

US Justice Department sues Edward Snowden to block proceeds of memoir

Kevin Reed**23 September 2019**

The US Department of Justice filed suit on Tuesday against Edward Snowden and his publisher Macmillan to block the whistleblower from receiving any money made from the publication of his new memoir *Permanent Record*. Although it is not seeking to block sales of the book, the lawsuit aims to recover all potential proceeds earned by the author.

The complaint, which was filed by the US Attorney's Office for the Eastern District of Virginia, alleges that Snowden is in "breach of contract and fiduciary obligations" contained in the agreements he signed when he was employed by both the CIA and NSA. By not "submitting the manuscript for prepublication review," Snowden is, the filing asserts, "in violation of his secrecy agreements and non-disclosure obligations to the United States."

The suit also charges that Snowden has similarly given public speeches without clearing them with his former government employers. In a press release that accompanied the civil filing, US Attorney G. Zachary Terwilliger states, "This lawsuit will ensure that Edward Snowden receives no monetary benefits from breaching the trust placed in him."

The press release also includes a statement from Assistant Attorney General Jody Hunt of the DOJ's Civil Division, declaring, "This lawsuit demonstrates that the Department of Justice does not tolerate these breaches of the public's trust."

Apparently, Assistant AG Hunt and others within the Trump Administration are unaware or refuse to acknowledge that Edward Snowden is widely regarded as a hero for his 2013 exposure of the surveillance operations of the NSA and CIA that directly violate constitutional rights on a massive scale. More than anything else, it is this mass spying on the people that has breached the public's trust in the US government.

The press release says that Snowden's codefendants in the case, Macmillan Publishers, Inc., Macmillan Publishing Group and Holtzbrinck Publishers LLC, have been included "solely to ensure that no funds are transferred to Snowden, or at his direction, while the court resolves the United States' claims."

Whatever the claims of the Justice Department about not blocking sales of Snowden's *Permanent Record*—as though the legal action itself has nothing to do with censorship—it is clear that the 26-page lawsuit is aimed at intimidating other whistleblowers and any would-be publishers who might be thinking about telling the truth and exposing the crimes of the US government.

Another aspect of the strategy of the Trump administration—which has a record of playing corporate news media cycles with a degree of skill—is the attempt to bury, behind headlines about the lawsuit, any discussion or review of the content of Snowden's book. However, this tactic itself is proving to be a double-edged sword, since the legal case is also bringing additional attention to the title.

As Edward Snowden himself tweeted on Wednesday, "Yesterday, the government sued the publisher of #PermanentRecord for—not kidding—printing it without giving the CIA and NSA a chance to erase details of their classified crimes from the manuscript. Today, it is the best-selling book in the world."

Snowden's book tells the story of how he went from growing up in the suburbs of Washington, DC, in a family of military and federal government employees, to becoming a CIA employee and NSA intelligence contractor, and later emerging as the 29-year-old whistleblower who was prepared to sacrifice everything to expose illegal US government spying. Snowden leaked extensive documentary evidence of an NSA program—in collaboration with the giant telecom

corporations—that was collecting every single phone call, text message and email of the entire population.

Permanent Record also recounts the events in Snowden's life after his revelations were published by *The Guardian* and *The Washington Post* in June 2013, while he was on vacation in Hong Kong. As he was changing planes in Russia on his way to Ecuador, where he had been granted asylum, Snowden's passport was revoked by the US Department of State. Snowden spent the next 40 days in the Moscow airport until he was eventually granted asylum by the Russian government. He has been living in exile somewhere near Moscow for the past six years.

Snowden's explanation, in his own words, of how he concluded that he had to share top secret US intelligence documents with the media is of significant public interest. Knowing full well that this would bring vilification and danger to himself—including the possibility of life in prison or even execution under the terms of the Espionage Act—Snowden showed tremendous courage and strength of conviction.

As millions of workers and young people are entering political struggle today—facing a crisis that will challenge and shake up their views about the nature of the US military, the two-party system, the unions, bourgeois nationalism, etc.—Snowden's book provides an insight into the internal process by which one young intelligence worker came to act, on the basis of principles, against the entire military-intelligence establishment of the American government.

That Snowden's memoir emerges from day one in direct conflict with the US government is no surprise. At the same time, it is an absurdity that the Justice Department should think that the author would submit his transcript to the NSA and CIA for review before publication.

There is nothing in the legal filing that explains what would have happened had Snowden done what they claim was his legal duty. In a statement to the press, American Civil Liberties Union attorney Ben Wizner, who represents Snowden, said, "Had Mr. Snowden believed that the government would review his book in good faith, he would have submitted it for review. But the government continues to insist that facts that are known and discussed throughout the world are still somehow classified."

As part of the book launch, Snowden has been doing

a series of interviews. In one of these, with National Public Radio—conducted prior to the US lawsuit announcement—Snowden takes on directly the charge of breach of contract and violation of the non-disclosure agreement. Explaining that he did in fact sign a civil nondisclosure agreement, he says that the oath of service is what guided his actions: "My very first day entering into duty for the CIA, I was required to pledge an oath of service. ... It's a pledge of allegiance, not to the agency, not to a government, not to a president, but to support and defend the Constitution of the United States against all enemies foreign and domestic."



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