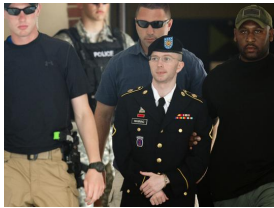


# Manning verdict strikes balance for leakers: Our view

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*It is a framework for assessing others being pursued by the Obama administration as if they were spies.*



(Photo: Saul Loeb, AFP/Getty Images)

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Bradley Manning is a criminal but not a traitor. A military judge made that sensible distinction Tuesday in finding the 25-year-old Army private not guilty of the most serious charge against him while convicting him of a long list of lesser crimes, including violating espionage laws.

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It is a fitting outcome for Manning, who stole and exposed thousands of classified documents. But the judge's reasoning has broader application, as well. It is a framework for assessing the actions not just of Manning but also of Edward Snowden and a host of lesser known leakers being pursued by the Obama administration as if they were spies.

Like Manning, they violated secrecy laws. Like Manning, they said they did so with good intentions — and often with good results. But also like Manning, their actions can't be ignored. The trick is striking the right balance in delivering justice for each.

In Manning's case, the evidence of theft, computer fraud and other offenses was overwhelming.

In some instances, such as exposing U.S. diplomats saying very undiplomatic things, the result was little more than embarrassment. In others, such as exposing the horrors of the Iraq War, the leaks served a useful public service. Manning plainly was not attempting to aid the enemy, the charge of which he was appropriately found not guilty.

But the sheer volume of documents that Manning gave indiscriminately to the publish-anything WikiLeaks site also held the potential for great harm. Administration officials said they revealed the names of people who supported the U.S. in Iraq and Afghanistan, potentially putting lives in danger.

At the sentencing phase that begins Wednesday, Manning still faces years in prison, and appropriately so. Leaving his actions unpunished would invite wholesale abuse by others.

The judge seems on track to striking the appropriate balance, and so must a balance be struck in prosecuting other leakers, most prominently Snowden.

The former National Security Agency analyst, who leaked classified documents in June, exposed secret government programs that threaten Americans' privacy, and he might have looked heroic had he stopped there and faced the consequences, as Daniel Ellsberg did in 1971 after exposing the Pentagon Papers. Snowden set off a public uproar that increasingly seems likely to rein in the programs.

Instead, Snowden tarnished his reputation by fleeing the U.S. for Hong Kong and then Russia, giving sensitive information to China along the way. So far, he has done far less damage than Manning and produced far more useful results. But he will not escape some consequences for his actions, nor should he. How severe they should be depends on actions he has yet to take.

The question is not whether people like Snowden and Manning are heroes or criminals. Leakers can be both at the same time. They should expect justice, and they should receive it. What they should not expect is a free pass. Lawbreaking in the pursuit of greater justice is sometimes necessary in a democracy. But as those who committed civil disobedience in pursuit of racial justice and other causes would tell you, it always comes at a price.

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