



Written by [Michael Tennant](#) on September 17, 2019

Snowden Says He Won't Return to the U.S. Unless He Gets a "Fair Trial"

Former National Security Agency (NSA) contractor and whistleblower Edward Snowden says he wants to come back to the United States, but only if the government will guarantee him a "fair trial" — something it has thus far refused to do.



Snowden has been living in Russia since 2013, when he was charged under the Espionage Act of 1917 for leaking classified information concerning the NSA's mass-surveillance programs to journalists. His memoir, *Permanent Record*, was released Tuesday.

In [an interview with CBS This Morning](#), Snowden was asked why he wouldn't come home rather than remain in Russia, where he could be portrayed as aiding a U.S. adversary.

"Of course I would like to return to the United States," said Snowden. "That is the ultimate goal. But if I'm going to spend the rest of my life in prison, then one bottom line demand that we all have to agree to is at least I get a fair trial. That is the one thing the government has refused to guarantee because they won't provide me access to what's called a 'public interest defense.'"

A public interest defense allows a defendant charged with revealing government secrets to argue that his actions furthered the public interest more than the government's attempts to maintain secrecy.

"I'm not asking for a parade. I'm not asking for a pardon. I'm not asking for a pass. What I'm asking for is a fair trial," Snowden maintained. "The government wants to have a different kind of trial. They want to use special procedures. They want to be able to close the courtroom. They want the public not to be able to know what's going on.... They do not want the jury to be able to consider the motivations — why I did what I did. Was it better for the United States? Did it benefit us? Or did it cause harm? They don't want the jury to be able to consider that at all. They want the jury strictly to consider whether these actions were lawful or unlawful, not whether they were right or wrong. I'm sorry, but that defeats the purpose of a jury trial."

While the government has long claimed that Snowden violated his oath of secrecy in revealing NSA's programs, Snowden pointed out that although he did indeed sign a secrecy agreement, he also took an "oath of service ... to support and defend the Constitution of the United States of America against all enemies —[direct quote] — foreign and domestic."

That, he continued, raises the question: "What happens when our obligations come into conflict?" In Snowden's opinion, allegiance to the Constitution should take precedence over allegiance to a particular government agency. The government, naturally, disagrees.

"It's not hard to make the argument that I broke the law," Snowden said, declining to offer his own opinion on the lawfulness of his actions but explaining that, as a contractor, he was not covered under whistleblower-protection laws. However, he asked, "What's the question that's more important here? Was the law broken or was that the right thing to do?"

Furthermore, he noted that although the government has repeatedly insisted that his leaks put people



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at risk, it has never provided any evidence to back up this assertion. “If they had some classified evidence that a hair on a single person’s head was harmed, you know as well as I do, it would be on the front page of the *New York Times* by the end of the day,” he remarked.

Likening the government’s treatment of him to that of Pentagon Papers leaker Daniel Ellsberg, Snowden said, “What harms the country? Is it a war built on lies? Or is it the revelation of those lies? Is it the construction of a system of mass surveillance that violates our rights? Or is it the revelation of that by the newspapers that we trust? If we can’t trust newspapers, if we can’t agree on the basic facts and then have a discussion about whether this was right or wrong, not what’s lawful or unlawful, we’re losing our position as a democracy and as a government that is controlled by the people — rather than people that are controlled by the government.”

Image of Edward Snowden: Screenshot of video by [Praxis Films](#) on [Wikipedia](#)



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