

FOIA(b)6
PRA-P6

From: [REDACTED]
To: "McCormack, Brian V."
Subject: Re: STATEMENT BY THE PRESIDENT
Received(Date): Tue, 3 Jul 2007 11:17:50 -0500

Dear Mr. McCormack,

As the hostile fire flies in, please convey to the President and the White House staff the conviction of at least one "foot soldier" in the cause that the President did the right thing, for the right reasons, at the right time in commuting Mr. Libby's prison sentence. One would have expected it of him, and he demonstrated once again that he isn't worried about his "image"--history will adjudge him favorably in this as in all those other bold and unpopular steps he has taken in wielding the Executive power--but is determined to do good. He is truly a role model, and I am proud that he is President of the United States of America. Happy and Glorious Fourth!

Best wishes,

Tom Barnes
Professor of History & Law, *Emeritus*
Co-Director, Canadian Studies Program
University of California, Berkeley

----- Original message -----

From: "McCormack, Brian V." <Brian_V._McCormack@who.eop.gov>

THE WHITE HOUSE

Office of the Press Secretary

For Immediate 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.

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