

DC'S ELITE: LET OUR GENERAL GO!

At almost precisely the moment the FBI started investigating who was pestering Tampa Bay socialite Jill Kelley, an investigation that would lead to the resignation and investigation of David Petraeus, John McCain called for an investigation into top Obama officials leaking details of covert ops to make themselves look good.

Outraged by two recent articles published by the New York Times, which exposed the extent of U.S. involvement in cyberattacks made against Iran and the White House's secret 'Kill List,' John McCain (R-Ariz.) and Saxby Chambliss (R-Ga.) took to the Senate floor to admonish the administration, and accuse it of widespread disregard for national security.

"The fact that this administration would aggressively pursue leaks by a 22-year-old Army private in the Wikileaks matter and former CIA employees in other leaks cases, but apparently sanction leaks made by senior administration officials for political purposes is simply unacceptable," McCain said.

Now, McCain is outraged! that former top Obama official David Petraeus is getting the callous treatment given to those being investigated for leaks.

U.S. Senators John McCain (R-Ariz.) and Lindsey Graham (R-S.C.) today released the following statement on the handling of the investigation into former CIA Director David Petraeus:

"While the facts of the case involving General David Petraeus remain unknown and are not suitable for comment, it is

clear that this investigation has been grievously mishandled.

“It is outrageous that the highly confidential and law enforcement-sensitive recommendation of prosecutors to bring charges against General Petraeus was leaked to the New York Times. It is a shameful continuation of a pattern in which leaks by unnamed sources have marred this investigation in contravention to fundamental fairness.

“No American deserves such callous treatment, let alone one of America’s finest military leaders whose selfless service and sacrifice have inspired young Americans in uniform and likely saved many of their lives.”

And of course, McCain had no problem when the first story about poor Petraeus’ treatment appeared in December, quoting lots of McCain’s buddies calling for justice! for Petraeus.

McCain (and his sidekick Lindsey) are not the only ones rending their garments over the injustice of a top Obama official being investigated for leaking classified details to make himself look good. Jason Chaffetz keeps complaining about it. And Dianne Feinstein took to the Sunday shows to declare that Petraeus has suffered enough. Richard Burr apparently made false claims about how the Espionage Act has been wielded, of late, even against those whose leaks caused no harm.

Golly, you’d think all these legislators might figure out they have the authority, as legislators, to fix the overly broad application of the Espionage Act.

Meanwhile, Eli Lake – who launched the campaign to Let Our General Go last month – has an odd story complaining about Petraeus’ treatment. To Lake’s credit, he mentions – though does not quote – how Petraeus celebrated John Kiriakou’s

guilty plea. Here's what Petraeus said then about the importance of respecting your vows to secrecy:

It marks an important victory for our agency, for our intelligence community, and for our country. Oaths do matter, and there are indeed consequences for those who believe they are above the laws that protect our fellow officers and enable American intelligence agencies to operate with the requisite degree of secrecy.

Lake also suggests Paula Broadwell's job – writing fawning biographies of the man she was fucking – was the same as Bob Woodward's.

What's more, Broadwell herself was writing a second book on Petraeus. When Broadwell – a graduate of West Point – was writing her first biography of him, she was given access to top secret information covering the period in which Petraeus commanded allied forces in Afghanistan. This arrangement is common in Washington for established authors. Sources for Bob Woodward, whose books often disclose classified information that is provided to him through semi-official leaks, are not investigated for betraying state secrets.

Maybe it is, maybe Woodward is nothing more than a power-fucker. But it obscures the key difference (which should not be true but is) that when the White House sanctions a book, they get to sanction self-serving leaks for it.

Finally, Lake misstates something about selective treatment.

Senior officials such as Petraeus, who serve at the highest levels of the national security state, are almost never punished as harshly as low- and mid-level analysts who are charged with

leaking. When former CIA director John Deutch was found to have classified documents on his unsecure home computer, he was stripped of his security clearance and charged with a misdemeanor.

An even better example – one not mentioned at all – is when Alberto Gonzales was found to have kept a CYA file, full of draft OLC memos and notes from a briefing on the illegal wiretap program, in a briefcase in his house. He resigned at the beginning of that investigation (and it has never been clear how much that played a role in his resignation; there are many interesting questions about Gonzales' resignation that remain unanswered). But he suffered no consequences from keeping unbelievably sensitive documents at his house, aside from being denied the sinecure all other Bush officials got.

That said, that's true of a lot of people in sensitive positions. Of the 40 witnesses who might be called against Jeffrey Sterling, for example, 6 have been found to have mistreated classified information (as has Sterling himself); that includes his direct supervisor while at CIA as well as 3 others cleared into the Merlin op (and I'm certain that doesn't include Condi Rice, whose testimony the AIPAC defendants would have used to show how common leaking to the press was, nor does it include one other witness I strongly suspect has been involved in another big leak case). CIA withheld that detail from DOJ until right before the trial was due to start in 2011. But it does offer at least one metric of how common mistreating classified information is.

The prosecution of it, of course, is very selective. And that's the problem, and David Petraeus' problem, and Congress' problem.

Yet that won't ensure that Congress does anything to fix that problem with the means at their disposal, legislating a fix to stop the

misuse of the Espionage Act. That's because they like the overly broad use of it to cudgel leakers they don't like. Just not the ones they're particularly fond of.