

Citizenfour

During the holidays I watched a documentary called Citizenfour that concerns Edward Snowden and the NSA spying scandal that you may have heard about that began in 2013. I thought that it would be interesting to come back on this case and its current consequences because it raises lots of questions that are concerning everyone in a society where we constantly deplore the end of our privacy.

How does the controversy around Edward Snowden illustrate the inability faced by our modern societies to reconcile national security and privacy ?

First, I'll talk about the revelations made on the NSA's illegal activities, then about the division generated by it and finally I'll summarize the current situation.

I Snowden's revelations case

A The context

The 5th of June 2013, the famous British newspaper The Guardian published on its website a highly classified document from the NSA, the National Security Agency of the US revealing that data of billions of Americans were recovered without their consent. The man behind this revelation was Edward Snowden : an IT engineer. He had worked for the CIA and then had been hired by an NSA contractor to develop surveillance programs for the NSA use. Snowden says he gradually became disillusioned with the programs with which he was involved and that he tried to raise his ethical concerns through internal channels but was ignored. On May 20, 2013, Snowden flew to Hong Kong after leaving his job at an NSA facility in Hawaii, and in early June he revealed thousands of classified NSA documents to journalists Glenn Greenwald and Laura Poitras.

B The content of the revelations

The ongoing publication of leaked documents has revealed previously unknown details of a global surveillance machine run by the United States in close cooperation with three of its four Five Eyes partners: Australia, the UK's GCHQ, and Canada. The first surveillance program to be revealed was PRISM which allows direct access to American's Google, Facebook or Yahoo accounts. The Washington Post revealed that the NSA was paying U.S. private tech companies for clandestine worldwide access to their communications networks. It was also revealed that a secret court order required the American telecommunication company Verizon to hand the NSA millions of Americans' phone records daily including email content, tracking and mapping the location of cell phones.

C His motivations

Snowden declared that his sole motive was to inform the public that what is done in the name of their security is done against them. He accused the USA to violate the American right guaranteed by the Constitution to have a private life but also the democracy. He adds

that 90% of those placed under surveillance in the U.S. are ordinary Americans with no links with terrorism.

II The controversy around Snowden

A The reaction of the US government

On June 14, 2013, United States federal prosecutors filed a criminal complaint against Snowden, charging him with theft of government property and the violation of the Espionage Act of 1917 through unauthorized communication of national defense information to an unauthorized person. According to the government, this surveillance could be justified as a legal interpretation of the Patriot Act of 2001 to fight against terrorism. At the end of 2013, Snowden obtained asylum in Russia before a permanent residency. In 2019, Snowden he asked the French government to grant him asylum but France keeps refusing.

B The division of the public opinion

For Snowden's accusers, the whistleblower had been too far by stealing and disclosing documents related to the national security. It brought to light a part of the international activity of the NSA that we can be considered as essential for security such as the spying on the wife of one's of Ben Laden's associate. According to a report of the House of representatives from 2015, if the revelations didn't harm directly the American citizens, they've led to a disruption in the legal collect of information and may have caused considerable damages for the national security They speak in favor of a judgement and a condemnation of Snowden's acts.

On the other hand, Snowden partisans consider him as a national hero. If they don't deny that he disrespected the law by revealing highly classified documents, they plead that his revelation of illegal US government activity sparked a global debate and that he did it for the public interest. Privacy is a human right and he did his duty revealing this violation. Moreover it resulted in the US government passing laws for the first time in decades restricting government surveillance as we will see in a third part.

III Privacy nowadays

A Legal changes

Even if the massive surveillance on Internet didn't stop with the Snowden's revelations, some progress has to be underlined. In 2015, the congress adopted for the first time in its history a law reducing lightly the powers of the intelligence services. Indeed, the Freedom Act force the NSA to present specific reasons in order to obtain someone's datas. However, this Act only applies to American citizens allowing the NSA to pursue its actions abroad. In others countries such as Germany or Brazil, Snowden's revelations opened a political debate about the practices of their intelligence services. It also was used as a striking argument in some negotiations especially at a European level. The General Data Protection

Regulation adopted by the European Union in May 2018 was a result of a debate caused by the Snowden's documents.

B Technical changes

Technical changes that took place on Internet are at least as important. The links between the US administration and the Big digital companies had been drastically damaged since the Snowden case. Technical measures had been taken by the firms to protect their users. The encryption of the communications had been widespread. An increasing portion of the Internet traffic is from now on unreadable by outsiders giving protection against the intelligence services willingness to listen. By the way, these new measures are a source of tensions, in 2015 Apple refused to give access to an iPhone despite the FBI request within the scope of a terrorism investigation.

C National security or privacy ?

More generally, the Snowden case and the the division about the fate he has to undergo illustrates the dilemma of our modern societies. The development of digital devices has strengthened the international terrorism but offers, at the same time, the capacity to fight it even if this includes a danger for our privacy : the limits aren't easy to fix. Both security and privacy are protected by the law and it's mission hard to determine which one should prevail on the other not only in the USA but worldwide as we've experienced it in France with the debates around the urgency state. To conclude, we may wonder if a balance truly exists as we know that surveillance by its nature is secret and can't be democratic.

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