April 9, 2018

End Espionage Act Prosecutions of Whistleblowers

We the undersigned organizations and individuals call for an end of using the constitutionally dubious Espionage Act to prosecute whistleblowers who give information to the media on matters of public concern.

It is entirely inappropriate to use a law supposedly aimed at actual spies and saboteurs, against individuals who act in good faith to bring government misconduct to the attention of the public. Yet, we have seen this statute used with greater frequency against whistleblowers.

This week, the Department of Justice charged former FBI agent Terry J. Albury under the Espionage Act for alleged disclosures to the media. According to charging documents, the government alleged Albury gave two documents to the media--most likely The Intercept. Allegations by the government are just that--allegations. However, the documents in question are of immense public interest. One deals with how the FBI assesses confidential informants. The FBI’s use of confidential informants has continuously raised concerns about profiling, surveillance of First Amendment protected activity, and entrapment. This is to say nothing about the general concerns about the FBI’s confidential informant program. For example, according to documents obtained by The Intercept the FBI, in its pursuit of informants, investigates individuals without probable cause of criminal wrongdoing and hunts for information that can be used to pressure them into becoming informants.

Civil liberties, civil rights, and human rights groups have long sought more information about the FBI’s sprawling use of informants, but the FBI has not been forthcoming. The Intercept’s reporting helped to create a more robust, informed public debate. According to Albury’s attorneys, his actions were driven “by a conscientious commitment to long-term national security and addressing the well-documented systemic biases within the FBI.”

Helping the media shine light on systemic biases and abuses by the government is a far cry from espionage. It is the hallmark of authoritarian regimes to equate journalism, whistleblowing, and truth telling with espionage. It is entirely unacceptable for a democratic society to do the same.

We call for an end of using the constitutionally dubious Espionage Act to prosecute whistleblowers who give information to the media on matters of public concern.
Individual Endorsements:

**Ann Wright**, US Army Colonel (Retired) and former US diplomat

**Bogdan Dzakovic**, 9/11 attacks whistleblower

**Chip Gibbons**, Journalist

**Coleen Rowley**, FBI agent (Retired) and whistleblower

**Dave Logsdon**, President, Chapter 27, Veterans For Peace

**David Swanson**, Director, World BEYOND War

**Diane Roark**, Republican professional staff, House Intelligence Committee, 1985-2002

**Edward Loomis**, NSA Cryptologic Computer Scientist (Retired) and whistleblower

**Elizabeth Murray**, former Deputy National Intelligence Officer for the Near East, National Intelligence Council

**J. Kirk Wiebe**, Former Senior Intelligence Analyst and NSA Whistleblower

**Jesselyn Radack**, Director, Whistleblower & Source Protection Program, Expose Facts

**John Kiriakou**, CIA Torture Whistleblower

**Kevin Zeese**, co-director, Popular Resistance and attorney

**Kristin Dooley**, Director, Women Against Military Madness

**Linda Lewis**, WMD preparedness policy analyst, USDA (Retired)

**Margaret Flowers**, co-director, Popular Resistance and medical doctor

**Michael S. Kearns**, Air Force Intelligence Officer (Retired)

**Mike McDonald**, Veterans for Peace member

**Norman Singleton**, President, Campaign for Liberty

**Norman Solomon**, Executive Director, Institute for Public Accuracy

**Penelope Gardner**, Veterans For Peace Member, Women Against Military Madness

**Ray McGovern**, Former CIA Analyst

**Robert Wing**, Foreign affairs internal whistleblower

**Sascha Meinrath**, Technologist

**Thomas Drake**, Former NSA senior executive & whistleblower

**William Neuheisel**, Civil liberties advocate, WHIPSER
Organizational Endorsers:

Defending Rights & Dissent
Campaign for Liberty
Come Home America
Fight for the Future
Fight for the Future
Government Accountability Project
Popular Resistance
Restore The Fourth
RootsAction.org

Sam Adams Associates for Integrity in Intelligence
Veteran Intelligence Professionals for Sanity
Veterans For Peace, Chapter 115
Veterans For Peace, Chapter 27
Whistleblower & Source Protection Pgrm,
ExposeFacts
Women Against Military Madness
X-Lab

For more information, please contact Chip Gibbons, Policy & Legislative Counsel, Defending Rights & Dissent at chip@rightsanddissent.org or (202) 552-7408