

Drone war whistleblower Daniel Hale sentenced to 45 months in prison

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Daniel Hale, the whistleblower and former military intelligence analyst who leaked details of the US drone warfare program to the Intercept in 2014, was sentenced to 45 months in federal prison on Tuesday for violating the Espionage Act. In a backhanded acknowledgement of the significance of Hale's revelations, US District Judge Liam O'Grady said that the 33-year-old's disclosure of documents went beyond his "courageous and principled" opposition to the military's deadly use of drones.

Judge O'Grady went on to say, "You are not being prosecuted for speaking out about the drone program killing innocent people. You could have been a whistleblower ... without taking any of these documents." Among the documents that Hale obtained and turned over to journalist Jeremy Scahill was proof that a targeted assassination program was being run out of the White House by then-President Barack Obama, behind the backs of the American people.

Hale's exposures also contained an analysis of the drone warfare program that showed—far from Obama's claim of the surgical precision of the unmanned aerial vehicle attacks—nearly 90 percent of the people killed in the missile strikes were not the intended targets. Hale also revealed the criteria which the Obama White House used for placing an individual on the terrorism watch list and then authorizing them to be assassinated by military personnel from remote-controlled operations thousands of miles away.

In a brief statement before Judge O'Grady handed down the sentence, Hale said he copied the classified documents because he believed it "was necessary to dispel the lie that drone warfare keeps us safe, that our lives are worth more than theirs." The courageous whistleblower then went on, "I am here because I stole something that was never mine to take—precious human

life. I couldn't keep living in a world in which people pretend that things weren't happening that were. Please, your honor, forgive me for taking papers instead of human lives."

Although O'Grady's nearly four-year sentence was far less than the maximum of eleven years that was demanded by federal prosecutors, that Hale is serving any time at all is a travesty of justice and part of an ongoing assault on democratic rights and the rights of whistleblowers who expose the crimes of US imperialism.

The vendetta against Daniel Hale has been ongoing for past the past seven years. Under Obama, federal authorities searched Hale's home in 2014 before the publication of the documents by the Intercept. He was then indicted by a grand jury on four counts of violating the US Espionage Act of 1917 and one count of theft of government property, and arrested in 2019 during the Trump administration. Hale was accused of printing 36 documents from his computer including 23 that were unrelated to his work for an intelligence contractor of the National Geospatial-Intelligence Agency and giving 17 of these to Scahill, 11 of which were marked either "secret" or "top secret."

Although he originally pled not guilty to all charges, Hale changed his plea to guilty on one of the Espionage Act charges on March 31, 2021 in order to avoid a likely sentence of decades in prison. He admitted in court that he was the author of a chapter titled "Why I Leaked the Watchlist Documents" included in Scahill's 2017 book *The Assassination Complex*. After his guilty plea, Hale was initially released pending sentencing but was rearrested on May 5 and imprisoned on the orders of Judge O'Grady on the grounds that he had violated the terms of his pretrial release.

During pretrial motion to dismiss the charges, Hale's

attorneys argued that the Espionage Act violates the First Amendment because the public's right to know about the war crimes of the US government stands above any commitment to preserve classified documents in the interests of national security as a service member or contractor for the Department of Defense. The prosecution sought to exclude Hale's public interest defense—a legal tactic that has been used in many of the Espionage Act case that were brought under Obama and continued by the Trump administration—and this request was granted by Judge O'Grady.

Fully aware that he faced years if not a decade in prison, Hale never wavered in explaining his motivation along with the emotional toll that his experience in the Air Force had on him. As he explained in the 11-page hand-written letter to Judge O'Grady on July 18, Hale said he suffered from PTSD and depression and that his exposure to combat in the Air Force “irreversibly transformed my identity as an American” and that he was compelled to “violate the Espionage Act.”

In his statement to the court prior to sentencing on Tuesday morning, Hale said, “With drone warfare, sometimes nine out of 10 people killed are innocent. You have to kill part of your conscience to do your job.”

Following the sentencing, Hale's support team posted a series of tweets that said, “#DanielHale has already spent years under investigation and has been dragged through a lengthy court process. Despite the fact that the government failed to even prove his disclosure caused harm, he is now subject to harsh sentencing intended for outright spies.

“But everyone agrees that #DanielHale is not a spy. He is a deeply honorable man who is being punished simply for acting on his conscience and telling the truth.”

The ongoing use of the Espionage Act—by both Democrats and Republicans in the White House—against whistleblowers and journalists who provide irrefutable proof of the crimes of American imperialism is a prominent expression of the decay of democracy and drift toward authoritarianism in the US. Since 2010 there have been ten prosecutions of individuals under the Espionage Act for either leaking classified information to the media—such as Chelsea

Manning and Edward Snowden—or “seeking” classified information as in the case of WikiLeaks founder and publisher Julian Assange.

With the sentencing of Hale, the Biden administration now joins that of Obama and Trump with the distinction of jailing someone with the honesty, courage and determination to stand up to the most powerful military apparatus in world history.



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