

Title:

Sandy Berger Ruling: Fair Or Not?

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Summary:

For all intents and purposes, justice was served when Sandy Berger was fined \$50,000 by U.S. Magistrate Judge Deborah Robinson in her ruling on September 8, 2005 regarding Sandy Berger's mishandling of classified documents. Moreover, Sandy Berger will surrender his security clearance for three years following the ruling. Sandy Berger graciously accepted Judge's Robinson's decision.

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Article Body:

For all intents and purposes, justice was served when Sandy Berger was fined \$50,000 by U.S. Magistrate Judge Deborah Robinson in her ruling on September 8, 2005 regarding Sandy Berger's mishandling of classified documents. Moreover, Sandy Berger will surrender his security clearance for three years following the ruling. Sandy Berger graciously accepted Judge's Robinson's decision.

In fact, some would easily believe that Sandy Berger got stiff penalties because his negotiations with chief prosecutor Noel Hillman and company involved only \$10,000 in fine. His loss of security license compounded the penalties. Overall, Judge Robinson's decision made both the Republicans and the Democrats, the U.S Justice Department and the Sandy Berger camp, extremely happy and relieved.

Some people both in the government and the private sector, however, do not think that the ruling was fair at all. For these people, the penalties levied upon erring former National Security Advisor Sandy Berger was comparable to mere a slap on the wrist. For an error so grave, the fine should have been steeper and Sandy Berger should have been sent to jail.

It was a criminal act according to the law.

The Sandy Berger camp got around saying that what Berger committed was a mere

violation of the National Archives' regulations, but it was hardly a criminal act. In fact, however, what Berger did can easily be classified as a violation of Section 793 of Title 18 of the U.S Code. Under this section, intentional dissemination of classified documents and materials is criminal. Even accidental dissemination of or losing classified materials due to gross negligence under this code is punishable by a fine and/or imprisonment of at most 10 years.

It was a difficult thing for Berger's critics to swallow that Sandy Berger got off so lightly when under this law, he could have been sentenced 10 years. Even if no one could realistically expect Berger to be given the full maximum, critics still believed that Sandy Berger should have been fined AND imprisoned for a term.

Sandy Berger deliberately removed the documents.

At first, Sandy Berger wouldn't admit to deliberately taking the documents from the National Archives. He insisted, when he was first questioned by National Archives officials about missing documents, that he accidentally shoved them in with his papers when he collected his things into his portfolio. He promptly returned these documents.

However, after due investigation, it was found out that Berger took more than those two copies. He in fact took three more on a prior visit. He later admitted to cutting these up when he admitted to have deliberately taken the classified materials.

Critics believed that even if they concede that Sandy Berger had no intention of disseminating the sensitive information, they had no intention of conceding that Berger made an honest mistake. The fact that he is a former National Security Advisor means that he knew proper procedures and protocols when it comes to classified materials. Sandy Berger knew that however crucial his interview with the 9/11 commission was, it was even more critical to protect national security by following the National Archives' regulations about these documents. The fact that Berger deliberately put himself above the law should have merited more than a slap on the wrist but a wallop on the butt.