Drone war whistleblower Daniel Hale pleads guilty to one count of violating the Espionage Act

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Former intelligence analyst and whistleblower Daniel Everette Hale pleaded guilty to one count of violating the Espionage Act of 1917 on Wednesday for disclosing "classified national defense information" to a reporter.

The documents that Hale provided to investigative journalist Jeremy Scahill of The Intercept contributed significantly to public awareness of the US military drone warfare and assassination programs developed during the Obama administration. The information helped to expose the existence of the secret programs, that drone strikes killed many more innocent people than their supposed "targets" and that US citizens had been killed extrajudicially by drone strikes in violation of their constitutional rights.

The reason Hale cited for pleading guilty is because the Espionage Act charges prevent a public interest defense. In other words, Hale's lawyers were barred from arguing that the need of the public to be made aware of the criminal activities of the US government was more important than his obligation not to disclose classified information to anyone.

With a trial set to begin next week, Hale was forced to plead guilty in order to avoid potentially spending decades in federal prison. Although four of the five counts still remain against him, he is scheduled for sentencing on July 13 and is expected to be punished with no more than ten years in jail. According to the *Washington Post*, Judge Liam O'Grady of the Eastern District of Virginia has "indicated that Hale's sentence would probably not change based on the number of convictions and said he would take up that issue at sentencing."

In a Justice Department press release, Assistant Attorney General John C. Demers said of the case, "Hale has now admitted what the evidence at trial would have conclusively shown: that he took classified documents from his work at the National Geospatial Intelligence Agency (NGA), documents he had no right to retain, and that he sent them to a reporter, knowing all along that what he was doing was against the law."

Of course, Demers made no reference to the information that Hale brought to light or the fact that his exposures revealed activities carried out by the Obama, Trump and now Biden administrations that are known by everyone in the world for being against the law in the US and internationally.

Hale, 33, of Nashville, Tennessee, enlisted in the US Air Force in 2009 and received language and intelligence training and was assigned to work for the National Security Agency (NSA) and deployed to Afghanistan as an intelligence analyst. He left the Air Force in 2013 and went to work for a defense contractor at the NGA in July 2013. His specialty at NGA was political geography and he held top secret security clearances.

Unlike other whistleblowers—such as the former defense contractor and intelligence analyst Edward Snowden who was inspired to join the US military in the period after September 11, 2001—Hale entered the service out of desperation because he was homeless and had nowhere else to go. As he explained in an on-camera interview for the film "National Bird," Hale was well aware before he joined the Air Force that he was joining something that he was against and that he disagreed with.

In his work at the NSA Hale was assigned to locate drone strike targets. He became increasingly disturbed by the uncertainty about how many civilians were killed in each strike and the fact that the government repeatedly claimed that those killed were combatants regardless of the actual facts.

According to the Justice Department press release, Hale began his collaboration with "a reporter" in April 2013

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while he was still in the Air Force. The document states, "Hale met with the reporter in person on multiple occasions, and communicated with the reporter via phone, text message, email, and, at times, an encrypted messaging platform. Then, in February 2014, while working as a cleared defense contractor at NGA, Hale printed six classified documents unrelated to his work at NGA and soon after exchanged a series of messages with the reporter. Each of the six documents printed were later published by the reporter's news outlet."

In total, Hale is accused of printing 36 documents from his computer including 23 that were unrelated to his work at NGA and he gave 17 of these to the reporter, 11 of which were marked either "secret" or "top secret." The information contained in these documents—which detailed the protocol for ordering drone strikes and exposed civilian casualties and the internal discussion within the military over the accuracy of the intelligence before and after the strikes—was used by Scahill in a series of articles for The Intercept and appeared in a book he wrote in 2016, *The Assassination Complex: Inside the Government's Secret Drone Warfare Program*.

In court on Wednesday, Hale admitted that he was the author of a chapter written by an anonymous author in Scahill's book called, "Why I Leaked the Watchlist Documents." In an interview published on The Intercept on October 15, 2015, an anonymous source (presumably Hale) tells Scahill that the "outrageous explosion of watchlisting—of monitoring people and racking and stacking them on lists, assigning them numbers, assigning them 'baseball cards,' assigning them death sentences without notice, on a worldwide battlefield — it was, from the very first instance, wrong."

Jesselyn Radack, an attorney representing Hale, issued a statement about the guilty plea through the organization Whistleblower and Source Protection Program (WHISPeR) at ExposeFacts which said, "Daniel Hale may have pleaded to a count under the Espionage Act, but he is not a spy. He was accused of giving an investigative journalist truthful information in the public interest about the secretive US drone warfare program."

Radack also explained the broader implications of the prosecution of Hale and others under the Espionage Act, "the government repeatedly chooses the heavy-handed Espionage Act to punish media sources and whistleblowers. The government's use of the Espionage Act against media sources has everything to do with chilling speech and journalism and nothing to do with justice. … The U.S. government's policy of punishing people who provide journalists with information in the public interest is a profound threat to free speech, free press, and a healthy democracy."

Another organization, Defending Rights & Dissent, issued a statement that it stands with Hale as a courageous and heroic whistleblower. At the time of Hale's indictment, the organization issued a statement of support for him that was signed by 50 civil rights groups, journalists, and anti-war and other activist organizations.

Chip Gibbons, Policy Director for Defending Rights & Dissent, has been involved in the campaign to defend Hale and pointed to the political alignment against whistleblowers who expose the crimes of US imperialism. "It is a disgrace to this country that time and time again when brave truth tellers, many of them relatively young, expose the crimes of our government it is they who go to jail. Shame on both [political] parties for their role in this and Congress for failing to act. … Hale's case spans three administrations, including presidents from both major parties. Espionage Act abuse to prosecute whistleblowers is a bi-partisan disgrace."

Scahill wrote an open letter to the Biden administration pleading for the Democratic Party president to "stop the war on journalism" that goes back to the administration of George W. Bush, which "used the Espionage Act and sought to jail reporters who refused to give up their sources, not to mention killing journalists in war zones."

The killing of journalists in war zones is a reference to the infamous "Collateral Murder" video provided by Chelsea Manning to WikiLeaks and published online by editor and founder Julian Assange in 2010. Assange remains in jail in London as he awaits possible extradition to the US to face 17 counts under the Espionage Act for exposing war crimes in Iraq and Afghanistan.

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