

Drone war whistleblower Daniel Hale remains steadfast as federal prosecutors demand nine-year sentence

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In advance of a sentencing hearing set for Tuesday, the US Department of Justice (DoJ) urged a federal court to send drone war whistleblower Daniel Hale to a minimum of nine years in federal prison.

In a 20-page sentencing memorandum in the case of the United States v. Daniel Everette Hale published on July 19, federal prosecutors argue vindictively that the former Air Force analyst stole classified information in order to “ingratiate himself” with journalists and that a “significant sentence is necessary to demonstrate that the unauthorized disclosure of classified information is a serious crime with significant consequences.”

Even though, in an effort to avoid a long prison term, he pled guilty last March to one of the five counts against him, and he has been held in custody at the William G. Tisdale Detention Center in Alexandria, Virginia since April, the DoJ is demanding the judge give Hale the harshest possible punishment.

For example, the United States Attorney’s Office for the Eastern District of Virginia refused to drop the four remaining charges against Hale and instead has been holding them in reserve for a potential trial if the sentencing by District Court Judge Liam O’Grady is deemed insufficient.

Part of the strategy of the DoJ is to compel Hale to admit that by turning over classified information about US military’s drone warfare program to the Intercept co-founder Jeremy Scahill, he risked “serious” or “exceptionally grave” damage to US national security. The prosecutors are holding out the possibility of a seven-year-and-three-month sentence for Hale, who is 33 years old and suffers from Post-Traumatic Stress Disorder from his service in Afghanistan, if he agrees to the DoJ demands.

An important part of the prosecution’s argument for a harsh sentence for Hale is the existence of previously undisclosed and concealed “evidence” that a faction of the Islamic State of Iraq and Syria (ISIS) has published an “internet compilation” that includes two of the documents that the whistleblower disclosed.

Given that the US military itself is known to have collaborated with various Islamic fundamentalist militia groups, this particular aspect of the federal government’s sentencing memorandum shows the desperation of the DoJ and the military-intelligence state to successfully bring an Espionage Act case against a whistleblower.

Numerous attempts have been made by the DoJ to punish harshly those who have leaked or published classified information, including Reality Winner and Terry Albury, who both served limited sentences after reaching plea agreements, and deterring future exposures. There is also, of course, the ongoing case of WikiLeaks founder and publisher Julian Assange, who has also been charged with Espionage Act violations and is being held in London’s Belmarsh Prison while facing extradition to the US to face them.

Similar claims have been made by the US government that the material published by WikiLeaks exposing war crimes—as well as the details about the mass electronic spying on the public by former intelligence analyst Edward Snowden—“endanger national security” and “threaten the lives of servicemen.” However, as in Hale’s case, no evidence of harm or death to US programs or people has ever been presented to prove the assertion.

Hale joined the US Air Force in 2009 and was deployed to Bagram Air Base in Afghanistan to work

for the National Security Agency (NSA). In 2013, he left the Air Force and went to work for a private contractor with the National Geospatial-Intelligence Agency (NGA) where he held a top security clearance. Due to his experiences with the military-intelligence apparatus, and the drone assassination program in particular, Hale became alarmed by the indiscriminate murder of individuals posing no threat to the US.

According to the original charges against him—which included four offenses for violating the Espionage Act and one for theft of government property—Hale began his collaboration with journalists while he was still in the Air Force and this collaboration continued after he was working for the NGA. In the information he provided to Scahill, Hale gave details about the drone “kill list” maintained by President Barack Obama, including the targeting of American citizens for assassination overseas without a trial or conviction of a crime.

In a powerful and moving letter to Judge O’Grady submitted to the court by Hale’s lawyers on July 22, the courageous whistleblower defends his decision to disclose the classified information to the media. Hale’s 11-page letter, written by hand from prison, is a devastating exposure of the criminality that he witnessed and an expression of his determination to remain steadfast in his exposures.

In the letter, Hale explains that he suffers from depression in connection with his PTSD and that his experiences in Afghanistan have “irreversibly transformed my identity as an American. Having forever altered the thread of my life’s story, weaved into the fabric of our nation’s history.” He then proceeds to explain how, beginning with his deployment in 2012, he “came to violate the Espionage Act, as a result.”

Hale also explains that he witnessed a drone strike within days of his arrival. He gives details about a group of armed men who had gathered before dawn to brew some tea and were targeted

for death. Hale writes, “I could only look on as I sat by and watched through a computer monitor when a sudden, terrifying flurry of hellfire missiles came crashing down, splattering purple-colored crystal guts on the side of the morning mountain.”

He writes that he witnessed several such episodes of graphic violence and that he began to question

everything he was told about the “rules of engagement” in Afghanistan and holds himself responsible for being a part of it. “Not a day goes by that I don’t question the justification for my actions. By the rules of engagement, it may have been permissible for me to have helped to kill those men—whose language I did not speak, customs I did not understand, and crimes I could not identify—in the gruesome manner that I did. Watch them die.”

Hale draws broader and informed conclusions from his experiences, writing: “how could it be that any thinking person continued to believe that it was necessary for the protection of the United States of America to be in Afghanistan and killing people, not one of whom present was responsible for the September 11th attacks on our nation. Notwithstanding, in 2012, a full year after the demise of Osama bin Laden in Pakistan, I was a part of killing misguided young men who were but mere children on the day of 9/11.”

Hale’s letter exposes the prosecution’s claim that he “ingratiated himself” with journalists to be a complete fabrication. The vendetta against him is part of the ongoing attacks on basic democratic rights associated with the wars of aggression carried about by US imperialism that have spanned the Bush, Obama, Trump and now Biden administrations. Class-conscious workers, students and young people must demand the freedom of Daniel Hale and all whistleblowers such as Julian Assange who are being persecuted for telling the truth about the war crimes of US imperialism.



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