

I have been having a debate with my friend Jack (shout out!) about the proper way to view Edward Snowden and Bradley Manning. Both young men came into contact with secrets that they felt obligated, for whatever reason, to reveal. Whether you consider them heroes, traitors or something in the middle, depends on how you feel about the US government, the current administration and about the keeping of secrets in general.

The question to me is has the American people been made safer or been harmed by the keeping of these secrets, and that is a matter I find debatable.

An oft-repeated factoid is that the Obama administration has prosecuted (should that be "persecuted?") more whistleblowers under the Espionage Act than all prior administrations combined by a factor of more than two-to-one. While that is true, it is also a little misleading unless you know that all prior administrations had a total of three prosecutions, and the Obama has gone after a total of eight, with Edward Snowden as the eighth.

Thomas Andrews Drake – a decorated USAF and US Navy Officer, he became the first NSA whistleblower, charged April of 2010. He did everything right, all 10 original charges against him would be dropped. But his career was ruined and he would plead guilty to a misdemeanor charge of exceeding authorized use of a computer. Largely ignored until Snowden. http://en.wikipedia.org/wiki/Thomas_Andrews_Drake

Shamai Leibowitz – a lawyer and blogger, disclosed information of FBI wiretaps of the Israeli embassy in Washington. Convicted and sentenced to 20 months in prison, although the proceedings were so secret that not even the judge that sentenced him was allowed to know what Leibowitz had actually leaked. http://en.wikipedia.org/wiki/Shamai_Leibowitz

Pfc. Bradley Manning – the original WikiLeaks leaker, currently under trial in a kangaroo court, I mean, before a military tribunal. While serving at Forward Base Hammer in Iraq in 2009, Bradley Manning came across video footage filmed from the nose camera of an Apache helicopter showing that, on the morning of July 12th, 2007, our armed forces killed a Reuters reporter, his cameraman, and perhaps as many as a dozen unarmed Iraqi civilians on the streets of Baghdad. Manning leaked that video (which became known as "Collateral Murder") and numerous other documents.

Another video that Manning leaked is of the US airstrike of a village in the Granai region of Afghanistan which resulted in the deaths of between 86 to 147 Afghan civilians. The US government is disputing the timing of the Manning leak.

Manning is charged with aiding the enemy, which would require that the government prove that Manning had "a general evil intent", in that he "had to know he was dealing, directly or indirectly, with an enemy of the US". In other words he had to know that information that he leaked to WikiLeaks would be read by Al Qaeda or other enemies of the United States. Negligence is not sufficient. Manning offered to plead guilty to a lesser set of charges before the trial began. See http://en.wikipedia.org/wiki/Bradley_Manning

Stephen Kim – charged with revealing classified information about North Korea to Fox News reporter James Rosen. Charged August 2010. http://en.wikipedia.org/wiki/Stephen_Jin-Woo_Kim

Jeffrey Sterling – Gave information about Iran’s nuclear program in the 1990s to New York Times reporter James Risen. Charged in December 2010.
http://en.wikipedia.org/wiki/Jeffrey_Alexander_Sterling

John Kiriakou – a former CIA analyst and case officer, former senior investigator for the Senate Foreign Relations Committee, and former counter-terrorism consultant for ABC News, he confirmed the use of water-boarding of Al-Qaeda prisoners. Charged in January 2012. Pled guilty to one count of passing classified information to the media, which was considered a violation of the Intelligence Identities Protection Act. He was sentenced to 30 months in prison. On July 2, 2013, a portion of a letter of support written by John Kiriakou supporting Edward Snowden was published on the Firedoglake website, see <http://bit.ly/14Ycfhe>. Kiriakou warned Snowden that “FBI agents will lie, trick and deceive you. They will twist your words and play on your patriotism to entrap you.” http://en.wikipedia.org/wiki/John_Kiriakou

James Hitselberger – a former Navy linguist from Wisconsin, Hitselberger served as an Arabic translator for the US Fifth Fleet in Bahrain. He is charged with copying classified documents and shipping them back to the US, including to Stanford University which maintains the James F. Hitselberger collection. The collection is described as “Broadsides, flyers, leaflets, serial issues, and sound recordings, relating to political conditions in Iran under the reign of the Shah, the Iranian political opposition, the revolution of 1979, post-revolutionary conditions in Iran, and political opposition to the new Iranian regime. Also includes flyers, leaflets, serial issues and photographs relating to the post-2003 insurgency and American military occupation in Iraq.” See <http://www.oac.cdlib.org/findaid/ark:/13030/kt909nf448/> According to official court documents, the US government feels that these documents have the potential to compromise “everything with respect to source operations in Iraq.” Although the documents were classified at the time that Hitselberger sent them, they were due to be declassified in 2015. See <http://www.military.com/daily-news/2012/11/13/ex-navy-translator-charged-with-espionage.html>

Those are the prior seven, Snowden is the eighth. In prior generations, espionage was giving secrets to agents of the Soviet Union or Communist China. We have redefined that now to mean that espionage is telling secrets to reporters from the NY Times or Fox News. And the nature of the secrets has changed to mean facts that, if known to the American people, would force a change in our domestic or foreign policies or acts committed by the American government that we are embarrassed about. Like bugging the embassies of our allies or spying on US citizens without warrants. (The Fourth Amendment is really just a guideline...)

The reason that I feel so strongly about this is because I look at the consequences lying to the American people and then trying to keep those lies secret. Here are some examples:

Gulf of Tonkin – On the nights of August 2nd and August 4th, 1964, the USS Maddox was supposedly attacked by three North Vietnamese torpedo boats in the body of water known as the Gulf of Tonkin, off the shores of North Vietnam and China. The initial report was received at the Pentagon by Daniel Ellsberg, later famous for leaking the Pentagon papers. As a result of this “unprovoked” and “repeated”

attack on a US vessel in “international waters” President Johnson was given the authority "to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom." This was the *casus belli* of the Vietnam War. In 2005, a National Security Agency internal memorandum was released that painted a completely different story. The USS Maddox fired first and without provocation, firing three warning shots at the North Vietnamese boats. The attack on the second night never really happened. Quoting from the NSA memo “It is not simply that there is a different story as to what happened; it is that no attack happened that night. In truth, Hanoi's navy was engaged in nothing that night but the salvage of two of the boats damaged on August 2.” The Maddox was not in international waters, it was on a spy mission in or near North Vietnamese territorial waters.

In 1968, Secretary of Defense Robert S. McNamara would admit to Congress that the US ships had in fact been cooperating in the South Vietnamese attacks against North Vietnam, although the Maddox was not involved in these attacks.

Had the American people known that we fired upon North Vietnamese boats first, in what may well have been their waters, while conducting a spy mission and that we had recently been engaging in attacks on North Vietnamese ships without any Declaration of War, would we have gotten involved in the Vietnam War in the first place? See http://en.wikipedia.org/wiki/Gulf_of_Tonkin_incident for more details.

The Pentagon Papers – The official title of these documents was ***United States – Vietnam Relations, 1945–1967: A Study Prepared by the Department of Defense***. It was an encyclopedic history of the Vietnam War. It was leaked to the NY Times by Daniel Ellsberg, the same man who had been on duty at the Pentagon the night of the Gulf of Tonkin incident. Ellsberg received his A.B. from Harvard University, graduating summa cum laude. He then studied at the University of Cambridge for a year, then back to Harvard for graduate school. He left to join the Marine Corps. He would serve as a platoon leader and company commander. Then back to Harvard for a couple of years before joining the RAND Corporation where he specialized in nuclear strategy. Then back to Harvard for a Ph.D. in economics. He then joined the Pentagon. He would also spend two years in Vietnam as a civilian working for the State Dept. One could argue that Daniel Ellsberg was among the best and brightest citizen soldiers that this country has ever produced.

So why did Ellsberg decide to leak the papers? Because they showed that four US Presidents, from Truman through Kennedy had lied to the American people about their intentions in Vietnam. John F. Kennedy, for example, had intended to overthrow South Vietnamese President Diem before Diem was overthrown by a military coup. Lyndon Johnson campaigned in 1964 on the promise that he would never send American soldiers to fight in Vietnam, while all the time planning to do just that. The same with the bombing of North Vietnam, planned well in advance. As the war went on, the United States had engaged in the bombing of Cambodia and Laos and coastal raids on North Vietnam all without media coverage or official acknowledgement.

Sen. Birch Bayh would say about the Pentagon Papers:

“The existence of these documents, and the fact that they said one thing and the people were led to believe something else, is a reason we have a credibility gap today, the reason people don't believe the government. This is the same thing that's been going on over the last two-and-a-half years of this administration. There is a difference between what the President says and what the government actually does, and I have confidence that they are going to make the right decision, if they have all the facts.”

See http://en.wikipedia.org/wiki/Pentagon_Papers

The Vietnam War, fought for all the wrong reasons and dragged on long beyond the time when most sane people believed that it could be won, changed the face of American society. It marked the rise of the Military Industrial complex that President Eisenhower warned of. The war left over 58,000 US military dead and 150,000 wounded US soldiers and uncounted numbers of Vietnamese military and civilians.

There are many other examples of “secrets” that were nothing more than deliberate attempts to subvert our American democracy by either withholding known facts or lying to the American people. An example that must be mentioned is the “yellowcake uranium” that Iraq was supposedly buying to create nuclear weapons of mass destruction. The actual yellowcake uranium that was removed from Iraq in 2008 was decades old, some from the nuclear reactor that Israel bombed in 1981; another reactor was bombed by the US in 1991. From 1991 until the 2003 war (and until today, of course) there were zero purchases on uranium by Iraq. We have never been able to find weapons of mass destruction in Iraq simply because there weren't any.

Democracy is dependent on an informed public. You have to wonder why the current administration is more concerned about preventing the American people from being informed than any administration in the past.