

There are no posts below your current threshold: [Change](#) | [Favorite!](#) | [Print Thread](#)

[whiteaglesoaring](#)
(extremist)
08/25/05 11:29 PM

The Rosenbergs, Pollard, Ames, and Hansen were convicted on 18 USC 794, why not Rove, Miller, Novak [Post [293915639](#)]

Category: News & Opinion (General) **Topic:** Government

Synopsis: When our intelligence assets get close to real WMD threats and genuine issues of WMD proliferation..

Source: [The Seventh Fire](#)

Published: August 25, 2005 **Author:** Citizen Spook

For Education and Discussion Only. Not for Commercial Use.

The Rosenbergs, Pollard, Ames, and Hansen were convicted on 18 USC 794, why not Rove, Miller, Novak, Corn, Libby, Cheney.....

Individuals within the Bush Administration revealed the identity of CIA operative, Valerie Plame in contravention of US statutes. But there has been an intentional misdirection in claiming that the law that was violated is "Intelligence Identities Protection Act" of 1982. Four high profile cases have been founded on the statute, United States Code, 18 USC 794

1. The Rosenbergs were convicted, sentenced, and put to death under 18 USC 794(b).

Please review the [United States Court of Appeals' Second Circuit](#) in the Rosenberg prosecution (which was upheld by the United States Supreme Court) on the issue of 18 USC 794

Since two of the defendants must be put to death if the judgments stand, it goes without saying that we have scrutinized the record with extraordinary care to see whether it contains any of the errors asserted on this appeal...

The Supreme Court has held that the Espionage Act of 1917 makes criminal, and subject to the prescribed penalties, the communication of the prohibited information to the advantage of 'any foreign nation,' even if such communication does not injure this country. See Gorin v. United States, 312 U.S. 19, 29-30, 61 S.Ct. 429, 435, 85 L.Ed. 488, where the Court said: 'Nor do we think it necessary to prove that the information obtained was to be used to the injury of the United States.

The statute is explicit in phrasing the crime of espionage as an act of obtaining information relating to the national defense 'to be used * * * to

the advantage of any foreign nation.' No distinction is made between friend or enemy. Unhappily the status of a foreign government may change. The evil which the statute punishes is the obtaining or furnishing of this guarded information, either to our hurt or another's gain.' 2

Accordingly, the trial judge, in the case at bar, properly instructed the jury as follows: 'I charge you that **whether the Union of Soviet Socialist Republics was an ally or friendly nation during the period of the alleged conspiracy is immaterial...**' (emphasis added)

2. Jonathan Pollard was convicted and sentenced to life in prison under 18 USC 794b).

It's interesting to note that Mr. Pollard's [appeals](#) have been denied by none other than Thomas Hogan, Chief Justice of the US District Court for the District of Columbia. This is the same Justice Hogan who denied Judith Miller's ridiculous arguments.

[Mark Kleiman](#), one of the few bloggers who has covered the applicability of the the Espionage Act (18 USC 793 and 794) to the facts of the Plame outing, covered Hogan's comments

"[Chief U.S. District Judge Thomas F.] Hogan said Miller was mistaken in her belief that she was defending a free press. He stressed that the government source she 'alleges she is protecting' had already waived her promise of confidentiality

' This is not a case of a "whistle-blower" revealing secret information to Miller... It's a case in which the information she was given and her potential use of it was a crime... This is very different than a whistle-blower outing government misconduct.' "

It's also interesting to note that Ted Olson was one of the attorneys for Aldrich Ames when he was convicted, and sentenced to life in prison under 18 USC 794

Joe Wilson said, "Naming her this way would have compromised every operation, every relationship, every network with which she had been associated in her entire career. This is the stuff of Kim Philby and Aldrich Ames."

Didn't he also say that he wanted to see Karl Rove frogmarched out of the White House? There's a law that could see that happen, Joe. Why don't you invoke it?

[Government report, titled, "Report of the Commission on Protecting and Reducing Government Secrecy"](#) had this to say about Ames' conviction and 18 USC 794 (page a-84):

"According to data gathered by the Department of Justice, there were 67 indictments under the espionage laws between 1975 and August 1996. Figures compiled by the Department of Defense Security Institute show 86 new espionage cases reported between 1975 and 1995. (Both sets of materials are on file at the Commission offices.) Aldrich Ames was indicted under 18 U.S.C. 794(c) of the Espionage Act for a conspiracy "to directly or indirectly communicate, deliver or transmit . . . documents and information related to the national defense . . . to a foreign government or a representative or officer thereof . . . with the intent or reason to believe such information could be used to the injury of the United States or to the advantage of a foreign government." His wife, Rosario, was also indicted for conspiracy under a separate provision of the Act, 18 U.S.C. 793(g), for "a willful combination or agreement" with her husband "to communicate, deliver or transmit . . . documents relating to the national defense . . . to persons not authorized to receive them." Both also were indicted on tax fraud charges. Both subsequently pled guilty, with Aldrich Ames sentenced to life imprisonment without parole and Rosario Ames to

a five-year term."

[4. Robert Hansen was convicted and sentenced to life in prison under 18 USC 794.](#)

[Examine the](#) Government's indictments [of Hansen.](#)

THE LAW DOES NOT CARE ABOUT POLITICS OR MOTIVE

As the cases above illustrate, the motive the informant may have for breaking the Espionage law, 18 USC 794, is totally irrelevant. The Rosenbergs and Pollard have both argued that their intention was to help an ally, not harm the United States. The courts' held that the law doesn't care what their motives were.

Walter Pincus and The Washington Post [reported on October 4th, 2003](#)

"The leak of a CIA operative's name has also exposed the identity of a CIA front company, potentially expanding the damage caused by the original disclosure, Bush administration officials said yesterday..."

After the name of the company was broadcast yesterday, administration officials confirmed that it was a CIA front...The inadvertent disclosure of the name of a business affiliated with the CIA underscores the potential damage to the agency and its operatives caused by the leak of Plame's identity. Intelligence officials have said that once Plame's job as an undercover operative was revealed, other agency secrets could be unraveled and her sources might be compromised or endangered

A former diplomat who spoke on condition of anonymity said yesterday that every foreign intelligence service would run Plame's name through its databases within hours of its publication to determine if she had visited their country and to reconstruct her activities

'That's why the agency is so sensitive about just publishing her name,' the former diplomat said."

Just do the math. Valerie Plame was a CIA operative working on WMD proliferation issues. Her identity and the front company she worked for were outed by Novak. Her "undercover" status was outed by Corn, and she outed her own likeness (which shocked CIA officials) by posing for a photograph which was published in *Vanity Fair*

Why should the leakers in Treasongate be treated any differently than those convicted under 18 USC 794 in the past? The statute provides no defense based upon motive. But seriously, does anybody still believe the Bush administration violated the Espionage Act and exposed themselves to death or life in prison just to "smear" Joe Wilson? Motive doesn't matter to the law, other than its usefulness as an evidentiary device.

According to the only judges who have seen the most secret evidence that Special Counsel Fitzgerald has uncovered, serious crimes have been committed.

[Lawrence O'Donnel's report in the Huffington Post of July 7, 2005](#), a report Citizen Spook regards as one of the most important media revelations in US history, which states:

"In February, Circuit Judge David Tatel joined his colleagues' order to Cooper and Miller despite his own, very lonely finding that indeed there is a federal privilege for reporters that can shield them from being compelled to testify to grand juries and give up sources. He based his finding on Rule 501 of the Federal Rules of Evidence, which authorizes federal courts to develop new privileges 'in the light of reason and experience.' Tatel actually found that reason and experience 'support recognition of a privilege for reporters' confidential sources.' But Tatel still

ordered Cooper and Miller to testify because he found that the privilege had to give way to 'the gravity of the suspected crime.'

Judge Tatel's opinion has eight blank pages in the middle of it where he discusses the secret information the prosecutor has supplied only to the judges to convince them that the testimony he is demanding is worth sending reporters to jail to get. The gravity of the suspected crime is presumably very well developed in those redacted pages. Later, Tatel refers to '[h]aving carefully scrutinized [the prosecutor's] voluminous classified filings. Some of us have theorized that the prosecutor may have given up the leak case in favor of a perjury case, but Tatel still refers to it simply as a case 'which involves the alleged exposure of a covert agent.' Tatel wrote a 41-page opinion in which he seemed eager to make new law -- a federal reporters' shield law -- but in the end, he couldn't bring himself to do it in this particular case.

In his final paragraph, he says he 'might have' let Cooper and Miller off the hook '[w]ere the leak at issue in this case less harmful to national security.' (emphasis added)

Tatel's colleagues are at least as impressed with the prosecutor's secret filings as he is. One simply said 'Special Counsel's showing decides the case.' "

All the judges who have seen the prosecutor's secret evidence firmly believe he is pursuing a very serious crime, and they have done everything they can to help him get an indictment."

TONY BLAKELY ACCUSES THE NEW YORKER OF ESPIONAGE UNDER 18 USC 794

KUDOS to Tony Blakely who wrote [a very interesting article](#) suggesting that Seymour Hersh was guilty of violating the Espionage Act when he revealed details regarding US intelligence pertaining to Iraq. This column is from January 2005:

"Title 18 United States Code section 794, subsection (b) prohibits anyone "in time of war, with intent that the same shall be communicated to the enemy [from publishing] any information with respect to the movement, numbers, or disposition of any of the Armed Forces ... of the United States ... or supposed plans or conduct of any ... military operations ... or any other information relating to the public defense, which might be useful to the enemy ... [this crime is punishable] by death or by imprisonment for any term of years or for life."

Subsection (a) of that statute prohibits anyone "with ... reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates ... to any representative, officer, agent, employee, subject or citizen thereof, either directly or indirectly, any information relating to the national defense, shall be punished by death or by imprisonment for any term of years or for life."

I am not an expert on these federal code sections, but a common sense reading of their language would suggest, at the least, that federal prosecutors should review the information disclosed by Mr. Hersh to determine whether or not his conduct falls within the proscribed conduct of the statute

In the fairly recent past, at least one journalist writing for Jane's Publications has been successfully prosecuted under the statute, freedom of speech and the press not being a defense to espionage. Remember, in the famous Pentagon Papers case, the issue was prior restraint. Could the government stop a newspaper from publishing government secrets relating not to current operations but to prior planning? The answer then was no. But in the current matter of Seymour Hersh and the New Yorker, they have been free to publish the article. The question is whether or not

any legal consequences attach to that decision

I was shocked when I read Mr. Hersh's article. Note the tenses he uses to describe American military action: "The American commando task force ... is now working," "has been conducting secret reconnaissance." In other words, Mr. Hersh is revealing to all the world, including the Iranian government, that our commandos are currently behind enemy lines in Iran on a dangerous and vital military assignment. " [here](#)

Wow. What the hell? How did this go unpunished? Aren't we at war? Are we really so docile, America? Are we really going to allow them to do this to us?

When is the main stream media going to pay attention to the "eight redacted pages", the Judges' comments about the damage to national security, and the actual laws that have been broken, especially 18 USC 794? If you just look at the facts that are not even in dispute, they prove that Plame and Brewster Jennings were outed, you have prima facie convictions just sitting their staring America in the face

Condi Rice has admitted that Khan's cooperation was leaked by the Government. She's admitted the Government violated 18 USC 794(b). It's out in the open. When will our nation take a closer look at the [Khan leak](#) and this trend of outing intelligence assets?

The bogus Bush mantra for the Iraq war was WMD. But when our intelligence assets get close to real WMD threats and genuine issues of WMD proliferation, people like Sibel Edmonds, John O'Neil, Able Danger, Brewster Jennings, and the intelligence divisions involved with "turning" Khan are actually found to be doing their job, the Bush administration has exhibited an MO for shutting them down at all costs

What is going on America, and what are you going to do about it?

[whiteaglesoaring](#) writes: "Several related articles by Citizen Spook on The Seventh Fire."

[Reply](#) | [Private Reply](#) | [Flag](#) | [First](#) | [Last](#) | [Context](#)

Post Extras:    

 [Favorite!](#) |  [Print Thread](#)

◀ [Previous](#) ▲ [Index](#) ▶ [Next](#) Flat  [Threaded](#)

Jump to | [Government](#)

[libertyforum.org](#) | [Contact Us](#)

[Ain't Nobody's Business If You Do](#)

[Main Index](#) | [Latest Articles](#) | [Latest Posts](#) | [Self Search](#) | [Search](#) | [Control Panel](#) | [Who's Online](#) | [FAQ](#) | [Logout](#) | [User List](#)

Fair Use Notice

This site contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. We make such material available in an effort to advance awareness and understanding of issues relating to civil rights, economics, individual rights, international affairs, liberty, science & technology, etc. We believe this constitutes a 'fair use' of any such copyrighted material as provided for in section 107 of the US Copyright Law. In accordance with Title 17 U.S.C. Section 107, the material on this site is distributed without profit to those who have expressed a prior interest in receiving the included information for research and educational purposes.

For more information please visit: <http://www.law.cornell.edu/uscode/17/107.shtml>.

If you wish to use copyrighted material from this site for purposes of your own that go beyond 'fair use', you must obtain permission directly from the copyright owner.