

Opinion: Tech industry should lead Snowden pardon charge

30 September 2016, by Troy Wolverton, The Mercury News

There's a debate raging right now over whether President Barack Obama, before he leaves office, should grant Edward Snowden a pardon.

It's amazing to me that we're even having this discussion. Of course he deserves a pardon. What's more, the tech industry, which has largely been silent on the issue, ought to be leading the charge.

Snowden, a former National Security Agency contractor, three years ago leaked documents to journalists that exposed a widespread, unchecked and largely unaccountable surveillance regime. Constructed in the days and years following the Sept. 11 attacks, that regime went far beyond its original mission of trying to prevent terrorist attacks as it began keeping tabs on the electronic communications of just about everybody.

Thanks to Snowden's leaks, we know, among other things, that the NSA:

- Illegally collected the phone records of millions of Americans;

- Hacked into Google and Yahoo's networks, allowing it to collect online records of millions of their customers, including many Americans;

- Worked to undermine widespread internet security standards, such as those used for encrypting web pages in transit;

- Secretly intercepted Cisco routers bound for overseas customers and installed back doors that allowed it to spy on traffic;

- Helped its counterpart in the United Kingdom collect snapshots from millions of users of a Yahoo webcam chat program, including potentially many Americans;

- Spied on numerous world leaders, including

allies like Germany and friendly states like Brazil.

The list goes on. And on. And on.

Thanks to Snowden, we finally have a sense of just how out-of-control the NSA and the government's surveillance regime had become. Thanks to Snowden, we've finally had a public debate about [government surveillance](#) and some modest changes have been implemented, including a curtailment of the NSA's phone program.

Snowden ought to be treated as a whistleblower who performed a profound service for his country and fellow citizens.

Snowden's critics - and they are many - disagree. They say many of the programs exposed by his leaks weren't targeted at Americans and that some had legitimate purposes. They argue his leaks damaged national security by exposing such programs and methods to U.S. adversaries. And they make much of the fact that Snowden has stayed in Russia rather than coming home to face the criminal charges in court.

But those arguments don't hold water. Snowden didn't actually leak any documents to the public, much less to adversaries like Russia. Instead he gave them to journalists, trusting them to make responsible decisions about what was in the public interest to report. You can argue whether they made good calls, but the bottom line is journalists decided what to release, not Snowden.

And what they revealed were widespread abuses, both at home and abroad. Instead of targeted surveillance of particular threats, the NSA had a motto and mentality of "collect it all" on everybody, the privacy of anyone involved be damned.

While it's true that Snowden has sought refuge in Russia, you can blame that on the U.S. government. He was in Moscow trying to get a

connecting flight to Ecuador when the Obama administration revoked his passport, stranding him in Russia. Meanwhile, it charged him under the Espionage Act, a draconian, 100-year-old law.

Because of the way it's been written and interpreted, that law wouldn't allow Snowden to defend himself by claiming he was acting as a whistleblower or that his actions were in the public interest. Because he's already admitted to leaking the documents, he would have essentially no defense. Instead of accepting a one-way ticket to prison, Snowden accepted asylum from Russia so that he could continue to play an active public role - including criticizing his Russian hosts for their own surveillance abuses.

You'll note that many of Snowden's revelations affected Silicon Valley companies or the tech industry in general. Indeed, no other industry was touched as deeply as tech. In the wake of the disclosures, many in Silicon Valley expressed shock and outrage. In the years since, many companies have taken very public stands about better securing users' data and communications from the government's prying eyes. Many have even banded together to form a coalition dubbed "Reform Government Surveillance."

But when it comes to the push for a pardon for Snowden, the tech industry has largely been missing in action.

With the Obama administration winding down and a new light being shined on Snowden's actions by Oliver Stone's recently released film about him, Snowden's supporters have renewed and ramped up their long-standing call for a pardon. The ACLU, Human Rights Watch and Amnesty International have been joined by dozens of prominent business leaders, activists, actors, academics, artists, analysts, journalists and policymakers.

But you won't find Tim Cook's name on the list of pardon supporters, nor Larry Page's. Nor will you find Mark Zuckerberg, Marissa Mayer, Cisco's Chuck Robbins and Microsoft's Satya Nadella. The only current CEO of a major tech company on the list is Jack Dorsey, co-founder of both Twitter and Square. Apple co-founder Steve Wozniak is the

only other prominent Silicon Valley representative to support a pardon.

That's pathetic. It's great to hear tech companies say they stand for privacy, but it would be more convincing if those companies stood up for the guy who was brave enough to expose the surveillance system and spurred those public stands.

Because before Snowden, the tech community either didn't know the degree to which its customers and systems were being surveilled - or didn't care.

It's time for the [tech industry](#) to stand up for privacy by standing up for Edward Snowden.

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APA citation: Opinion: Tech industry should lead Snowden pardon charge (2016, September 30)
retrieved 23 May 2019 from <https://phys.org/news/2016-09-opinion-tech-industry-snowden-pardon.html>

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