290COM COURSEWORK

By Ovidiu Mitroi

Group:

VENKATA CHALUMURI

OVIDIU MITROI

JOSEPH FABIYI

**Introduction**

In the aftermath of 9/11, the US Government has decided to take a strong measure against international terrorism and passed the Patriot Act as law. This Patriot Act included many sections related to the unrestricted surveillance of suspected individuals (terrorism), obtained by passing warrants and other permission types for the government to collect data on suspected individuals. (Wikipedia, 2016). This law was fairly rushed, and most sections were very open to interpretation. This has led to a secretive mass surveillance and collection of data by the NSA; a process which has been revealed to the public by Edward Snowden in June 2013. USA’s international activity was severely criticised when Julian Assange revealed facts such as; the existence of an official policy to ignore torture in Iraq, Guantanamo prison holding innocent people and low-level operatives and many others. (Bradley Manning support network, 2011). All of these leaks have led to serious debates about how a government should operate, and it resulted in a battle between the concepts of privacy and security.

**Scope**

We are taking the side Julian Assange and Edward Snowden. According to Wikipedia, “A Hero is a person or main character of literary work who, in the face of danger, combats adversity through impressive feats of ingenuity, bravery or strength, often sacrificing his or her own personal concerns for some greater good”. This definition reflects the nature of Edward Snowden and Julian Assange. They are ordinary individuals who are willing to fight against corruption, against an abuse of power that could easily turn democracy into a dictatorship. If people like Edward Snowden and Julian Assange did not exist, there would be no free press.

**Discussion of underlying issues**

* First we have to decide if any of the two parties; the exposers and the government are guilty of anything. It is tough to prove that the people responsible for the law are also breaking it. A leaked FISA court order publicly revealed the government was using Section 215 of the Patriot Act to collect the phone records of virtually every person in the United States. (eff.org, Section 215 Patriot Act). Through the FISA Amendment section 702, NSA was allowed to conduct warrantless surveillance over people’s communication with anyone outside of the U.S (eff.org, 2016). The FISA amendment also stated that those people are suspected and non-citizens of US. However, this section was proved to be interpreted by the government wrongly, as proved by the documents leaked by Edward Snowden, which contained a paragraph that stated: “government seeks to acquire communications about the target that are not to or from the target.”, Which technically implies everyone. This is not breaking the law. However, it proves that the government have been interpreting weakly-written laws for their convenience.
* Edward Snowden and Julian Assange are hiding in countries with no extradition laws, as they are facing prosecution if they are to return to their home ground. This implies that they are seen guilty, and it is true that both individuals have released documents that revealed government secrets and endangered the lives of US foreign operatives. One of the documents leaked by Edward Snowden contained information related to how USA is spying on Mosul, Syria, which compromised the operation (LastWeekTonight 2015). Based on this information, we can say they are legally guilty of treason, but it has to be taken into account that treason was not the purpose of the leaks, the purpose was to expose the government’s power, as it grew exponentially without the awareness of the people.
* Edward Snowden has stated, in his initial interviews with Glen Greenwald, before the leak, as portrayed in the documentary Citizenfour(2014), that one of the primary battles in the front of democracy is state power against the people’s ability to oppose that power. He said that the main purpose of his leak was to reinforce the knowledge of the people about the state power so that a strong discussion can take place about how to limit that power. We have to emphasise at this point the unwillingness of the government to talk about these issues; in a 2012 congressional hearing, Democratic Congressman Hank Johnson interviewed NSA director Keith Alexander. In this interview, the NSA director denied that NSA routinely intercepts text data, such as e-mails, SMS, phone conversations, Google searches, Amazon purchases (Citizenfour, 2014); However, Snowden’s leaks proved that NSA routinely intercepts text data. It is clear that the NSA has never planned to have a debate or discuss these issues, knowing that it would spark a lot of ethical and moral questions and it would be a detriment to their operations.
* One of the arguments brought forward by the government was that they were only storing traffic analysis information related to emails, phone calls and other digital content; however, this was proven wrong. Every phone call, e-mail or other means of communication had metadata associated with it, which contains information about the sender, receiver, content and much more. All this data was collected for every form of communication, domestically (Schneier 2013). Until Snowden’s leaks People were in a misconception that their personal data is secured and private. It was morally right for individuals like Snowden and Assange to bring awareness to people about government’s interception of their personal data.
* Following the above point, the step taken by Snowden had a positive effect in other nation governments as well. After the revelation of Edward Snowden, the Brazilian President Rousseff cancelled an international visit to America and thus prompted the create an "Internet Constitution" which outlines the rights of the people, organisations and states to keep an open, decentralised and free internet. Great Britain had its first intelligence public hearings before Parliament for the first time in history, in regards to GCHQ, MI5, MI6 on security and intelligence practices. Some of the questions ranged from agency oversight, electronic communications interception, and the impacts of newspaper stories from Snowden leak. Liberty associations claim the hearing was lacking adequate probing questions into the exploitation. (Grover 2015)

**Preparation for counter arguments**

* The opposition may point that; the decision of Snowden and Assange to reveal classified information is completely irresponsible and a dangerous thing to do. The opposition may also say that from a legal standpoint, Snowden violated the law and he deserves punishment. Moreover, he made a decision on his own without any authorization to reveal classified information about which he had absolutely no expertise regarding danger to the nation and the value of the information to national security (Reed Kelly 2013). We understand that Snowden is an ordinary employee with no expertise in public policies, law and national security. Edward Snowden gave out thousands of documents on everything from the past and even current in going operation in the field. However, it is estimated that only one percent of the information provided to the publishers was released. Let's not forget that documents Snowden gave to the publishers were filtered through press organisation in a classic sort of way whistle-blowers provide public information about illegal criminal activity by their government to the public. So the notion that he is some individual standing up and releasing information over the internet is false. Technically, it is criminal but set against the larger crime that is being committed by the government (Reed Kelly 2013).
* The opposition may also point that what is taking place is too technical for the general person to be able to express an opinion about it. In this case, one could argue that people don't need to know how it works, they need to know why it would be useful. To address the common person and get their honest opinion, you would have to find the visible line in the sand for them, which means you would have to use less technical terminology. An appropriate way to ask a person would be; "The government wants to access all communication inside the country to be able to detect possible terror plots. Would you give away your privacy for increased national security?". The thing is, in a democracy, a government body should not decide the matter of security over privacy. This is an issue of public opinion. The voice of the public should be the strongest voice in a democratic country. The public is capable of understanding the threats their country is dealing with and is capable of sacrificing some of their privacy to increase their security. It is a natural reaction, taken in their defence. What the government is doing no longer classifies as a principle of democracy. They might not be breaking the law, but they are breaking the rules upon which their country was founded. They "classify" information too easily. The process of mass surveillance should have been revealed in the aftermath of 9/11 and the common sense of the people, scared after a devastating terrorist attack, would have decided the right outcome.
* Another point of defence would be that innocent people have no reason to be afraid of mass surveillance. We totally agree with this. We want to live a safer life, to walk the streets in the night knowing nothing bad will happen to us, but that doesn't mean we have to give away our complete privacy. How could the conversations and other data of an innocent man, never accused of anything, be of any help to the government? There have been no large terrorist plots thwarted by the US government since 9/11 (McLaughlin, J.,2015), which proves that personal information of hundreds of millions of people is not that useful. Mass surveillance is an answer that comes out of a lack of answers and is a response caused by panic. The laws that legalise mass surveillance have been passed in the aftermath of 9/11, a period of distress and fear and they bypass many democratic foundations. These laws should be reviewed and reformed to suit a democratic country better and to shape the future in a better way. After all, isn't mass panic what terrorists are looking for? We can do better than that.

**Closing Statement**

Julian Assange and Edward Snowden have exposed the growing disconnect between the US government and its people. For that, they should be praised. If mass surveillance continues the way it is happening right now, then the freedom of the modern world is compromised. The internet will become a systematic environment, where freedom of speech is no longer accepted. The relationship between the government and its people is suffering because of rash decisions taken during moments of panic and chaos. The problems uncovered by whistle-blowers like Edward Snowden should be disseminated in detail and discussed upon by the entire world. Terrorism is a problem of the modern world which needs to be resolved. You would expect terrorism to bring the government and its people together, in order to fight the evil, but government secrecy is a detriment. The world should focus less on who uncovered a problem and focus more on dealing with that problem. However, it must be taken into account that people's privacy is important and the government should take measures that do not affect people's privacy.

**References**

Anon. (2014) *Section 215 of the USA PATRIOT act* [online] available from <https://www.eff.org/foia/section-215-usa-patriot-act> [4 December 2016]

Anon. (2015) *2015 10 08 s702 myths facts2no*[online] available from <https://www.eff.org/files/2015/10/18/2015-10-08-s702-myths\_facts2.pdf> [4 December 2016

LastWeekTonight (2015) *Government surveillance: Last week tonight with John Oliver (HBO)*. available from <https://youtu.be/XEVlyP4_11M>

McLaughlin, J. (2015) *U.S. Mass surveillance has no record of thwarting large terror attacks, regardless of Snowden leaks* [online] available from <https://theintercept.com/2015/11/17/u-s-mass-surveillance-has-no-record-of-thwarting-large-terror-attacks-regardless-of-snowden-leaks/> [4 December 2016]

Anon. (2011) *What did WikiLeaks reveal?* [online] available from <https://www.chelseamanning.org/news/what-did-wikileaks-reveal> [4 December 2016]

Poitras, L. (2014) *Citizenfour*. Germany

Wikipedia (2016) 'Patriot act'. in *Wikipedia* [online] Wikimedia Foundation. available from <https://en.wikipedia.org/wiki/Patriot\_Act> [4 December 2016]

Schneier, B. (2013) *Evidence that the NSA is storing voice content, not just Metadata - Schneier on security*[online] available from <https://www.schneier.com/blog/archives/2013/06/evidence\_that\_t.html> [4 December 2016]

Reed Kelly, A. (2013) *Chris Hedges On Edward Snowden: Hero Or Traitor?* [online] available from <http://www.truthdig.com/avbooth/item/chris\_hedges\_on\_edward\_snowden\_hero\_or\_traitor\_20130612> [3 December 2016]

Grover, S. (2015) *Snowden's Global Impact | Visual Timeline* [online] available from <http://www.whoishostingthis.com/blog/2015/05/20/snowdens-global-impact/> [3 December 2016]

**Group Constitution form:**

|  |  |  |
| --- | --- | --- |
| Group Name: |  | |
| Member Name and Student ID (printed) | Signature | Area of Contribution |
| JOSEPH FABIYI  SID: 6642705 |  | Researched about the global impact of leaks; actions of other nation governments after the leaks happened. Wrote bullet points related to that. |
| OVIDIU MITROI  SID: 6832432 |  | Researched about the effect of the leaks on US government policy and its relation to its people. Wrote several bullet points about that. |
| VENKATA CHALUMURI  SID: 7030330 |  | Researched about the violation of Snowden and Assange from law perspective and Wrote counter arguments corresponding to it. Also contributed to points about moral and ethical perspective of the leaks. |