

Evaluate the conclusion

- Are Ankrom's actions justified? Can you imagine coming to the opposite conclusion? Which is more persuasive? Why?

Sort out the political implications

- Did Ankrom's actions cause any harm? Could they have? What if everyone behaved this way?

9.2 Edward Snowden Is No Hero

Jeffrey Toobin, *New Yorker*

Why We Chose This Piece

In 2013, the media exploded with allegations that the National Security Agency's (NSA) program had monitored phone call and e-mails of millions of Americans. The NSA's actions raise all kinds of questions about our fundamental freedoms—how can a government balance a person's right to privacy with the need to protect citizens from a potential terrorist attack? But the NSA's program raises more than just civil liberties questions; aspects of the controversy relate to the bureaucracy as well.

As noted in this chapter's introduction, bureaucracies are not democratic. As a result, bureaucracies can become corrupt or implement laws in ways in which they were not intended. When this happens, people known as whistleblowers—individuals who publicize instances of fraud or corruption in the bureaucracy—often make the public (or the authorities) aware of the wrongdoing.

In the case of the NSA controversy, Edward Snowden, a former NSA employee, believed he performed a public good by exposing a program that he felt violated the privacy of many Americans. In other words, in Snowden's mind he was acting as a whistleblower who wanted to expose what he perceived to be a wrongdoing. Like Richard Ankrom, the subject of the previous reading, Snowden took the law into his own hands. However, Snowden, unlike Ankrom, then sought refuge in a foreign land—one that is not necessarily on the best terms with the American government.

We chose this piece because it raises questions about whistleblowing and the responsibilities of civil servants. How should civil servants who disagree with a government action react? In this case, the NSA appeared to be doing nothing illegal. It was simply enacting a law passed by Congress, an elected body. Does that matter? In what ways might Snowden's actions be consistent with being a whistleblower? Why might one, including Toobin, argue that he is not a whistleblower, but a criminal?

Edward Snowden, a twenty-nine-year-old former C.I.A. employee and current government contractor, has leaked news of National Security Agency programs that collect vast amounts of information about the telephone calls made by millions of Americans, as well as e-mails and other files of foreign targets and their American connections. For this, some, including my colleague John Cassidy, are hailing him as a hero and a whistle-blower. He is neither. He is, rather, a grandiose narcissist who deserves to be in prison.

Snowden provided information to the *Washington Post* and the *Guardian*, which also posted a video interview with him. In it, he describes himself as appalled by the government he served:

The N.S.A. has built an infrastructure that allows it to intercept almost everything. With this capability, the vast majority of human communications are automatically ingested without targeting. If I wanted to see your e-mails or your wife's phone, all I have to do is use intercepts. I can get your e-mails, passwords, phone records, credit cards.

I don't want to live in a society that does these sort of things. . . . I do not want to live in a world where everything I do and say is recorded. That is not something I am willing to support or live under.

What, one wonders, did Snowden think the N.S.A. did? Any marginally attentive citizen, much less N.S.A. employee or contractor, knows that the entire mission of the agency is to intercept electronic communications. Perhaps he thought that the N.S.A. operated only outside the United States; in that case, he hadn't been paying very close attention. In any event, Snowden decided that he does not "want to live in a society" that intercepts private communications. His latter-day conversion is dubious.

And what of his decision to leak the documents? Doing so was, as he more or less acknowledges, a crime. Any government employee or contractor is warned repeatedly that the unauthorized disclosure of classified information is a crime. But Snowden, apparently, was answering to a higher calling. "When you see everything you realize that some of these things are abusive," he said. "The awareness of wrongdoing builds up. There was not one morning when I woke up. It was a natural process." These were legally authorized programs; in the case of Verizon Business's phone records, Snowden certainly knew this, because he leaked the very court order that approved the continuation of the project. So he wasn't blowing the whistle on anything illegal; he was exposing something that failed to meet his own standards of propriety. The question, of course, is whether the government can function when all of its employees (and contractors) can take it upon themselves to sabotage the programs they don't like. That's what Snowden has done.

What makes leak cases difficult is that some leaking—some interaction between reporters and sources who have access to classified information—is normal, even indispensable, in a society with a free press. It's not easy to draw the line between those kinds of healthy encounters and the wholesale, reckless dumping of classified information by the likes of Snowden or Bradley Manning. Indeed, Snowden was so irresponsible in what he gave the *Guardian* and the *Post* that even these institutions thought some of it should not be disseminated to the public. The *Post* decided to publish only four of the forty-one slides that Snowden provided. Its exercise of judgment suggests the absence of Snowden's

Snowden fled to Hong Kong when he knew publication of his leaks was imminent. In his interview, he said he went there because “they have a spirited commitment to free speech and the right of political dissent.” This may be true, in some limited way, but the overriding fact is that Hong Kong is part of China, which is, as Snowden knows, a stalwart adversary of the United States in intelligence matters. . . . Snowden is now at the mercy of the Chinese leaders who run Hong Kong. As a result, all of Snowden’s secrets may wind up in the hands of the Chinese government—which has no commitment at all to free speech or the right to political dissent. And that makes Snowden a hero?

The American government, and its democracy, are flawed institutions. But our system offers legal options to disgruntled government employees and contractors. They can take advantage of federal whistle-blower laws; they can bring their complaints to Congress; they can try to protest within the institutions where they work. But Snowden did none of this. Instead, in an act that speaks more to his ego than his conscience, he threw the secrets he knew up in the air—and trusted, somehow, that good would come of it. We all now have to hope that he’s right.

Consider the source and the audience

- Jeffrey Toobin writes for the *New Yorker* about legal affairs. Does his background provide him with some insight on this particular controversy, or does he seem to be writing more as an upset citizen?
- Who do you think is Toobin’s intended audience? Other legal scholars? Liberals or conservatives? The general public?

Lay out the argument, the values, and the assumptions

- How does Toobin view the role of government?
- Why does he believe Snowden should be in prison?
- Why is Toobin unconvinced by Snowden’s defense for leaking the information?

Uncover the evidence

- Unlike many of the claims made in this book, Toobin’s argument cannot be supported by empirical evidence; instead, it is simply his opinion. How does he support that opinion?

Evaluate the conclusion

- Toobin argues that Snowden broke the law, and Snowden essentially agrees. Can he be a hero if he broke the law?

Sort out the political implications

- The negative consequences of Snowden’s actions seem fairly evident. It is possible that government’s ability to prevent terrorist attacks will be hindered. Are there any positives that come from Snowden’s actions? Do the positives of his actions outweigh the negatives?