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An unsealed affidavit shows David Petraeus leaked top secret information to Washington Post reporters, in addition to lying to the FBI and improperly possessing “Black Books,” which contained identities of covert officers, war strategy, intelligence capabilities, and notes from discussions with President Barack Obama

In March 2011, according to the affidavit [ [PDF](#) ], which was published by The Charlotte Observer, the former Pentagon chief and CIA director told Post reporters, “I would really love to be on background as a senior military officer.” He discussed “sensitive military campaigns and operations” and divulged information classified at the top secret level.

FBI investigators also uncovered a recorded conversation between Petraeus, a reporter, and one other individual, where he provided information and asked to be anonymously described as a “defense official familiar with Petraeus’s activities.” He was concerned about the information provided because it “would come out after he was confirmed” as CIA director.

Information Petraeus shared in this instance was also classified at the top secret level.

As [more](#) and [more details](#) have come out about the Petraeus case, it has become clear it epitomizes a double standard.

The former Pentagon chief was offered a sweetheart plea deal that involved no jail time. He was sentenced to probation for two years and asked to pay a \$40,000 fine, which he could easily recoup by speaking at a few universities or think tank events.

He faced one charge of “unauthorized removal and retention of classified material.” It was under the section of the criminal code for governing public employees and not the part of the criminal code, where espionage statutes are found. So, unlike other government employees prosecuted for leaks or improper handling of classified information, Petraeus was not charged with an Espionage Act offense.

Jesselyn Radack, an attorney for whistleblowers and the director of ExposeFacts.org’s whistleblower and source protection program, told Shadowproof, “The newly-released Petraeus affidavit is a glimpse into the extent to which senior officials regularly leak secret information to the press—often anonymously—to get stories favorable to the government.”

The revelation that Petraeus shared classified information with reporters, Radack added, is yet another action Petraeus committed, which typically “results in felony charges for whistleblowers but little to no punishment whatsoever for high-level officials.”

In the affidavit signed by Special Agent Diane Wehner, it indicates there is “probable cause to

believe” Petraeus violated federal law against “unlawful communication and/or retention of classified information.” That includes the Espionage Act.

Petraeus granted his biographer, Paula Broadwell, with whom he had an affair, access to “black books.” He helped her obtain access to classified briefings and preserved paper copies of briefings for her book.

Broadwell and Petraeus employed “covert methods to communicate with each other.” Methods used include using “pre-paid cellular telephones and email accounts [with] non-attributable names.” Such conduct would typically be used by prosecutors as evidence of a conspiracy to commit a crime.

Petraeus played a key role in making it possible for Broadwell to obtain classified information for her book about him. An email sent on January 16, 2011, which was marked confidential and sent to military officers, shows he instructed staff to print documents for Broadwell on an “off the record basis.” Broadwell was in Afghanistan at the time.

An Army historian assigned to the NATO-led forces in Afghanistan received an email from Petraeus on June 26, 2011. Petraeus described Broadwell’s “research efforts,” and the historian replied, “I [am] happy to receive Paula’s research effort and will add it to the collection. It is still my understanding that your ‘black books’ and other sensitive items are off limits. She can look at the other documents such as update briefs, info papers, photos, and other reference materials, but not the sensitive ones. Am I correct on that rule?”

In spite of the Army historian’s message, Petraeus helped Broadwell access the “black books” weeks later.

His biographer was ecstatic about gaining access to classified files. “I’ll protect them. And I’ll protect you.”

Petraeus replied:

...[M]y files at home only go up to about when I took cmd of the 101st though there may be some MNSTC-I and other ones. Somewhere in 2003, I stopped nice filing and just started chunking stuff in boxes that gradually have gone, or will go, to NDU [National Defense University]. Can search them at some point if they're upstairs, but they're not organized enough at this point...[A]nd I think MNSTC-I files went to NDU, though I'm not sure. The key to find there would be the weekly reports that the CIG did with me. Not sure if kept copies. **Class'd, but I guess I might share!**  
" [emphasis in affidavit]

Whether it was for sex or to ensure the book Broadwell wrote was the most glorious portrait of him possible, this sort of glee about providing access to classified files is the kind of attitude the military used against Chelsea Manning when they prosecuted her for disclosing documents to WikiLeaks.

Petraeus did not receive a similarly harsh prosecution. The prosecutors agreed to a plea deal that would not only allow him to keep his pension benefits, but also ensure he could continue to work as a consultant or adviser on matters of war in Washington.

In March 2015, CNN [reported](#) Petraeus was still advising the White House on "strategy in Iraq," despite the fact that he was convicted of improperly handling classified information and on probation.

"The Espionage Act does not allow for a public interest defense, but apparently the Justice Department now recognizes a 'politically-connected official defense,'" Radack suggested.

"The difference between officials like Petraeus, who get slaps on the wrist, and whistleblowers, is whistleblowers reveal information in the public interest—like illegal spying and torture—that the government wants kept secret."