

Consequences for Snowden's Actions

A. Prosecution by the U.S. Justice Department

The Justice Department has charged Snowden with stealing government property and two counts of violating the Espionage Act: (1) “unauthorized communication of national defense information” and (2) “willful communication of classified communication intelligence information to an unauthorized person.” The combined penalties for these acts amount to 30 years in prison.

B. Prosecution for Treason

In 2014, Secretary of State John Kerry declared, “He is a traitor. And he has betrayed his country. And if he wants to come home to face the music, he can do so.” Art. III, Sec. 3, of the Constitution defines treason: “Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort.” Conviction for treason carries the possibility of the death penalty.

C. A Strong But Not Too Harsh Prison Sentence

Josh Barro, writing for *Business Insider*, took a middle position: “If Snowden’s disclosures had been tightly limited to information about how U.S. intelligence agencies collect private information about Americans, I’d be more sympathetic to calls to let him off. And I still don’t think he needs to be executed or imprisoned for life; a long sentence signifying the severity of his crimes, perhaps 15 years, would satisfy me. . . . The sentence. . . has to be long enough to deter future Snowdens from leaking.”

D. Clemency

Clemency calls for leniency such as a reduction of a prison term. In an editorial, the *New York Times* wrote, “It is time for the United States to offer Mr. Snowden a plea bargain or some form of clemency that would allow him to return home, face at least substantially reduced punishment in light of his role as a whistle-blower, and have the hope of a life advocating for greater privacy and a far stronger oversight of the runaway intelligence community.”

E. A Partial Pardon

Conor Friedersdorf, writing in *The Atlantic*, argued, “Snowden undeniably violated his promise to keep the NSA’s secrets. But doing so was the only way to fulfill his higher obligation to protect and defend the Constitution, which was being violated by an executive branch exceeding its rightful authority. . . . This analysis pertains only to the leaked documents that exposed the phone [bulk metadata] dragnet, not the whole trove [collection] of Snowden’s leaks, but with respect to that one set of documents there ought to be unanimous support for pardoning his disclosure.

F. A Full Pardon

The White House has a program for submitting petitions to the government. The following petition was submitted days after the Snowden leaks appeared in the press: “Edward Snowden is a national hero and should be immediately issued a full, free, and absolute pardon for any crimes he has committed or may have committed related to blowing the whistle on secret NSA surveillance programs.”