



## America's Privileged Policy Elites and Their Lack of Accountability

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It is increasingly apparent that America's political and military elites are almost never held to account for their blunders or even outright crimes. The latest episode is the Pentagon's multi-year campaign to conceal information about a March 2019 airstrike in Syria that killed as many as 64 civilians, including women and children. Despite the *New York Times*' expose, there is no indication that the individuals responsible for that atrocity or the subsequent cover up will face any serious consequences.

The military's behavior in that case is essentially the same as its obfuscation and reluctant backpedaling about the August 2021 drone strike in Kabul that killed an innocent aid worker and his family. At the time the attack took place, the Pentagon insisted that the targeted individual was a terrorist affiliated with ISIS-K, and that "secondary explosions" after the drone missile hit the van he and the other passengers were riding in proved that the vehicle was carrying bombs and bomb-making components. Gen. Mark Milley, Chairman of the Joints Chiefs of Staff, went out of his way to describe the drone response not just as a necessary military action, but as a "righteous strike."

Washington's official version of events soon unraveled. Yet even when the military belatedly recanted the initial cover story and admitted that numerous children had been killed, Pentagon leaders simply shrugged off the incident as a regrettable "error." Typically, not only were the personnel who negligently authorized the attack shielded from punishment, so were the official propagandists who had lavishly circulated the original misinformation.

None of this should come as a surprise. The latest episodes are reminiscent of the Navy's behavior when one of its warships in the Persian Gulf, the USS *Vincennes*, shot down an Iranian airliner with 290 people aboard in July 1988. Navy spokesmen initially insisted to a credulous news media that the Iranians were entirely responsible – that the flight took place outside the boundaries of the civilian air corridor, that the plane was not sending signals on a proper civilian transponder, and that the plane was descending in a potentially threatening manner toward the Navy vessel. All of those statements were false. Even when the truth finally began to emerge

months later, though, no disciplinary actions were taken against the individuals responsible for the tragedy or their colleagues who tried to cover it up. Indeed, some of them were awarded medals.

Given that the institutions guilty of such misconduct are not held to account, it is hardly surprising that the leaders of those power centers enjoy similar immunity. Indeed, even when it is indisputable that they have committed outright crimes, they escape punishment entirely or receive nothing more than the proverbial slap on the wrist. Several cases in recent years confirm that corrupt reality, especially the sweetheart deals given to Bill Clinton's former national security adviser, Samuel R "Sandy" Berger, former CIA director David Petraeus, and FBI assistant general counsel Kevin Clinesmith. .

After leaving the Clinton administration, Berger served as a top foreign policy adviser to Sen. John Kerry (D-MA) during Kerry's 2004 run for president. But evidence emerged during the campaign that in 2000 Berger had illegally removed classified documents on two separate occasions from the National Archives – reportedly by stuffing them down his pants before exiting a secure reading room. The following year, after months of negotiations with federal prosecutors, he entered a guilty plea to a single misdemeanor charge of mishandling classified material.

It was, to put it mildly, an extremely generous offer by the government. Berger had to pay a \$50,000 fine and relinquish his security clearance for three years. The court also sentenced him to 100 hours of community service. Someone with Berger's economic status likely could pay \$50,000 out of the family's petty cash account, and losing access to classified material for only three years instead of permanently was stunningly mild.

The Petraeus case appeared to be an even clearer example of the Washington establishment protecting one of its own. His criminal conduct occurred when he served as the commander of U.S. military forces in Afghanistan, although it did not come to light until later when he was head of the CIA during Barack Obama's administration. After a lengthy FBI investigation, Petraeus admitted that he gave highly-classified journals to his lover, Paula Broadwell, who was writing his biography. He also admitted that he had lied to FBI and CIA investigators about his conduct when first questioned.

Despite such misconduct, he only had to plead guilty to a single misdemeanor charge of unauthorized removal and retention of classified information. As part of the plea bargain, the general did not have to serve a single day behind bars. His sentence consisted of two years' probation and a \$100,000 fine. Although the latter might seem to be a significant financial penalty, it is reportedly less than Petraeus still charges for a single speaking engagement on his very active lecture circuit.

A similar sweetheart deal occurred in January 2021, when federal judge James Boasberg sentenced Kevin Clinesmith, who admitted falsifying evidence submitted to the Foreign Intelligence Surveillance Act (FISA) court for a warrant to spy on onetime Trump foreign-policy

adviser Carter Page. Clinesmith's principal offense was altering an email (which confirmed that Page had been a CIA source) to create one that said the exact opposite. One might think that committing forgery to mislead the FISA court so that the bogus Russia collusion investigation could continue would be considered a serious, criminal offense, but apparently it was not deemed so. Boasberg sentenced Clinesmith to 12 months' probation and 400 hours of community service.

One need only compare such treatment of elite political insiders with the penalties meted out to whistleblowers who dare expose the crimes of US military, law enforcement, and intelligence agencies to see a flagrant double standard in operation. CIA agent John Kiriakou was given 30 months in federal prison for leaking documents confirming the Agency's misdeeds. Daniel Hale, an analyst with the National Geospatial-Intelligence Agency, who disclosed classified information in the course of highlighting US government lies and abuses, also discovered the perverse double standard. Hale leaked documents from the US military conceding that up to 90 percent of people in drone strikes were not the intended targets, but were in many cases innocent civilians. Hale received 45 months for his temerity. Army Private Chelsea Manning's penalty was the most shocking and draconian of all. For exposing the military's war crimes in Iraq to WikiLeaks, including a fatal attack on Reuters correspondents, she was sentenced to 35 years, although President Obama commuted her sentence once she had served seven years. One can only imagine what Edward Snowden or Julian Assange will face if US authorities ever get their hands on either man.

The current political and legal system crucifies whistleblowers and other critics who expose the misdeeds of – or even just embarrass – the mandarins in charge of national security policy. Conversely, high-level officials and the institutions they serve are rarely, if ever, held accountable, even when there is evidence of criminal misconduct. It is then unsurprising that there is even less likelihood that they will face any meaningful consequences merely for malfeasance or incompetence. It is notable, for example, that no civilian or military official – none – has been fired for the spectacularly mismanaged withdrawal of US forces from Afghanistan. America's inept, corrupt, and pampered elites just sail on unimpeded, leaving the mounting wreckage of a country in their wake.

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