

WASHINGTON, D.C.

Cheney may be ultimate target in probe

■ **Some suspect Vice President Dick Cheney is the main target of White House advisor 'Scooter' Libby's indictment on charges of leaking the identity of a CIA agent.**

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WASHINGTON — The 22-page indictment against White House advisor I. Lewis "Scooter" Libby raises a host of questions that are likely to hang over the Bush administration for months, including whether Vice President Dick Cheney had a direct role in revealing the identity of a CIA employee.

But legal experts said Saturday that getting answers to that and other questions probably will depend on whether Libby, who resigned Friday from his dual role as Cheney's chief of staff and Bush's assistant, opens up to the prosecutor or sticks with the story that resulted in perjury and obstruction of justice charges.

President Bush sought to put the scandal behind him Saturday with a radio address focused on Iraq, but the continuing investigation into the CIA leak and preparations for Libby's trial could mean more embarrassment for him.

The five-count indictment failed to resolve the underlying issue of whether White House officials deliberately exposed CIA officer Valerie Plame in retaliation for her husband's public opposition to the Iraq war.

INTENTS UNKNOWN

Libby, who has professed innocence, has given no indication he intends to point fingers at anyone in the White House.

But that could change as the case moves to trial or if he is convicted of lying to the FBI and a federal grand jury.

The charges of perjury, obstruction of justice and false statements carry a maximum penalty of 30 years in prison and \$1.25 million in fines.

"There's no ability to go past Libby unless Libby were to turn on his boss, and that doesn't seem likely," said former federal prosecutor Kendall Coffey, a prominent Miami lawyer. "A convicted defendant facing significant jail time can become much more cooperative. That could be a scenario."

Former federal prosecutor John Flannery, now a defense lawyer in Leesburg, Va., said he suspects prosecutor Patrick Fitzgerald's primary interest is Cheney.

"Cheney is an objective that may or may not be achieved by Fitzgerald. He needs Libby," said Flannery, a Democrat.

"His best option for him and his family is to, A, plead guilty; and, B, cooperate. Is he going to fall on his sword to save Cheney?"

Even if Libby sticks with his defense plea, his trial would almost certainly delve into internal White House discussions that go to the heart of

Bush's case for war. Plame's husband, former ambassador Joseph Wilson, accused the Bush administration of exaggerating the threat of weapons of mass destruction in Iraq.

Cheney appears at critical moments in Fitzgerald's indictment of Libby. The prosecutor contends the vice president was among the first to tell Libby about Plame's CIA connection.

The indictment also alleges that Libby sought advice on dealing with questions about Wilson during a July 12, 2003, plane trip with Cheney and other unnamed officials.

It was later that same day, according to the indictment, that Libby discussed Wilson and his wife with two reporters.

TIMING A KEY

The timing raises the possibility that Cheney may have known about efforts to drag Plame into the administration's dispute with her husband, though Coffey said there

still isn't enough to prove that.

"It's very intriguing, but I'm not going to assume that it's painting a bull's-eye on Cheney's back," Coffey said.

Still, Cheney "would clearly be a witness" at a Libby trial, Coffey noted. "A trial like this is not going to be a very pretty picture for anyone," he said.

Presidential advisor Karl Rove, one of Bush's closest confidants, escaped indictment, but he is also a likely witness at any trial.

The indictment says Libby learned from a senior White House official identified only as "Official A" that columnist Robert Novak planned to write about Wilson's wife.

Novak's column July 14, 2003, was the first time Plame was publicly identified by her maiden name, which she used at the CIA.

Rove is the only other top White House official who has been identified as a source for journalists in the case, although he has not been named as Novak's source.

"Official A is either Rove or Billy the Kid," Flannery said. "The prosecutor has decided that he can't close the loop on Rove quite yet."

OFFICIALS LISTED

Without identifying them by name, the indictment listed a handful of other administration officials who allegedly talked about Wilson's wife with Libby.

Those potential witnesses include former White House spokesman Ari Fleischer; vice presidential counsel David Addington; and Catherine Martin, Cheney's former assistant for public affairs.

Republican strategist Frank Luntz expressed relief that Rove avoided indictment but said Bush would not emerge unscathed by the scandal.

"It undercuts their credibility," Luntz said. "It makes it harder for them to say they are above politics. . . . It adds yet another level of static that the White House will have to communicate through."