

# Edward Snowden Charged Under the Espionage Act

By [Stephen Lendman](#)

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On June 21, Obama's Justice Department charged Snowden with espionage. It did so ruthlessly, irresponsibly and unconstitutionally. It wrongfully accused him of violating 1917 Espionage Act provisions.

It was enacted during WW I. It's long ago outdated. It has no current relevance. It belongs in history's dustbin.

It was about interfering with military operations, supporting enemies, promoting insubordination in the ranks, or challenging military recruitment.

At stake are fundamental First Amendment rights. Without them all others are at risk. In *Texas v. Johnson*, Supreme Court Justice William Brennan wrote the majority opinion, saying:

"(I)f there is a bedrock principle underlying the First Amendment, it is that government may not prohibit the expression of an idea simply because society finds the idea offensive or disagreeable."

Justice Hugo Black once said: "Only a free and unrestrained press can effectively expose deception in government." America fails the test.

Snowden committed no crime. He acted responsibly. He did so under provisions of the 1989 Whistleblower Protection Act.

It protects federal employees who report misconduct. Federal agencies are prohibited from retaliating against those who do so. Acting otherwise violates federal law. It spurns constitutional protections.

On June 21, a federal complaint was unsealed. An accompanying affidavit remains secret.

United States v. Edward J. Snowden charges:

- "Theft of Government Property
- Unauthorized Communication of National Defense Information (and)
- Willful Communication of Classified Intelligence Information to an Unauthorized Person."

Hong Kong legislators responded. They urged Beijing to intervene on behalf of Snowden. Washington wants him detained. It wants Hong Kong officials playing by US rules. It wants a

provisional warrant issued. It wants him extradited for trial.

Hong Kong legislator Leung Kwok-hung urged Hong Kong residents to “take to the streets to protect Snowden.”

Labor party vice chairman Cyd Ho said China “should now make its stance clear to the Hong Kong SAR (special administration region) government” about doing so.

A Government Accountability Project statement said:

Snowden “disclosed information about a secret program that he reasonably believed to be illegal, and his actions alone brought about the long-overdue national debate about the proper balance between privacy and civil liberties, on the one hand, and national security on the other.”

Justice Department prosecutors have 60 days to file a formal indictment. Official extradition steps would follow. Snowden wisely chose Hong Kong. It’s an excellent safe haven refuge. According to [MsExPat](#):

Six reasons explain why.

(1) Justice moves slowly and deliberately. It’s transparent. Cases typically take “a year from the Court of First Instance to the Court of Appeal, and another 3 years to the Court of Final Appeal.”

Snowden’s case is special. It’s not typical. Hong Kong authorities may “easily drag (it) on longer.”

So-called “Milkshake Muddress” Nancy Kissel “dragg(ed) out for 10 years.” Proceedings included a trial, appeal, re-trial, and another appeal.

“Word has it that Beijing may ‘solve’ the problem of what to do about Snowden in the easiest way possible – by encouraging the Hong Kong courts to take their time.”

“Not that Hong Kong courts ever need any encouragement to take their own good time – even a decade – making absolutely, positively sure that justice is served.”

(2) Snowden will feel right at home in Hong Kong. It’s “the Geek-friendliest city in the world.”

Besides excellent telecom connections, residents have wazoo and fiber optic broadband. It’s state-of-the art. It’s far cheaper than anything in America. It’s unaffected by censorship.

(3) Hong Kong residents support Snowden. Leung Kwok-hung led a protest on his behalf. He did so in front of the US consulate. Others followed. Expect more. Expect them to grow in size.

Snowden has growing numbers of friends. He hopes Hong Kong’s legal system will protect him. Russia may offer him asylum. Perhaps China and other countries.

[Russia Today](#) said Reuters quoted Icelandic businessman Olafur Vignir Sirurvinsson, saying:

“A private jet is in place in China and we could fly Snowden over tomorrow if we get positive reaction from the Interior Ministry.”

“We need to get confirmation of asylum and that he will not be extradited to the US. We would most want him to get a citizenship as well.”

“We need to play it as it comes, so we are basically ready for anything. We might need to go by boat for a bit, cars and planes will be involved.”

Icelandic Prime Minister David Gunnlaugsson confirmed ongoing “informal talks.” Icelandic journalist/WikiLeaks spokesperson Kristinn Hrafnsson’s involved on Snowden’s behalf.

According to Iceland’s Interior Ministry spokesperson:

“To apply for asylum in Iceland, the individual in question must be present in Iceland and make the application in his or her own name.”

US citizens may enter Iceland with no visa. They can immediately request asylum. The process can take a year.

Enormous US pressure could force Iceland to extradite him. It could happen well before his case is decided.

Snowden understands. He fears Washington could push Iceland “harder, quicker before the public could have a chance to make their feelings known, and I would not put that past the current US administration.”

Hong Kong justice operates deliberately. Snowden’s best chance is there. He chose it for that reason.

(4) Hong Kong’s “one of the most ambiguous political spaces in the world.”

It’s a “Special Administrative Region of the People’s Republic.” It reflects one country, two systems. They have different political and legal structures.

They have separate police, immigration and customs procedures and currencies. No one wins by acting hastily on Snowden, said MsExPat. Expect a long deliberative process. It could drag on for years.

(5) Hong Kong’s one of the world’s safest places. It’s the safest major city. It’s gun-free. Murders are so rare they capture headlines for weeks when they occur.

(6) Hong Kong’s the main haven for Chinese dissidents. Many human and civil rights lawyers reside there. Excellent representation is available.

“(M)ost of these lawyers will be salivating” to defend Snowden. Because of his high-profile status and what’s at stake, they’ll do it “pro bono.”

He likely sought counsel on arrival. He probably did so before exposing NSA lawlessness.

He's less concerned about his own welfare than if what he did changes nothing.

Obama's waging war on freedom. He wants truth and full disclosure suppressed. He wants all whistleblowers silenced. He targeted more than all his predecessors combined. He did so ruthlessly, irresponsibly and lawlessly. He menaces everyone in the process.

A previous article called revealing vital truths exemplary patriotism. Snowden follows a noble tradition. He represents America's best. He's Obama's eighth whistleblower charged under Espionage Act provisions.

Earlier ones included Socialist presidential candidate Eugene Debs, Industrial Workers of the World (IWW) founder Bill Haywood, social justice advocate Emma Goldman, journalist/author/socialist activist John Reed, political activist Max Eastman, civil rights leader Philip Randolph, and Social Democratic Party of America and its successor Socialist Party of America co-founder Victor Berger.

Previous Obama targets include Bradley Manning. He faces 22 charges. He pleaded guilty to 10 lesser ones. He denied 12 greater ones. Most serious is aiding the enemy. Doing so is treason. It's a potential capital offense.

Crimes of war, against humanity and genocide demand disclosure. Manning was legally obligated to reveal them. He acted responsibly doing so.

Prosecuting him mocks rule of law justice. The ACLU called doing it unconstitutional. At issue is posting alleged intelligence information online. Prosecutors say doing so aids Al Qaeda. They don't claim Manning did so intentionally.

They claim he "indirectly" did because documents he supplied appeared on WikiLeaks' web site. Anyone can access it. So can Al Qaeda.

Manning, they say, knew that. They charged him with violating Article 104 of the Uniform Code of Military Justice (UCMJ).

It states that "any person who gives intelligence to or communicates or corresponds with or holds any intercourse with the enemy, either directly or indirectly; shall suffer death or such other punishment as a court-martial or military commission may direct."

Article 104 isn't limited to sensitive or classified information. It prohibits all unauthorized communications or contacts with the enemy - direct or indirect.

"The implications of the government's argument are breathtaking," said ACLU. Everyone is potentially vulnerable.

Included are whistleblowers, journalists, sources they use, editors they report to, lawyers they consult, others advising them, anti-war activists, bloggers, and anyone challenging government policies.

Sunshine's a national imperative. Fundamental freedoms are threatened. They're gravely compromised. Manning's trial and others like it reflect Washington's attempt to end them altogether.

Thomas Drake's a former NSA official. He was indicted on multiple charges of "willful

retention of classified information, obstruction of justice and making false statements.”

Charges alleged he gave Baltimore Sun reporter Sibohan Gorman classified NSA documents. She focused mainly on its “Trailblazer” project. She discussed illegal spying, waste and other abuses.

She called the scheme “the biggest boondoggle going on (at the time) in the intelligence community.” She said people have a right to know.

Drake said profiteers are incentivized to hype fears. Doing so benefits their bottom line priorities. Justice Department prosecutors tried to prosecute him.

They failed. Charges were dropped. He refused to “plea bargain with the truth.” He accepted a minor misdemeanor count for exceeding authorized use of a computer.

In January 2012, Obama’s Justice Department charged former CIA officer John Kiriakou. It did so for disclosing classified information to journalists, violating Intelligence Identities Protection Act provisions, and “lying” to CIA’s Publications Review Board.

He potentially faced longterm incarceration. In October 2012, he accepted plea bargain terms. They’re sought and/or accepted for lesser sentences. Innocent victims take them to avoid harsher treatment.

Kiriakou pled guilty to one count of violating the Intelligence Identities Protection Act. Other Espionage Act charges were dropped. He got 30 months in prison.

Before sentencing, US District Court Judge Leone Brinkema asked if he had anything to say. He declined. Brinkema added that “Perhaps you have already spoken too much.”

Separately, Kiriakou thanked supporters. He came “out of court positive, confident and optimistic,” he said.

“I’m headed to prison while the torturers and the lawyers who papered over it and the people who conceived it and the man who destroyed the proof of it, the tapes, will never face justice.”

“And that’s the saddest part of the story,” he added. Unconscionable crimes reflect official policy. Police states operate that way. America’s by far the worst.

Stephen Kim’s a former State Department contractor. In August 2010, he was charged with revealing classified information. He did so on North Korea to Fox News reporter James Rosen.

He was called an “aider, abettor and co-conspirator.” His phone records were monitored. They were obtained for a defined period. His emails were read. His personal movements were tracked. His constitutional rights were violated.

James Hitselberger’s a former Navy linguist. He worked as an Arabic translator. He’s charged with Espionage Act violations for providing classified information to Stanford’s Hoover Institution.

Smamai Leibowitz’s a lawyer/blogger. He was a contract FBI Hebrew linguist. He monitored

Israel's Washington embassy wiretaps.

"During the course of my work," he said, "I came across wrongdoings that led me to conclude this is an abuse of power and a violation of the law."

"I reported these violations to my superiors at the FBI who did nothing about them. Thereafter, to my great regret, I disclosed the violations to a member of the media."

He was concerned about a potential Israeli attack on Iran. He also learned about illegal Israeli influence-peddling. He told journalist Richard Silverstein.

He got 20 months in prison for doing so. His trial proceedings were so secret, the presiding judge didn't know what he leaked.

Jeffrey Sterling's a former CIA officer. He was charged for unauthorized communications with New York Times journalist James Risen.

He was indicted for allegedly providing him classified information. Risen provided detailed accounts of extraordinary rendition, torture and other type abuses.

Candidate Obama promised transparency, accountability, and reform. President Obama targeted more whistleblowers than all his predecessors combined.

He did so unconstitutionally. He prioritizes police state harshness. Everyone's vulnerable everywhere. There's no place to hard. It bears repeating. He menaces humanity in the process. It may not survive on his watch.

*Stephen Lendman lives in Chicago. He can be reached at [lendmanstephen@sbcglobal.net](mailto:lendmanstephen@sbcglobal.net).*

*His new book is titled "Banker Occupation: Waging Financial War on Humanity."*

*<http://www.claritypress.com/LendmanII.html>*

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### About the author:

Stephen Lendman lives in Chicago. He can be reached at [lendmanstephen@sbcglobal.net](mailto:lendmanstephen@sbcglobal.net). His new book as editor and contributor is titled "Flashpoint in Ukraine: US Drive for Hegemony Risks WW III."

<http://www.claritypress.com/LendmanIII.html> Visit his blog site at [sjlendman.blogspot.com](http://sjlendman.blogspot.com). Listen to cutting-edge discussions with distinguished guests on the Progressive Radio News Hour on the Progressive Radio Network. It airs three times weekly: live on Sundays at 1PM Central time plus two prerecorded archived programs.

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