

REMEMBER LARRY FRANKLIN...

I'm not a fan at all of what Larry Franklin did—leaking documents to help drum up a more hawkish policy on Iran.

But amid the news that John Kiriakou's lawyer, Plato Cacheris, has docketed a change of plea hearing today at 11, it's worth reviewing what happened with Franklin. After he was charged, the government put a lot of pressure on Franklin and his family (as they have with Kiriakou) and got him to plead guilty, with Cacheris' advice. He was given a 10 year sentence.

Then the men he leaked to—Steven Rosen and Keith Weissman, with the counsel of Abbe Lowell—started questioning the very premise of the case. First, they prepared to call top officials, including Condi Rice, to demonstrate that they, too, leak classified information all the time. Then, the judge in the case, Thomas Ellis, ruled that they could not be charged for espionage if they didn't have the intent to harm the US. It was the reverse of that ruling—Leonie Brinkema's ruling that because Kiriakou was a government employee and therefore intent to harm the US didn't matter—that led Kiriakou's lawyers to rush to plead guilty.

But here's the interesting thing.

After the government's case against Rosen and Weissman fell apart, the judge then push to re-sentence Franklin. Ultimately, he was sentenced to 10 months of house arrest.

Now, I'm not saying that could happen with Kiriakou. According to Jesselyn Raddack, he will take the plea, and he will serve 2.5 years in prison.

And the cases are not parallel: while top Administration officials leak classified information to the press all the time, only Dick Cheney and Scooter Libby spend their time outing

spies (though I still suspect Matt Bissonnette's identity was confirmed by Pentagon sources).

But the government does continue to give its spooks fairly transparent covers, as was demonstrated when "Stan Dove Boss" got ambushed by cops tied to a drug cartel in Mexico, not to mention the entire CIA annex that militia members seemed well aware of in Benghazi. There was, certainly, the possibility that this case would have demonstrated how cavalierly the CIA had sent its kidnapers and torturers around the world with big expense account. And that, in turn, would demonstrate that the issue is not whether we—or al Qaeda—can learn the identities of the torturers, but whether citizens and journalists can speak of the torturers by name.

In any case, these cases are increasingly about whether or not the government will continue to use clearances and secrecy to set up a two-class society: those whose livelihood depends on complete obedience to the government's asymmetric use of information, and those outside of that club who are not trusted with the truth about what our country does.

John Kiriakou's plea deal is not only another victory in the Obama Administration's cover-up of torture. But it's also a win for the people who believe the citizens of this democracy are not entitled to know what is being done in their name.

Update: It's done. Another DOJ win in protecting torturers.