

NSA Leaker Edward Snowden: Spy, Patriot, Libertarian, Communist, Or What? The Man Washington Can't Figure Out

By Pema Levy – June 28th, 2013

Despite near-constant news coverage, and the fact that everyone, it appears, is talking about him, Edward Snowden is well on his way to becoming one of Washington's most enigmatic historical figures.

Although his story is about revelations, we have been left with more questions than answers, starting with how an information-technology specialist at the National Security Agency gained clearance for top-secret intelligence documents in the first place. And what should we make of the tangle of people and nations that have become ensnared in his story -- sympathetic and hostile liberals and conservatives jockeying for position with the White House, WikiLeaks founder Julian Assange, China, Russia and Ecuador?

Reporters have called Snowden's family, friends and neighbors in Hawaii, but haven't discovered much. They have mined Federal Election Commission reports to find that he donated \$250 to libertarian presidential candidate Ron Paul. Feminist author Naomi Wolf suggested on a Facebook page he may be a U.S. government plant serving the "Police State's interest." Others have theorized at Salon that he is a double agent for China, a triple agent working for the Central Intelligence Agency or a CIA operative in the "endless turf war between CIA and NSA."

For his part, Snowden believes the obsession with deciphering him misses the point. From his former hideout in Hong Kong last week, he wrote in a question-and-answer session hosted by the Guardian: "Unfortunately, the mainstream media now seems far more interested in what I said when I was 17 or what my girlfriend looks like rather than, say, the largest program of suspicionless surveillance in human history."

It has been three weeks since the Guardian and Washington Post newspapers began writing about dragnet surveillance programs run by the NSA, the government's secretive electronic spying arm. According to these reports, the agency has been collecting data on the phone calls of nearly all Americans as well as electronic communications of foreign persons outside the U.S., although intelligence officials admit that Americans' emails get swept up in these collection efforts, too. And just as this news began to be processed, a 29-year-old contract worker stepped forward as the NSA whistle-blower.

Since then, the story has run along two parallel but equally incredible plotlines, one about the most powerful nation on earth trying to catch a continent-hopping fugitive, the other about the U.S. government's expansive surveillance state slowly coming into focus as Snowden's documents continue to be released by the Guardian. On June 23, Snowden left Hong Kong for Russia, where he is believed to still be -- probably in the transit zone of Moscow's Sheremetyevo

International Airport while he awaits passage to Ecuador, where he has applied for asylum with the help of WikiLeaks, another discloser of classified government documents.

But, on Thursday, Snowden's hopes of reaching Ecuador dimmed when President Rafael Correa revoked a temporary travel document the country had given Snowden -- because of concerns that WikiLeaks' Assange was trying to run the show. the Guardian reported.

Yet for all the attention focused on Snowden and his whereabouts, how is it possible that in an era of ubiquitous cellphone cameras nobody has documented him milling about the airport terminal in Moscow? Do we know for sure that he's there? Are the Russians treating him as a guest or as a potential security risk -- as a political refugee, spy, pawn or albatross? The U.S. tried in vain to get both China and Russia to extradite him. Both countries noted that he is a free man, yet is he? On Thursday, U.S. President Barack Obama tried to downplay the whole affair. "I'm not going to be scrambling jets to get a 29-year-old hacker," he told reporters. Do we believe that? Either way, it was too late to put the genie back in the bottle. Snowden is a phenomenon.

In Washington, figuring out how to respond to Snowden (who turned 30 on June 21) has for many politicians been more treacherous than what he uncovered. Politicians who have always stood for a strong national-security apparatus know where they stand: against Snowden. For others, who are sympathetic to Snowden's pleas for government transparency, responding to Snowden is trickier -- although they may support efforts to look into the activities emerging from Snowden's disclosures, few politicians will praise a man that they otherwise know so very little about, and who is striking so many uncomfortable alliances.

Libertarian U.S. Sen. Rand Paul, R-Ky. -- who initially defended Snowden, telling CNN that he "told the truth in the name of privacy," as noted by the Weekly Standard -- later conditioned his support on whether Snowden would seek protection from foreign governments on poor terms with the U.S. "If he cozies up to either the Russian government, Chinese government or any of these governments perceived still as enemies of ours, I think that will be a real problem for him in history," Paul said.

Along with Sen. Ron Wyden, D-Ore., Sen. Mark Udall, D-Colo., has been trying to alert the public to the NSA's surveillance programs for years, as the Denver Post reported. The two senators have even hinted in public letters to the Justice Department about secret interpretations of surveillance authorities, as the Washington Post said. Since the classified programs Udall sought to warn people about have been now publicly revealed, he has put forward legislation to curb the NSA's surveillance authority and called for a review of the USA Patriot Act under which the government has said the collection of Americans phone records is legal. Udall has long wanted Americans to know about these programs and wants them to be reined in. But when Snowden fled to Russia, Udall's office declined to comment.

And for every Paul and Udall, there are numerous lawmakers on both sides of the aisle who have come forward to defend the surveillance programs Snowden's leaked documents revealed -- a rare moment of unity between political foes such as House of Representatives Speaker John Boehner, R-Ohio, and former House Speaker Nancy Pelosi, D-Calif. Moreover, the president has said he believes the programs strike an appropriate balance between liberty and security.

Meanwhile, Snowden has been widely -- but not universally -- reviled. His decision to run has become one of the few things we know about him for sure, and it's the focal point for much of the criticism of him. The fact that he has taken refuge in China and Russia, and if rumors are

correct, contemplated flying to Cuba or Venezuela, has provided a fresh opening for lawmakers to question his integrity.

In interviews, Snowden has said his goal was to alert the public to the government's surveillance activities. He could no longer stomach the hypocrisy, he said, between the government's stated dedication to transparency and what, with his security clearance, he knew the NSA was doing. However, his flight has given his critics an opportunity to pin the hypocrisy label back on him.

Senators have used terms like "criminal" and "traitor." Sen. Charles E. Schumer, D-N.Y., defined Snowden by who he is not. "He is not at all like the great human-rights crusaders in the past, the Martin Luther Kings or the Gandhis who did civil disobedience because he -- first, he flees the country. A Daniel Ellsberg, when he released the Pentagon Papers because he thought it was the right thing to do, stayed in America and faced the consequences," Schumer said. Similarly, Sen. Dianne Feinstein, D-Calif., a staunch defender of the surveillance programs, said Snowden should have stayed and "faced the music." Newark Mayor and Senate-hopeful Cory Booker said the term "civil disobedience" doesn't apply when "you sprint out of Dodge."

Washington's general dislike of Snowden is on one level a self-defense mechanism, explained Steven Aftergood, a longtime advocate of transparency as the director of the government secrecy project at the Federation of American Scientists. "To the extent that Snowden's concerns are valid, they represent a rebuke to the entire government because the programs he exposed were known to congressional leaders and were signed off on by a secret court," Aftergood said. "So there's a degree of self-protection in some of the statements of outrage because if Snowden is right, then Congress failed in its oversight function."

The political jockeying on Capitol Hill in response to the leaks seems to confirm Aftergood's point. It is true that lawmakers on both sides of the aisle with a libertarian streak do from time to time come together on civil-liberties issues -- recall Democratic support for Paul's filibuster over the use of drones on U.S. soil. But, as lawmakers climb the Washington power structure, they enter an inner circle where they are privy to secret information, and just by virtue of knowing about it, they feel bound to protect it.

For example, a draft NSA Inspector General's report leaked and published by the Guardian this week identified Pelosi, a liberal, top-ranking Democrat, as one of the first lawmakers to be made aware of the Bush administration's warrantless wiretapping program. Pelosi's negative reaction to Snowden makes sense in this context -- but it earned her condemnation at a progressive conference in California last weekend. "I know that some of you attribute heroic status to that action," she said of Snowden's leaks, according to CNN. "But, again, you don't have the responsibility for the security of the United States."

The idea of Snowden turning himself in is also appealing to Aftergood. "From a civil-disobedience perspective, when you violate a law to highlight an injustice, you take responsibility for your action," Aftergood said. "When Martin Luther King broke the law in Birmingham, Ala., he willingly went to jail in Birmingham. That was part of the process, and it's part of what made him an effective advocate for change. If he violated the law and fled to Ecuador, he would have been useless as a civil-rights leader."

If Snowden returned to the U.S. to face the charges filed against him -- including claims under the Espionage Act, as noted in the criminal complaint available via the Washington Post -- Aftergood believes it's entirely possible Snowden would escape conviction or, if convicted, would

avoid the maximum penalty, because public support for Snowden would be a factor. “Arguably, the trial would be the perfect venue to air the issues that he sought to highlight,” he said.

Just what kind of sentence Snowden would face is unclear. Snowden himself has said he cannot return because he will not face a fair trial. Anthony Clark Arend, a foreign-relations expert at Georgetown University, said Snowden could expect to be treated like Cold War-era spies Jonathan Pollard, Robert Hanssen or Aldrich Ames -- all of whom are serving life sentences. “I expect the government would want to set an example to deter others,” Arend wrote in an email. “So I would suspect at least 20-30 years.”

Of course, Snowden did not sell information to America’s enemies, resulting in the deaths of CIA assets abroad, as Ames did. On the other hand, his leaks of highly classified programs and operations are more serious than those of another famous NSA whistle-blower, Thomas Drake, who was initially charged under the Espionage Act as well, but ended up not spending any time in jail when the government’s case fell apart. Some of the aforementioned lawmakers argue Snowden doesn’t deserve the more dignified term “whistle-blower” as he has on at least one occasion referred to himself as a spy.

But even a best-case scenario is a bad situation for Snowden. Reports on the Drake case revealed a man who was both financially and emotionally destroyed by a lengthy legal fight with the government, even though he ended up clearing his name. Julian Sanchez, a surveillance expert at the libertarian Cato Institute, feels that asking Snowden to stand trial is asking for significant sacrifice. Drake, he pointed out, now works fixing devices at an Apple computer store. “He was at a conference in D.C. earlier this week and his nametag was like, ‘Thomas Drake, Apple Store Expert,’” Sanchez said. “That’s like the good end of the scenario.”

But for all the buzz over who Snowden is and what motivates him, Sanchez said he’s more focused on what has been revealed. Snowden’s genius was making the documents public, Sanchez said. If the documents are real -- and there hasn’t been any debate about that -- attacking the messenger doesn’t change anything.

“Let’s just imagine for the sake of argument that the only reason he did this is because he’s an egomaniac who wants to be on TV,” Sanchez said. “Why would I care? That doesn’t make the documents less real. That doesn’t make anything that we’ve learned about the domestic-surveillance state less true.”

Sanchez added: “If this were all an elaborate blind for selling military secrets to the Chinese, he would be an [expletive]. But the documents would still be correct, and it still wouldn’t matter.”

For those in Washington who feel Snowden has put their own credibility on the line, attacking his character -- even though we know little about it -- is a political tactic. Then there’s the media, which has been raked over the coals by commenters and op-ed writers for siding with the establishment, a reaction that Sanchez said baffles him. After all, reporters in Washington run on leaks. “Every journalist on the national-security beat relies on, at some point, someone with clearance talking to them about something legally they are not supposed to,” he said. “You just can’t do national-security journalism without that.”

Perhaps all we know for sure about Snowden is that he has upset the prevailing paradigms of the nation’s capital, including who can be expected on a typical day to side with whom. Moreover, his leaks have “already led to significant new declassification and discussion of programs that,

three weeks ago, were highly classified,” Aftergood said. “Changes have already taken place, and I don’t think they’re over yet.”