

Hero, whistleblower, dissident, traitor?

An Op-Ed from the Wisconsin Chapter of the ACLU

The following is the express opinion of ACLU of Wisconsin.

The ACLU of Wisconsin is proud to be a Community Partner for Next Act Theatre's production of *PERFECT MENDACITY*, a provocative, entertaining play that explores racial profiling, whistleblower retaliation, government-sanctioned discrimination and other serious threats to our civil rights and civil liberties.

In doing so, the show raises important questions: what's the difference between a whistleblower and a traitor? How far should the government go to keep us "safe"? And when does breaking the law do more good than harm?



If you've read the news in the past three years, doubtless you've asked yourself the same questions.

In 2010, Private Bradley Manning, a soldier assigned to a U.S. Army base near Baghdad, was arrested on suspicion of giving classified materials to the website WikiLeaks. Manning was ultimately charged with 22 offenses, including communicating national defense information to an unauthorized source and aiding the enemy.

Just last month, Manning was convicted of most of the charges, including several violations of the Espionage Act. He was acquitted of the most serious charge, aiding the enemy, which is akin to treason and punishable by death.

While we should all be relieved that Manning was acquitted of this ultimate charge – an absurd, frightening overreach by the U.S. government that would be unconstitutional grounds for conviction – leaks to the press in the public interest should not be prosecuted under the Espionage Act. Manning already pleaded guilty to charges of leaking information, which carried significant punishment.

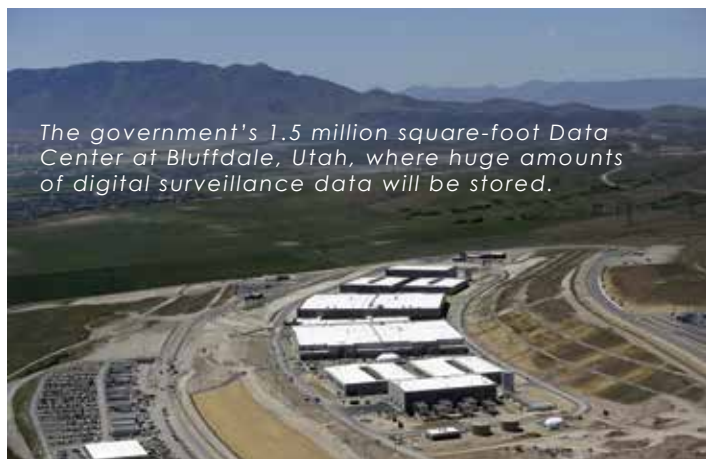
The Manning case proved that our government is more than willing to set a chilling precedent, subjecting whistleblowers to capital prosecution or at least life imprisonment without parole. It's a terrifying thought for anyone who values freedom of the press, transparency in government, and an informed citizenry.

Then there's Edward Snowden, the computer specialist who worked for the CIA and NSA. In 2013, Snowden leaked information about several top-secret U.S. and British government mass surveillance programs to the press.



In a June 2013 interview with *The Guardian*, Snowden said he leaked the information "to inform the public as to that which is done in their name and that which is done against them."

The documents Snowden leaked confirm what many have long suspected – that the NSA conducts unconstitutional surveillance of Americans' communications, including their phone calls and emails. The documents also show that the rules that supposedly protect Americans' privacy are weak and riddled with exceptions.

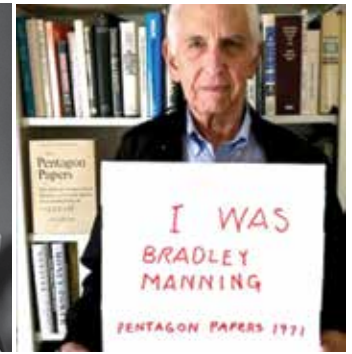


Snowden has been called a hero, a whistleblower, a dissident, and a traitor. He famously spent five weeks in the Moscow airport before Russia granted him one year of asylum earlier this month. What will happen next is unknown – but if Snowden sets foot in the United States again, or if the government captures him, he will face charges of espionage and theft of government property.

Is Snowden a hero? That's up for debate. But he's certainly a whistleblower. He disclosed information that he believed demonstrated violation of the law and abuse of authority. As a member of the intelligence community, however, Snowden is exempt from the Whistleblower Protection Act. There are no effective internal avenues for intelligence officials to report illegal activities, leaving whistleblowers such as Snowden vulnerable to retaliation. The people we trust to protect our nation deserve legal protection when they blow the whistle on wrongdoing within our government.

The good news, of course, is that Snowden's disclosures benefited the public. They gave victims of illegal surveillance – essentially all Americans – the knowledge and opportunity to challenge these unconstitutional surveillance programs. Without Snowden's leaks, a properly informed public debate on these programs wouldn't have been possible.

In the aftermath of Snowden's leaks, Congress has introduced more than a dozen bills to narrow the scope of these surveillance programs and increase transparency. Earlier this month, President Obama outlined several reforms to these programs, a welcome first step. But what's clear is that these



Daniel Ellsberg, a former U.S. Military analyst, released the Pentagon Papers in 1971, which revealed that the government knew, early on, that the Vietnam war could most likely not be won.

surveillance efforts have gone much further than the NSA, the President or Congress ever admitted. And the President's reforms are not nearly sufficient to address serious concerns about potential violations of the law and dragnet surveillance.

We need and deserve truthful information about what our government is doing, particularly where the activity infringes on individual rights. Denying us this knowledge through excessive and unnecessary secrecy, or worse, official deception, is unjustifiable and illegal. It's time to reexamine our adherence to laws that punish whistleblowers who expose wrongdoing, and focus instead on correcting the abuses their revelations reveal.

The views and opinions presented in this article are solely those of the author and do not necessarily represent those of Next Act Theatre, Inc., its employees or board of directors.

Community Forum

Do you want to learn more about the civil liberties issues surrounding *PERFECT MENDACITY*? On Sunday, October 6, at 5 pm Next Act will be hosting a Community Forum in partnership with the ACLU. A representative from the National Lawyers Guild will be on hand as well as other speakers from the ACLU.

Watch your mailbox for additional information. As more speakers are confirmed we will be adding them to our website at www.nextact.org. Save the date and join us for what is sure to be a stimulating conversation.

Sunday, October 6 • 5 pm

