motivated the President. If the President had played by the numbers, he wouldn't have lifted a finger. Instead, he did what he does normally, and what make those of us who work for him proud: he proceeded on the basis of principle, and arrived at a sound and just decision – knowing he would take hits in the court of public opinion, but also knowing he was doing the right thing.

Bakke, Mary Beth

From: Lambert, Albert C.
Sent: Thursday, July 05, 2007 10:47 AM
To: Fielding, Fred F.
Subject: FW: press gaggle by tony snow
Importance: High

Libby

From: Stanzel, Scott M.
Sent: Thursday, July 05, 2007 10:41 AM
To: Lambert, Albert C.
Subject: FW: press gaggle by tony snow

Here's the transcript

From: North, Gregory J.
Sent: Thursday, July 05, 2007 10:41 AM
Subject: press gaggle by tony snow

THE WHITE HOUSE

Office of the Press Secretary

Internal Transcript

July 5, 2007

PRESS GAGGLE BY
TONY SNOW

Room 450
Dwight D. Eisenhower Executive Office Building

9:47 A.M. EDT

MR. SNOW: I have nothing else. Go ahead.

Q So, back on Libby. The President envisioned him serving parole time. But there's some confusion about that. What's the White House understanding now about whether --

MR. SNOW: The understanding is that this basically says, you now have -- he's got probation time, not parole time.

Q Probation, I'm sorry.

7/5/2007

MR. SNOW: Yes. So you treat it as if he has already served the 30 months, and probation kicks in. Obviously, the sentencing judge will figure out precisely how that works. But this -- I know that there has been some confusion about it, but it's our understanding that you treat it as if, okay, you've served your 30 months, now you're on probation, and the kind of conditions that would apply during normal probation would apply.

Q Well, the judge didn't think it was that clear.

MR. SNOW: Well, again, we have a disagreement there.

Q Did the White House make a misstep here, I guess is what I'm asking.

MR. SNOW: No, the White House did not make a misstep. And again, these sorts of determinations are always up to the sentencing judge.

Q But does this argue for why he should have run it past the Justice Department? Maybe a lawyer or --

MR. SNOW: No, and again -- you and I went through this the other day -- there's this notion that somehow there's a hard and fast process that requires the President to consult. Again, in this case, the Attorney General himself had been recused from it. We think that proper diligence was exercised in this case.

Q How could proper diligence be exercised if the judge is now saying, wait, the statute says you have to serve some jail time before you can actually get probation?

MR. SNOW: Again, I think that is still a grey area in the law. We understand what the judge is saying. Our legal counsel looks at it in a different manner, and I don't think that that is a reflection on whether you have due diligence. There seems to be a disagreement here -- it does happen in law. The sentencing judge will make the final determination on it.

Q If there is a grey area, how do you know with certainty then -- I mean, on the one hand, you're saying there is a grey area; on the other hand, you're saying we're confident that this is all fine and he will serve probation.

MR. SNOW: Well, I can't go any further for you on that, Ed. I mean, this is -- but on the other hand, you treat it as if -- it doesn't seem that it ought to be that complicated -- you treat it as if he served the 30 months, and you have a probationary period that follows.

Q What's the basis for that? Because the judge is saying there's a statute -- in the order he specifically says there's a statute that says that you have to serve some jail time.

MR. SNOW: I will see if legal counsel can give you something a little more nuanced on that, but the fact is that this is something that will be determined by the trial judge. On the other hand, you've got a judge, also, who has had some of the verdict, some of the punishment taken away. My sense is that there are some disagreements here, but it's something that -- talking to Fred Fielding, he thinks that they're on strong legal ground that, in fact, this is something that can be imposed.

Q But, clearly, it was not the President's intention that probation not be served?

MR. SNOW: That is correct. And that was very clear. Look -- and again, if you talk to attorneys around town and you ask them, is it a severe punishment to have your career taken away, the answer is, yes. By maintaining a felony conviction it has very profound impacts on what Scooter Libby can do in the future to provide a living for his family, and obviously, the fine is significant and so is probation.

Go ahead, Kelly.

Q Do you think that the judge is reacting in some way because he feels that --

MR. SNOW: I don't want to try to psychologize.

Q Why do you say that the President did not take politics into account, and if he had he would not have lifted a finger?

MR. SNOW: Because you take a look at the polls -- the polls indicate that -- they've been recited -- people say, well, if you take a look at the polls, they wish he would have done nothing. So that's my reading of it.

Q That he would have done nothing because he's already so -- why?

MR. SNOW: No, because, again, if you're taking politics into consideration, what you're saying is somebody trying to figure out politically what is going to be advantageous and popular with the American public. What the President thought in this -- what the President's approach was -- and I think you know him well enough to understand this -- is what is consistent with the dictates of justice? It is not something where he was consulting public opinion polls or asking what's going to play politically.

If you take a look at what has happened with some on the conservative side, they've been unhappy because they wanted a full pardon. The President thought that it was inappropriate to vacate the finding of the jury in this case. He -- after a long deliberation, they found Scooter Libby guilty of obstruction and perjury, and he thought it appropriate to maintain those convictions. He just thought that the punishment leveled by the court was excessive. You can take a look at Tim Noah's piece on Slate today where he also has taken -- he's gone through and read what the sentencing commission had to say and they seem to agree. So there's -- the President feels strongly that Scooter Libby's punishment was excessive, but on the other hand, he is also not willing to say, I'm going to forget the fact that you were convicted of a serious crime by a jury of your peers.

Q So why would he still be considering -- why wouldn't he rule out a pardon?

MR. SNOW: Because all he's doing is -- he's not ruling anything in or out. But on the other hand, if you take a look at what he has said, he said that he is perfectly content -- not content -- he did the right thing. And there is still an option, people can always approach the pardon attorney. But the President thinks he's done the right thing.

Q If he thinks it's so important to keep jury deliberations and their rulings in effect, why does he ever pardon anybody?

MR. SNOW: Well, there are some times when, obviously, there are some cases that may not be of sufficient gravity where he thinks that, in fact, a pardon would be called for.

This is a pretty serious case. And so, again, I think you can go back and look through the record of this administration. This is not where -- one where, for grave offenses, people have been handed out pardons.

Q So the hurdle for a pardon is pretty high, though not off the table?

MR. SNOW: Again, I'm not going to get into speculating about the future, other than to say that the President thinks that he's done the right thing here. This is the right way to approach this case.

Q What about Conyers and his desire to have some sort of investigation of the use of the President's power in this instance?

MR. SNOW: Well, fine, knock himself out. I mean, perfectly

happy. And while he's at it, why doesn't he look at January 20th, 2001?

Q Tony, why do you -- in your op-ed today you brought up the Clinton pardons, as well. Do two wrongs make a right? Is that the idea, like if Clinton did wrong --

MR. SNOW: Well, this is -- no, this is not a wrong, but I think what is interesting is perhaps it was just because he was on his way out, but while there was a small flurry, there was not much investigation of it. Now you've got President Clinton and Senator Clinton out complaining about this, which, I got to tell you, I don't know what our Arkansan is for chutzpah, but this is a gigantic case of it.

Q That's all I need. (Laughter.)

Q I think it's "chutzpah," but it was close.

MR. SNOW: That's fine. Oy, oy, oy.

Q Tony, there were safeguards put into place after Clinton, and since you obviously feel there were abuses at the end of the Clinton administration --

MR. SNOW: I'm not just -- no, no, no. Look, the President has the constitutional authority and the constitutional power to practice clemency. So I don't -- all I'm saying is that this administration has been very careful about the way they approach it, and that would include in the case of Scooter Libby.

Q But because of perceived abuses by Clinton, there were changes made. Former pardon attorneys say there were a bunch of changes made to make sure it went through the proper channels.

MR. SNOW: Right.

Q So then, since you feel so strongly --

MR. SNOW: So you're hung up --

Q No, no, no. You feel so strongly that the Clinton pardons were abuses. You put that in your op-ed today; said there was a flurry of them. But --

MR. SNOW: I don't think I used the term "abuses." I think I had said that there was a flurry of them.

Q "Dizzying haste," you said.

MR. SNOW: I believe that would be an accurate portrayal. If you take a look at news reports -- people scurrying about, clutching pieces of paper, running around -- I think those final hours were probably not timed of long chin-pulling reflection. But again -- look, Ed has got a reasonable point, which is to ask, do we think we've done wrong, do we think we've cut corners? The answer is, no.

Q Much of the complaint about this has been that this is not equal justice under the law; that Scooter Libby is getting a special break, and there are so many others who have asked for commutation, including an Iraq war veteran, who's got 33 years of prison ahead of him. Will -- doesn't Scooter Libby --

MR. SNOW: Thirty-three months, not years.

Q I'm sorry, 33 months. Does Scooter Libby's commutation fall under the same equal justice under the law there that everybody else gets?

MR. SNOW: Look, if you're asking -- this provides a nice chance to go back and look at the Clinton pardons. Does that mean every drug dealer in America should have gotten off under the "equal justice under the law" logo? I mean, I think what you have here is that this was a special case. He had a special prosecutor. It was a unique case. I don't want to try to judge on merits of demerits of cases that may be pending, and frankly, I don't know whether this particular veteran has appealed to the pardon attorneys. I don't know any of those particular cases, so it's very difficult to respond to a broad, abstract assertion on other cases. This was, in fact, a unique case, but it was one that the President believes that he did right by the dictates of justice.

Q Well, was it not special in the sense that Scooter Libby is a former top aide who knew the President, worked for the President, and that gave him special access and special treatment?

MR. SNOW: Well, no. I don't think he got special access in the sense that when he worked in the White House he had access. But on the other hand, there's been access since. So look, it is a special case because it was a special case -- highly publicized, a special counsel doing an investigation. So I think you can say it was a unique case. But on the other hand, again, this is the President trying to take a look, a hard look at a case. And in this particular instance, hastened by a decision by the 1st U.S. District Court of Appeals to go ahead and do what he thought was right.

Q Can I just come back to the probation thing again? Just to be clear, you're saying that Fred Fielding looked at this before the President signed it, signed off on it, said, oh, don't worry about this, sir.

MR. SNOW: I don't know if -- I don't know if the President asked him specifically about it, but Fred did take a look at it, and he thought that it was appropriate.

Q Before --

MR. SNOW: Yes, of course, absolutely, absolutely.

Q Okay.

Q You and the President both said very, very clearly that the jury's verdict should be respected.

MR. SNOW: That is correct.

Q Will you ever have to eat those words if he does grant Scooter Libby a pardon?

MR. SNOW: Well, again, just wait and see if that happens, and then we'll answer the question.

Q Do you expect that the President would look at some other cases now? I know he's got a record of not -- a lot of these, but might he be open to looking to some of the other cases of people who did not have special access --

MR. SNOW: Kelly, I don't know precisely how the process works for bringing these cases before the President. As Ed has pointed out, they do have a process that they go and they look through these things, but I honestly don't know. My sense is that you don't adjust simply because people say, man, you got to look at a lot of other cases. My sense is that people do take a look at the cases pending. But I don't have any special details.

Q Did the pardon attorney play any role in this decision?

MR. SNOW: I have no idea.

Q Could you find out?

MR. SNOW: Yes, I don't believe that there have been any conversations with the pardon attorney.

Q Well, would that not make this the only occasion on which the President has granted executive clemency without the case going through the office of pardon attorney?

MR. SNOW: Well, I will try to find out what I can get you on it. I just don't have anything on it.

Q Will you brief on Monday and Tuesday?

MR. SNOW: Yes.

Q Where? Here?

MR. SNOW: Yes, we'll be briefing here. Wednesday morning, 8:00 a.m. -- just for you to know, 8:00 a.m. ribbon cutting. So get up early, show up.

Q Ribbon cutting and news conference, right?

MR. SNOW: No.

Q Why so early?

Q No?

MR. SNOW: Because I have business to do during the course of the day, too, and after all the celebrations, we'll clean up.

Q Will he take question and answer?

MR. SNOW: Tuesday? No.

Q Wednesday.

MR. SNOW: I mean, Wednesday, no.

Q Wait, wait, wait, why won't he come --

Q Are you going to brief tomorrow?

MR. SNOW: There will be a briefing. I'm doing chemo tomorrow, so I won't be here.

Q Monday and Tuesday you said --

MR. SNOW: Monday and Tuesday, we'll be doing briefings here.

Q At 8:00 a.m.?

MR. SNOW: No, no, no. Wednesday -- (laughter.) Want me to share some of my coffee?

Q Why would the President come to a new press room and not take questions?

MR. SNOW: I think he's coming there to greet you. If you don't want him to -- I suppose I could tell him --

Q No, we'd love to have him, but we'd also love to ask him questions.

MR. SNOW: Well, you know what, you'll get chances. You'll get plenty of chances.

Q Bring him on. (Laughter.)

Q Tony, the Russians are saying that -- the Russians' latest on missile defense is that if we continue -- if the United States continues to push ahead with that program, they will move their rockets closer to targets in Europe, presumably to defeat such a system. Do you have a reaction to that?

MR. SNOW: Well, look, you take a look at the talks at Kennebunkport over the weekend, and what you had was an exchange where Russian President Putin came forward with a really interesting idea, which engages people in the neighborhood, which is to bring NATO into direct communication with the Russians in discussing this. And the clear message is that there are going to be a lot of technical issues to work out and we're going to work on them.

The President also made it clear that he thought Eastern European nations ought to be an important part of these conversations, including the Czechs and the Poles; the Russians have their own ideas about where they'd like to be putting satellite sites and so on. And those are going to continue to be matters of discussion. So we're continuing to work the issue.

Q Do you think that there's a lot more than technical issues involved? Maybe some political issues?

MR. SNOW: There would be some political issues involved, as well.

Q So wait, so then the Russian Deputy Foreign Minister was speaking outside the construct of the President and President Putin's discussions?

MR. SNOW: Well, again, I'm not going to try to get into reading or interpreting the comments. I'm telling you what we saw and what took place at Kennebunk. Although the Deputy Foreign Minister was on the trip, the fact is that the two Presidents made pretty clear their view of things when they did the presser at Kennebunkport.

Q Thanks.

END

10:02 A.M. EDT

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THE WHITE HOUSE

Office of the Press Secretary



Embargoed Until Release

July 2, 2007

STATEMENT BY THE PRESIDENT

The United States Court of Appeals for the D.C. Circuit today rejected Lewis Libby's request to remain free on bail while pursuing his appeals for the serious convictions of perjury and obstruction of justice. As a result, Mr. Libby will be required to turn himself over to the Bureau of Prisons to begin serving his prison sentence.

I have said throughout this process that it would not be appropriate to comment or intervene in this case until Mr. Libby's appeals have been exhausted. But with the denial of bail being upheld and incarceration imminent, I believe it is now important to react to that decision.

From the very beginning of the investigation into the leaking of Valerie Plame's name, I made it clear to the White House staff and anyone serving in my administration that I expected full cooperation with the Justice Department. Dozens of White House staff and administration officials dutifully cooperated.

After the investigation was under way, the Justice Department appointed United States Attorney for the Northern District of Illinois Patrick Fitzgerald as a Special Counsel in charge of the case. Mr. Fitzgerald is a highly qualified, professional prosecutor who carried out his responsibilities as charged.

This case has generated significant commentary and debate. Critics of the investigation have argued that a special counsel should not have been appointed, nor should the investigation have been pursued after the Justice Department learned who leaked Ms. Plame's name to columnist Robert Novak. Furthermore, the critics point out that neither Mr. Libby nor anyone else has been charged with violating the Intelligence Identities Protection Act or the Espionage Act, which were the original subjects of the investigation. Finally, critics say the punishment does not fit the crime: Mr. Libby was a first-time offender with years of exceptional public service and was handed a harsh sentence based in part on allegations never presented to

the jury.

Others point out that a jury of citizens weighed all the evidence and listened to all the testimony and found Mr. Libby guilty of perjury and obstructing justice. They argue, correctly, that our entire system of justice relies on people telling the truth. And if a person does not tell the truth, particularly if he serves in government and holds the public trust, he must be held accountable. They say that had Mr. Libby only told the truth, he would have never been indicted in the first place.

Both critics and defenders of this investigation have made important points. I have made my own evaluation. In preparing for the decision I am announcing today, I have carefully weighed these arguments and the circumstances surrounding this case.

Mr. Libby was sentenced to thirty months of prison, two years of probation, and a \$250,000 fine. In making the sentencing decision, 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.

I respect the jury's verdict. But I have concluded that the prison sentence given to Mr. Libby is excessive. Therefore, I am commuting the portion of Mr. Libby's sentence that required him to spend thirty months in prison.

My decision to commute his prison sentence leaves in place a harsh punishment for Mr. Libby. The reputation he gained through his years of public service and professional work in the legal community is forever damaged. His wife and young children have also suffered immensely. He will remain on probation. The significant fines imposed by the judge will remain in effect. The consequences of his felony conviction on his former life as a lawyer, public servant, and private citizen will be long-lasting.

The Constitution gives the President the power of clemency to be used when he deems it to be warranted. It is my judgment that a commutation of the prison term in Mr. Libby's case is an appropriate exercise of this power.

#

Bakke, Mary Beth

From: Lambert, Albert C.
Sent: Monday, July 09, 2007 1:30 PM
To: Fielding, Fred F.; Farren, J. Michael
Cc: Bakke, Mary Beth
Attachments: July 6 letter.pdf

The court placed the letter on the case docket this morning.

Al Lambert
Associate Counsel to the President
(202) 456-1086
(202) 494-3445 (cell)
(202) 456-5355 (fax)

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7/9/2007

THE WHITE HOUSE

WASHINGTON

July 6, 2007

The Honorable Patrick J. Fitzgerald
Special Counsel
U.S. Department of Justice
1400 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

FILED

JUL -9 2007

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Re: *United States v. Libby*, Crim. No. 05-394 (RBW)

Dear Mr. Fitzgerald:

The court's July 3, 2007 Order in the referenced case suggests some lack of clarity as to whether the United States' Probation Office for the District of Columbia ("Probation Office") should be permitted to have the defendant report for his two-year term of supervision under the court's July 22, 2007 Order of Judgment and the President's July 2, 2007 Grant of Executive Clemency ("Proclamation").

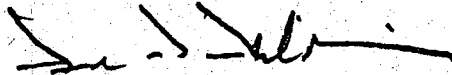
Although to date neither party has accepted the court's invitation to solicit the White House's view as to the impact of 18 U.S.C. § 3583 on the remaining aspects of the sentence, we do feel compelled to share our views as guidance to the parties since this matter involves a plenary power of the President. The White House takes no official position on the matter of statutory construction, in part because it is believed that such evaluation is not relevant in this case. As the Supreme Court has long held, "the pardoning power was intended to include the power to commute sentences on conditions which do not in themselves offend the Constitution, but which are not specifically provided for by statute." *Schick v. Reed*, 419 U.S. 256, 264 (1974).

Thus, while it does not appear that § 3583 speaks to, let alone precludes, the defendant's term of Probation Office supervision under the present circumstances—the statute addresses only the court's options when it issues or "impose[s]" a sentence—even if there were no specific statutory grounds for supervised release at this juncture, the President's exercise of his commutation power to keep intact and in effect the "two-year term of supervised release, with all its conditions" would unmistakably govern. "The pardoning power is an enumerated power of the Constitution and . . . its limitations, if any, must be found in the Constitution itself." *Schick*, 419 U.S. at 267. As the President's July 2nd Proclamation "flows from the Constitution alone, not from any legislative enactments, . . . it cannot be modified, abridged or diminished" by any act of Congress. *Schick*, 419 U.S. at 267.

As a factual matter, the court imposed its sentence of imprisonment, supervised release, and other fines and conditions on June 14, 2007 and then "committed [the defendant] to the custody of the United States Bureau of Prisons to be imprisoned" on July 22, 2007. According to the terms of the July 22nd Order of Judgment, the defendant "must report to the probation

office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons" to serve two years under Probation Office supervision. The President's July 2, 2007 commutation of the prison term released the defendant from the Bureau's custody by directing any and all prison terms to "expire" in advance of all other components of the sentence, which remain "intact and in effect." The remaining components of the sentence require the defendant, among other things, to report to the Probation Office immediately to begin his term of supervision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Fred F. Fielding', written over a horizontal line.

Fred F. Fielding
Counsel to the President

cc: The Hon. Reggie B. Walton
United States District Judge

William Jeffress, Esq.
Theodore V. Wells, Esq.
Attorneys for the Defendant

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Letter to George T. Manning] [with attachments] - To: George T. Manning - From: Fred F. Fielding	8	07/10/2007	P5;

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Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Counsel's Office, White House

SERIES:

Fielding, Fred - General Files

FOLDER TITLE:

Libby [Folder 2]: [Loose Documents] [Folder 1]

FRC ID:

11703

OA Num.:

11717

NARA Num.:

11251

FOIA IDs and Segments:

2014-0234-F

2014-0127-F

RESTRICTION CODES

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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- B. Closed by statute or by the agency which originated the document.
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Freedom of Information Act - [5 U.S.C. 552(b)]

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(202) 225-3951

<http://www.house.gov/judiciary>

July 6, 2007

President George W. Bush
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Dear President Bush:

Like many Americans, I was troubled to learn of your decision to commute the sentence of Vice President Cheney's former Chief of Staff Scooter Libby. Mr. Libby was convicted of serious crimes and sentenced by a fair and well-respected federal Judge who termed the evidence of Mr. Libby's guilt "overwhelming." It was surprising indeed to learn that you had deemed Mr. Libby's sentence "excessive" even before any of his appeals had run.

As you may know, my committee is holding a hearing this Wednesday titled "The Use and Misuse of Presidential Clemency Power for Executive Branch Officials." At this hearing we hope to learn about some of the consequences of Mr. Libby's misconduct, and we will hear from sentencing experts and people affected by federal sentencing laws as to whether or not Mr. Libby's sentence can fairly be considered "excessive." We will also explore the grave questions that arise when the Presidential clemency power is used to erase criminal penalties for high-ranking executive branch employees whose offenses relate to their work for the President. While I recognize that the clemency power is a Presidential prerogative, your decision to commute Scooter Libby's sentence has proven highly controversial, with commentators suggesting that this act may have had the effect of removing any further incentive that Mr. Libby may have had to provide more complete information about the leak of information on Valerie Wilson's work as an intelligence agent and the role that your Vice President and you yourself may have played in that leak.

When President Clinton's pardon of Marc Rich stirred its own controversy back in 2001, former President Clinton took the forthright step of waiving Executive Privilege and permitting some of his closest aides to testify about the facts of the matter. On March 1, 2001, President Clinton's former Chief of Staff John Podesta, his former Counsel Beth Nolan, and one of his

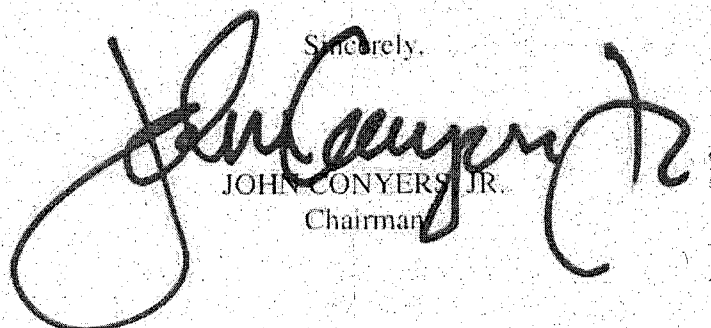
President George W. Bush
Page Two
July 6, 2007

closest counselors Bruce Lindsay testified before Chairman Burton's House Government Reform Committee on this matter. As Chairman Burton acknowledged in his opening statement: "We asked the president not to claim executive privilege so his aides could testify, and he's done that, and that's a positive step." (Transcript of March 1, 2001 hearing of the House Government Reform Committee.)

It is in this spirit that I call on you too to waive Executive Privilege and provide the relevant documents and testimony of any relevant aides regarding the decision to commute Mr. Libby's sentence. Given that then President Ford testified before our committee in 1974 about his pardon of President Nixon, there is ample additional precedent for your taking such a step. Many questions remain unanswered. For example:

- What role if any, did Vice President Cheney play in the decision to commute the sentence of his own former aide?
- On what basis did you conclude that Mr. Libby's apparently ordinary sentence was "excessive"?
- Was any consideration given to the impact commutation would have on the possibility that Mr. Libby might yet decide to cooperate with the Special Prosecutor?
- Had any assurances previously been given to Mr. Libby – either before or after his false testimony – that he would be protected from jail time through clemency?
- What outsiders lobbied the administration for clemency, and was there any improper quid pro quo?

Thank you very much for responding to this request. I hope you will be able to provide the relevant documents and allow your aides to testify at our hearing next week or at some time in the near future.

Sincerely,

JOHN CONYERS JR.
Chairman

cc: The Honorable Lamar S. Smith, Ranking Republican

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July 10, 2006

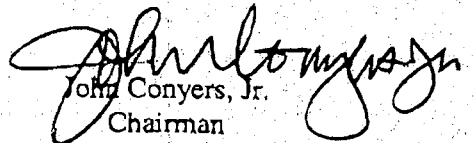
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Dear President Bush:

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I look forward to hearing from you regarding the committee's request.

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U. S. HOUSE OF REPRESENTATIVES

Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515
Phone: (202) 225-3951
Fax: (202) 225-7680
FACSIMILE COVER

TO: President George W. BushFAX NO: 456-6279 # PAGES: 2 (including this page)

FROM: _____ STACEY DANSKY _____ LILLIAN GERMAN
_____ JONATHAN GODFREY _____ SUSAN JENSEN
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_____ DWIGHT SULLIVAN _____ TERESA VEST
_____ LASHAWN WARREN

COMMENTS: _____

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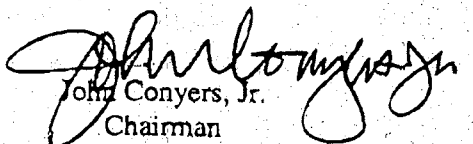
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Email	Government Filing - To: Fred F. Fielding, et al - From: Albert C. Lambert	1	07/09/2007	P5; P6/b6;

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Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

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Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Bakke, Mary Beth

From: Ray Groves (b)(6)
Sent: Monday, July 09, 2007 4:23 PM
To: Bakke, Mary Beth
Subject: Ed Koch Positive Commentary on Libby Commutation

✓

Dear Mary Beth -

There probably have not been very many prominent Democrats who have made a public statement supporting President Bush's commutation of Mr. Libby's sentence. Former New York City Mayor Ed Koch has.

Regards,

Ray Groves

----- Forwarded message -----

From: Koch, Edward I. <EIKoch@bryancave.com>
Date: Jul 9, 2007 2:21 PM
Subject: Ed Koch Commentary
To: "Smith, Joanne M." <joanne.smith@bryancave.com>

Ed Koch Commentary
July 9, 2007

Let me now -- and not for the first time -- rush in where angels fear to tread. I support President Bush's commutation of Scooter Libby's prison sentence.

I have never met Mr. Libby. I have not been asked by any of his friends or family to assist him. So why am I taking this step, which is sure to be criticized by many of my friends and supporters?

It is because I believe in fairness. To remain silent because speaking out would not be popular is to invite punishment in the world to come.

What are the facts in the Libby case? The story begins when Robert Novak, a widely syndicated reporter, revealed in his newspaper column of July 14, 2003 that a woman named Valerie Plame, was a CIA covert (secret) operative.

A federal law makes such disclosure subject to criminal sanction under certain circumstances. Democratic opponents of President Bush -- believing that Novak's source was the White House -- ignited a firestorm of protest. The flap became so heated that the Deputy U.S. Attorney General James B. Comey appointed a special prosecutor, Patrick

7/9/2007

Fitzgerald -- then and now the U.S. Attorney from Illinois -- to investigate the disclosure.

Novak was questioned by the special prosecutor before a grand jury, whose proceedings are secret. Indeed, it is a federal crime to release such testimony. It is now known that the U.S. Attorney was told that the information did not come from the White House. The person who leaked the information to Novak was in fact former Deputy Secretary of State Richard Armitage, a Clinton appointee.

Novak, in his column of July 5, 2007, wrote, "Even before he began his long investigation, Fitzgerald was aware that the leak to me that started the case was made by then Deputy Secretary of State Richard Armitage. No proponent of the Iraq intervention, Armitage did not neatly fit left-wing conspiracy theory about Iraq policy. Consequently, he disappeared from the Internet blather about the CIA leak constituting treason. Armitage was not indicted because the statute prohibiting the disclosure of an intelligence agent's identity was not violated. But Fitzgerald ploughed ahead with an inquiry that produced obstruction of justice and perjury charges against Libby though there was no underlying crime."

Libby, who had been chief of staff to Vice President Dick Cheney until his indictment, was interviewed by the FBI (any statement to the FBI is deemed by law to be made under oath) and was questioned before the grand jury. In both situations, he apparently stated that he first heard the name of Valerie Plame and her CIA connections from journalist Tim Russert of "Meet The Press" fame. Russert was called before the grand jury and apparently testified and repeated his testimony publicly that he had done no such thing and did not know of Ms. Plame at the time of the alleged conversation with Libby.

Libby was indicted and convicted of perjury and obstruction of justice for misleading law enforcement agencies seeking to ascertain who had leaked the information about Ms. Plame. Neither Robert Novak nor Richard Armitage was ever prosecuted in this matter, although Novak had published the material and Armitage had provided the information to him. The law is, apparently, extremely technical and proved too difficult to apply to either Novak or Armitage. The New York times described the problem, "A prosecutor seeking to establish a violation of the law has to show an intentional disclosure by someone with authorized access to classified information. That person must also know that the disclosure identifies a covert operative "and that the United States was taking affirmative measures to conceal such covert agent's intelligence relationship to the United States.' A covert operative is defined as someone whose identity is classified information and who has served outside the United States within the last five years. "

Libby was convicted of perjury and obstruction of justice and received a sentence of 30 months in prison, 2 years' probation and a \$250,000 fine. President Bush has now commuted the prison time and left intact both the civil fine and probation. Unless he wins his appeal, Libby will also be disbarred as a lawyer. After all appeals have been exhausted, the President reserves his right to issue a full pardon.

My own belief is that when Libby answered the question by saying it was Russert who

told him about Valerie Plame's CIA status, he was providing information that he believed to be true. Surely, he knew Russert would be asked if that occurred. If Libby's recollection failed, that would not be the basis for charging him with a crime. Only if he deliberately lied could he be accused of perjury.

Would anyone, particularly someone in high government office with an exemplary record of public service and admittedly a high achiever under these circumstances, lie, deliberately misstate the facts where his testimony would be refuted by a popular television personality certain to be asked? It defies common sense. If he were deliberately lying, he would have said, "I can't recall," or "I think it was Tim Russert," leaving the opportunity to admit error, and in neither case could he, I believe, have been indicted and convicted.

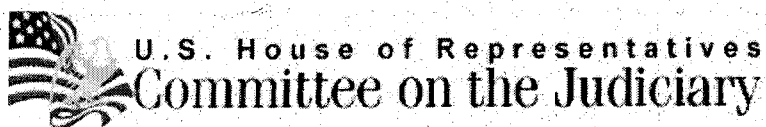
Why is there such an enormous furor, particularly in Democratic political circles, demanding that Libby go to prison? I believe it is the kind of mob rage that has regrettably dominated American politics. The anger that existed against FDR, Truman, Bill Clinton, Ronald Reagan and currently, the team of Bush and Cheney. That mob hate of Bush and Cheney for a host of reasons -- the Iraq war, the two elections that elected and reelected them, their tax policies, their attitudes and policies directed at Islamic terrorism and a dozen other issues. They know they can't directly strike at Bush and Cheney whose terms of office dwindle with each passing day. They are striking at Libby as their surrogate. If they could in their lust for blood and vengeance, they would perform an auto de fe and burn Libby at the stake.

Some will respond, "A jury found him guilty, how can you question their collective judgment." Many of those people believe, as I do, that the jury that found O.J. Simpson not guilty was wrong and have no problem in questioning the verdict of that jury.

Regrettably, the politics of hatred rules the day. In this atmosphere of hysteria and rage, we should remember that the demons of yesterday -- FDR, Truman, Clinton and Reagan -- are hailed by many of their former critics as political saints of today.

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Wednesday 07/11/2007 - 12:00 PM
2141 Rayburn House Office Building

Full Committee

Hearing on: The Use and Misuse of Presidential Clemency Power for Executive Branch Officials

By Direction of the Chairman

The Honorable Joseph C. Wilson IV

Former Ambassador

Rogert C. Adams

Office of the Pardon Attorney U.S. Department of Justice

David Rivkin

Baker & Hostetler LLP

Professor Douglas A. Berman

Moritz College of Law The Ohio State University

Tom Cochran

Assistant Federal Public Defender Middle District of North Carolina

6/29/2007 - Conyers-Leahy Respond to the White House on Subpoenas

6/28/2007 - House Judiciary Committee Chairman John Conyers, Jr. (D-MI) Released the Following Statement in Response to the President's Assertion of Executive Privilege in Response to the Committee's June 13 Subpoena for Documents:

6/27/2007 - Conyers Hosts Forum to Discuss "The State of American Freedoms"

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Statement	Statement of Roger C. Adams	12	07/11/2007	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Counsel's Office, White House

SERIES:

Fielding, Fred - General Files

FOLDER TITLE:

Libby [Folder 2]: [Loose Documents] [Folder 1]

FRC ID:

11703

OA Num.:

11717

NARA Num.:

11251

FOIA IDs and Segments:

2014-0234-F

2014-0127-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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- b(1) National security classified information [(b)(1) of the FOIA]
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