



Snowden's Revelations Confirmed by Three Other Whistleblowers

In a wide-ranging [interview](#) arranged by *USA Today* last Friday, three National Security Agency (NSA) whistleblowers and their attorney were grilled about Edward Snowden's revelations and their reactions to them. They uniformly exhibited a palpable sense of relief that finally someone had been able to break through and get their message into the public square, something they had failed to do on their own.



The three, Thomas Drake, William Binney and Kirk Wiebe, along with attorney Jesselyn Radack, the director of the non-profit public interest law firm Government Accountability Project, were asked pointedly about their reactions to what many are claiming were Snowden's illegal and even traitorous acts of disclosure of the surveillance state constructed by the NSA. To a man, they supported Snowden:

Binney: We tried to stay for the better part of seven years inside the government trying to get the government to recognize the unconstitutional, illegal activity that they were doing and openly admit that and devise certain ways that would be constitutionally and legally acceptable to achieve the ends they were really after.

And that just failed totally because no one in Congress or — we couldn't get anybody in the courts, and certainly the Department of Justice and inspector general's office didn't pay any attention to it. All of the efforts we made just produced no change whatsoever. All it did was continue to get worse and expand.

The others agreed with Binney's assessment and then Radack jumped in:

Radack: Not only did they go through multiple and all the proper internal channels and they failed, but more than that, it was turned against them....

The inspector general was the one who gave their names to the Justice Department for criminal prosecution under the Espionage Act. And they were all targets of a federal criminal investigation, and Tom [Drake] ended up being prosecuted ... for blowing the whistle.

They were asked if Snowden was a hero or a traitor:

Binney: Certainly he performed a really great public service to begin with by exposing these programs and making the government in a sense publicly accountable for what they're doing. At least now they are going to have some kind of open discussion like that.

Drake: He's an American who has been exposed to some incredible information regarding the deepest secrets of the United States government. And we are seeing the initial outlines and contours of a very systemic, very broad, a Leviathan surveillance state and much of it is in violation of the fundamental basis for our own country....

He is by all definitions a classic whistle-blower and by all definitions he exposed information in the



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public interest. We're now finally having the debate that we've never had since 9/11.

Under whistleblower laws, one who observes misconduct in violation of a law or which is perceived to represent a direct threat to the public interest (i.e., fraud, health or safety violations, or corruption) is protected from recriminations when he transmits such information to the U.S. Office of Special Counsel (OSC):

The Office of Special Counsel provides a secure channel through which current and former federal employees ... make may confidential disclosures.

OSC evaluates the disclosures to determine whether there is a substantial likelihood that one of the categories [listed] has been disclosed.

If such a determination is made, OSC has the authority to require the head of the agency to investigate the matter.

But efforts to reveal corruption, waste, and gross mismanagement inside the NSA by these three over the years have been met with essentially no satisfaction. Instead, retaliations were meted out to them. When Binney and Wiebe blew the whistle on the clear and wasteful mismanagement related to the Trailblazer project, they were subjected to retaliation and recriminations. In its detailed review by the General Accountability Project, GAP explained:

After seeing no change at NSA, Binney, Wiebe, Diane Roark, and former NSA colleague Edward Loomis filed a complaint with [the Department of Defense Inspector General] in September 2002. The complaint accused the NSA of massive fraud, waste, and mismanagement in connection with NSA's rejection of ThinThread and endorsement of the failing Trailblazer.

Two years later the Inspector General issued its final report, several hundred pages long, which substantiated the whistleblowers' concerns. And that's when the retaliations began. In July, 2007, the FBI began investigating the whistleblowers by conducting a coordinated raid on each of those who complained to the IG. Binney was arrested while taking a shower, with agents holding a gun to his head. He was pressured to implicate the others in the complaint (which he refused to do) and they seized his computer (which still hasn't been returned).

Weibe and his family were subjected to a similar raid and a day-long interrogation which resulted in FBI agents confiscating his computer and other records, which he had to sue the NSA in order to retrieve.

Drake was charged in 2010 with 10 charges under the Espionage Act, with potential penalties of 35 years in jail, which were later dropped in favor of a plea bargain by Drake to a misdemeanor charge. The retaliation succeeded in devastating Drake financially, stripping him of all of his assets as well as his pension.

When the three were asked by *USA Today* about whether Snowden could face the same reprisals as they did, their responses were a warning:

USA Today: What should Edward Snowden expect now?

Binney: Well, first of all, I think he should expect to be treated just like Bradley Manning (an Army private now being court-martialed for leaking documents to WikiLeaks). [If] the U.S. government gets ahold of him, that's exactly the way he will be treated.

USA Today: He'll be prosecuted?

Binney: First [he'll be] tortured ... and then incarcerated and then tried and ... even executed.



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Wiebe was more optimistic:

Wiebe: Now there is another possibility, that a few of the good people on Capitol Hill — the ones who say the threat is much greater than what we thought it was — will step forward and say: give this man an honest day's hearing.

You know what I mean. Let's get him up here. Ask him to verify, because if he is right — and all pointers are that he was — all he did was point to law-breaking. What is the crime of that?

Drake's experience with the government led him to give a more sober assessment of Snowden's future:

Drake: But see, I am Exhibit No. 1.... You know, I was charged with 10 felony counts. I was facing 35 years in prison. This is how far the state will go to punish you out of retaliation and reprisal and retribution....

My life has been changed. It's been turned inside, upside down. I lived on the blunt end of the surveillance bubble.... When you are faced essentially with the rest of your life in prison, you really begin to understand and appreciate more so than I ever have — in terms of four times I took the oath to support the Constitution — what those rights and freedoms really mean....

Believe me, they are going to [use] everything they have got to get [Snowden]. I think there really is a risk. There is a risk he will eventually be pulled off the street.

Near the close of the interview, Wiebe gave perhaps the best assessment of all. As a result of Snowden's disclosures, regardless of whether he is treated as a hero or a villain:

Wiebe: We are going to find out what kind of country we are, what we have become, what we want to be.

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