

U.S. Government Leniency Urged for Snowden

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On January 1, both the [New York Times](#) [1] and Britain's [The Guardian](#) [2] published editorials demanding that the U.S. Government treat Edward Snowden as a whistleblower rather than as a criminal. These follow by three weeks, a CBS News report that the head of the NSA damages-assessment task force, Rick Ledgett, had expressed a personal view that an amnesty-deal should be discussed with Snowden to prevent any further leaks about NSA programs. On December 6, *The Financial Times* reported that Dame Eliza Manningham-Butler, former head of Britain's MI5, had said on BBC's "Today" program that she thought there would eventually be such a deal of amnesty in return for cessation of releases of intelligence information.

The *Times* editorial, "Edward Snowden, Whistle-Blower," signed by The Editorial Board, is extensive. It first summarizes the NSA revelations, and subsequent legal decisions on the NSA programs, and says of Snowden, that he "deserves better than a life of permanent exile, fear and flight" and that "He may have committed a crime [in his revelation of information and exposing abuses], but he has done his country a great service. It is time for the United States to offer Mr. Snowden a plea bargain or some form of clemency that would allow him to return home, face at least substantially reduced punishment in light of his role as a whistle-blower, and have the hope of a life advocating for greater privacy and far stronger oversight of the runaway intelligence community."

The editorial goes on to explain that Snowden is currently charged with two violations of the Espionage Act involving unauthorized communication of classified information, and a charge of theft of government property, each carrying penalty of 10 years in prison; the *Times* notes that the government will probably add more charges in a grand jury indictment, that will aggregate to a life sentence. The editorial notes and discounts President Obama's statement that he signed an executive order extending present whistleblower protection laws to the intelligence community — thus Snowden should have notified his superiors rather than leaking information.

That's beside the point, the *Times* says, as that executive order only covered intelligence-community employees, not contractors such as Snowden. Besides, Snowden said in his recent *Washington Post* interview that he reported "his misgivings" to his superiors at the agency and they took no action, though the NSA claims to have no record of this. "In retrospect, Mr. Snowden was clearly justified in believing that the only way to blow the whistle on this kind of intelligence-gathering was to expose it to the public and let the resulting furor do the work his superiors would not." The editorial says that "the shrill

brigade of his critics" say Snowden has damaged national security, but "none has presented the slightest proof that his disclosures really did hurt the nation's security," and concludes that Obama should "tell his aides to begin finding a way to end Mr. Snowden's vilification and give him an incentive to return home."

The Guardian's editorial the same day, "Snowden affair: the case for a pardon," concludes, "We hope that calm heads within the present administration are working on a strategy to allow Mr. Snowden to return to the U.S. with dignity, and the president to use his executive powers to treat him humanely and in a manner that would be a shining example about the value of whistleblowers and of free speech itself."

Picking up from the *Times*

The *Times* editorial has functioned as a signal piece, with others rushing to comment, and in some cases, follow.

The Hill reported today that Anne-Marie Slaughter, who was the head of Secretary of State Clinton's Policy Planning Staff and is now CEO of the New America Foundation, issued a "tweet" supporting the *Times's* call for clemency for Snowden; the linked text from Slaughter's twitter account simply says "I agree with @nytimes on Snowden. 'Edward Snowden, Whistle-Blower'"

The Hill also reported that federal Rep. Rush Holt (D-NJ) said on MSNBC, that Snowden should be given leniency: "Should Edward Snowden face the music for breaking the law? I think yes, but I think with leniency. We would not be having this very important national debate now had it not been for Snowden." The congressman said, the article reported, "that he believed Snowden had served as a 'whistleblower,' disclosing 'abuse' within the intelligence community, and that while Snowden had 'broken the law,' his actions should be considered within that context. 'He now faces two 10-year terms, and maybe with additional charges, life in prison. That is unreasonable.'" Holt was also reported to have said that he was offering legislation that would officially extend whistleblower protection to those in the intelligence community.

Meanwhile, liberal columnist Conor Friedersdorf in a December 31 article in *The Atlantic*, "A Dare for NSA Staffers: Do the Quarter-Snowden a Twist," offered a solution for NSA staffers who want to defend the Constitution but don't have the stomach to give up everything as did Snowden. In the spirit of the upcoming Olympics, he dubs the technique "the quarter-Snowden with a twist." Friedersdorf explains, "It doesn't require leaking classified information. Nor does it violate the law. To pull off the quarter-Snowden with a twist, which requires even less than a quarter of Snowden's courage, an NSA employee need only resign their position, seek out a trustworthy journalist of their choice, and announce that while they aren't at liberty to reveal any state secrets, they believe that Congress ought to rein in the NSA immediately. 'If Senators Dianne Feinstein and Ron Wyden, who are permitted to see classified information, are listening,' the staffer could say, 'I'd like to brief them on my concerns.' At least one of those Senate Intelligence Committee members will take the plea seriously."

Links:

[1] <http://www.nytimes.com/2014/01/02/opinion/edward-snowden-whistle-blower.html>

[2] <http://www.theguardian.com/world/2014/jan/01/snowden-affair-case-for-pardon-editorial>

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