Examine a Case: Edward Snowden Leak

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General Instructions

1. For each page, synthesize the reading and research by writing in complete sentences in essay format.
   a. Use the green instructions in the notes below each page to focus your research and writing.
   b. Write about each question, prompt, or process provided in those notes.
   c. Write a full page of text with lots of detail (about 250 words).
      i. Don’t generalize so much that your writing is devoid of detail.
      ii. Don’t repeat yourself.
   d. Cite each source by adding a hyperlink in the Title of the Article or law.
   e. Do not change the template:
      i. Text must be 14 point Lato left-justified type.
      ii. Refrain from adding extra margins or double spacing.
      iii. Do not bullet the paragraphs. Write in essay format only.
   f. Add additional pages if you need more room.

2. Add all sources to the Bibliography page.
   a. Include author, year, title, publisher, and URL.
   b. Number or bullet them using the list button.

When in doubt, write to the instructor for clarification using the Canvas Inbox.
Timothy Lee identifies in his blog post “How Congress unknowingly legalized PRISM in 2007” that the PRISM project began under the Bush Administration which collected communication logs and data on millions of US citizens.

Snowden leaks top secret documents about the NSA’s surveillance program “PRISM” to The Washington Post and The Guardian. (NBC, 2014)

A Federal Judge of the United States rules that the collection of phone information and data under prism is constitutionally legal. (NBC, 2014)

NBC news identifies in their Timeline that Snowden begins work for Dell, a contractor for the NSA and CIA.

The US Justice Department charges Snowden with theft and communications of classified documents under the 1917 Espionage Act. (NBC, 2014)
As Lee notes in his post “How Congress unknowingly legalized PRISM in 2007”, the U.S. Legislative branch, largely under false pretenses, signed into law the Protect America Act which gave wide sweeping surveillance powers to the U.S. Government under the name of fighting terrorism. The Guardian’s article on the “NSA Prism program taps in to user data of Apple, Google and others” that the act allowed the Government to begin development and implementation of a watchdog system for identifying terrorists and stopping terroristic threats through mass data collection. This was done without the citizens of the U.S.A’s consent, and done with impunity. As NBC identifies in their timeline of Edward Snowden’s acts: Snowden (who was working with the NSA at the time) saw this collecting of data and decided that the general population needed to be aware of what the Government was doing. Snowden collected information on PRISM and gave the information over to two journalists working with The Guardian and The Wall Street Journal. Privacy-rights advocates proclaimed Snowden a hero, while condemning the U.S. government for their “Big Brother” like tactics while others pointed out that Snowden’s revelations damaged the Agency’s ability to protect the citizens. This has sparked a lot of mistrust in the Government and companies who have contact with the Government. Some people are worried about other ways that the government has penetrated into the private lives of their constituents; however the laws and practices that went into PRISM were ruled to be lawful under the U.S. Constitution.
In their article on the US charging Edward Snowden with leaking classified documents, Pete Williams and Becky Bratu identify the 1917 Espionage Act as the source of the three key laws that Snowden violated. Specifically the U.S. Justice Department charged Snowden with violation of 18 U.S. Code § 798 (a), 18 U.S. Code § 641, and 18 U.S. Code § 793 (d) as outlined in the Court Complaint filed against Snowden. In simplified terms: Snowden was charged with stealing and distributing classified documents. As such, Edward Snowden is currently wanted by the FBI and is residing in Moscow. Although public opinion of PRISM is that it’s a violation of the constitutional rights of American citizens, NBC notes in their timeline that a federal judge has ruled PRISM to be constitutional and not in violation of the Fourth Amendment to the Constitution. Lawmakers largely haven’t moved to change the laws and as USA Today points out, the Senate approved the USA Freedom Act which renews almost all of the Patriot Act, a core part of the establishment of PRISM. This being said, the Senate did reign in some of the amendments to the act, specifically removing some provisions for the NSA’s collection of phone information, moving the collection from the NSA to the telecom companies. (Kelly, 2015) A study performed by the ITIF named “How Much Will PRISM Cost the U.S. Cloud Computing Industry” found that PRISM’s disclosure would cost the U.S. economy between 21.5 and 35 billion dollars over a few years from companies deciding not to partner with U.S. based companies over fears of surveillance.
In their video on how surveillance is about power, Learn Liberty invites Edward Snowden to talk about government surveillance. Snowden posits that for the first time in history, surveillance on a large scale has become both technologically and financially viable. Snowden argues that the surveillance state we live in is fundamentally at odds with privacy and the idea that privacy and security are mutually exclusive is deeply flawed.

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Ethical Analysis of the Major Player(s)

Due to the conflict presented when analyzing Edward Snowden’s actions through the Contractarianism Theory we’ll continue through the lens of Act Utilitarianism. The IEP defines **Act Utilitarianism** to be the ethical theory through which moral actions are judged to be right or wrong based off of the sum good that they add to the system. Specifically, when multiple actions are presented side by side, the one that produces the most good to the most people is considered to be the more correct action under act utilitarianism. Snowden’s actions can be reasoned about from two different views: chronistically and from a current point of view. When viewing Snowden’s choice to leak the documents at the time it is reasonable to believe that his actions would bring some sort of change, specifically removing the surveillance programs in place. As of the time that Snowden talked to The Guardian, no malicious actors had been preemptively arrested due to the data that PRISM had collected, and certainly no lives had been saved as Snowden mentioned in Learn Liberty’s video on how **Surveillance is About Power**. This meant that the system as a whole was causing more harm to citizens of the United States than it was good. Under the framework of Act Utilitarianism, Snowden’s actions were morally justified. However, when looking backward from the current time, we note that no meaningful change has been enacted by Congress to prominently curb the surveillance state currently in place, rather the knowledge of PRISM has caused psychological stress and caused terrorists to move to different means of communication outside the view of the program. This has, in total, caused more damage to the U.S. population than good and would be considered morally wrong under this application of the framework.


