

NSA leaker charged with espionage, theft

June 22 2013, by Pete Yost



This photo provided by The Guardian Newspaper in London shows Edward Snowden, who worked as a contract employee at the National Security Agency, in Hong Kong, Sunday, June 9, 2013. According to a Department of Justice official on Friday, June 21, 2013, a criminal complaint has been filed against Snowden in the NSA surveillance case. (AP Photo/The Guardian)

The Justice Department has charged former National Security Agency contractor Edward Snowden with espionage and theft of government property in the NSA surveillance case.

Snowden, believed to be holed up in Hong Kong, has admitted providing information to the news media about two highly classified NSA

surveillance programs.

A one-page criminal complaint unsealed Friday in federal court in Alexandria, Va., says Snowden engaged in unauthorized communication of national defense information and willful communication of classified communications intelligence information. Both are charges under the Espionage Act. Snowden also is charged with theft of government property. All three crimes carry a maximum 10-year prison penalty.

The federal court in the Eastern District of Virginia where the complaint was filed is headquarters for Snowden's former employer, government contractor Booz Allen Hamilton.

The complaint is dated June 14, five days after Snowden's name first surfaced as the leaker of information about the two programs in which the NSA gathered telephone and Internet records to ferret out terror plots.

The complaint could become an integral part of a U.S. government effort to have Snowden extradited from Hong Kong, a process that could turn into a prolonged legal battle. Snowden could contest extradition on grounds of political persecution. In general, the extradition agreement between the U.S. and Hong Kong excepts political offenses from the obligation to turn over a person.

It was unclear late Friday whether the U.S. had made an extradition request. On Saturday, Hong Kong legislators said the [Chinese government](#) should make the final decision on whether Snowden should be extradited to the United States.

Outspoken legislator Leung Kwok-hung said Beijing should instruct Hong Kong to protect Snowden from extradition before his case gets dragged through the court system. Leung also urged the people of Hong

Kong to "take to the streets to protect Snowden." The charges against Snowden were first reported by The Washington Post.

The Espionage Act arguably is a political offense. The Obama administration has now used the act in seven criminal cases in an unprecedented effort to stem leaks. In one of them, Army Pfc. Bradley Manning acknowledged he sent more than 700,000 battlefield reports, diplomatic cables and other materials to the anti-secrecy website WikiLeaks. His military trial is on-going.

Sen. Bill Nelson, D-Fla., a member of the Senate Armed Services Committee, welcomed the charges against Snowden. "I've always thought this was a treasonous act," he said in a statement. "I hope Hong Kong's government will take him into custody and extradite him to the U.S."

But the Government Accountability Project, a whistle-blower advocacy organization, said Snowden should be shielded from prosecution by whistle-blower protection laws. "He disclosed information about a secret program that he reasonably believed to be illegal, and his actions alone brought about the long-overdue national debate about the proper balance between privacy and civil liberties, on the one hand, and national security on the other," the group said in a statement.

Michael di Pretoro, a retired 30-year veteran with the FBI who served from 1990 to 1994 as the legal liaison officer at the American consulate in Hong Kong, said "relations between U.S. and Hong Kong law enforcement personnel are historically quite good."

"In my time, I felt the degree of cooperation was outstanding to the extent that I almost felt I was in an FBI field office," said di Pretoro.

The U.S. and Hong Kong have a standing agreement on the surrender of

fugitives. However, Snowden's appeal rights could drag out any extradition proceeding.

The success or failure of any extradition proceeding depends on what the suspect is charged with under U.S. law and how it corresponds to Hong Kong law under the treaty. In order for Hong Kong officials to honor the extradition request, they have to have some applicable statute under their law that corresponds with a violation of U.S. law.

In Iceland, a business executive said Friday that a private plane was on standby to transport Snowden from Hong Kong to Iceland, although Iceland's government says it has not received an asylum request from Snowden.

Business executive Olafur Vignir Sigurvinsson said he has been in contact with someone representing Snowden and has not spoken to the American himself. Private donations are being collected to pay for the flight, he said.

"There are a number of people that are interested in freedom of speech and recognize the importance of knowing who is spying on us," Sigurvinsson said. "We are people that care about privacy."

Disclosure of the [criminal complaint](#) came as President Barack Obama held his first meeting with a privacy and civil liberties board as his intelligence chief sought ways to help Americans understand more about sweeping government surveillance efforts exposed by Snowden.

The five members of the little-known Privacy and Civil Liberties Oversight Board met with Obama for an hour in the White House Situation Room, questioning the president on the two NSA programs that have stoked controversy.

One program collects billions of U.S. phone records. The second gathers audio, video, email, photographic and Internet search usage of foreign nationals overseas, and probably some Americans in the process, who use major providers such as Microsoft, Google, Apple, and Yahoo.

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