

# Former State Department employee pleads guilty to information leak

## Obama's war on journalism continues

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Former State Department weapons expert Stephen Jin-Woo Kim pled guilty last Friday to a single felony count of unauthorized disclosure of classified information in exchange for a proposed 13 month prison sentence. Kim is one of nine US citizens to be prosecuted under the 1917 Espionage Act by the Obama administration as part of the latter's war on whistleblowers and press freedom. In all previous presidential administrations combined, only three leak cases have been prosecuted under the Act.

Kim's leak concerned information about the Stalinist North Korean regime's intention to conduct nuclear weapons testing in response to a United Nations resolution condemning its previous nuclear and missile tests. In June of 2009, Kim provided this information to Fox News Washington Bureau chief James Rosen, who published an article saying that this information came from "sources in North Korea." Intelligence officials claim that this could have prompted the North Korean regime to search its ranks for the source of the information, and that the leak thereby damaged US national security.

What is most significant about Kim's case is the means by which federal prosecutors discovered that it was in fact Kim who leaked the information in question. Even though they had several emails from Kim's State Department computer to Rosen, the Justice Department subpoenaed personal telephone and email records from Rosen himself, including records for phone numbers registered to his coworkers and to his parents, and even one to the White House's own switchboard.

The story of this illegal spying on a journalist working for a major news outlet broke last May in the

wake of a broader scandal where it was revealed that the DoJ had secretly subpoenaed phone records for 21 lines registered to the Associated Press in an effort to learn the identity of an FBI explosives expert who leaked information on the "underwear bomber" in 2012, during Obama's reelection campaign.

The affidavit supporting the subpoena request for Rosen's email and phone records specifically alleged that "there is probable cause to believe that the reporter [James Rosen] has committed or is committing a violation [of the law] at the very least, either as an aider, abettor and/or co-conspirator," in part by "employing flattery and playing to Mr. Kim's vanity and ego."

In light of this blatant attack on the freedom of the press, attorney general Eric Holder initially tried to distance himself from the warrant affidavit. When it was later revealed that Holder in fact personally approved of the warrant application, with all its bad faith, he confessed that the media probe got "a little out of whack" in a television interview that aired early last June. In that same interview, Holder told interviewer Pete Williams that he had no intention of resigning, saying tepidly "there are some things that I want to do, some things I want to get done that I have discussed with the president and once I have finished that, I'll sit down with him and we'll determine when it's time to make a transition to a new attorney general."

It is clear that the backlash over the illegal search of Rosen's data put the administration and the vast US spying apparatus on the defensive, a fact that only compounded the desire to break Stephen Kim.

Kim's confession represents a victory for the administration and spying apparatus. It avoids the

likelihood of an embarrassing trial, where Kim's attorney would have put members of the intelligence community on the stand to demonstrate how little, if any, harm Kim's leak actually caused.

In exchange for his plea, Kim was forced to make several humiliating confessions, including that he was not a whistleblower and that his actions "could put America at risk." In addition to his 13-months in prison, Kim will have a year of supervised release. The charge he pled to carries a possible sentence of 10 years. The sentence must be approved by a judge.

Kim is not Edward Snowden, but whatever his specific motives were, his sentence by no means serves the ends of justice.

Kim's defense attorney, Abbe Lowell explained the enormous pressures confronting his client in a statement to the press:

"Faced with draconian penalties of the Espionage Act, the tremendous resources that the federal government devoted to his case (a half-dozen prosecutors and a dozen FBI agents), and the prospect of a lengthy trial in today's highly-charged climate of mass disclosures, Stephen decided to take responsibility for his actions and move forward with his life."

Kim's plea gives occasion to review the record of the Obama administration's war on press freedom as a whole. As stated above, this is an administration that had prosecuted more cases under the Espionage Act than all of its predecessors combined. These include Bradley Manning, the young Army private now serving a 35 year prison sentence for revealing thousands of US imperialism's crimes abroad, and Edward Snowden, the former security contractor and current fugitive from his own country who, shortly after the revelations around Kim and Rosen, released to the media troves of data proving that the US spies on and tracks its own citizens, foreign nationals and even heads of state.

The other leakers whom the administration has prosecuted are:

Shamai K. Leibowitz, a Hebrew linguist whose employer contracted with the FBI and who provided as-yet-unknown information to a blogger about Israel;

Former NSA employee Thomas Drake, who leaked documents showing mismanagement at the agency to the *Baltimore Sun* in 2006 and 2007. Drake was indicted under 10 felony counts, but pled guilty to the misdemeanor of misuse of a NSA computer;

Former CIA employee Jeffrey Sterling, who revealed to reporter James Risen information on a failed US effort to sabotage Iran's nuclear program;

Former CIA officer John Kariakou, who revealed information about that agency's torture of Al Qaeda operative Abu Zubaydah in 2002 in Pakistan;

Former FBI explosives expert Donald J. Sachtleben, referred to above;

And the as-yet unidentified individual who revealed the existence of the Stuxnet computer worm which the US and Israeli governments had used to attack Iran's nuclear program.

Stephen Kim's coerced guilty plea coincides with something of an all-time low for the Obama administration and for the vast US intelligence apparatus as a whole. New revelations of the expanse and unconstitutionality of US intelligence programs are an almost daily occurrence, constantly stripping away whatever credibility they have managed to hold onto. The prosecution of Kim and other leakers, not to mention those in the media with whom they have communicated, has nothing to do with protecting the public from acts of terrorism. These prosecutions serve as a stark warning: imperialist crimes and methodologies are not to be reported, on penalty of personal ruin, imprisonment or worse.



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