

# THOMAS DRAKE SIGNS PLEA AGREEMENT; GOVERNMENT ATTEMPT TO EXPAND ESPIONAGE ACT FAILS

Thomas Drake just signed a plea agreement, admitting to Exceeding Authorized Use of a Computer. (h/t Steven Aftergood) The plea says:

The defendant intentionally accessed a computer and exceeded his authorized access; by doing so, the defendant obtained information from any department of agency of the United States.

[snip]

From in or about February 2006 through approximately March 2007, the defendant intentionally accessed NSANet, obtained official NSA information, and provided said information orally and in writing to another person not permitted or authorized to receive the same. In doing so, the defendant knew that he exceeded his authorized use of NSANet each time he accessed NSANet and obtained said information for that purpose because such access was not for the official use or business of NSA.

Now the plea doesn't say anything about what sentence they've agreed to. The base level is 6, and the calculation works out to 6, which means he's eligible for no jail time (the maximum punishment is a year). The plea indicates "the Criminal Division will not oppose a non-custodial sentence." So hopefully the judge will just be done with this and Thomas Drake can get on with his life.

Meanwhile, the people who illegally wiretapped

us (according to Drake, in highly inefficient fashion)? They remain free.

While I hope Drake avoids any jail time here, equally important is that the government has once again failed to broaden the Espionage Act to cover garden variety leaks.