

# The Other Drone Casualties: The Whistleblowers Who Tried to Stop It

*by Jesselyn Radack and William Neuheisel, published on Common Dreams, January 4, 2022*

The United States continues to play prosecutor, judge, jury, and executioner of anyone on the planet. Despite a decade of air carnage, the only person in prison is the man who exposed it.

**The New York Times'** investigation into the Pentagon's civilian casualty files is some of the most important journalism in the War on Terror. It methodically and thoroughly picks apart the layers of lies around drone warfare and proves that the few examples of civilian casualties that have been investigated previously were not one-off mistakes. Unfortunately, this reporting comes too late for the civilians in Afghanistan, Iraq, and Syria who bore the brunt of the brutal air campaigns.

Over the years, a number of veterans have been sounding the alarm about precisely these issues, trying to blow the whistle while it could still save lives. We have represented more than a dozen such veterans who, despite being vindicated in their concerns, have suffered dire and ongoing consequences for their whistle blowing, on top of crippling moral injury from participating in a global assassination program.

They began to come forward in 2012 and 2013. Nothing. Some of them participated in the award-winning documentary '*National Bird*' in 2014. Several more risked their freedom and came forward publicly in 2015. They all bore witness to what had become essentially common knowledge among drone pilots, sensor operators, and imagery analysts: civilian casualties were not

an aberration and the much-touted policy safeguards and precision technology were little more than a facade in terms of actually protecting innocents. Operators or their supervisors would minimize concerns of children spotted in a strike with dehumanizing terms such as "*fun-sized terrorists*" or "*terrorists in training*," or by simply insisting the child had been a dog. People fleeing a bombed building were referred to as "*squirters*."

These whistleblowers have had to navigate abnormally high rates of PTSD, anxiety, depression, alcoholism, drug abuse, and suicide. They have been berated by anti-war groups, denied veterans' benefits because they were not "*boots on the ground*," and subject to pretextual government investigations targeting them and their families. One former service member described to NY Times Magazine the lasting effects of moral injury, PTSD, and anxiety he suffered after leaving the drone program as well as the threats and harassment he endured after speaking out. When another client was in Germany to testify before the German Bundestag about drone warfare, Air Force officials showed up on his mother's doorstep in Missoula, Montana and told her she was being targeted by ISIS because her son was speaking out.

The most severe consequences have been borne by Afghanistan war veteran Daniel Hale, who was prosecuted under the draconian Espionage Act and is serving a nearly four-year prison sentence because he was the source for a groundbreaking reporting series and book on drone assassinations. Hale had started like other dissenters, speaking out in public forums about his experiences in the drone program after having left the military. But his conscience continued to plague him, and he had started to think of himself as a war criminal. He described his tipping point after he had unexpectedly regained access to classified drone documents at his next job as a military contractor, where his colleagues would watch "*drone porn*"—raw footage of drone strikes—as a form of entertainment.

The documents he later gave to journalists were concrete evidence of what he and other whistleblowers had been saying (and what the Times' investigation would later confirm): the claims of accuracy touted by the military and political leaders were grossly untrue, and they knew it. The military's own studies showed that up to 90% of strike victims were not the intended target. Yet they almost never bothered to investigate the civilian deaths they claimed to work so hard to avoid. Instead, those deaths were deemed "*enemies killed in action*." And that inflated number of "*enemy*" casualties formed the basis for awards and promotions.

When Hale attempted to explain the motivation for his actions at sentencing, prosecutors protested that he had "*helped ISIS*," and compared him to a heroin dealer who insisted that his crimes were good for the community.

Hale spent the holidays isolated from friends and supporters by the contact restrictions and intense surveillance of a "*Communications Management Unit*", where he was placed by the Bureau of Prisons under the absurd rationale that he might commit another "*communications-based crime*" from prison, despite having had no access to classified material for almost a decade. He was unable to comment on recent news that yet again, the military absolved itself of any wrongdoing in the horrifically botched but not atypical August drone strike in Kabul—the parting shot of the American withdrawal from Afghanistan.

**\*Featured Image:** *The most severe consequences have been borne by Afghanistan war veteran Daniel Hale, who was prosecuted under the draconian Espionage Act and is serving a nearly four-year prison sentence because he was the source for a ground-breaking reporting series and book on drone assassinations. (Photo: Flickr/cc/Backbone Campaign)*

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# **New York Times Reporting on Airstrikes Should Give Daniel Hale More Credit**

*by Sam Carliner, published on Common Dreams, December 20, 2021*

The **New York Times** recently came through with a display of reporting that should be commended. On December 18, the paper announced its release of hundreds of the Pentagon's confidential reports of civilian casualties caused by U.S. airstrikes in the Middle East. This follows its high profile investigations into the U.S. drone murder of the Ahmadi family during the Afghanistan withdrawal, and an American strike cell in Syria that killed dozens of civilians with airstrikes.

Many journalists will, rightfully, praise the New York Times for its reporting on U.S. airstrikes and the civilian cost. Far fewer will point out how the inhumanity of U.S. airstrikes were first revealed in 2013 by whistleblower Daniel Hale.

Hale used his first hand experience identifying targets for the drone program to highlight how it relies on faulty criteria, and as a result, kills civilians. Later, Hale worked for the National Geospatial-Intelligence Agency, where he had

access to documents on how the drone program operates. Hale provided those documents to the Intercept which published them as The Drone Papers in 2015. While Hale's documents were not as comprehensive as the trove recently published by the New York Times, they did provide much of the same core revelations, particularly the faulty nature of how intelligence is gathered and the high civilian-toll of air campaigns. Most notably, Hale's documents revealed that 90% of the drone program's victims were not the intended targets. Up until the recent reporting by the New York Times, Hale's revelations were the most comprehensive proof of how U.S. air warfare functions.

To be fair, the Times' reporting on the brutal nature and high civilian cost of U.S. airstrikes is not insignificant. Americans could have easily ignored the Pentagon's violence now that the "boots on the ground" approach to intervention has largely ended with Biden's Afghanistan withdrawal. In fact, the use of airstrikes was championed by Obama so as to avoid anti-war sentiments from Americans. The Times actually highlights this, writing:

*"The air campaign represents a fundamental transformation of warfare that took shape in the final years of the Obama administration, amid the deepening unpopularity of the forever wars that had claimed more than 6,000 American service members. The United States traded many of its boots on the ground for an arsenal of aircraft directed by controllers sitting at computers, often thousands of miles away."*

Still, as much as the Times' reporting already seems to be provoking conversation around U.S. air warfare, it is concerning that this conversation comes with the risk of Hale's own heroic actions being disregarded. The Times makes no mention of Hale's actions, even as they receive accolades for supposedly breaking to the world the violence of U.S.

airstrikes. More damning is how little the Times has commented on the fact that Hale was sentenced to nearly four years in prison earlier this year for exposing the drone program. Aside from a standard article about his sentencing published in July, Daniel Hale is absent from the New York Times' pages. Azmat Khan, the reporter behind the *"Civilian Casualty Files"* has not mentioned Daniel Hale once on Twitter.

It's not like there have not been updates in Hale's story since he was sentenced. After his sentencing, Hale was kept languishing in a jail for over two months even though he was supposed to be transferred in a matter of weeks. Once finally transferred, Hale's situation was made worse. He was supposed to be sent to a prison that would provide care for his Post Traumatic Stress Disorder diagnosis, but instead he is now being held in a communication management unit (CMU). CMU's are designed for terrorists and *"high-risk inmates"* and detainees have highly restricted contact with the outside world. The American Civil Liberties Union has called on the U.S. government to end its use of CMUs, arguing that these *"secretive housing units inside federal prisons in which prisoners are condemned to live in stark isolation from the outside world are unconstitutional, violate the religious rights of prisoners and are at odds with U.S. treaty obligations."*

Daniel Hale deserves freedom for revealing proof of the very crimes the New York Times is now being praised for exposing. His support team and anti-war activists have been working hard to grow concern and action for his cause, but that is a daunting task considering Hale is a person who the U.S. government, and U.S. military in particular, want silenced. But as the Times has shown with its own reporting of U.S. airstrikes, they have a platform that can cut through Pentagon-imposed silence. A single editorial calling for Hale's release would do wonders for his cause.

Presumably, the Times reporters who have been investigating

the violence of U.S. airstrikes are doing so because they believe the victims of U.S. air campaigns deserve justice. The Pentagon's refusal to hold anyone accountable for their deadly Kabul airstrike in August signals that it will be an uphill battle holding anyone accountable for the newly-exposed airstrikes. Daniel Hale joined the fight to hold the Pentagon seriously accountable. He joined years before the New York Times did, and was treated like a criminal for it. The New York Times should give Daniel Hale proper credit and call for Biden to immediately pardon him. As long as he's in prison, there is no justice.

*\*Featured Image: Drone whistleblower Daniel Hale (R) stands next to CodePink co-founder Medea Benjamin outside the White House in Washington, D.C. in this undated photo. (Photo: Democracy Now!)*

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## **Unveiling of Rob Shetterly's Portrait of Daniel Hale**

Peace Action and Veterans for Peace of Broome County NY held a very nice event for our heroic killer drone whistleblower, Daniel Hale, at Cornell, an Ivy League university in Ithaca NY, on Armistice Day, November 11, 2021.

After a year of planning, the solidarity group of Peace Action of Broome County NY and Veterans for Peace of Broome County joined forces to have a heart, soul, and mind-touching event to celebrate seventeen American truth-tellers. Artist Rob Shetterly's portraits (over 250 to date) of *Americans Who Tell the Truth* is a traveling art museum.

Broome County (NY) Peace Action and Broome County Veterans for Peace Chapter 90 showed the seventeen portraits (each 37 x31 inches) for weeks at Broome County Public Library, then at Maine-Endwell High School, and for the whole month of November at Cornell's College of Human Ecology. Sixteen of the portraits were selected by vote after an intense study of all *Americans Who Tell the Truth* easily found at [www.americanswhotellthetruth.org](http://www.americanswhotellthetruth.org).

Members of Chapter 90 of Veterans for Peace and Broome County Peace Action, Maine-Endwell High School librarian and students, Cornell Human Ecology faculty, and some students studied Shetterly's portraits and text and voted for sixteen individuals to show. Veterans for Peace of Broome County and Peace Action Broome County added Daniel Hale to the group selection.

On Armistice Day, 2021, artist Rob Shetterly spoke with passion about his selection of truth-tellers to paint from Sojourners Truth to his most recent subject, Daniel Hale. Hale is now in federal prison for telling the truth about the United States assassination program, a remote execution project labeled as a war on terror. The portrait of Daniel Hale, resting on a large easel, was the focus of our event at Cornell. Daniel's portrait was unveiled



during the well-attended ceremony in the small gallery of Martha Van Rensselaer Hall.

Veterans for Peace and Peace Action of Broome County, NY encourage other national chapters of our organizations to make the effort to get a selection of Shetterly's truth-teller portraits of *Americans Who Tell the Truth* into public libraries and schools.

For more information about how to do this, contact Rob Shetterly at [americanswhotellthetruth.org](http://americanswhotellthetruth.org) or write Jack Gilroy at [jgilroy1955@gmail.com](mailto:jgilroy1955@gmail.com) to learn how our upstate New York solidarity team organized our two-month exhibit.

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## **Drone Whistleblower Daniel Hale Is a Truth-Teller in a Time of Systemic Deceit and Lethal Secrecy**

*by Jeremy Scahill, published on The Intercept, July 30, 2021*

✘ Since the arrest and indictment of Daniel Hale on charges that he leaked the documents that formed the basis for The Intercept's series "The Drone Papers," as well as documents about the government's secret watchlisting system, I have wanted to speak publicly about this unjust prosecution. However, due to security concerns, legal advice, and a desire

not to hinder, in any way, Hale's defense or to aid the government in its disgraceful prosecution, I have been unable to do so. Now that the circumstances have changed, I am able to share some aspects of my thoughts. In doing so, I am speaking only for myself and not for The Intercept or anyone else.

Daniel Hale is a man of tremendous conscience, courage, and moral clarity. It is an abomination that this brave whistleblower has been sentenced to nearly four years in prison after being convicted of exposing the horrors of the U.S. drone assassination programs, the killing of civilians, and the Kafkaesque "*terror*" watchlisting system run by the government.

President Barack Obama's Justice Department did not prosecute Hale, but the Trump administration dug up the case and threw the book at Hale in an obvious ploy to stanch leaks about President Donald Trump and his corrupt administration. The indictment Trump's prosecutors crafted was a dishonest piece of political propaganda intended to criminalize Hale and attack the freedom of the press.

The initial threat of decades in prison against Hale was a cudgel deployed by prosecutors in an effort to break Hale's spirit and to frighten other prospective whistleblowers. That President Joe Biden's Justice Department continued this prosecution instead of dropping the Trump administration's case serves as an ominous reminder that the war on whistleblowers is a permanent fixture of the U.S. system. The use of the Espionage Act by successive administrations to prosecute whistleblowers is an affront to basic liberties and the constitutional rights of the accused, as it prevents people of conscience from presenting a real defense before a judge or jury. Its use to target dissent, independent journalism, and whistleblowing is an authoritarian weapon masquerading as a law, and it should be abolished.

In 2013, Daniel Hale and I were separately invited to speak at a public forum alongside a Yemeni American activist in Washington, D.C., about drone strikes and the murderous U.S. war in Yemen. As I listened to Hale speak that day, he struck me as a deeply moral person who was profoundly grappling with the role he had played in a lethal global system of assassination. I found him to be a thoughtful, sincere, caring person with an inherent degree of selflessness and honesty rare in our society. Hale appeared to be viscerally struggling with the nature of the work that he had done on behalf of the U.S. government and the horrors he had witnessed.

The Trump Justice Department indictment against Hale was anemic in its “evidence” and replete with innuendo and circumstantial events dishonestly crafted and presented as a substitute for facts. The government spied on Hale and manipulated his communications to paint a grossly distorted picture of his character and motivations that served the prosecutors’ campaign to railroad him.

It has been particularly disheartening to see people purporting to support Hale repeating Trump Justice Department assertions as established fact. There have been a lot of lies told about what happened in this case – in the Trump Justice Department indictment, by the prosecutors, on social media, and, unfortunately, in some news reports. Contrary to what the judge and prosecutors in this case stated and implied, it is evident that Hale was not motivated by trying to impress a journalist or anyone else. Hale was motivated by love of his fellow humans and by a deep and abiding sense of duty – duty to protect the innocent and the defenseless, as well as dedication to a sense of morality none of his detractors come close to matching. He is a noble teller of truths in a time of systemic deceit and lethal secrecy.

Among the “crimes” that Hale was convicted of are the following: revealing that, at times, nearly nine out of 10 people killed in so-called targeted strikes by the U.S. are

not the intended targets; exposing the complicity of top U.S. government officials in a secret kill chain that decides who should be assassinated by drone strike; exposing that the U.S. government officially labels unknown people it kills as “enemies killed in action” unless they are posthumously proven to have been civilians; and exposing the secret watchlisting rulebook used to label people, including U.S. citizens, as “known or suspected terrorists” without evidence that they did anything wrong.

Daniel Hale should be pardoned and released, and the government should pay him restitution for the trauma it has inflicted on him for daring to speak out, at great personal risk, for the victims of wars and extrajudicial assassinations funded by U.S. taxpayers. He deserves the gratitude of good people everywhere for his courage, bravery, and sacrifice. It is a grave injustice that a man who blew the whistle on the killing of civilians is in jail and that those who murder them receive medals or appear as pundits on cable news.

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## **Daniel Hale and the Soldier**

# Conscripted as Executioner

*by Judith Bello, published on Stop the Wars at Home and Abroad, July 31, 2021*

On July 27th, Whistleblower Daniel Hale plead to one count of espionage and was sentenced to 45 months in prison. Five years after ransacking his home, confiscating his computer, phone other materials, the government charged Daniel with 5 counts under the espionage act. Following his plea, his bond was revoked and he was placed in solitary confinement for several months prior to sentencing. They are sending a message: " if you tell the truth about our crimes, we will come after you and make you pay". This is what the jailing of Chelsea Manning was about and what the Assange case is about. Whistleblowers have suffered increasingly harsh penalties and long prison sentences since the time of Obama, who put more whistleblowers in prison than all other presidents combined. It is an inversion of justice that Daniel should have to spend any time in prison. The treatment of all these courageous individuals is an outrage.

What was Daniel Hale's crime? In 2015, he shared some classified documents about the system used by the US military to control a fleet of drones deployed around the globe to surveil and often to kill people. And he shared the truth about the consequences of those strikes for the, more often than not, innocent victims. Daniel shared information that he believed the people of the United States need to know to understand what our government is doing in our name, yet he was prosecuted under a law enacted to punish spies during the first World War. Like Chelsea Manning, John Kiriakou, Reality Winner and numerous other whistleblowers, including Julian Assange, Daniel was charged under the Espionage Act to ensure a maximal penalty.

Between 2009 and 20013, Daniel was deployed to Bagram Air Base

in Afghanistan where he participated in the drone program as an intelligence analyst, tracking cell phones associated with men targeted for drone assassination. His experience there was deeply traumatic and left him with severe PTSD. Seeing the men he located targeted and blown to pieces by missile strikes filled him with guilt and horror, as it should any sane person.

Drone warfare frames the experience of the soldier as executioner. In a moving letter to judge O'Grady, who will be sentencing him, Daniel said:

*"By the rules of engagement, it may have been permissible for me to have helped to kill those men—whose language I did not speak, customs I did not understand, and crimes I could not identify—in the gruesome manner that I did. Watch them die. But how could it be considered honorable of me to continuously have laid in wait for the next opportunity to kill unsuspecting persons, who, more often than not, are posing no danger to me or any other person at the time."*

Following his discharge from the Airforce in 2013, Daniel immersed himself in antiwar activism. As he was preparing to return to school he was offered a lucrative, high tech desk job as a military contractor, and he took the job. Like many soldiers returning from the United States dirty wars he wavered between guilt and depression, and denial. He once again buried his guilt and confusion until, a few months on, while watching a video of a drone strike with friends at work, in his own words he *"felt his heart break into pieces"* and his *"conscience, once held at bay, came roaring back to life"*. So he made the decision to share the information available to him with a reporter he had met during his period of antiwar, anti-drone warfare activism.

Daniel, who has out on bond awaiting sentencing, was called in for a routine check-in on April 28th. When he arrived at

the court, he was arrested on a supposed bond violation, imprisoned and placed in solitary confinement to await his sentencing alone, with limited access to books and no mental health support.

The prosecution demanded an extremely high sentence. They say he took the contract job as a plan to acquire the documents he later released to the public. But Daniel's story of a deep struggle with guilt and denial is typical of soldiers suffering from severe PTSD. Daniel's final choice to reveal the drone program in all its power and horror was the right one. He is a hero.

The government's decision to subject Daniel Hale to maximum punishment is the wrong one. It is wrong because the government should be accountable to the people. It is wrong because they should provide support for those who are harmed by their insistence on endless global wars. It is wrong because it denies Daniel's suffering and the suffering of tens of thousands of military veterans. It is wrong because drone warfare, global policing and targeted assassination are bad policies; unjust, morally reprehensible policies of mechanized murder to rule by fear and mayhem.

Thousands of soldiers return from war suffering from deep trauma. Some drink or use drugs. Some commit violence against family members, other soldiers or even strangers. Some commit suicide. In this context, Daniel's decision to tell the truth about what the military drone program is and how it operates is a sign of deep strength of character. We cannot abandon Daniel Hale.

In these days of increasing government corruption and concealment, reckless militarism, censorship and propaganda, truth-tellers are precious.

**#StandWithDanielHale**

**#PardonDanielHale**

**#EndDroneWarfare**

**#BanKillerDrones**

**\*Featured Image:** [twitter.com/#FreeDanielHale](https://twitter.com/#FreeDanielHale)

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**Judith Bello** is Editor of this website as well as of the United National Antiwar Coalition blog, End the Wars at Home and Abroad. She is a founding member of Upstate Drone Action and on the UNAC Administrative Committee.

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# **Forty-five Months in Prison for Drone War Whistleblower Daniel Hale**

*Statement on The Nuclear Resistor*

On July 27, Daniel Hale was sentenced to 45 months in prison, having pled guilty in April to one count of violating the Espionage Act.

The 33-year-old Air Force veteran first spoke out publicly against drone warfare in 2013, and later shared government documents that blew the whistle on secret watchlists, targeted drone killings, and other abuses in the “War on Terror.” The information Hale shared revealed gross human rights violations in the preparation of target lists for deadly attacks where 90% of the people killed were not the intended targets. In 2014, his home was raided by the FBI. Documents and electronic devices were seized, but he was not arrested until May, 2019. He was charged with five counts of violating the Espionage



Act. Hale changed his plea last March, days before his scheduled trial.

Jesselyn Radack, an attorney who has advised Daniel Hale, told *CovertAction Magazine* that Hale changed his plea because he *“would not have received a fair trial because the arcane Espionage Act does not allow for a public interest defense. Meaning, Hale’s motive of wanting to inform the public could not be raised as a defense to the charge of disclosure of information.”*

Before his sentencing, Hale’s supporters released this 11-page hand-written letter to Judge Liam O’Grady. It is a moving, deeply personal account of how his conscience, “once held at bay, came roaring back to life,” leading to today’s sentencing.

Hale made a brief statement in court today before he was sentenced, saying: “I believe that it is wrong to kill, but it is especially wrong to kill the defenseless.” He said he shared what “was necessary to dispel the lie that drone warfare keeps us safe, that our lives are worth more than theirs.”

More information about Daniel Hale is at <https://standwithdanielhale.org/>.

## **SUPPORT DANIEL HALE**

CodePink, which organized the 2013 conference on drone warfare where Daniel Hale first spoke out and apologized for his role in drone attacks, has launched a petition to President Biden to Pardon Daniel Hale. Sign here.

U.S. peace activists have held signs and banners in support of Daniel Hale at drone bases and elsewhere in the days leading up to sentencing, and other friends and supporters were present in the courtroom. People are invited to participate in a week of actions in solidarity with Daniel Hale from July 28 – August 3 (see announcement below).

While Hale will soon be moved to a federal prison, letters of support can now be sent to:

Daniel E. Hale  
William G. Truesdale Adult Detention Center  
2001 Mill Rd.  
Alexandria, VA 22314

Correspondence must be in blue or black ink on white paper.

In 2014, Air Force veteran Daniel Hale blew the whistle on secret watchlists, targeted drone killings, and other abuses in the War on Terror. The information Hale shared revealed gross human rights violations in the preparation of target lists for deadly attacks where 90% of the people killed were not the intended targets. He was charged under the Espionage Act and pled guilty to one count.

**People throughout the U.S. went to federal buildings, drone bases, public squares and elsewhere in the week following his sentencing with signs and banners expressing solidarity with and support for Daniel Hale.**

Please take pictures and post them far and wide on social media using the hashtag #FreeDanielHale

Remember to let local media know of your plans, and send them a press release with photos afterwards.

- \* Whistleblowing is Not a Crime
- \* President Biden: Pardon Daniel Hale
- \* Free Daniel Hale – Exposed Killer Drone Crimes
- \* Thank You, Drone War Whistleblower Daniel Hale
- \* Exposing War Crimes is not a Crime
- \* Daniel Hale – Hero, not Criminal
- \* We Stand With Daniel Hale, Killer Drone Whistleblower
- \* Stop the Killing, Stop the Terror, Stop the Drones

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# Why was Daniel Hale Silenced? Daniel Hale Must be Pardoned!

## Statement by Ban Killer Drones Coalition

We raise our voice in deep concern on the silencing and imprisonment of Daniel Hale. Daniel Hale did not commit a crime.

It is outrageous that Daniel Hale was charged, prosecuted and sentenced to 45 months in Federal prison for exposing a criminal program. Daniel Hale should be pardoned!

Daniel Hale leaked documents that revealed extremely high civilian death rates in U.S. drone attacks. The 33-year-old Air Force veteran first spoke out publicly against drone warfare in 2013. Daniel Hale's whistleblowing also uncovered secret U.S. watch lists, Presidential drone kill lists, and other criminal and unethical aspects of the U.S. deployment of killer drones.

Since the Nuremberg Tribunal we have been taught that "just following orders" is not a defense. Soldiers, even in time of war, have a moral obligation to oppose illegal orders in every possible way, especially the killing, for any reason, of non-combatants.

Daniel Hale revealed that a U.S. government "kill chain" targeted its victims for extrajudicial execution based on minimal evidence and that, in one 5 month period in Afghanistan, 90% of the people killed in drone attacks were not the intended targets. NSA whistleblower Edward Snowden explained that that showed that the majority of those killed were "innocents, bystanders, or not the intended target. We

couldn't have established that without Daniel Hale's voice." Daniel Hale felt a responsibility to oppose these criminal acts.

With much publicity we are told that U.S. troops in Afghanistan and Iraq are withdrawing. But attacks on defenseless civilians through U.S. drone wars and economic sanctions are intensifying.

Daniel Hale felt deeply that the people in the U.S. have a right to know the crimes committed in their names.

We also have a responsibility to raise our voices in opposition to these continuing wars and to the sentencing of Daniel Hale.

The war criminals who authorize the use of thousands of drone strikes and other criminal killings should be prosecuted.

Sign the Petition for a pardon for Daniel Hale:

<https://www.codepink.org/danielhale>

Initial signers of the above statement:

- CODEPINK
- Ban Killer Drones
- International Action Center
- Peace Action New York State
- "Rising Together!"
- Upstate NY Coalition to End the Wars and Ground the Drones
- Wisconsin Coalition to End the Wars and Ground the Drones
- Brandywine Peace Community, Philadelphia
- Occupy Beale Air Force Base
- The Nuclear Resister
- Fellowship of Reconciliation USA

- Veterans for Peace New York City Chapter 34
  - United National Antiwar Coalition
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# Drone Whistleblower Gets 45 Months in Prison for Revealing Ongoing US War Crimes

by *Marjorie Cohn*, published on *Truthout*, July 28, 2021

On July 27, a federal district court judge in Alexandria, Virginia, sentenced former U.S. Air Force intelligence analyst Daniel Hale to 45 months in prison for revealing evidence of U.S. war crimes.

In 2015, Hale, whose job involved identifying targets for drone strikes, provided journalist Jeremy Scahill with secret military documents and slides that exposed shocking details about the U.S. drone program. Hale's revelations became the basis of "*The Drone Papers*," which was published on October 15, 2015, by *The Intercept*.

Although the government admitted it had no evidence that direct harm resulted from Hale's revelations, in 2019, the Trump administration charged Hale with four counts of violating the Espionage Act and one count of theft of government property. Facing up to 50 years in prison, Hale pled guilty to one count that carries a maximum sentence of 10 years.

The leaked documents disclosed the *"kill chain"* the Obama administration used to determine whom to target. Countless civilians were killed using *"signals intelligence"* in undeclared war zones: Targeting decisions were made by following cell phones that might not be carried by suspected terrorists. The Drone Papers divulged that half of the intelligence used to identify potential targets in Yemen and Somalia was based on signals intelligence.

During one five-month period during January 2012 to February 2013, nearly 90 percent of those killed by drone strikes were not the intended target, according to The Drone Papers. But civilian bystanders were nonetheless classified as *"enemies killed in action"* unless proven otherwise.

Hale said, *"It's stunning the number of instances when selectors [used to identify "terrorist" targets] are misattributed to certain people."* Calling a missile fired at a target in a group of people a *"leap of faith,"* he noted, *"it's a phenomenal gamble."* Hale added, *"Anyone caught in the vicinity is guilty by association."*

The Drone Papers reveal that reliance on drones actually undermines U.S. intelligence gathering. Drones terrorize communities, breeding resentment against Americans and making the United States more vulnerable to violence. Indeed, Hale wrote in his 11-page pre-sentencing letter, *"the war had very little to do with preventing terror from coming into the United States and a lot more to do with protecting the profits of weapons manufacturers and so-called defense contractors."*

Drone strikes shield U.S. military members from harm in order to minimize Americans' opposition to war. But drone operators who make or carry out remote targeting decisions nevertheless suffer from post-traumatic stress disorder (PTSD).

At his sentencing hearing, Hale told U.S. District Judge Liam O'Grady, *"I believe that it is wrong to kill, but it is*

*especially wrong to kill the defenseless.” Hale said he revealed what “was necessary to dispel the lie that drone warfare keeps us safe, that our lives are worth more than theirs.”*

*“You had to kill part of your conscience to keep doing your job,”* Hale added.

In November 2013, I participated in a panel on the illegality of drones and targeted killing at a drone summit in Washington, D.C. Hale also spoke on a panel at that conference. He described how he located a man riding a motorcycle in the mountains who then met up with four other people and they sat around a campfire, drinking tea. Hale relayed information that resulted in a drone strike, killing all five men. He said he realized that he *“was no longer part of something moral or sane or rational.”* He had heard someone say that *“terrorists are cowards”* because they used improvised explosive devices (IEDs). *“What was different,”* Hale asked, *“between that and the little red joystick that pushes a button thousands of miles away?”*

Hale told the sentencing judge about this incident in his pre-sentencing letter, writing,

*“Despite having peacefully assembled, posing no threat, the fate of the now tea drinking men had all but been fulfilled. I could only look on as I sat by and watched through a computer monitor when a sudden, terrifying flurry of hellfire missiles came crashing down, splattering purple-colored crystal guts on the side of the morning mountain.”*

Hale’s revelations did not pose a threat to national security, even by traditional interpretations. Harry P. Cooper, a former senior CIA official, wrote in a declaration in Hale’s case that

*“the disclosure of [the Drone Papers], at the time they were*

*disclosed and made public, did not present any substantial risk of harm to the United States or to national security."*

Presidents George W. Bush, Barack Obama, Donald Trump and Joe Biden have used armed drones to drop bombs on other countries in violation of international law. All four administrations have killed and are still killing untold numbers of civilians.

It is estimated that U.S. military and CIA drone operations have killed 9,000 to 17,000 people since 2004, including 2,200 children and many U.S. citizens. But those numbers are likely low because the U.S. military labels all individuals killed in those operations as presumptive *"enemies killed in action."*

Bush authorized about 50 drone strikes that killed 296 alleged *"terrorists"* and 195 civilians in Pakistan, Yemen and Somalia. Obama vastly increased the number of people killed with drones.

Obama presided over 10 times more drone strikes than his predecessor. According to the Bureau of Investigative Journalism, during his two terms in office, Obama carried out 563 strikes – largely with drones – in Pakistan, Yemen and Somalia, killing between 384 and 807 civilians.

Obama's 18-page Presidential Policy Guidance (PPG) was made public after a Freedom of Information Act request by the ACLU and resulting court order. It purported to outline targeting procedures for the use of lethal force outside *"areas of active hostilities."* The PPG required that a target pose a *"continuing imminent threat."* But a secret 2011 Justice Department white paper leaked in 2013 permitted the killing of a U.S. citizen even without *"clear evidence that a specific attack on US persons and interests will take place in the immediate future."* The bar was presumably lower for non-U.S. citizens.

Obama's PPG also mandated that there be *"near certainty that*



*an identified HVT [high-value terrorist] or other lawful terror target*" is present before lethal force could be used against him. But the Obama administration mounted "*signature strikes*" that didn't necessarily target individuals, but rather men of military age who were present in an area of suspicious activity.

It was also necessary to have "*near certainty that non-combatants [civilians] would not be injured or killed.*" But the revelations of The Drone Papers call into question the Obama administration's compliance with that requirement as well. Plus, activists have emphasized that "*near certainty*" is a dangerous barometer when it comes to the decision of whether to take a human life.

Trump lowered the bar even further for drone strikes. His administration reduced the requisite level of confidence that a target was present in a strike zone from "*near certainty*" to "*reasonable certainty.*" Under Trump, targets were not limited to "high-value terrorists" but could include foot soldiers. Whereas decisions about drone bombings had been made at the highest levels of government – with Obama having the final say about who would be targeted – Trump allowed commanders in the field to make targeting decisions. Trump gave increased authority to the Pentagon and CIA to conduct drone strikes. He weakened the targeting rules in large areas of Somalia and Yemen by designating them as "*areas of active hostilities.*" And Trump eliminated the government's commitment to report on civilian casualties.

During his first two years in office, Trump launched 2,243 drone strikes, compared to 1,878 in Obama's eight years in office.

## **Biden Continues Drone Bombings**

In March, Biden secretly set temporary limits on drone strikes outside of recognized battlefields. He has ordered a

comprehensive review of whether to keep Trump's relaxed rules in place, or return to Obama-era rules, or impose some middle ground. In any event, it is doubtful that Biden would comply any better than Obama did with the tighter rules.

Meanwhile, the United States conducted a drone strike against Shabab "*militants*" in Somalia on July 20. The White House had rejected some requests by the U.S. military's Africa Command to conduct drone strikes against Shabab targets in Somalia because they didn't meet the new rules. However, White House approval was considered unnecessary here because the Africa Command has authority to carry out strikes in support of allied forces under what the military calls "*collective self-defense*." But that does not constitute lawful collective self-defense under the United Nations Charter.

Although Biden is withdrawing U.S. troops from Afghanistan, he is continuing to launch airstrikes, including drone strikes, there. "*We've been doing it where and when feasible, and we'll keep doing it where and when feasible,*" an official involved in operational planning said, speaking on condition of anonymity. Gen. Kenneth E. McKenzie Jr., the top U.S. general in charge of Afghanistan, refused to say whether airstrikes would continue past the cutoff date of August 31.

The Air Force is requesting \$10 billion to perpetuate the U.S. imperial footprint in South Asia and the Middle East.

On June 30, 113 organizations, including Veterans for Peace, wrote a letter to Biden, "to demand an end to the unlawful program of lethal strikes outside any recognized battlefield, including through the use of drones."

### **Drone Strikes Violate International Law**

The UN Charter requires that international disputes be settled peacefully. It allows a country to use military force only in self-defense after an armed attack or with the consent of the UN Security Council. Neither the U.S. war in Iraq nor in

Afghanistan complied with the Charter's mandates.

*"Outside the context of active hostilities, the use of drones or other means for targeted killing is almost never likely to be legal,"* Agnès Callamard, UN special rapporteur on extrajudicial, summary or arbitrary executions, tweeted. She added that *"intentionally lethal or potentially lethal force can only be used where strictly necessary to protect against an imminent threat to life."* Thus, Callamard said, the United States would need to demonstrate that the target "constituted an imminent threat to others."

Targeted or political assassinations – also known as extrajudicial executions – violate international law. Willful killing is a grave breach of the Geneva Conventions and is punishable as a war crime under the U.S. War Crimes Act. Civilians must never be the target of military strikes. A targeted killing is only lawful if it is deemed necessary to protect life, and no other means – including capture or nonlethal incapacitation – is available to protect life.

Yet the Obama, Trump and Biden administrations have all prosecuted whistleblowers for revealing evidence of U.S. war crimes. In addition to Hale, those courageous folks include Chelsea Manning, Julian Assange and John Kiriakou, who revealed that CIA officials used waterboarding, which constitutes the war crime of torture.

## **Misuse of the Espionage Act**

The Espionage Act of 1917 was enacted to prosecute foreign spies. It was never intended for use against whistleblowers. Nevertheless, Obama charged eight whistleblowers with violating the act, more than all prior presidents combined.

But although Obama refrained from indicting Assange for publishing evidence of U.S. war crimes (for fear of setting a dangerous precedent), Trump indicted Assange for 17 charges

under the Espionage Act. Assange now faces 175 years in prison. A British judge denied Trump's request that Assange be extradited to the U.S. to stand trial for those charges. But Biden has continued Trump's appeal of the denial of extradition, notwithstanding the grave threat Assange's prosecution poses to the First Amendment right to freedom of the press.

Hale is the first person sentenced under the Espionage Act during the Biden administration and he probably won't be the last.

Ironically, Hale told the sentencing judge that he was a descendent of Nathan Hale, who was executed by the British for spying during the Revolutionary War. "*I have but this one life to give in service of my country,*" Hale said, quoting his ancestor.

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# Daniel Hale's Letter to the Judge

by *Daniel Hale*, published on the *Sparrow Project*, July 23,

2021

It is not a secret that I struggle to live with depression and post traumatic stress disorder. Both stem from my childhood experience growing up in a rural mountain community and were compounded by exposure to combat during military service. Depression is a constant. Though stress, particularly stress caused by war, can manifest itself at different times and in different ways. The tell-tale signs of a person afflicted by PTSD and depression can often be outwardly observed and are practically universally recognizable. Hard lines about the face and jaw. Eyes, once bright and wide, now deepset and fearful. And an inexplicably sudden loss of interest in things that used to spark joy. These are the noticeable changes in my demeanor marked by those who knew me before and after military service. To say that the period of my life spent serving in the United States Air Force had an impression on me would be an understatement. It is more accurate to say that it irreversibly transformed my identity as an American. Having forever altered the thread of my life's story, weaved into the fabric of our nation's history. To better appreciate the significance of how this came to pass, I would like to explain my experience deployed to Afghanistan as it was in 2012 and how it is I came to violate the Espionage Act, as a result.

In my capacity as a signals intelligence analyst stationed at Bagram Airbase, I was made to track down the geographic location of handset cellphone devices believed to be in the possession of so-called enemy combatants. To accomplish this mission required access to a complex chain of globe-spanning satellites capable of maintaining an unbroken connection with remotely piloted aircraft, commonly referred to as drones. Once a steady connection is made and a targeted cell phone device is acquired, an imagery analyst in the U.S., in coordination with a drone pilot and camera operator, would take over using information I provided to surveil everything that occurred within the drone's field of vision. This was

done, most often, to document the day-to-day lives of suspected militants. Sometimes, under the right conditions, an attempt at capture would be made. Other times, a decision to strike and kill them where they stood would be weighed.

The first time that I witnessed a drone strike came within days of my arrival to Afghanistan. Early that morning, before dawn, a group of men had gathered together in the mountain ranges of Patika province around a campfire carrying weapons and brewing tea. That they carried weapons with them would not have been considered out of the ordinary in the place I grew up, much less within the virtually lawless tribal territories outside the control of the Afghan authorities. Except that among them was a suspected member of the Taliban, given away by the targeted cell phone device in his pocket. As for the remaining individuals, to be armed, of military age, and sitting in the presence of an alleged enemy combatant was enough evidence to place them under suspicion as well. Despite having peacefully assembled, posing no threat, the fate of the now tea drinking men had all but been fulfilled. I could only look on as I sat by and watched through a computer monitor when a sudden, terrifying flurry of hellfire missiles came crashing down, splattering purple-colored crystal guts on the side of the morning mountain.

Since that time and to this day, I continue to recall several such scenes of graphic violence carried out from the cold comfort of a computer chair. Not a day goes by that I don't question the justification for my actions. By the rules of engagement, it may have been permissible for me to have helped to kill those men—whose language I did not speak, customs I did not understand, and crimes I could not identify—in the gruesome manner that I did. Watch them die. But how could it be considered honorable of me to continuously have laid in wait for the next opportunity to kill unsuspecting persons, who, more often than not, are posing no danger to me or any other person at the time. Nevermind honorable, how could it be

that any thinking person continued to believe that it was necessary for the protection of the United States of America to be in Afghanistan and killing people, not one of whom present was responsible for the September 11th attacks on our nation. Notwithstanding, in 2012, a full year after the demise of Osama bin Laden in Pakistan, I was a part of killing misguided young men who were but mere children on the day of 9/11.

Nevertheless, in spite of my better instincts, I continued to follow orders and obey my command for fear of repercussion. Yet, all the while, becoming increasingly aware that the war had very little to do with preventing terror from coming into the United States and a lot more to do with protecting the profits of weapons manufacturers and so-called defense contractors. The evidence of this fact was laid bare all around me. In the longest or most technologically advanced war in American history, contract mercenaries outnumbered uniform wearing soldiers 2 to 1 and earned as much as 10 times their salary. Meanwhile, it did not matter whether it was, as I had seen, an Afghan farmer blown in half, yet miraculously conscious and pointlessly trying to scoop his insides off the ground, or whether it was an American flag-draped coffin lowered into Arlington National Cemetery to the sound of a 21-gun salute. Bang, bang, bang. Both served to justify the easy flow of capital at the cost of blood—theirs and ours. When I think about this I am grief-stricken and ashamed of myself for the things I've done to support it.

The most harrowing day of my life came months into my deployment to Afghanistan when a routine surveillance mission turned into disaster. For weeks we had been tracking the movements of a ring of car bomb manufacturers living around Jalalabad. Car bombs directed at US bases had become an increasingly frequent and deadly problem that summer, so much effort was put into stopping them. It was a windy and clouded afternoon when one of the suspects had been discovered headed

eastbound, driving at a high rate of speed. This alarmed my superiors who believe he might be attempting to escape across the border into Pakistan.

A drone strike was our only chance and already it began lining up to take the shot. But the less advanced predator drone found it difficult to see through clouds and compete against strong headwinds. The single payload MQ-1 failed to connect with its target, instead missing by a few meters. The vehicle, damaged, but still driveable, continued on ahead after narrowly avoiding destruction. Eventually, once the concern of another incoming missile subsided, the driver stopped, got out of the car, and checked himself as though he could not believe he was still alive. Out of the passenger side came a woman wearing an unmistakable burka. As astounding as it was to have just learned there had been a woman, possibly his wife, there with the man we intended to kill moments ago, I did not have the chance to see what happened next before the drone diverted its camera when she began frantically to pull out something from the back of the car.

A couple of days passed before I finally learned from a briefing by my commanding officer about what took place. There indeed had been the suspect's wife with him in the car. And in the back were their two young daughters, ages 5 and 3 years old. A cadre of Afghan soldiers were sent to investigate where the car had stopped the following day. It was there they found them placed in the dumpster nearby. The eldest was found dead due to unspecified wounds caused by shrapnel that pierced her body. Her younger sister was alive but severely dehydrated. As my commanding officer relayed this information to us she seemed to express disgust, not for the fact that we had errantly fired on a man and his family, having killed one of his daughters; but for the suspected bomb maker having ordered his wife to dump the bodies of their daughters in the trash, so that the two of them could more quickly escape across the border. Now, whenever I encounter an individual who thinks



that drone warfare is justified and reliably keeps America safe, I remember that time and ask myself how could I possibly continue to believe that I am a good person, deserving of my life and the right to pursue happiness.

One year later, at a farewell gathering for those of us who would soon be leaving military service, I sat alone, transfixed by the television, while others reminisced together. On television was breaking news of the president giving his first public remarks about the policy surrounding the use of drone technology in warfare. His remarks were made to reassure the public of reports scrutinizing the death of civilians in drone strikes and the targeting of American citizens. The president said that a high standard of "near certainty" needed to be met in order to ensure that no civilians were present. But from what I knew, of the instances where civilians plausibly could have been present, those killed were nearly always designated enemies killed in action unless proven otherwise. Nonetheless, I continued to heed his words as the president went on to explain how a drone could be used to eliminate someone who posed an "imminent threat" to the United States. Using the analogy of taking out a sniper, with his sights set on an unassuming crowd of people, the president likened the use of drones to prevent a would-be terrorist from carrying out his evil plot. But, as I understood it to be, the unassuming crowd had been those who lived in fear and the terror of drones in their skies and the sniper in this scenario had been me. I came to believe that the policy of drone assassination was being used to mislead the public that it keeps us safe, and when I finally left the military, still processing what I'd been a part of, I began to speak out, believing my participation in the drone program to have been deeply wrong.

I dedicated myself to anti-war activism, and was asked to partake in a peace conference in Washington, DC late November, 2013. People had come together from around the world to share

experiences about what it is like living in the age of drones. Fazil bin Ali Jaber had journeyed from Yemen to tell us of what happened to his brother Salem bin Ali Jaber and their cousin Waleed. Waleed had been a policeman and Salem was a well-respected firebrand Imam, known for giving sermons to young men about the path towards destruction should they choose to take up violent jihad.

One day in August 2012, local members of Al Qaeda traveling through Fazil's village in a car spotted Salem in the shade, pulled up towards him, and beckoned him to come over and speak to them. Not one to miss an opportunity to evangelize to the youth, Salem proceeded cautiously with Waleed by his side. Fazil and other villagers began looking on from afar. Farther still was an ever present reaper drone looking too.

As Fazil recounted what happened next, I felt myself transported back in time to where I had been on that day, 2012. Unbeknownst to Fazil and those of his village at the time was that they had not been the only watching Salem approach the jihadist in the car. From Afghanistan, I and everyone on duty paused their work to witness the carnage that was about to unfold. At the press of a button from thousands of miles away, two hellfire missiles screeched out of the sky, followed by two more. Showing no signs of remorse, I, and those around me, clapped and cheered triumphantly. In front of a speechless auditorium, Fazil wept.

About a week after the peace conference I received a lucrative job offer if I were to come back to work as a government contractor. I felt uneasy about the idea. Up to that point, my only plan post military separation had been to enroll in college to complete my degree. But the money I could make was by far more than I had ever made before; in fact, it was more than any of my college-educated friends were making. So, after giving it careful consideration, I delayed going to school for a semester and took the job.

For a long time I was uncomfortable with myself over the thought of taking advantage of my military background to land a cushy desk job. During that time I was still processing what I had been through and I was starting to wonder if I was contributing again to the problem of money and war by accepting to return as a defense contractor. Worse was my growing apprehension that everyone around me was also taking part in a collective delusion and denial that was used to justify our exorbitant salaries, for comparatively easy labor. The thing I feared most at the time was the temptation not to question it.

Then it came to be that one day after work I stuck around to socialize with a pair of co-workers whose talented work I had come to greatly admire. They made me feel welcomed, and I was happy to have earned their approval. But then, to my dismay, our brand-new friendship took an unexpectedly dark turn. They elected that we should take a moment and view together some archived footage of past drone strikes. Such bonding ceremonies around a computer to watch so-called "war porn" had not been new to me. I partook in them all the time while deployed to Afghanistan. But on that day, years after the fact, my new friends gaped and sneered, just as my old one's had, at the sight of faceless men in the final moments of their lives. I sat by watching too; said nothing and felt my heart breaking into pieces.

Your Honor, the truest truism that I've come to understand about the nature of war is that war is trauma. I believe that any person either called-upon or coerced to participate in war against their fellow man is promised to be exposed to some form of trauma. In that way, no soldier blessed to have returned home from war does so uninjured. The crux of PTSD is that it is a moral conundrum that afflicts invisible wounds on the psyche of a person made to burden the weight of experience after surviving a traumatic event. How PTSD manifests depends on the circumstances of the event. So how is the drone

operator to process this? The victorious rifleman, unquestioningly remorseful, at least keeps his honor intact by having faced off against his enemy on the battlefield. The determined fighter pilot has the luxury of not having to witness the gruesome aftermath. But what possibly could I have done to cope with the undeniable cruelties that I perpetuated?

My conscience, once held at bay, came roaring back to life. At first, I tried to ignore it. Wishing instead that someone, better placed than I, should come along to take this cup from me. But this too was folly. Left to decide whether to act, I only could do that which I ought to do before God and my own conscience. The answer came to me, that to stop the cycle of violence, I ought to sacrifice my own life and not that of another person.

So, I contacted an investigative reporter, with whom I had had an established prior relationship, and told him that I had something the American people needed to know.

**Respectfully,**  
**Daniel Hale**

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**Daniel Hale** is an Airforce Veteran who served in Afghanistan as an intelligence analyst. He became disillusioned with his work on seeing numerous videos of innocent civilians torn to pieces by drone strikes based on the information he provided. After his discharge he provided information to a reporter with the Intercept on the technical configuration of the US global drone system along with the truth about the efficacy and accuracy of drone killing which formed the basis of, a series of articles called "The Drone Papers".

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# US Government Seeks Harshest Sentence Ever In Leak Case Against Drone Whistleblower

by *Kevin Gosztola*, published on *The Dissenter*, July 20, 2021

The United States government urged a federal court to sentence drone whistleblower Daniel Hale to at least nine years in prison for disclosing documents to a reporter.

Prosecutors maintained Hale joined the National Geospatial Intelligence Agency (NGA) to steal classified information so he could *“ingratiate himself”* with journalists. They even submitted secret evidence for the court alleging the Islamic State in Iraq and Syria (ISIS) *“distributed”* two of the documents in a *“guidebook for its followers.”*

*“For those like Hale, who unilaterally decide to disclose classified information, the existence of criminal penalties that are theoretically harsh but practically lenient is not sufficient,”* prosecutors declare in their sentencing memorandum [PDF]. *“It is particularly important to deter those who, like Hale, might be tempted to gain access for the sole purpose of disclosing it. Such individuals must see that using positions in the intelligence community for self-aggrandizement will be harshly punished.”*

*“A significant sentence is necessary to demonstrate that the unauthorized disclosure of classified information is a serious crime with significant consequences,”*

prosecutors add.

Hale was part of the drone program in the U.S. Air Force and later worked at the NGA. He pled guilty on March 31 to one charge of violating the Espionage Act, when he provided documents to Intercept co-founder Jeremy Scahill and anonymously wrote a chapter in Scahill's book, ***The Assassination Complex: Inside the Government's Secret Drone Warfare Program.***

He was taken into custody and sent to the William G. Truesdale Detention Center in Alexandria, Virginia, on April 28. A therapist from pretrial and probation services named Michael violated patient confidentiality and shared details with the court related to his mental health.

Hale is scheduled to be sentenced in the Eastern District of Virginia on July 27, and the sentencing memorandum from the U.S. government reflects the vindictive posture of prosecutors, particularly since he pled guilty.



**DEFENDING RIGHTS & DISSENT**

**US GOVERNMENT SEEKS HARSHTEST SENTENCE EVER IN LEAK CASE AGAINST DRONE WHISTLEBLOWER DANIEL HALE**

Kevin Gosztola  
The Dissenter  
Jul. 20, 2021

**WAR DAY 7249**

HALE WAS PART OF THE DRONE PROGRAM IN THE U.S. AIR FORCE AND LATER WORKED AT THE NGA. HE PLED GUILTY ON MARCH 31 TO ONE CHARGE OF VIOLATING THE ESPIONAGE ACT, WHEN HE PROVIDED DOCUMENTS TO INTERCEPT CO-FOUNDER JEREMY SCAHILL AND ANONYMOUSLY WROTE A CHAPTER IN SCAHILL'S BOOK, THE ASSASSINATION COMPLEX: INSIDE THE GOVERNMENT'S SECRET DRONE WARFARE PROGRAM. HALE IS SCHEDULED TO BE SENTENCED IN THE EASTERN DISTRICT OF VIRGINIA ON JULY 27, AND THE SENTENCING MEMORANDUM FROM THE U.S. GOVERNMENT REFLECTS THE VINDICTIVE POSTURE OF PROSECUTORS, PARTICULARLY SINCE HE PLED GUILTY.



### **'They Just Don't Want To Play Ball'**

Prosecutors refused to dismiss four additional charges but declined to request a trial on those charges. They left open the possibility of going to trial if they are unsatisfied with the harshness of the sentence. And they now manipulate Hale's guilty plea in their argument for severe punishment in order to render it insignificant.

*"[Hale] apparently does not accept that the documents that he provided to reporter had the potential to cause such 'serious' or 'exceptionally grave' damage to the national*

*security,”*

prosecutors contend.

*“To trigger a reduction in offense level for acceptance of responsibility, a defendant must establish that he has accepted responsibility for all of the charged criminal conduct in the count of conviction (and, of course, all related conduct).”*

Prosecutors indicate they would accept a sentence of seven years and 3 months if Hale admitted his whistleblowing risked “serious” or “exceptionally grave” damage to U.S. national security.

In other words, they do not believe Hale’s guilty plea is good enough to receive a sentence of five years or less, and they have trapped a conscientious and vulnerable individual in a damned if you do, damned if you don’t situation.

Hale could try and withdraw his guilty plea and go to trial, but Judge Liam O’Grady may not allow it. Or he could plead guilty and accept the documents risked “serious” or “exceptionally grave” damage, even though he does not believe that is the truth of what happened.

Either way, Hale is likely to receive the most harsh sentence for an unauthorized disclosure of information ever issued against a former U.S. government employee or contractor.

CIA whistleblower John Kiriakou was targeted in the Eastern District of Virginia with an Espionage Act prosecution under President Barack Obama. He eventually pled guilty to violating the Intelligence Identities Protection Act in order to ensure he only went to prison for 30 months.

*“In every other case, including mine, part of the deal was you’ll take the plea to the one charge in exchange for all*



*the other charges being dropped. That's what everybody else does, except of course, for [CIA whistleblower] Jeffrey Sterling, who went to trial,"*

Kiriakou contended.

*"They just don't want to play ball, and they're placing the blame on Daniel."*

*"That doesn't make sense because he's agreed to plead guilty to the most serious charge with the expectation that the other charges would be dismissed. And they're not willing to negotiate in good faith,"*

Kiriakou added.

### **'This Makes Me Sick To My Stomach'**

U.S. prosecutors submitted secret "evidence" to the judge, which they refuse to declassify for the public. The submission is part of an "internet compilation" that they claim was "designed to assist ISIS fighters avoid detection and targeting." It allegedly included parts of two documents disclosed by Hale.

Hale never transferred or provided documents directly to any ISIS member or any person claiming to be associated with the militant group. Prosecutors are further criminalizing him because terrorists have access to the internet just like all citizens of the world do.

The sentencing memorandum invokes the cases of NSA whistleblower Reality Winner and FBI whistleblower Terry Albury, which both ended in plea agreements. Winner was sentenced to 63 months. Albury was sentenced to 48 months.

*"Like Hale, Winner disclosed information classified at the 'Top Secret' level. Unlike Hale, Winner disclosed only a*

single document," the memo states. "Albury was sentenced for retaining 50 classified documents and transmitting some of them to a reporter – but none of the documents Albury disclosed was classified above the 'Secret' level."

"Hale stole documents from NGA on at least seven different dates over a four-month period, and his thefts were the result of a plan premeditated long before that," the memo argues.

Winner's sentence was, at the time, the harshest sentence ever issued against a former government employee or contractor. To act like it was fair and should be a base line for leak prosecutions going forward is extraordinary.

Billie Winner-Davis, the mother of Reality Winner, reacted, "This makes me sick to my stomach to think that they are using Reality's sentence to punish Daniel Hale even more severely."

*"Watching what the government did to my daughter and the way that they destroyed her life completely has shown me just how cruel our government can be. From what I know about Daniel's case, he has also suffered so much already from this experience."*

*"Through my experience with Reality, I've come to believe that only violent offenders and those who are a true danger to our society should be imprisoned,"*

Winner-Davis shared.

*"To imprison those who work to protect us and give us the truth is an injustice. I pray he does not get sentenced to prison."*

*"There are so many other ways that our government could work with him. [Daniel's] already shown in the last five years that he is no threat to anyone."*

But the U.S. government seems to view Hale's case as an opportunity to move away from sentences that are not cruel enough to make an example out of "leakers."

*"We recognize that sentences imposed in some past 'leak' cases were not commensurate with the government's view of the seriousness of the defendants' conduct, or nearly serious enough to deter others from engaging in similar conduct,"*

prosecutors declare, referring to Sterling's case.

*"We cannot justify or explain such sentences, but only point out that a past court's failure to recognize the significance of the need to deter similar behavior by other individuals should not induce this court to make the same mistake."*

### **Sketching A Caricature Of A Conscientious Young Veteran**

The sentencing memorandum sketches a caricature of Hale as a young man who "jumped at the chance" to "fraternize" with Scahill and his colleagues. They take a chat message out of context and suggest he "looked up to [journalists] like rock stars" and wanted to become a journalist to "speak truth to power" while "hav[ing] great sex all the time and mak[ing] just enough to live but not too much that [he] [became] a part of the upper crust."

To this idea that Hale "ingratiated himself" with journalists and wanted to become a rock star reporter, Noor Mir, one of his closest friends, replied,

*"Anyone who knows Daniel knows that he puts himself last in every situation, focused entirely on helping those who are in need, have been silenced, or suffered insurmountable harms. This is a gross mischaracterization of his character to all those that know him to be humble and moral to a fault."*

It was difficult for Hale to speak in public, according to Mir. When he participated in a “*drone summit*” organized by CODEPINK, which Mir was involved in organizing, he “prepared for a long time and was very nervous. But he also knew that there were family members of victims of drone strikes in the audience from Yemen, who had witnessed the injustices of which he spoke.”

Media outlets, who did not know Hale’s identity, referred to Hale as the “*second Snowden*,” a nod to NSA whistleblower Edward Snowden.

The Oscar-winning documentary “*Citizenfour*” about Snowden featured a scene where journalist Glenn Greenwald revealed details about Hale to Snowden. Scahill spoke about Hale toward the end of the film.

If Hale wanted to be a “*rock star*” journalist, he could have used all of that as a springboard and fled the country to some place where he could speak out more.

Yet a recent feature story on Hale by New York magazine reporter Kerry Howley makes clear, “*Nearly no one knew who Second Snowden was then or for years afterward.*” He grew a “*ZZ Top beard*” during the COVID-19 pandemic (after his trial was delayed). He wore donated clothing, and friends “*pressed him to go public with the story of how and why*” he disclosed documents. “*But Daniel maintained that in talking about himself he would be taking the spotlight from victims of the drone war.*”

Even after an intervention was staged at a tavern in Washington, D.C. in November 2020, and his friends insisted he tell his story so the prosecution’s story did not go unchallenged, Hale still waited until early April to talk with a reporter.

Kiriakou said the thought that Hale wanted to “*ingratiate himself*” to journalists is so ridiculous that it’s laughable.

*"They said the same thing about me. That I was trying to ingratiate myself with journalists and to seek a career as a commentator with ABC News,"*

Kiriakou recalled.

*"Nothing could have been further from the truth. I had a job that was paying me four times what ABC News offered me. I didn't need a job from ABC News. I never sought a job at ABC News."*

All anybody had to do was look at Kiriakou's bank account that was empty to see the prosecutors were pushing a false narrative, he added.

Like Kiriakou described, this has become fairly standard. The U.S. prosecutors try to *"make the defendant look like a narcissist."* They maintain *"it's all about fame, and it's all about the money. And they just ignore the facts."*

After Hale returned from his Air Force deployment in Afghanistan, Howley reported, *"He wanted to go to school, and for this he needed money, and as an analyst with a security clearance, money was easily made."*

*"Six months after meeting Scahill, Daniel had left the Air Force and started working for Leidos, a company that makes more than \$10 billion a year in revenue by convincing the federal government of its utility. He said he would only do it for six months, a promise he kept."*

Hale did not work at the NGA to steal classified documents. He worked for the intelligence agency because he needed to pay for a college education.

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