



## Clock Runs Out On Perjury Charges For James Clapper, Ensuring He Won't Be Punished For Lying To Congress

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It almost seems like half a lifetime ago, but only a half-decade has passed since James Clapper lied to Ron Wyden about the NSA's domestic collections. Wyden pointedly asked Clapper during an intelligence committee hearing whether or not the NSA was collecting "any type of data at all" on American citizens. Clapper gave two answers, both untrue: "No, sir" and "Not wittingly."

A couple of months later, the first Snowden leak -- detailing massive amounts of call data being captured in the Section 215 dragnet -- undid Clapper's careful, under-oath lies. Since then, nothing has happened. The DOJ refused to investigate Clapper for lying to his oversight. Clapper exited office a few years later, becoming a go-to national security expert for a variety of news programs. He has since offered a variety of excuses for lying, but none of them are particularly good.

As of March 12, the clock has run on perjury charges. James Clapper has violated federal law and gotten away with it.

*Clapper, director of national intelligence from 2010 to 2017, admitted giving "clearly erroneous" testimony about mass surveillance in March 2013, and offered differing explanations for why.*

*Two criminal statutes that cover lying to Congress have five-year statutes of limitations, establishing a Monday deadline to charge Clapper, who in retirement has emerged as a leading critic of President Trump.*

Some members of Congress had called for charges to be brought against Clapper, but they seemed based more on Republicans' newfound distrust for the "Deep State" than an honest desire to see a federal lawbreaker brought to justice. One of the reps, however, has held steady in his calls for Clapper's prosecution for the entirety of the last half-decade: James Sensenbrenner.

*"Political consideration should not affect the Department of Justice from pursuing this matter," Rep. James Sensenbrenner, R-Wis., said ahead of the deadline. "Complete and truthful testimony is imperative for Congress to conduct effective oversight. It is clear from the evidence and Director Clapper's own admission that he lied."*

Both the DOJ and James Clapper have refused to comment on the issue. Presumably, both entities are happy the deadline came and went without further development. The "no comment" responses allow both to avoid discussion of the DOJ double standards. But this non-prosecution shouldn't pass without notice.

*Jesselyn Radack, a defense attorney who represents Snowden and fellow NSA whistleblower Thomas Drake, however, takes a dim view of Clapper being let off the hook.*

*"It shows that government officials in positions of power can lie with impunity to Congress and the American people about outrageous abuses, but when ordinary citizens like Reality Winner reveal the truth about the same abuses, they face espionage charges and prison," Radack said, referring to the NSA contractor charged last year for sending the Intercept a report on Russian attempts to hack election systems.*

Most people who lie to Congress won't have the luxury of exiting their current positions gracefully before popping in cable newsrooms all over the nation. But Clapper is one of the special ones -- the ones who won't be held accountable because the government takes care of its own, especially when dubious, Congress-approved surveillance programs are in the mix.