



Protecting the Wrong People

by *Richard W. Rahn*

THE GOVERNMENT MOBILIZES TO DEFEAT THE
PRESIDENT'S ENEMIES, NOT THE NATION'S

The Obama administration has a penchant for not safeguarding agents of the U.S. government that it ought to protect, while at the same time protecting errant civil servants, some of whom belong in jail. Almost everyone is now aware of the U.S. government's failure to protect our ambassador and others in Benghazi, Libya, and the refusal to properly characterize mass killing at Fort Hood, Texas, as terrorism, thus denying benefits to many of the victims. There is another case — that of Robert Seldon Lady — which is equally outrageous, but has received little publicity.

Bob Lady has worked in undercover capacities for the U.S. government for 24 years. His last assignment was in Italy, where, as a consular official, he worked with the Italian police to protect the Italian and American people from terrorists, probably saving many Italian and American lives. In exchange for his good work, an Italian court convicted him in absentia of allegedly kidnapping a

terrorist leader off the streets of Milan and rendering him for questioning. Because of the nature of his work and U.S. secrecy laws that he upheld, he was not able to give a public defense — and was forced to flee Italy. An Italian court has issued an Interpol warrant for Mr. Lady, who was carrying out his duties as instructed by officials of the Obama administration. America has a tradition of not leaving wounded soldiers in the field: We do not abandon those who protect us. However, President Obama has yet to insist that our Italian allies pardon Mr. Lady and withdraw the warrant for his arrest.

Contrast these actions with the treatment given to those in the Internal Revenue Service and regulatory agencies who have broken U.S. law. When the IRS scandals first broke, the president assured us that the wrongdoers would be punished. Instead, no one has been fired or penalized, and some of those accused of engaging in illegal activities have been given raises and promotions. The law is clear. The IRS may not share taxpayer information with any other government agency (certain exceptions involving national security are permitted). We now know that the IRS leaked taxpayer information to officials of the Federal Election Commission and other agencies, and even to those involved in the Obama re-election effort so that Mitt Romney's campaign donors could be harassed.

The IRS' stonewalling of Tea Party and other conservative-leaning groups, denying them the ability to obtain donations, was nothing less than an attempt to steal an election. Using the IRS against one's political enemies is the essence of political corruption, and undermines the democratic process.

At the moment, citizens can do little about such abuses, because the Justice Department of Attorney General Eric H. Holder Jr. has become so politically corrupt that opponents of the president are prosecuted, but (for the most part) not his supporters, in or out of government. In essence, government bureaucrats get a free pass no matter how much they violate the law.

What can be done? When someone outside of government damages your property, person or reputation, you can bring a civil suit against them, and often recover damages. Government employees who commit illegal actions that hurt

people, and even the democratic process are protected, in most cases, under the doctrine of sovereign immunity.

Part of the solution is for Congress to severely limit "sovereign immunity" (which is necessary in some national security and policymaking cases). Citizens should be given the right to sue government employees as individuals when their illegal decisions or actions harm them. A number of Tea Party and other groups were harmed by individuals in the IRS who, for political reasons, delayed or rejected their applications for tax-exempt status. If the folks submitting the applications were allowed to sue those IRS workers and officials involved in the illegal activity, I would expect most of it would quickly stop.

There are many people working in regulatory agencies who ignore the law or constitutional protections (such as the "takings clause") when issuing regulations. They, too, should be subject to individual lawsuit. For such lawsuits to have a corrective effect, Congress should prevent government agencies such as the IRS from covering the cost of lawyers and fines if the government employee is found guilty.

We are now in an age of "big data," where the collection and storage of data by the National Security Agency, IRS or other government agencies is easy and inexpensive — and this genie is not going to be put back in the bottle. The only protection we have is to make sure that those who misuse, inappropriately share, or leak data are held strictly accountable — as individuals — and subject to both criminal and civil prosecution.

Too many in the political class — from the president down to low-level government employees — act as if the laws and rules apply to everyone else, but not to themselves. They need to be reeled in.

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