The Commuter in Chief

By Eugene Robinson
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Let's put this in perspective. Martha Stewart is convicted of conspiracy, making false statements and obstruction of justice, and soon she's decorating a prison cell. Lil’ Kim is convicted of perjury before a grand jury and conspiracy, and off to the big house she goes. Paris Hilton commits a crime that could be described as "driving while blond, vapid and obnoxious," and next thing you know she's freaking out in solitary confinement. But when Scooter Libby is found guilty of perjury before a grand jury, lying to FBI investigators and obstruction of justice -- basically the same crimes that got Stewart and Lil' Kim locked up, and miles beyond anything Hilton ever did -- George W. Bush intervenes to save him from the indignity of spending a single night behind bars. No home confinement, no ankle bracelet, nothing. Now that he's paid his $250,000 fine, Scooter is free to scoot on with his life.

What led us to this point -- when a lifestyle maven, a bling-bedecked rapper and a table-dancing celebrity are held more accountable than a powerful member of the White House inner circle who functioned as Dick Cheney's right-hand man -- was an abuse, or at least a misuse, of presidential power.

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Constitution that we don't know about yet. But we can't accept presidential rule-by-fiat as the norm. If we do, our way of life is threatened, and the terrorists have won.

I'm joking, but I'm serious. Bush and his erstwhile ally, Tony Blair, often defended their war in Iraq by saying they were fighting terrorists who hated our "way of life" and wanted to destroy it. Leave aside the question of whether this is really the terrorists' motivation (and, by the way, if they're bothered by uppity women such as Martha Stewart, Lil' Kim and Paris Hilton, they can relax; we've taken care of them). Isn't the rule of law an aspect of our way of life that's worth defending?

A duly constituted jury of his peers found Libby, who was a top-notch lawyer before joining the administration, guilty of serious charges. The case was brought by a special prosecutor whose dogged, just-the-facts-ma'am approach involved no political agenda. Libby's 30-month prison sentence was pronounced by a judge appointed to the federal bench by none other than George W. Bush. This was no partisan exercise in scapegoating -- and no miscarriage of justice.

It's true that U.S. District Judge Reggie B. Walton threw the book at Libby. But Walton acted within sentencing guidelines, perhaps thinking that for a lawyer and high-ranking government official to lie under oath was a particularly vile betrayal.

Why did Bush commute Libby's sentence, knowing the criticism that would follow? Pay no attention to the nonsense that poor White House spokesman Tony Snow tried to sell when he faced reporters Tuesday -- about how the Libby commutation was an extraordinary matter, handled routinely. Maybe he should have tried claiming it was a routine matter, handled extraordinarily. Or maybe he should have just shrugged and left the podium.

For the record, it would have been routine for Bush to consult with Justice Department lawyers and perhaps with Patrick J. Fitzgerald, the special prosecutor, before issuing a commutation. He did neither.

The reason Bush gives -- that he accepts the verdict against Libby but thinks the sentence was excessive -- makes no sense either. The remedy in that case would be to wait until Libby served a non-excessive amount of time in prison and then commute the sentence.

Bush was under pressure from the Republican base to give Libby a full pardon. But most of that clamor was coming from inside the Beltway, and it was nothing compared with the insurrection he had faced -- and resisted to the end -- over immigration. It doesn't make sense that Bush, at this point, would start fretting about his popularity ratings.

What does make sense is that the president would feel responsible
for Libby's plight. Libby's criminal lies were about his part in discrediting claims that the administration's rationale for invading Iraq was bogus. Bush might have decided that since this is his war, he, not Libby, should be the one held to account.

Then again, Bush might have worried that sitting in prison, with time on his hands, novelist Libby might turn his pen to a nonfiction memoir of his White House years. "High Crimes and Misdemeanors" would have been a good working title.

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