

افغانستان آزاد – آزاد افغانستان

AA-AA

چو کشور نیاشد تن من مباد بدین بوم ویر زنده یک تن مباد
همه سر به سر تن به کشتن دهیم از آن به که کشور به دشمن دهیم

www.afgazad.com

afgazad@gmail.com

European Languages

زبان های اروپایی

http://www.huffingtonpost.com/robert-kuttner/time-to-thank-snowden_b_4252208.html?view=print&comm_ref=false

Time to Thank Edward Snowden

Robert Kuttner

11/10/2013

When Edward Snowden first leaked massive NSA files to the *Guardian* newspaper, public reaction was mixed. To some, he had arrogated to himself a decision to make public some of the most sensitive national security secrets, damaging America's ability to track terrorists, a decision that he had no right to make. People questioned his mental stability and his motives. To others, he had forced a submerged national debate and slowed down a secret and inexorable slide to a police state that protects security by routinely monitoring everybody.

Some relative liberals espoused the former view. The usually thoughtful Jeff Toobin wrote in the *New Yorker* that Snowden was "a grandiose narcissist who deserves to be in prison":

The assassinations of Martin Luther King, Jr., and Robert F. Kennedy led directly to the passage of a historic law, the Gun Control Act of 1968. Does that change your view of the assassinations? Should we be grateful for the deaths of these two men?

Of course not. That's lunatic logic. But the same reasoning is now being applied to the actions of Edward Snowden. Yes, the thinking goes, Snowden may have violated the law, but the outcome has been so worthwhile.

But the lunatic logic is Toobin's. The analogy between taking the law into one's own hands to commit a political assassination and to expose the slide to a police state is far-fetched, to say the least. (And The Gun Control Act of 1968, as Toobin must know, has been totally eviscerated by later laws and court decisions.)

What Snowden has done is to force a long repressed debate about how much liberty, if any, we need to sacrifice in order to protect our security. Before his leaks, that urgent conversation was a non-debate because the violations of liberty were being done entirely in secret, beyond the reach of democratic deliberation. Even Republican Congressman Jim Sensenbrenner, a key author of the Patriot Act, was appalled. He wrote to Attorney General Eric Holder: "I am extremely troubled by the FBI's interpretation of this legislation ... Seizing phone records of millions of innocent people is excessive and un-American."

Acknowledging that Snowden acted illegally gets us into a discussion of ends and means, a more complex issue than is often assumed. Look at all of the appalling things done or permitted by the state that were perfectly legal -- beginning with slavery.

Snowden's action was illegal, but the actions of the NSA were arguably far more threatening to a constitutional regime of liberty. The claim of damage done to national security also remains to be proved.

Have we totally forgotten counter-terrorism chief Richard Clarke's revelations about the months before the attacks of 9/11? The American authorities had all the information they needed to understand that al Qaeda was planning something very big. They got information from conventional intelligence work, before the Patriot Act authorized universal snooping. But President Bush, Vice President Cheney and Defense Secretary Rumsfeld ignored Clarke's requests for urgent action because the White House was obsessively fixated on Iraq and Saddam Hussein's nonexistent weapons of mass destruction.

With competent leadership at the top, the United States possessed all of the surveillance tools that we needed to thwart the 9/11 attack, without passage of the Patriot Act and the creation of a universal dragnet. The Patriot Act was actually a garbage can of long standing prosecutors' and intelligence operatives' wish lists for waivers of the usual restraints on searches. It was rushed through Congress in the panicky post 9/11 mood, with no exploration whatever of whether it was really needed.

Once we get a state that believes it has the authority to conduct unlimited surveillance, the logic is inexorable. It's prudent to snoop on everybody, because you never know where a terrorist might pop up. And we need to keep the very existence of this stuff secret, because debating it might compromise "sources and methods." So the slide to a police state is relentless.

In Britain, where there is no First Amendment and where the heroic editor of the *Guardian* newspaper, Alan Rusbridger, keeps publishing Snowden's revelations, the government has threatened to shut Rusbridger down.

The current issue of the *New York Review of Books* contains Rusbridger's chilling account of being forced by British government agents to destroy computers that contained Snowden's leaked documents, an absurd act of pure harassment since back-up copies of the documents were kept in New York. He wrote:

It is harder than you might think to destroy an Apple MacBook Pro according to British government standards. In a perfect world the officials who want to destroy such machines prefer them to be dropped into a kind of giant food mixer that reduces them to dust. Lacking such equipment, The Guardian purchased a power drill and angle grinder on July 20 this year and -- under the watchful eyes of two state observers -- ripped them into obsolescence.

This year is the 50th anniversary of Dr. Martin Luther King's March on Washington. They even have a stamp commemorating this march -- honoring a leader who in his day was a lawbreaker.

But as Lyndon Johnson made clear in his most moving speech, the speech of March 15, 1965 on the Voting Rights Act, in which LBJ declared "We Shall Overcome" and embraced Dr. King's movement, sometimes you need to break the law in order to uphold the Constitution. The racist southern governors and sheriffs who brutalized peaceful marchers were acting under color of law, just like the NSA. But that didn't make their actions consistent with American democracy. The heroism was in the civil disobedience of Dr. King.

Someday, many decades into the future, they may put Edward Snowden's picture on a postage stamp, too. For now, ironically enough, he is an exile in Russia, a place far more heedless of civil liberties than our own country. But Snowden has forced a debate that is long overdue and that will slow or even reverse America's slide into a society of universal surveillance. For that, he deserves our gratitude.