

Are whistleblowers  
heroes or traitors?



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## EDWARD SNOWDEN AND BRADLEY (CHELSEA) MANNING: HEROES OR TRAITORS?

Author Note

Introduction Paragraph

First paragraph: Edward Snowden: Who is he and what has he done?

Second paragraph: Edward Snowden: Issues in the law; Is he a hero or traitor?

Third paragraph: Bradley (Chelsea) Manning: Who is he and what has he done?

Fourth paragraph: Bradley (Chelsea) Manning: Issues in the law; Is he a hero or traitor?

Conclusion Paragraph: Edward Snowden, Chelsea Manning, positive vs. natural law.

### **ABSTRACT**

Edward Snowden and Bradley (Chelsea) Manning disclosures of secret National Security Agency (NSA) files raises an important question. Are Edward Snowden and Bradley (Chelsea) Manning heroes, or traitors? Ultimately, the author will show how Snowden revealed that the United States government had been mass surveilling the people of America without their permission or knowledge and how Manning revealed “*The Cost of War*” showing how United States is intervening in the Middle East (Abu Omar abduction, the Iraqi Civilian death toll, and the viral video collateral *murder*).

Furthermore, the author will discuss how the United States Espionage act affects both Snowden and Manning in a way that makes it impossible to explain their reasoning for their actions.

## **INTRODUCTION**

When is it just to break the law? Edward Snowden, Julian Assange and Chelsea Manning have faced this question head on. All three are known as whistleblowers. These whistleblowers have disclosed top secret Government intelligence documents to the public and have sparked a worldwide debate concerning the surrender of our privacy for security. Some say that these whistleblowers are traitors. Donald Trump, President of the United States says that whistleblowers like Snowden and Manning are traitors and implies that they should be executed. "... Spies in the old days used to be executed"(Donald Trump). Others say that he is a " human rights hero (Amnesty International)". This story is of particular interest as it raises the question of whether the reason behind breaking the law should help determine the outcome.

The purpose of this article is to examine whether these whistleblowers made the right choice in deciding to leak top secret government information. Are these whistleblowers heroes for making the world aware of the grotesque acts that the United States government affiliated to both America and the rest of the world?

In Paragraph I, the article will outline who Edward Snowden is, it will explain what information that he leaked and will mention. In Paragraph I part II, the article will define the legal issues that are brought up in respect to Snowden.

In paragraph II, the article will outline who Manning is, it will explain the information that he leaked, and will mention the charges that were brought upon him. In Paragraph II part II it will define the legal issues that are brought up in respect to Manning. Lastly, in paragraph III the article will outline Assange and will explain how he is involved in the case. The article will also outline what Assange is charged under.

In undertaking this analysis, this article suggest that Edward Snowden, Chelsea Manning, and Julian Assange are heroes, not traitors and should be treated accordingly. However, the article suggests that despite having the best intentions, they should be punished under a lesser sentence.

## **EDWARD SNOWDEN**

Snowden is a 33 year old former CIA and NSA contractor born in Elizabeth City, North Carolina. Snowden derived from a family of patriots. His father worked for the military for 30 years, his grandfather retired as an admiral, and his mother to this day works for the federal courts. Snowden decided that he wanted to join the government during the Iraq war. Snowden's desire to join the army is evident when he said in an interview that his motive of joining the army was to free people from oppression. Snowden said, *" This is the kind of thing that led me to the army. When they said, " We're going to free oppressed people from a dictator," I felt that I had an obligation to do my part to see that happen"*(Snowden) . Snowden began training for the special forces in 2004 but ultimately failed as he suffered a fatal injury during a training exercise. Snowden was then discharged from the military. Snowden, still wanting to fight for his country, began his training for the CIA in 2006. Graduating at the top of his class, Snowden was deployed with

diplomatic cover to Geneva to maintain the CIA's security network. While undercover, Snowden discovered a program that made him start questioning NSA's power. The NSA program was called " XKeyscore" . Snowden revealed in an interview that this program filtered information that the NSA collected on a daily base and see everything that a particular person was posting. In an interview with Norddeutscher Rundfunk, Snowden explained the immense reach of XKeyscore. Snowden said,

*" Let's say I saw you once and I thought what you were doing was interesting or you just have access that's interesting to me, let's say you work at a major German corporation and I want access to that network, I can track your username on a website on a form somewhere, I can track your real name, I can track associations with your friends and I can build what's called a fingerprint which is network activity unique to you which means anywhere you go in the world anywhere you try to sort of hide your online presence hide your identity, the NSA can find you and anyone who's allowed to use this or who the NSA shares their software with can do the same thing.*

Shortly after working for the CIA, Snowden began working for Dell in Japan to upgrade the NSA's computer systems and protect from Chinese hackers(Forbes). After working in Japan for a couple of years, Snowden began to work for a company named " Booz Allen Hamilton"(BAH) , an American consulting firm with ties to the NSA. This is where Snowden uncovered the Grotesque spying of the American people. So, Snowden then gathered all the data he could about the illicit activities the government was

performing and leaked it to *The Guardian*. Snowden leaked thousands of top secret files including that government had secret court orders to collect all telephone records and that the government has a secret software named PRISM. According to *The Guardian*, PRISM is a software that grants full access to a company's servers and can access private emails, telephone calls etc; The companies are obliged by law to hand over this information. After revealing himself in an interview with *The Guardian*, the United States has charged him with "theft of government property unauthorized communication of National Defense information, and willful Communication of Classified Communications Intelligence Information to an Unauthorized Person (Caselaw). After evading an extradition from Hong Kong, Snowden claimed asylum in Russia and is presently living there.

## **EDWARD SNOWDEN: RIGHT AND WRONG, LEGAL, AND ILLEGAL**

In order to analyse whether Snowden is a hero or a traitor we first have to understand the legal issues that his case raises. This article is not arguing whether Snowden broke the law or not but rather raising the question of whether it was a justifiable use of breaking the law. Snowden revealed that the United States forced Verizon to hand over its phone data in a classified court order (*The Guardian*). The classified court is named *United States Foreign Intelligence Surveillance Court* and was not known to the public until Snowden leaked the court order. The government responded and said that they are within their right to do because of a provision in the U. S Patriot act. The U. S Patriot Act, an act signed by Bush just a month after the *9/11 attacks*, states,

*“ Director of the Federal Bureau of Investigation or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge) may make an application for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) for an investigation to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution”.*

The act also has a provision, stating that their needs to be reasonable grounds to request for this information (LII). In this case, the government had not even considered or stated why this information is relevant and does not even mention why they need the information now. In a unanimous decision the Federal Court of Appeals states why the government's reasoning for obtaining this information is not allowed nor is it constitutional...The court states,

*“[T]he government takes the position that the metadata collected — a vast amount of which does not contain directly ‘ relevant’ information, as the government concedes — are nevertheless ‘ relevant’ because they may allow the NSA, at some unknown time in the future, utilizing its ability to sift through the trove of irrelevant data it has collected up to that point, to identify information that is relevant. We agree with appellants that such an expansive concept of ‘ relevance’ is unprecedented and*

*unwarranted”*

*(AMERICAN CIVIL LIBERTIES UNION V. NATIONAL SECURITY AGENCY).*

The U. S District Judge in his ruling described the NSA’s capabilities as “almost Orwellian”. The NSA is violating the constitution by spying on its people. Without Snowden’s leak, the ACLU would have never been able to bring this to trial as we would have never known of it. After the verdict, the government began to introduce 20 bills all aimed at tackling surveillance in America including the most prominent one The *U. S. A Freedom Act* ( *Slate* ). This act prevents mass surveillance and puts an end to programs like PRISM. By bringing the government’s illicit actions to light, Snowden has shown the people of America that the government is breaking the law and acting unconstitutionally and should be considered a patriot. However, despite acting in good intentions, the government is still trying to arrest him. Snowden has sparked debate worldwide. Some say that he is a patriot as he took on immense risk all for the good of the people while some say that he is a spy and should be executed (Donald Trump). Snowden explained in an interview with *The Guardian* that he’d be okay losing if he had a fair trial., “ *If I ended up in Guantanamo, I can live with that*”. This demonstrates his character, as he understands that he is fighting for the people, but if the people think he is guilty then he deserves to go to prison. This is further demonstrated in an interview with NBC when Snowden revealed that he leaked the documents because of his love of his country and the people in it. (NBC). Instead, of thinking that Snowden committed an illegal act we should think he is a hero because he did the right thing. In Snowden’s own



words, “ *We should always make a distinction that right and wrong, is a very different standard than legal and illegal. The law is no substitute for morality*”. This is not the only time that there has been tension in the law in order for progression. Some examples are; Whether it was The abolition of slavery, and the increased rights of women. “ Laws were broken because the laws were wrong.

In Conclusion, the author suggests that he is a hero. The definition of a hero is someone who overcomes adversity often sacrificing their own personal concerns for the greater good. In this example, Snowden has put his country first. Snowden has risked his life and his freedom in order to inform the citizens of America about the U. S government’s illegal activities and has still stayed true to the one thing that every American wants to uphold... The Constitution. Often, heroes have a code or moral principle that they want to protect. In this case, Snowden wants to uphold his code which is that the constitution should be upheld. Snowden even taken an oath to uphold something so precious to him. As every federal employee has to taken an Oath of Office. The Oath of Office is widely considered “ *The Cornerstone of America*” (RYOC) and is essentially a vow to protect their country and uphold the constitution. The Oath states,

*“ I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God”.*

Snowden protected the one thing he swore to protect. The NSA paints Snowden as a traitor, and says that he broke the oath he has taken by revealing the information but in reality he defended the constitution while the NSA was attacking by illegally spying on its people.

## CHELSEA MANNING

Bradley Manning, now known as Chelsea Manning, is a United States Army soldier who served as an intelligence analyst. Manning had a troubled childhood says her sister, Casey. According to Casey, she took care of Manning when she was 11 because both parents were alcoholics even to the extent of making her a bottle in the middle of the night (Washington Post). At a young age Manning was considered intelligent, winning top prize at local science fairs and even in a state wide quiz bowl (Washington Post). Manning became openly gay in 2005 when he came back from Iraq. When Manning came back, Manning's father reportedly spent weeks trying to convince her to join the military (Washington Post). Manning joined the military in 2007. According to BBC news, Manning's friends said that she joined the military to pay for college but eventually Manning stated that she had joined in hopes to rid her desires for becoming a woman (BBC). In 2009, Manning was deployed to Iraq as an intelligence analyst. This is where she granted access to the classified information that she had leaked. Manning made contact with *Julian Assange* in 2009. She gave Assange almost 750,000 classified documents including the famous video *Collateral Murder*, where it shows the U.S. military killing 12 civilians and killing the people who were trying to save the injured. The leaks also included 251,287 U.S. diplomatic cables and 482,832 war logs. After leaking the information, she

confided in a hacker named Adrian Lamo. Lamo later informed the Army and Manning was arrested in May of that same year. After Manning was arrested, he was charged with 22 offenses including the most serious charge *Aiding the Enemy*, which could have resulted in life in prison. Manning was sentenced 35 years in prison thus becoming the harshest sentence that a whistleblower has ever received.

### **CHELSEA MANNING: *THE COST OF WAR***

In order to analyze whether Manning is a hero or a traitor, we need to understand his criminal case and the arguments made. Then, like Edward Snowden said, “ *We should always make a distinction that right and wrong, is a very different standard than legal and illegal. The law is no substitute for morality*”. This is true especially for Chelsea Manning as her case is a bit more drastic than Snowdens. Manning stole and released over 700, 000 classified documents in order to show us “ *The Cost of war*”. Manning has been charged with aiding the enemy for leaking this classified information to the media. The enemy is considered at this time to be Al Qaeda, and Al Qaeda of the Arabian Peninsula. Manning leaked names who’d had confidential discussions with US diplomats. He also released that the president of Yemen was lying to his own Congress about American drone strikes in his country ( *The Guardian* ). In his case, Manning pled to 10 offenses which would have landed him around 20 years in prison. However, the military insisted that he was charged with aiding the enemy and violating the espionage act which would have added a life sentence. Eugene Fidell, an expert in military justice at Yale Law School, said that even Khalid Sheikh Mohammed, the suspected architect of the 9/11 attacks, had greater rights of

appeal than Chelsea would. " *If he's convicted by a military commission in Guantanamo, KSM will get a straight shot at the US Supreme Court*, He said . " *By contrast, if CAAF denies Manning a review as it does in most cases, he will be out in the cold*". This shows how cruel the U. S government is towards Manning. At the time Manning was 22 years when he released those documents. After being arrested, Manning was in solitary confinement and subjected to forced nudity during inspection (Huffington Post). This not only violated his eighth amendment right but also violated article 16 of the convention against torture. Juan Mendez, UN special rapporteur on torture, said that Manning's treatment while he was in prison was cruel, inhuman, and degrading. Mendez said,

*" I conclude that the 11 months under conditions of solitary confinement (regardless of the name given to his regime by the prison authorities) constitutes at a minimum, cruel, inhuman and degrading treatment in violation of article 16 of the convention against torture. If the effects in regards to pain and suffering inflicted on Manning were more severe, they could constitute torture" (The Guardian).*

Manning had not been to trial and had been psychologically beaten by the government. This not only violated his right to physical and psychological integrity, but violated his presumption of innocence.

So, what info did Manning give to the public that would warrant such inhumane treatment? Manning released documents that exposed the detainment of innocent people of Guantanamo Bay, he revealed " *The cost of*

*war*” in both Iraq and Afghanistan, and he helped fuel pro- democratic movements in the Arab world. After releasing the documents about the war crimes committed in Iraq. Iraq then refused to grant criminal and civil immunity to US troops if their stay was prolonged, thus promptly causing Obama to withdraw them from Iraq saving many American and Iraqi lives.

Some of the documents that Manning released were shocking videos showing the war crimes that the US committed. The video “ *Collateral Murder*”, released by Wikileaks, shows the disregard for human life and shows various war crimes committed by the U. S government. The video shows a US apache attack helicopter killing 12 civilians including 2 *Reuters* reporters and wounding two children on the ground in Baghdad in. Then, after they gruesomely killed the civilians, they murdered the people trying to rescue the wounded. Finally, to add insult to injury, a tank ran over one of the bodies cutting the man in half (Youtube). Not only did they murder innocent people but they got away with it until Manning leaked the video. this video depicted 3 war crimes. Section 499 of the Army Field Manual states, “ Every violation of the law of war is a war crime.” According to Article 85 of the First Protocol to the Geneva Conventions, it defines that killing civilians is a war crime.(Huffington Post). In this video, it is clearly seen that not only did they shoot civilians, but they taunted them after their death. One of the gunners in the apache helicopter said, “ Look at them dead bastards”(Youtube). They showed zero remorse and even laughed about it. Then, to make matters worse, they violated article 17 of the First protocol. This states that the civilian population “ shall be permitted, even on their own initiative to collect and care for the wounded.” The article then says, “

No one shall be harmed... for such humanitarian acts". In the video collateral murder, it is clearly seen that the gunners killed the good samaritans while they were picking up bodies. Lastly, they violated another section of the army field manual when the jeep drove over the dead body. Section 27-10 of the Army Field manual states that " maltreatment of dead bodies is a war crime. Not only did they run over the body, but they even laughed about it when one of the gunners mentioned it.

According to Huffington post, they said that Manning had gone to his chain of command and asked them to investigate the video and other videos but ultimately refused. They also mention that he was obliged to do so. The Huffington Post states,

*" Enshrined in the US Army Subject Schedule No. 27-1 is " the obligation to report all violations of the law of war." At his guilty plea hearing, Manning explained that he had gone to his chain of command and asked them to investigate the " Collateral Murder" video and other " war porn," but his superiors refused. " I was disturbed by the response to injured children," Manning stated. He was also bothered by the soldiers depicted in the video who " seemed to not value human life by referring to [their targets] as ' dead bastards'" Huffington Post*

Manning went through the proper chain of command in order to fix the problem but ultimately was told to forget about it. Since Manning was ordered not to reveal classified information that contains the war crimes, it

should also be noted that it works vice versa. Therefore, Manning had and performed his legal duty to reveal the war crimes (Huffington Post).

In order for Manning to be found guilty under the Espionage act, the prosecutors must prove beyond a reasonable doubt that he maliciously release those files to harm the United States. In court, Manning stated that he released the documents to spark debate about foreign policy in general as it applied to Iraq and Afghanistan. Mannings goal was to inform the public about what are government-the people we elect to govern us- are doing. In this case, they are violating the military guidelines and Geneva conventions. The government also broke the law when they presumed that he was guilty before his trial had begun. President Obama commented on Manning saying that he broke the law before he was tried. Obama said, “ *We are a nation of laws... He broke the law*” (*The Guardian*)!. Not only did Obama pronounce him guilty before his trial, but the Chairman of the Joint Chiefs of staff, General Martin Dempsey, also said that he broke the law “(Stars and Stripes). This poisoned the well and violated Article 37 of the Uniform code of Military Justice by “ *Unlawfully Influencing Action of Court*”(Truth out). Manning’s lawyer tried to bring Obama to testify in this case, stating that it should be clear why he was needed as he influenced the court’s decision. He said,

*“ The relevancy of these witnesses should be obvious. Each of these witnesses has provided statements that contradict those given by the OCA [Original Classification Authority] witnesses regarding the alleged damage caused by the unauthorized disclosures. Additionally, each of these witnesses is relevant in*

*order to inquire into the issues of unlawful command influence and unlawful pretrial punishment in violation of Articles 13 and 37 of the UCMJ.”” Huffington Post*

In Conclusion, the author believes that despite the fact Manning broke the rules, the people have to recognize that the rules are very contradictory. Manning has a duty to report all war crimes and tried to report it to his superiors but ultimately they refused. Should his moral obligation end there? It is the author's belief that he put morality over legality and thus should be noted. His obligation is report war crimes and not listen to unlawful orders. By not reporting the crime is to follow an unlawful order and should be recognized. Does this mean that Manning should serve no time? The author believes that regardless of Manning's intent, he still acted recklessly by releasing the files and how he released them. However, the time he served before the trial should have been his sentence after all the cruelty he had received. By definition Manning is a hero as thought through adversity by challenging the United States government and sacrificed himself so that the people could know the *True Cost of War*

## **CONCLUSION**

In conclusion, the author believes that both Snowden and Manning are innocent. Both Snowden and Manning put themselves through adversity for the greater good. In Snowden's case he had to leave his home and was on the run from the American government because he leaked information about the mass surveillance going on in America. Similarly, Manning received 35 years in prison, torture from his government because she released information pertaining to “ *The Cost of War* . The Stare Decisis in this case



would be the Nuremberg trials of WWII. The Nuremberg trials brought up that even if something is legal that it does not make it moral. This is a case of positive vs. natural law. Natural law says that there is a morality in which law is to reflect and if its morality does not reflect the law then it is considered unjust. Positive law states that what is legal is moral. Mostly positive law was used throughout the 20th century until the Nazi regime happened.

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