



## Drone whistleblower Daniel Hale imprisoned

By Richard Bardon

Former US Air Force intelligence analyst Daniel Hale was sentenced on 27 July to 45 months in prison, for the “crime” of exposing the Barack Obama administration’s deliberate mass murder of civilians in its “anti-terrorist” drone assassination campaign. Hale joins a long list of whistleblowers who have been prosecuted on trumped-up charges under the USA’s 1917 *Espionage Act*, which is supposed to deal with the passing of secret information to foreign agents, for daring to reveal the US government’s war crimes, illegal spying and other wrongdoing to the American and global public. Australia is also complicit in the USA’s drone murders through the Joint Defence Facility Pine Gap near Alice Springs in the Northern Territory, which experts have described as the USA’s most important signals intelligence base outside its own territory and “essential” to the drone program.

Hale, now 33, joined the US military in 2009. According to a profile published 23 July in *New York Magazine*, he had previously been reluctant to enlist, as many of his peers had done to escape the doldrums of impoverished small-town America, because he abhorred the George W. Bush administration for its illegal invasion of Iraq and associated war crimes. But with Obama in office, “a new president who made promises in which it was tempting to believe: the closing of Guantánamo, an end to forever war”, he decided to take the chance. “Daniel walked into a military-recruitment office in a strip mall near a Walmart”, the magazine reported. “He took a test, aced it, and was told he could do anything he wanted.” Hale initially trained as an Asia specialist, and studied Mandarin at the Defence Language Institute in Monterey, California.

Unfortunately, the article continued, “Obama did not in fact close Guantánamo in his first 100 days. He did not end the drone program or usher in a new age of transparency. Not a week into office, he authorised two drone strikes that killed 14 people, many of whom were not the targets. Obama increased the tempo of attacks and would, two years later, introduce the novel element of killing American citizens. At first the strikes had been limited to ‘al-Qaeda and associated forces’, but gradually they were found useful for forces it was extremely hard to argue were associated with al-Qaeda. It was useful, Obama found, to ... evolve the whole thing from an assassination program to a holistic counterinsurgency machine.”

### Collateral damage

Meanwhile Hale had become an analyst with the Joint Special Operations Command (JSOC), and in 2012 was deployed to Afghanistan and tasked with identifying and tracking suspected terrorists and militants via their mobile phones. “In my capacity as a signals intelligence analyst stationed at Bagram Airbase”, he wrote in a [letter](#) to the judge prior to his sentencing, “I was made to track down the geographic location of handset cell phone devices believed to be in the possession of so-called enemy combatants. ... Once a steady connection is made and a targeted cell phone device is acquired, an imagery analyst in the USA, in coordination with a drone pilot and



Drone whistleblower Daniel Hale at a 2016 protest at the White House. Photo: Screenshot

camera operator, would take over, using information I provided to surveil everything that occurred within the drone’s field of vision.” Most often this was done to document suspects’ day-to-day lives, he wrote, but “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”, Hale continued. “Early that morning, before dawn, a group of men had gathered ... 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.... 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.” The whole group were blown to pieces by a barrage of drone-launched Hellfire missiles, and marked down as “EKIA”, Enemies Killed in Action. In another incident a few months later, which Hale described as “the most harrowing day of my life”, a suspected car-bomb maker was spotted driving at high speed towards the Pakistan border. “A drone strike was our only chance [to stop him]”, wrote Hale. But clouds and strong winds prevented the drone—an early-model “Predator” with only one missile—from achieving a precise lock on the fast-moving vehicle, and the missile struck the ground a few metres to its rear, damaging but not disabling it. After a while, wrote Hale, “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

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in the car. And in the back were their two young daughters, ages five and three years old.” The following day, a group of Afghan soldiers sent to inspect the area found the girls in a nearby dumpster. The elder child was dead from shrapnel wounds, the younger still alive but injured and severely dehydrated. Hale recalled his commander’s disgust at the incident—not for having errantly fired on an innocent woman and her children, but “for the suspected bomb maker having ordered his wife to dump the bodies”. A year later, at a farewell gathering for himself and others who would soon be leaving military service, Hale watched Obama give his first public speech on the drone program. “The president said that a high standard of ‘near certainty’ needed to be met in order to ensure that no civilians were present”, he wrote. “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.”

After he left the military in 2013, Hale devoted himself to anti-war activism, and appeared at peace conferences, public demonstrations, and in *National Bird*, an award-winning 2016 documentary on the drone program. In 2014, however, he accepted a job offer as a contractor at the National Geospatial-Intelligence Agency (NGA), the US Defence Department’s signals intelligence agency. He “felt uneasy about the idea”, he wrote, but he needed the money. He reached his breaking point, however, the night two colleagues with whom he had stayed back to socialise after work decided to watch some “war porn”—archived footage of past drone strikes. “[My] new friends gaped and sneered, just as my old ones [in Afghanistan] had, at the sight of faceless men in the final moments of their lives. ... My conscience, once held at bay, came roaring back to life. ... 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.”

### The price of conscience

That reporter was Jeremy Scahill of online publication The Intercept, whom Hale had met at an anti-war event several years earlier. Scahill’s own “anti-war” credentials are spotty at best (he was, for instance, a vocal supporter of the “moderate rebels” in Syria, and used The Intercept as a platform from which to hurl vitriol at independent journalists who exposed them as foreign-backed jihadists allied with al-Qaeda), and The Intercept has developed a reputation for failing to protect its sources. But in Hale’s case, it seems that he was simply past caring about his own fate, and was determined to get the truth out as quickly as possible. Possessed of a high-level security clearance that gave him access to the inner workings of the drone program, he began using his work computer—on which, he must have known, all activity was logged for security purposes—to download documents that would expose the program’s inner workings to the world. His disclosures became the basis for a slew of Intercept articles in 2014-16, most notably its October 2015 eight-part series “The Drone Papers”, as well as the book *The Assassination Complex* by Scahill and other Intercept staff, published the following May.

Hale’s evidence proved that the high proportion of

civilian deaths he had witnessed while with JSOC was the norm, not only in Afghanistan but also in Pakistan, Iraq, Syria, Yemen, and Somalia, countries where the United States was not even officially at war. Between January 2012 and February 2013, his documents showed, US drone strikes killed over 200 people, only 35 of whom were the intended targets; in one five-month period, nearly 90 per cent of those killed were bystanders, including children, almost all of whom were labelled EKIA to cover up the crime. Drone operators reportedly referred to these murdered children as “fun-size terrorists”. As US National Security Agency whistleblower Edward Snowden told a May 2021 online conference to commemorate the 50th anniversary of RAND analyst Daniel Ellsberg’s release of the “Pentagon Papers” concerning the US government’s covert operations against Vietnam going back to the 1940s, “Daniel Hale is one of the most consequential whistleblowers. He sacrificed everything—an incredibly courageous person—to tell us that the drone war, that ... the government was still officially denying in so many ways, is here, it is happening”, and killing many innocent people. “We could not establish that, we could not prove that, without Daniel Hale’s voice.”

Hale was raided by the Federal Bureau of Investigation on 8 August 2014, but for whatever reason the Obama administration did not prosecute him. The succeeding Donald Trump administration, however, which if anything was even more fanatically secretive than its predecessor (Trump not only expanded the drone program, but removed what few rules had existed for reporting civilian casualties and made it even easier for strikes to be approved), revived the case and had him arrested in May 2019 on five counts of violating the *Espionage Act*, four of which were eventually dropped in a plea bargain. Since Obama, that Act has been the preferred one under which to charge whistleblowers, because it prohibits the accused from arguing that their disclosures were made in the public interest, or indeed explaining their motivation at all. And as investigative journalist and author Chris Hedges noted in a 12 July article for news and analysis site Scheerpost.com, Hale also “faced trial in the Eastern District of Virginia, much of whose population has links to the military or intelligence community, and whose courts have become notorious for their harsh sentences on behalf of the government.”

Australia shares culpability for the USA’s drone murders. As Australian defence and foreign policy expert Professor Richard Tanter told the Supreme Court of the Northern Territory in November 2017, Pine Gap is an “essential part” of the US drone program. Tanter and his colleagues at the Nautilus Institute for Security and Sustainability had already inferred, and documents leaked by Snowden in 2013 confirmed, that on behalf of the US military Pine Gap intercepts, analyses and traces back to their sources enormous volumes of mobile phone, satellite phone and radio communications from around the world. “I do not think [the drone program] could operate at anything like the level it does” were Pine Gap removed from the network, Tanter testified as an expert witness at the trial of peace activists accused of trespassing on the base, “and therefore if it was not there the effects we are seeing in countries in which we are not at war, for example Pakistan, Somalia and Yemen, would not be so great.” Australia therefore has the capacity to shut down this global criminal enterprise. It is a moral stain upon our nation that we have not done so.