EDWARD SNOWDEN: Traitor or Hero?

His revelations about government surveillance programs shocked many Americans. With those programs now under attack, debate is growing about whether or not Snowden’s actions were justifiable.

by PATRICIA SMITH

Snowden's refugee document lets him stay in Russia for one year.

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Facing the possibility of life in prison if he returns to the United States, Edward Snowden remains holed up in Russia, where he fled last year after exposing a National Security Agency (N.S.A.) program to spy on Americans and foreigners.

The 30-year-old high school drop-out and computer whiz from North Carolina may be the most famous fugitive in the world—hailed as a hero by some, denounced as a traitor by others.

But now that President Obama has acknowledged that the data collection programs Snowden revealed may have gone too far, some are asking whether the U.S. government should treat Snowden leniently.

“I absolutely think the tide has changed for Snowden,” says attorney Jesselyn Radack, an adviser to Snowden who works at the Government Accountability Project, a Washington group that protects government whistle-blowers.

“All of these things taken together counsel in favor of some sort of amnesty or pardon.”

As a computer systems contractor working for the N.S.A., Snowden collected hundreds of thousands of top-secret documents about a variety of classified surveillance programs. Troubled by what he saw, he decided to make them public.

Last summer, he leaked details of the programs to journalists, reigniting a national debate about how much privacy is worth sacrificing to prevent more terrorist attacks on the United States. Civil liberties groups immediately hailed Snowden for revealing what they say is government spying run amok. Many lawmakers on both the right and the left branded him a traitor, and federal prosecutors charged him with two violations of the 1917 Espionage Act.

**Monitoring & ‘Metadata’**

The most controversial surveillance program Snowden disclosed involves the bulk collection of the “metadata” of millions of Americans’ phone calls—in other words, records of what calls were made to whom and when, but not recordings or transcripts of the actual calls. Snowden also revealed that U.S. spy agencies had monitored the cellphone conversations of dozens of world leaders, including close allies like Chancellor Angela Merkel of Germany.

**Following Snowden’s Tracks**

**May 2013 Copying the Files**

As a computer technician for consulting firm Booz Allen Hamilton, Snowden worked at an N.S.A. facility in Hawaii. In mid-May, he copied 1.7 million files, according to the Defense Department, and falsely told his supervisor he needed a few weeks off to get treatment for epilepsy.

**May 20, 2013 The Getaway**

Snowden flew to Hong Kong, carrying four computers and digital copies of the classified N.S.A. files.

**Late May 2013 Rendezvous**

Snowden invited a documentary filmmaker and two reporters to a Hong Kong hotel for a secret meeting. To identify him, they were told to look for someone carrying a Rubik’s Cube. Snowden turned over thousands of classified documents.

**Summer 2013 Asylum**

Snowden spent 39 days trapped in the transit lounge of the Moscow airport, as various countries denied his asylum requests. In August, Russia granted him asylum for one year.
Germany and President Dilma Rousseff of Brazil.

Last month, President Obama announced a major overhaul of how U.S. telephone data is collected. He’s ordering intelligence agencies to get permission from a secret court before tapping into the data to investigate terrorist threats; and to stop monitoring the phones of allied leaders.

“America’s capabilities are unique,” Obama said in a speech announcing the new restrictions. “And the power of new technologies means that there are fewer and fewer technical constraints on what we can do. That places a special obligation on us to ask tough questions about what we should do.”

President Obama also promised to ultimately move that phone data out of the hands of the government. That raises the question of whether Americans will feel better knowing that the data is in the hands of private companies. Telecom providers like AT&T and Verizon and Internet companies like Google and Amazon already collect enormous amounts of information about Americans’ daily lives—too much, Web privacy groups say.

The courts so far have been divided over the spying program. A federal judge in Washington, D.C., ruled in December that some of the N.S.A.’s surveillance was probably unconstitutional. A week later, another federal judge in New York came to the opposite conclusion, ruling the N.S.A. programs legal and setting up the possibility that the Supreme Court will ultimately have to settle the matter.

Last month, the Privacy and Civil Liberties Oversight Board, an independent privacy watchdog set up by Congress, concluded that the N.S.A.’s phone records collection program has provided only “minimal” benefits in counterterrorism efforts. Citing the Fourth Amendment, which prohibits “unreasonable

The Fan Club
Civil liberties groups have applauded Snowden for revealing government surveillance programs; an ad on a bus in Washington, D.C.

The Espionage Act
Passed by Congress in 1917, just months after the United States entered World War I, the Espionage Act made it a crime to communicate any information with the intent of interfering in the U.S. war effort or assisting America’s enemies.

The most famous case prosecuted under the Espionage Act was that of Ethel and Julius Rosenberg, who were convicted in 1951 at the height of the Cold War of conspiring to steal designs for America’s atomic bomb and give them to the Soviet Union. The Rosenbergs, a husband and wife from New York City, were put to death in the electric chair two years later.

Ethel and Julius Rosenberg during their trial in 1951
Lots of Leakers

The men below all disclosed secret information. Did they help or harm the nation?

Daniel Ellsberg
In 1971, Ellsberg, a former military analyst, leaked a top-secret Pentagon study of the Vietnam War. It revealed the White House had lied to the public and to Congress about the war. Ellsberg gave the documents, known as the Pentagon Papers, to The New York Times, The Washington Post, and 17 other newspapers.

“Deep Throat”
In the early 1970s, a secret source known as “Deep Throat” leaked details about the Watergate scandal to Washington Post reporters Bob Woodward and Carl Bernstein. The information ultimately led to President Richard Nixon’s resignation in 1974. In 2005, a 91-year-old former F.B.I. agent named W. Mark Felt revealed that he was Deep Throat.

Jeffrey Wigand
In 1995, Wigand, a former tobacco company executive, gave documents with tobacco industry secrets to 60 Minutes. His revelations resulted in the government winning a huge lawsuit against the tobacco companies for lying to the public about the health risks of smoking.

Bradley Manning
In 2010, Manning, a 22-year-old Army private, downloaded hundreds of thousands of army reports and classified army videos and passed them on to WikiLeaks. Last year, Manning was found guilty of six counts of espionage and sentenced to 35 years in prison.

An ‘Act of Treason’?
Not so fast, others say. This isn’t the first time a disillusioned American has revealed government secrets (see box, above), and it probably won’t be the last. They warn that letting Snowden off the hook would set a dangerous precedent.

“Bottom line for me is that he is responsible for the most damaging leaks in U.S. intelligence history,” says John McLaughlin, a former acting C.I.A. director.

Among the many things Snowden’s leaks revealed was how the military secures its telephone and computer networks and other details of current U.S. military operations. This prompted a report by the Defense Intelligence Agency to conclude that Snowden probably made American forces overseas more vulnerable.

“Snowden’s actions are likely to have lethal consequences for our troops in the field,” says Representative Mike Rogers, Republican of Michigan and chairman of the House intelligence committee. Dianne Feinstein, the Democrat who chairs the Senate intelligence committee, has called Snowden’s disclosures “an act of treason.”

Snowden says he doesn’t regret revealing the surveillance programs.

Senator Charles Schumer, Democrat of New York, says there is a “grand tradition of civil disobedience in this country”—including the Rev. Martin Luther King Jr. and Daniel Ellsberg, who in 1971 leaked the Pentagon Papers, which revealed secrets about U.S. involvement in the Vietnam War. Ellsberg was tried and acquitted. Schumer says if Snowden considers himself part of that tradition, he should return to the U.S. to stand trial and face the consequences of his actions. Such a trial, Schumer says, could be enlightening for the nation.

As the debate plays out, Snowden watches from his refuge in Moscow. Russia granted him asylum for one year, but U.S. authorities revoked his passport and the espionage charges against him make it impossible for him to travel without fear of being extradited to the U.S. to stand trial (see “Extradition,” p. 6). Under the Espionage Act, there is no whistleblower loophole that would allow Snowden to argue that he should be forgiven for exposing government wrongdoing.

For Snowden, the personal cost of his actions has been high: He’s essentially a man without a country, and it’s unclear whether Russia will allow him to remain when his asylum expires in August. But he says he doesn’t regret his decision to reveal the surveillance programs.

“For me, in terms of personal satisfaction, the mission’s already accomplished,” Snowden told The Washington Post in December. “I already won.”