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The Snowden leaks: One year later

By: Julian Hattem 06/05/14 06:00

One year after Edward Snowden shook the world with leaks about the National Security Agency, many of the most controversial operations are still up and running.

President Obama has made some administrative reforms to the contested spying programs, but many of them can only be overhauled with legislation from Congress. Those efforts <u>have hit</u> <u>roadblocks</u>, partly due to concerns that sweeping changes could undercut the country's ability to fight terrorists.

Still, many privacy advocates say the fact that people now know about the government's spying is a huge step forward, and one that wouldn't have been possible without the leaks from Snowden.

"We wouldn't even begin to have that public debate about those programs if we didn't know they existed. And now the public does know, thanks to Snowden," said Kevin Bankston, policy director at the New America Foundation's Open Technology Institute.

"Knowing is half the battle. We can't even begin to address reforms until we know what we're reforming," he added, though said he expected "a years-long battle" to reform the NSA.

The first story bearing Snowden's handiwork appeared in *The Guardian* on June 5, 2013, and revealed that phone companies were forced to hand over data about millions of users' phone calls to the government.

Shortly thereafter, Snowden <u>revealed himself</u> as a former NSA contractor who had fled from his home in Hawaii first to Hong Kong and then to Russia, where he has been camped out to avoid espionage charges in the U.S.

What followed was a series of stories — many written in collaboration with journalist Glenn Greenwald — that slowly pulled back the curtain on the NSA. Greenwald and other journalists at *The Guardian* and *The Washington Post* went on to <u>win Pulitzer Prizes</u>, through national security hawks have worried about the harm of American secrets being spilled.

In the 12 months since the NSA's operations came to light, critics in both parties have called for a serious overhaul of the surveillance programs to protect the constitutional rights of U.S. citizens.

One bill that **passed the House last month** would end the NSA's bulk collection of records about people's phone calls, among other changes.

Many of the legislation's original sponsors ended up voting against the bill when it hit the floor, however.

Critics say the version of the USA Freedom Act passed by the House was <u>too watered down</u> to be truly effective and could actually give the congressional stamp of approval to some surveillance. For one thing, they say it could allow federal officials to obtain a court order to search a broad swath of phone records, such as the communications of every person in a specific area code or every Verizon customer.

On Thursday afternoon, the Senate Intelligence Committee will take up the House-passed version of the USA Freedom Act, in a hearing that could clarify the future of the bill in the upper chamber.

Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.) is also planning a session on the bill in his panel later this month, and in a statement on Wednesday called the House's action "an important step," but added "we cannot stop there."

"We must restore the nation's role as a beacon of individual freedoms, under the rule of law," he added.

Nuala O'Connor, the head of the Center for Democracy and Technology, said that the fate of surveillance reform was far from dependent on the outcome of just one bill.

"This is not even close to the middle of the battle," she told The Hill, predicting the issue will be a focus for years to come.

Lawmakers in the congressional intelligence committees have largely been reluctant to back sweeping legislation on the NSA.

Along with officials from the country's intelligence agencies, they have warned that Snowden's leaks have damaged national security.

Groups at odds with the U.S. "cite his disclosures and say: 'We need to change the way we operate; the Americans have insight here," NSA head Vice Adm. Michael Rogers said this week. "That makes the job harder."

NSA critics say that even while Congress debates legal overhauls to the spy agency, the disclosures over the last year have galvanized the tech industry to better secure their networks.

"It altered the incentives of the major technology companies," said Julian Sanchez, a scholar at the libertarian Cato Institute.

The spying revelations might have cost Internet companies such as Google, Facebook and Twitter billions of dollars in lost revenue and extra expenses, since the revelations <u>tarnished</u> <u>their international reputation</u>. To cope with the backlash, companies have added new security features and data centers.

On Thursday, many tech companies are joining together with privacy and civil liberties advocacy groups to encourage Web companies and users to better protect the Internet, in an online push called Reset the Net.

Snowden himself has blessed the effort.

"Today, we can begin the work of effectively shutting down the collection of our online communications, even if the U.S. Congress fails to do the same," Snowden said in a statement ahead of the push. "We have the technology, and adopting encryption is the first effective step that everyone can take to end mass surveillance."

Google, for instance, is releasing new tools to help Gmail users encrypt their messages and tell if other companies are doing the same. Other sites are promoting a set of privacy software and tips, securing their websites and telling users to spread the word.

One of the most lasting effects of the Snowden leaks may have been overseas, where foreign leaders and citizens have denounced America's actions.

The diplomatic tension created "the biggest wedge" in the alliance between the U.S. and Europe since World War II, Estonian President Toomas Hendrik Ilves said in Washington last week.

"The effect in Europe has been disastrous," he said.

On Wednesday, Germany's top prosecutor <u>launched a formal investigation</u> into the NSA's alleged snooping on Chancellor Angela Merkel's phone.

President Obama, meanwhile, has pledged to no longer spy on friendly foreign leaders.

In an interview with the *Washington Post* last year, Snowden <u>said that his only goal</u> with the leaks was to let people know what their government was doing.

"I didn't want to change society," he said. "I wanted to give society a chance to determine if it should change itself."

In that regard, his mission has been accomplished.

Rogers, who took the helm of the NSA just two months ago, has said that <u>one of his main</u> responsibilities is to better explain the spy agency's work to the public.

"A broad dialogue about what we're doing and why is good for our nation," he said this week. "I don't question that for one moment."