

To the Editor March 30, 2020

### **Pardon Edward Snowden**

In 2013 Ed Snowden, a government computer security contractor, exposed classified government documents that clearly showed that the National Security Administration, NSA, (also known as No Such Agency) had implemented a massive digital global mass surveillance system. The NSA witnessed everything transgressing online and hovered up data regarding every border you crossed, every purchase you make, every call you dialed, every cellphone tower you passed, every friend you kept, every article you wrote, every purchase you made, every website you visited and every email subject line you typed.

From the beginning of the NSA revelations, Snowden has been public and up-front about his role in obtaining the documents, illegally copying them, and making them available to selected reporters. This surveillance system was first exposed to the public by the Guardian, Washington Post, and NY Times newspapers based on the files Snowden gave them. Then later they were detailed by the websites of The Intercept, WikiLeaks, and others.

Over the next year, we saw a continuous evidence released via the media, creating a detailed, picture of an intelligence agency without effective Congressional oversight, and with its activities hidden from the public by a broken classification system.

Based on the previous whistleblower history of [Bill Binney](#), [Thomas Drake](#) and others, Snowden knew that turning himself in to face trial was not an option because he would be charged under the WWI vintage Espionage Act created for spies during war. The same Espionage Act was used against Daniel Ellsberg in the 1970s after Ellsberg leaked the Pentagon Papers to the media, that revealed the hidden truth about US actions in the Vietnam War. The Espionage Act “is a special law that absolutely rules out any kind of fair trial, because it forbids a jury to even consider” if the leaking activity at issue “was something that did more good for the public to know, than it did harm to the government.”

Faced with these charges under the Espionage Act, Snowden would be charged as if he were an agent of a foreign power who had given secrets to enemies of the United States, rather than as a whistleblower who worked with a team of reputable, award-winning journalists to bring public attention to a corrupt surveillance system.

Snowden’s motivations—and the impact of the leaks—were clearly to the benefit of the public. He has spoken about his strong interest in restoring privacy to the Internet, stating, “I remember what the Internet was like before it was being watched, and there's never been anything in the history of man that's like it.”

After being turned down for asylum by all western countries due to US government (VP Joe Biden) interference, he attempted to seek political asylum in South America. But his passport was revoked by the US government midflight and he was stranded at a stopover in Russia where he remains today. There he was granted residence permit. He is unable to return to the United States for fear of spending his life behind bars.

The Snowden leaks caused a sea change in the policy landscape related to surveillance. Congress passed the USA Freedom Act, the first piece of legislation to rein in NSA spying in over thirty years—a bill that would have been unthinkable without the Snowden leaks. They also set the stage for a major showdown in Congress over Section 702 of the FISA Amendments Act, the controversial section of law that the government claims authorizes much of the NSA's Internet surveillance. The Patriot Act has since been amended to prohibit the practice. Snowden definitely broke the law, but his actions were not for personal benefit, and definitely to his personal and financial detriment.

Whistleblowers often serve as a last-resort failsafe when there are no other methods of bringing accountability to secretive processes. The Snowden leaks have helped illuminate how the NSA was operating outside the law with near impunity, and this in turn drove an international conversation about the dangers of near-omniscient surveillance of our digital communications.

President Barack Obama was urged to pardon NSA whistleblower Edward Snowden. Former members of the Church Committee, which was responsible for new laws following the Nixon surveillance abuses, wrote strong arguments in a letter addressed to Obama. They called for allowing the former NSA contractor to be treated leniently and allow his return home. The letter argues that Snowden's revelations have inspired a very important discussion regarding the legality and dangers associated with spying on American citizens without a proper warrant. Snowden's activity has already resulted in bipartisan surveillance reform. The letter urges Obama to negotiate a fair settlement of the criminal charges brought against Snowden because his disclosures have benefited the public.

The letter goes on to say, "Untold millions of Americans' communications are swept up in these programs, where they are available for perusal by the FBI and CIA through what has become known as the 'backdoor' search loophole." The letter also reminds Obama that he acknowledged that stronger controls were necessary. Obama has implemented reforms to afford privacy protection to foreigners from surveillance, as long as it does not threaten our national security.

The Church Committee revealed six previous US leaders who have abused their powers. They pointed out that Obama has already absolved the liability for officials who implemented torture under George W Bush. The committee has requested that claims made by the NSA, CIA and Defense Department suggesting that the Snowden leaks have resulted in harm should be re-checked and weighed against the benefits that it has brought.

Obama has stated that he cannot issue a pardon for Snowden unless he goes to court. So it is a chicken and egg thing, or catch-22 situation, with a life in the balance.

Snowden has recently published a memoir called *Permanent Record*.

Remember when we were all kids and misbehaved in school? We were frequently told that this behavior would go on our *permanent record* and would follow and haunt us all through school. Of course, we later learned that this was an empty threat, and there was no such thing. Except for kids these days, there actually is a **permanent record**, brought to you by corporate America's data collection, and the NSA's surveillance.

## **The 10 Biggest Revelations from Edward Snowden's Leaks**

1. Secret court orders allow the NSA to sweep up customer phone records from virtually every telephone company in America.
2. The existence of PRISM as the NSA's program to directly access the servers of U.S tech giants like Google, Facebook, Microsoft, and Apple.
3. Britain's version of the NSA (GCHQ), taps fiber optic cables around the world to intercept data flowing through the global Internet.
4. NSA spies on numerous world leaders and foreign governments.
5. XKeyscore is a tool the NSA uses to search "nearly everything a user does on the Internet" through data intercepts across the world.
6. The NSA developed a series of techniques and tricks to circumvent widely used web encryption technologies.
7. The NSA has an elite hacker team "Tailored Access Operations" (TAO) that hacks into computers worldwide, infects them with malware when other surveillance tactics fail.
8. When bulk collection or PRISM fails, the NSA could infiltrate the unencrypted data links connecting Yahoo and Google data centers, unknowingly to them.
9. The NSA, following its unofficial motto of "collecting it all," intercepts 200 million text messages every day worldwide through a program called Dishfire.
10. The NSA intercepts and stores all phone calls made in the Bahamas and Afghanistan through a program called MYSTIC.

Snowden is correct that his disclosures have not harmed American security interests, and I believe that he should be seen as an American hero. Mass surveillance is an attack on all of us!

It is now past the time to **Pardon Edward Snowden!** and bring him back home.

<https://techcrunch.com/2016/11/29/church-committee-leniency-edward-snowden/>  
<https://whistleblower.news/2016-12-06-obama-urged-to-pardon-nsa-whistleblower-edward-snowden.html>  
<https://www.eff.org/deeplinks/2016/06/3-years-later-snowden-leaks-have-changed-how-world-sees-nsa-surveillance>