



## Capability Is Tyranny

David John Marotta

June 9, 2014

Bullies are common characters in stories. They intimidate others by threatening to wreak general havoc in the life of their victim. They often don't have to follow through on their threats. Their general size, weapon accessories or intellectual capabilities justify that they mean business. Not to mention that they frequently prey on those weaker or with fewer minions to back them up.

It is the capability of the bully rather than actual actions that allows a bully to dominate his victims. We obey and give him our lunch money because he could beat us up, not because he does beat us up.

The same is true in the quintessential crime drama. When one character pulls out a gun, the game changes. Suddenly her capability to shoot someone motivates all the other characters to behave more obediently.

June 5 marks the anniversary of Edward Snowden's release of information about the surveillance actions currently undertaken by the National Security Administration (NSA). Since then we have learned the NSA has infiltrated global data centers (MUSCULAR); invaded e-mails, online chats and browsing histories (XKeyscore); collected 'text messages and other phone records including location data, contact retrievals, credit card details, missed call alerts, roaming alerts (which indicate border crossings), electronic business cards, credit card payment notifications, travel itinerary alerts, meeting information, etc.' (Dishfire); gathered information from cell towers, Wi-Fi, and GPS hubs (Co-Traveler); assaulted international fiberoptic cables (BLARNEY) and undermined the security tools the Internet relies on (Bullrun).

This March, Richard Ledgett, NSA deputy director, was interviewed by Chris Anderson at a TED Talk in Canada. Ledgett said, 'The NSA is a capabilities-based organization.' They have the capability 'to pursue [bad guys]' and have 'the capability to go after them.'

When confronted with the massive reach of the NSA, Ledgett tried to justify this power. He said Americans need not fear because 'the controls are in how I apply that capability, not that I have the capability itself.'

In other words, I have a gun, which could be pointed at you, but don't worry because I have self-control. I won't point it at you yet.

Glenn Greenwald, the journalist at The Guardian who worked with Snowden, had a very different take. In an interview with CATO Institute, Greenwald said, 'This is what the existence of a surveillance state does, and it's what Jeremy Bentham recognized, which is that if you can create institutions where the people you are trying to control—inmates or students or patients in a psychiatric ward—know that they can be watched at any moment, even if they don't know when they are being watched or if they are being watched, the fact that they know that they can be watched at any moment means that they will assume that they are always being watched and therefore will act accordingly—meaning in compliance with the dictative authorities.'

Even the phrase 'I have nothing to fear because I have nothing to hide,' Greenwald claims is a sort of bargain. He says, 'If you become sufficiently obedient and compliant and passive and non-threatening, . . . you can be unmolested by power.' He reminds us that 'in even the worst tyrannies, people who don't bother tyrants are never or rarely targeted with oppressive behavior.'

In 2013, Snowden said in a video interview with Glenn Greenwald and Laura Poitras that he released all this information on U.S. surveillance because 'I don't wanna live in a world where everything that I say, everything I do, everyone I talk to, every expression of creativity, or love, or friendship is recorded, and that's not something I'm willing to support, it's not something I'm willing to build, and it's not something I'm willing to live under.'

He repeated those sentiments this March when he was interviewed by Chris Anderson at the same TED talk as Ledgett. Snowden said we should be able to live our lives 'without wondering about how these events are going to look to an agent of the government, possibly not even your government, years in the future.'

Many of us have been reminded of George Orwell's novel 'Nineteen Eighty-Four' about a dystopian political future where 'Big Brother Is Watching You.' You can be punished for thinking socially unacceptable thoughts, or 'thoughtcrimes.'

John Whitehead—local attorney, author and founder of The Rutherford Institute, a nonprofit civil liberties and human rights organization whose international headquarters are located in Charlottesville—wrote 'Orwell's Nightmare: The NSA and Google—Big Brother Meets Big Business.' He said, 'What Google's vast acquisition and analysis of information indicates is that we are entering what some have called an age of infopolitics, in which the human person is broken down into data sets to be collated and analyzed, and used for a variety of purposes, including marketing, propaganda, and the squelching of dissent. As philosopher Colin Koopman notes, we may soon find ourselves in a more efficient version of the McCarthy era, in which one's personal beliefs or associations become fodder for the rising corporate surveillance state.'

Anyone who has read the Orwell novel remembers that Big Brother is terrifying because he is watching you, not because he is threatening to feed you to hungry rats, which does happen to the main character. Watching is sufficient to create tyranny.

We liken it to the policy of mutually ensured destruction used by countries with nuclear weapons. The threat of annihilation is sufficient to create obedience and cooperation.

In Snowden's March 2014 appearance, he urged technological leaders as well as average citizens to take back the Internet. He saw reform occurring not in the halls of Congress but in the cubicles of computer programmers: 'We need to encode our values not just in writing but in the structure of the Internet.'

He called for every Web page you visit to have encryption, arguing, 'The reason this matters is today, if you go to look at a copy of '1984' on Amazon.com, the NSA can see a record of that, the Russian intelligence service can see a record of that, the Chinese service can see a record of that, the French service, the German service, the services of Andorra. They can all see it because it's unencrypted. The world's library is Amazon.com, but they do not support encryption by default. . . . All companies need to move to an encrypted browsing habit by default for all users who haven't taken any action or picked any special methods on their own. That'll increase the privacy and the rights that people enjoy worldwide.'

Remember, remember the fifth of June, when Edward Snowden sacrificed his life that you might fight to regain yours before it was too late. This is one of the most critical issues of our time. Those who stand by and do nothing are complicit in aiding the loss of freedoms for others. We all must fight to protect the rights of others. Be more outraged.