

THE LEAK HYPOCRISY OF THE HILLARY SHADOW CABINET

In what has become a serial event, the State Department and Intelligence Community people handling Jason Leopold's FOIA of Hillary Clinton emails have declared yet more emails to be Top Secret.

The furor over Hillary Clinton's use of a private email account grew more serious for the Democratic presidential front-runner Friday as the State Department designated 22 of the messages from her account "top secret."

It was the first time State has formally deemed any of Clinton's emails classified at that level, reserved for information that can cause "exceptionally grave" damage to national security if disclosed.

State did not provide details on the subject of the messages, which represent seven email chains and a total of 37 pages. However, State spokesman John Kirby said they are part of a set the intelligence community inspector general told Congress contained information classified for discussing "Special Access Programs."

Now, as I have said before, one thing that is going on here is that CIA is acting just like CIA always does when it declares publicly known things, including torture and drones, to be highly secret. It appears likely that these Top Secret emails are yet another set of emails about the worst kept secret in the history of covert programs, CIA's drone killing in Pakistan. And so I am sympathetic, in principle, to Hillary's campaign claims that this is much ado about nothing.

But they might do well to find some other spokesperson to claim that this is just overclassification run amok.

"This is overclassification run amok. We adamantly oppose the complete blocking of the release of these emails," campaign spokesman Brian Fallon said on Twitter. Appearing on MSNBC after the news broke, Fallon vowed to fight the decision.

"You have the intelligence community, including an Intelligence Community Inspector General, as well as the inspector general at the State Department, that have been insisting on certain ways of deciding what is classified and what's not," he said. "We know that there has been disagreement on these points, and it has spilled out into public view at various points over the last several months. It now appears that some of the loudest voices in this interagency review that had some of the strongest straightjacket-type opinions on what should count as classified, have prevailed. That's unfortunate. We strongly disagree with the finding that has been reached today, and we are going to be contesting it and seeking to have these emails released."

Alternately Hillary can declare that if she is elected, she'll pardon both Jeffrey Sterling and Chelsea Manning.

Sterling's prosecution for, in part, having 3 documents about dialing a rotary phone in his home that were retroactively classified Secret, happened while Brian Fallon presided over DOJ's Office of Public Affairs; Fallon sat by as James Risen got questioned about his refusal to testify. Sterling's retention of documents that weren't marked Secret is surely the same kind of "overclassification run amok," and by the same agency at fault here, that Fallon is now

complaining about. So shouldn't Fallon and Clinton be discussing a pardon for Sterling?

Then there's Manning. As Glenn Greenwald noted, in that case Clinton had a different attitude about the sensitivity of documents classified Secret or less.

Manning was convicted and sentenced to 35 years in prison. At the time, the only thing Hillary Clinton had to say about that was to issue a sermon about how classified information "deserves to be protected and we will continue to take necessary steps to do so" because it "affect[s] the security of individuals and relationships."

So if the nation's secrets aren't really as secret as DOJ and State and DOD have claimed, shouldn't these two, along with people like Stephen Jin-Woo Kim, be pardoned?

Amid Fallon and Clinton's prior support for this level of classification, there's something else odd about the response to this scandal (which I have said is largely misplaced from the stupid decision to run her own server to the issue of classified information).

First, the response from many supporters – and it's a point I've made too – is that this doesn't reflect on Hillary because she mostly just received these emails, she didn't send them. That's true. And it largely limits any legal liability Hillary herself would have.

But this particular response comes against the backdrop of Hillary attacking Bernie for not giving a foreign policy speech before Iowa (a critique I'm somewhat sympathetic with, although debates have been focused on it), and against this approving story in the Neocon press on Hillary forming a shadow cabinet.

Team Hillary is in the process of setting up formal advisory teams and working groups divided into regional and

thematic subjects, similar to the structure of the National Security Council, several participants in the project told me. Unlike in 2008, when Clinton and Barack Obama competed for advisers, this time around all the Democratic foreign-policy types are flocking to her team because Clinton is the only game in town.

The groups report up to the campaign's senior foreign policy adviser, Jake Sullivan, who was Clinton's deputy chief of staff and director of policy planning when she was secretary of state.

As it notes, this shadow cabinet reports to Jake Sullivan. Sullivan is, according to one report, the staffer who sent the most emails that have since been declared classified.

Nearly a third of the classified messages released so far from former Secretary of State Hillary Rodham Clinton's emails came from one man: Jake Sullivan, who served as her deputy chief of staff in the department, and is now the top foreign policy adviser to her presidential campaign.

If Hillary's supporters argue that she can't be held responsible because she didn't send these, does that mean they would hold Sullivan, Hillary's presumptive National Security Advisor, responsible instead?

Then there's this detail about outside advisors to this shadow cabinet: it includes Leon Panetta, who not only leaked highly classified information in his memoir, but also would have been busted for exposing the Navy SEALs who offered Osama bin Laden if the game weren't so rigged to excuse senior leakers.

In addition to the working groups, Sullivan relies on a somewhat separate group of senior former officials who

have more frequent interaction with the campaign leadership and Clinton herself. Many of these advisers aren't publicly affiliated with the campaign because they have leadership roles with organizations that have not endorsed any candidate for president.

But sources close to the campaign told me that Clinton, Sullivan and campaign chairman John Podesta are in regular contact with former National Security Advisor Tom Donilon, former Defense Secretary Leon Panetta and former Secretary of State Madeleine Albright.

Is the effort to keep the identities of the men who killed OBL secret also, "overclassification run amok"? Or does Panetta's role in Hillary's foreign policy team suggest her crowd really is that hypocritical about who can leak classified information?

I'd really love it if Hillary came out strongly against the paranoid secrecy that stifles our foreign policy (and just yesterday led to Ashkan Soltani losing a position as a technical advisor for the White House, presumably because of his role in reporting the Snowden documents).

But thus far that's not what she's doing: her campaign is making a limited critique of this paranoid secrecy, only applicable when it impacts those close to her.