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Snowden made the right call when he fled the U.S.

By Daniel Ellsberg, Published: July 7

Daniel Ellsberg is the author of “Secrets: A Memoir of Vietnam and the Pentagon Papers.” He was charged in 1971 under the Espionage Act as well as for theft and conspiracy for copying the Pentagon Papers. The trial was dismissed in 1973 after evidence of government misconduct, including illegal wiretapping, was introduced in court.

Many people compare Edward Snowden to me unfavorably for leaving the country and seeking asylum, rather than facing trial as I did. I don’t agree. The country I stayed in was a different America, a long time ago.

After the New York Times had been enjoined from publishing the Pentagon Papers — [on June 15, 1971](#), the first prior restraint on a newspaper in U.S. history — and I had given another copy to The Post (which would also be enjoined), I went underground with my wife, Patricia, for 13 days. My purpose (quite like Snowden’s in flying to Hong Kong) was to elude surveillance while I was arranging — with the crucial help of a number of others, still unknown to the FBI — to distribute the Pentagon Papers sequentially to 17 other newspapers, in the face of two more injunctions. The last three days of that period was in defiance of an arrest order: I was, like Snowden now, a “fugitive from justice.”

Yet when I surrendered to arrest in Boston, having given out my last copies of the papers the night before, I was released on personal recognizance bond the same day. Later, when my charges were increased from the original three counts to 12, carrying [a possible 115-year sentence](#), my bond was increased to \$50,000. But for the whole two years I was under indictment, I was free to speak to the media and at rallies and public lectures. I was, after all, part of a movement against an ongoing war. Helping to end that war was my preeminent concern. I couldn’t have done that abroad, and leaving the country never entered my mind.

There is no chance that experience could be reproduced today, let alone that a trial could be terminated by the revelation of White House actions against a defendant that were clearly criminal in Richard Nixon’s era — and figured in his resignation in the face of impeachment — but are today all regarded as legal (including an attempt to “incapacitate me totally”).



I hope Snowden's revelations will spark a movement to rescue our democracy, but he could not be part of that movement had he stayed here. There is zero chance that he would be allowed out on bail if he returned now and close to no chance that, had he not left the country, he would have been granted bail. Instead, he would be in a prison cell like [Bradley Manning](#), incommunicado.

He would almost certainly be confined in total isolation, even longer than the more than eight months [Manning suffered](#) during his three years of imprisonment before his trial began recently. The [United Nations Special Rapporteur for Torture](#) described Manning's conditions as "cruel, inhuman and degrading." (That realistic prospect, by itself, is grounds for most countries granting Snowden asylum, if they could withstand bullying and bribery from the United States.)

Snowden believes that he has done nothing wrong. I agree wholeheartedly. More than 40 years after my unauthorized disclosure of the Pentagon Papers, such leaks remain the lifeblood of a free press and our republic. One lesson of the Pentagon Papers and Snowden's leaks is simple: secrecy corrupts, just as power corrupts.

In my case, my authorized access in the Pentagon and the Rand Corp. to top-secret documents — which became known as the Pentagon Papers after I disclosed them — taught me that Congress and the American people had been lied to by successive presidents and dragged into a hopelessly stalemated war that was illegitimate from the start.

Snowden's dismay came through access to even more highly classified documents — some of which he has now selected to make public — originating in the National Security Agency (NSA). He found that he was working for a surveillance organization whose all-consuming intent, [he told the Guardian's Glenn Greenwald](#), was "on making every conversation and every form of behavior in the world known to them."

It was, in effect, a global expansion of [the Stasi](#), the Ministry for State Security in the Stalinist "German Democratic Republic," whose goal was "to know everything." But the cellphones, fiber-optic cables, personal computers and Internet traffic the NSA accesses did not exist in the Stasi's heyday.

As Snowden told the Guardian, "This country is worth dying for." And, if necessary, going to prison for — for life.

But Snowden's contribution to the noble cause of restoring the First, Fourth and Fifth amendments to the Constitution is in his documents. It depends in no way on his reputation or estimates of his character or motives — still less, on his presence in a courtroom arguing the current charges, or his living the rest of his life in prison. Nothing worthwhile would be served, in my opinion, by Snowden voluntarily surrendering to U.S. authorities given the current state of the law.

I hope that he finds a haven, as safe as possible from kidnapping or assassination by U.S. Special Operations forces, preferably where he can speak freely.

What he has given us is our best chance — if we respond to his information and his challenge — to rescue ourselves from out-of-control surveillance that shifts all practical power to the executive branch and its intelligence agencies: a United Stasi of America.

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