

# Classified Leaks

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When the Washington Post, the New York Times, and the Wall Street Journal in 2005 and 2006 received leaked classified war-time intelligence about allies of ours who were holding high value terrorist detainees, like Khalid Sheikh Mohammed, and when they received leaked classified war-time intelligence about one of our most successful anti-terrorism financing programs, they raced one another to see who could print and disclose all that information first, and with the most detail—keeping their leakers, their sources, confidential the whole time. And they published these stories over heavy objections from the Bush administration, who told them, it will do grave harm to publish this information. Nevertheless, they published.

They harmed our anti-terrorism efforts, they put allies in harm's way, they blew programs, and they received Pulitzer prizes for doing all this. The leaker or leakers violated the Espionage act, not to mention their non-disclosure agreements; the Washington Post, the New York Times, and the Wall Street Journal violated the Espionage act by publishing all this information and also committed the act of concealing a crime as well as the crime of knowingly possessing stolen goods. Never mind harming a war effort, never mind harming allies, never mind turning over information to terrorists.

Nobody was prosecuted—not one person. As I say, awards were given out for all this; after all, it was a Republican administration that was taking these hits, billed and reported as embarrassments.

What we have here is a former President who, *as President*, had the full legal, never mind constitutional, right to possess all classified information and even declassify it, is in possession of such material behind security and Secret Service guard with no allegation that any of it was ever destroyed or published is indicted on over thirty counts for possessing such by the sitting president's Department of Justice. By the way—those 37 counts could have been one. This was done for maximum emotional and political shock.

This indictment comes as the former president is in the midst of an election, running in an election, to unseat the current president. That's the story. As

clearly as it can be stated. One has to plumb the depths of a thesaurus unknown to the usual spelunking to come up with the adjectives appropriate here. Were this Cuba or Venezuela or Nicaragua or Honduras, not an eyebrow would be raised—it might not even make the newspapers, for that is the coin of the realm, the ho-hum, everyday practice in countries like that, once known as banana republics. To have the world's oldest, most powerful, and most important republic mimic the political-legal contretemps and shenanigans of the likes of Honduras is an insult to bananas. In fact, I shouldn't say we are mimicking Honduras, I should say we are aping Honduras just to extend the metaphor.

Donald Trump was the breaker of norms, Joe Biden was to return us to normalcy—this as Joe Biden had classified information in four locations, none under the security that obtained at Mar-a-Lago. Each discovery of those four locations was preceded by a statement saying during the third and second and first discovery that that was all there was, there was no more, only for more to be found. This as Joe Biden was found to have taken documents from a legally protected Sensitive Compartmented Information Facility you may not take documents from—either as a Vice President or a Senator—which he was when he took those documents. This as Joe Biden's Department of Justice, returning us to normalcy, having indicted a political opponent in the midst of a campaign and election. Joe Biden may not have been lying when he told us he would restore norms and normalcy, he just didn't tell us it was a restoration of the norms and normalcy of Honduras.

Election interference. Let's talk about that phrase for a moment. Suppressing the vote. Let's talk about that phrase for a moment. Donald Trump, under federal criminal indictment, and running for president, will be asked about this; he may even want to talk about it. His lawyers will tell him he cannot, he should not—anything he says can be incriminating. The judge may impose a gag order on Donald Trump, preventing him from talking about it on the campaign trail, in the debates, or anywhere else. That is interference and suppression, and that interference and suppression is the bitter fruit of the poisonous tree that was planted, watered, and pruned by Joe Biden's Department of Justice.

The office of Special Counsel under Joe Biden's Department of Justice did not have to do this. A special counsel or prosecutor can look for a way to indict or look for a way not to indict. This has always been true and if you need proof, see Secretary

of State Hillary Clinton and tens of thousands of destroyed emails on an unauthorized and unsecured server, documents that were under subpoena. This Department of Justice's special counsel, let us be clear, was looking for a way to indict—and to turn a civil violation, which is what the Presidential Records Act is, into a series of criminal violations and charges.

This Department of Justice, Joe Biden's Department of Justice—let us be clear—was looking for a way to indict, to criminalize, a political opponent. Joe Biden's leading political opponent.

This all should come under the category of Undue Process—the title of Elliott Abrams' book when he was prosecuted for the crime of committing foreign policy which was the crime of committing politics. He warned in that book of the new political warfare, where political differences have been turned into crimes. That is to say, political differences have been criminalized. Think on that for a moment. I was saying just yesterday we now live in a world where rightward thinking, politically, is not relative and is not legitimate and thus not subject to the norms of law and decency. Conservative thought, as it is now called, is dangerous or extreme. It can even be fascist. And so it must be banned or marginalized. And now criminalized.

Republican or conservative positions and elected leaders aren't just wrong, ab initio, they are intolerable and beyond the pale; Untermenschen—below human. If you doubt the current culture of thought, political or otherwise, you aren't mistaken or debatable, you don't have a right to debate—not in a classroom, not on a campus, not in an election. You are not debatable, you are contemptible. Thus, a conservative judge at Stanford has no right to speak at Stanford. Thus, Riley Gaines has no right to speak at San Francisco State University (indeed, assaulting and battering her will be justified). Thus, the Republican party is the party of fascism and fear, as the head of the DNC routinely puts it. And thus the former President who has done less than what Hillary Clinton has done, and the same or possibly less than what the current President has done, and what almost every President has done, this one particular former president is indicted, criminalized.

He is not the legitimate leader of the legitimate opposition, he is the illegitimate leader of an illegitimate opposition—an illegitimate citizen....because he his

simply on the wrong side. We sometimes call this regime hierarchy here. I sometimes call it opinion and principle hierarchy. Let me explain, but if you want the quick cut to the chase: it's that we conservatives and we Republicans shall...not...exist. We are not to be considered part of legitimate political movement, organizing, speech, campaigning, electioneering, or governing. Quod Licet Lovi, Non Licet Bovi is the Latin version William Buckley used to describe this phenomenon—What is permitted to the gods is not permitted to the cows, or swine. They are the gods, we are the swine.

What the left and Democrats say and do, conservatives and Republicans may not. We may not—and would not—sic a sick lawyer on a Supreme Court nominee and invent rape charges against him to scuttle his reputation and nomination. The left and Democrats: no problemo. We may not—and would not—take a rape allegation against a nominee to the Supreme Court and sit on it, hide it, conceal it, only to then publicize and launch it months later at the most convenient political moment to scuttle the nomination. The left and Democats: no problemo.

We would not attempt to impeach Nancy Pelosi for declaring our presidential election was hijacked and that Donald Trump is an illegitimate president, as she tweeted and stated in 2017 and since. If Donald Trump says something similar about an election he loses, he will be subject not only to impeachment but charged with inciting a riot. This is to say nothing of Hillary Clinton, Jimmy Carter, numerous congressmen and reporter/op-ed journalists saying the same thing.

It is disrespectful and racist for Republicans not to unanimously vote to confirm or at least celebrate the nomination of Ketanji Brown Jackson, as it was disrespectful and conspiracy theorist inspired to raise questions of and to her about some of her previous judicial rulings that would raise eyebrows in any normal world. But it is fine and dandy for Ted Kennedy to say of one of the most respected legal scholars and judges, Robert Bork, when he was nominated to the Supreme Court that “Robert Bork’s America is an America of back alley abortions and segregated lunch counters.”

Amy Coney Barrett gets nominated to the Supreme Court and Professor Ibram X. Kendi can write about her and her adopted Haitian children: Some White colonizers “adopted” Black children, to “civilized” these “savage” children in the “superior” ways of White people, while using them as props in their

lifelong pictures of denial, while cutting the biological parents of these children out of the picture of humanity.” That professor gets book publication deals galore, including children’s books, a speakers’ bureau, and several Netflix contracts to advise and portray his points of view. The President of Branding for Levi Strauss tries to get the company to support opening schools for all children after the research shows children are not at risk and not substantial spreaders of Covid and is forced to resign, condemned as a racist.

Donald Trump is banned and censored from Twitter—Kendi, quoted above, Louis Farrakhan and the Mullahs of Iran are not. Both refer to America as Satan and wish Israel be wiped off the map. Homosexuals as well. Riots over three months that lead to billions of dollars of damage, fire-bombings of court houses, take overs of police precincts, the loss of 30 lives, and over 14,000 arrests are mostly peaceful and will get US Senators, Candidates for Vice President, seeking donations to bail them out. An anarchist mob of several hundred cause no loss of life—but one their own shot in the back—that lasts for seven hours and they are tied to the entirety of the Republican party as anti-democratic insurrectionists. We can play this game for hours.

Joel Pollack put it that Trump was impeached the first time because, we were told, he tried to have his leading opponent investigated. Now Biden and Garland are doing exactly that — and while Trump’s suspicions of Biden’s corruption were well-founded, and have serious national security implications, Trump is being accused of misplacing documents. Indicting him, for this, will open a Pandora’s Box and unleash passions that will not easily be controlled.

I don’t know the way out, but the next time a Democrat says “Just what kind of democracy do you think your party respects” when they don’t like our policies—not our practices but our policies—I think the right response is something like: “We respect the democracy and republican form of government given to us by Thomas Jefferson and James Madison, not the kind your party and movement has adopted from Honduras.”

It wasn’t our team that used the FBI and CIA to suppress a major scandal the month before a presidential election about one of the candidates the FBI and CIA preferred; it wasn’t our team that invented and paid for a four year narrative of Russian collusion. And it wasn’t any of those who did any of that who got indicted—the victim got indicted. Quod Licet Lovi, Non Licet Bovi.

