

# SNOWDEN LIES ABOUT OUTREACH ABOUT A PARDON AND PUTS A TARGET ON DANIEL EVERETTE HALE'S BACK

I'm going to make three observations about this Edward Snowden interview, to mark it.

The interview was filmed live, Friday night US time, September 11, as the other clip indicates.



In it, Snowden repeatedly and categorically denied any outreach to the US government for a pardon.

Williams: Have you had any contact with the Administration. Did you initiate any? Have they initiated any? Have you sought a pardon from the United States?

Snowden: I have not. And this is something people have actually forgotten. There was a pardon campaign back during the Obama Administration. But I at no point actually asked for pardon myself. It was tremendously gratifying to have this level of support. But as I said, my condition for return is simply a fair trial. Now we didn't see the Obama Administration talking about a pardon in this way and I think Trump has commented again since then that he thought treatment was very unfair, or could be. And there's been a

lot of speculation that's come from this. But there's been no contact. I was as surprised as anyone else to see this. But it's very interesting to see this President thinking pardoning what a lot of people would consider [laughs] one of the big names in this new war on whistleblowers. And that's something that we should all support seeing come to an end.

Williams: So no representative for you has done any outreach. No representative for you or you yourself has heard anything from the White House, the Administration, any government types?

Snowden: No. By hook or by crook, there's been nothing. No contact, anything like that. I think [laughs] if that were happening, it would be certainly news that we would hear through other channels.

Williams: Let's use plain English. The price for pardons appears to be lavish praise for this President after the fact. Is that something you're willing to do?

Snowden: Certainly not. I don't think a pardon is – or should be – conditioned on anything. When you look at the pardon power, it's constitutionally derived. It's Article II Section 2. A pardon is not a contract. A pardon is not something that you accept or reject. And it certainly shouldn't be used as a political tool. And this is why, while I haven't asked for pardon from the President, I will ask for A Pardon for others. When I mentioned the war on whistleblowers, this is an ongoing and continuing thing. The reason pardon is even being considered, even being debated, the fact that comments from the Attorney General are even hitting the news are because everyone who has

followed these cases know, being charged under the Espionage Act as a whistleblower means no fair trial is permitted. And there are people in the United States today, serving time in prison for doing the right thing. And this is why we should see Donald Trump – or any President – end the war on whistleblowers. He should pardon Reality Winner for trying to expose election interference. He should pardon Daniel Hale for revealing abuses in the drone program. Or Terry Albury for trying to expose systemic racism within the FBI. And these are all people who are deserving of pardon. But this, when we look at pardon, pardon is intended to ameliorate unfairness, to fix fundamental flaws in our system of laws or the way they're being applied. And there's nowhere this is more clear right now than in the prosecution of whistleblowers under the Espionage Act.

It is, of course, a blatant lie that there has been no outreach.

Just hours earlier (I think about three?), Glenn Greenwald went onto Tucker Carlson's show – a show that has repeatedly served as a platform for people to pitch pardons – and argued that Trump should pardon Snowden and Julian Assange. Though Glenn had promised he would be talking about journalism, he instead pitched the pardon as a good way for Trump to stick it to the Deep State. Glenn's pitch was not only premeditated (it had been rescheduled days earlier), but it was delivered to fit Tucker's 3 minute time slot.

So Glenn lied about defending journalism (rather than just damaging the Deep State), and Snowden lied about there being no outreach. Snowden also, in the other clip, lied about Putin taking no interest in him.

There was one truth told. When Snowden said, "if

that [outreach about a pardon] were happening, it would be certainly news that we would hear through other channels," he was effectively telling the truth. This was news on another channel: Glenn Greenwald, appearing on Fox News, just hours earlier, pitched Trump on a pardon.

Snowden, in turn, suggested that Trump was thinking of ending the "war on whistleblowers" and – at a time when Trump is ending the careers of people who make legal whistleblowing claims upholding democracy, with glee – claimed that there is no place where unfairness is more clear than the prosecution of whistleblowers under the Espionage Act.

I'll spot Snowden that one for his own self-interest.

Then Snowden calls for a pardon for three others he suggests are serving time in prison. Reality Winner and Terry Albury *are* serving time. But Daniel Hale is not. He's out on bail awaiting trial. In other words, Snowden is actually just calling to pardon everyone who leaked to The Intercept.

In fact, unless Trump decides to pardon Hale, who doesn't have anyone lobbying him on Tucker Carlson's show, Snowden just made Hale's life worse.

That's because the government believes that Hale was "inspired" by Snowden.

Moreover, as argued in more detail in Defendant's Reply in support of his Motion to Dismiss for Selective or Vindictive Prosecution (filed provisionally as classified), it appears that arbitrary enforcement – one of the risks of a vague criminal prohibition – is exactly what occurred here. Specifically, the FBI repeatedly characterized its investigation in this case as an attempt to identify leakers who had been "inspired" by a specific individual – one whose activity was designed to criticize the government by

shedding light on perceived illegalities on the part of the Intelligence Community. In approximately the same timeframe, other leakers reportedly divulged classified information to make the government look good – by, for example, unlawfully divulging classified information about the search for Osama Bin Laden to the makers of the film Zero Dark Thirty, resulting in two separate Inspector General investigations.<sup>3</sup> Yet the investigation in this case was not described as a search for leakers generally, or as a search for leakers who tried to glorify the work of the Intelligence Community. Rather, it was described as a search for those who disclosed classified information because they had been “inspired” to divulge improprieties in the intelligence community.

That is, Snowden – who with WikiLeaks’ Sarah Harrison made sure to avoid capture so he could be an inspiration to others to follow – effectively just confirmed what the government has only alleged, and in secret, that there is a tie between him and Hale. In so doing, he has also confirmed an allegation in the superseding Assange indictment.

Between them, Snowden and Glenn are feigning that Trump would pardon anyone out of any concern for journalism or whistleblowing. Both claims are utterly absurd.

And in so doing, they’re going to make sure that any pardon Snowden gets is not because Trump cares about journalism or even wants to rein in spying (he has done the opposite, on both counts), but is done exclusively in the name of damaging the Deep State.