

Ethical analysis of snowdengate

[Science](#), [Social Science](#)



On June 6th, The Guardian, a British newspaper famous for sponsoring WikiLeaks throughout and brought the spotlight back onto the United States (U. S.) intelligence community, its activities and its intentions by reporting on a collection program run by the US National Security Agency (NSA). The Guardian published information about the NSA's activities to collect metadata from Verizon Business Networks Service. On June 7th of the same year, the paper printed details about PRISM, ' an NSA program that targeted the Internet communications and stored data of non-US persons outside the US' (Landau, 2013). The paper also shared the extent that private U. S. companies cooperated with the NSA and their collection and monitoring programs. The documents supporting the details behind NSA activities were provided by Edward Snowden working as a Booz Allen Hamilton employee as an infrastructure analyst inside the NSA center in Hawaii (NSA Chief, 2013). The remainder of this paper will discuss ' Snowdengate' with the intent of providing an ethical analysis of Snowden's decision to release classified documents to the world. Once Snowden became tuned to a possible breach in the law by the NSA and their activities he had several options available to him with differing levels viability and ethical completeness. Essentially, Snowden chose to show the entire world, our enemies and friends, thousands of U. S. confidential intelligence documents that reported on our activities. Many critics feel like Snowden's actions led to one of the biggest breaches to U. S. National Security and claim there were other ways for Snowden to criticize NSA activities. Our team will assess other options available and stakeholder interests in order to analyze Snowden's actions.

Edward Snowden: A Brief History

Edward Snowden, originally from North Carolina, was born in 1983. Snowden started his career in the Global Communications Division with the Central Intelligence Agency in 2006. In 2009, he began a position with Dell as a contractor to the NSA and left in 2013 to work for Booz Allen Hamilton as an infrastructure analyst within the NSA. Snowden's motivation and dedication to work for the government as a government contractor stemmed from his upbringing. Snowden's family has served the U. S. government for decades. His father, Lon, rose through the enlisted ranks of the Coast Guard to warrant officer, a difficult path. His mother, Wendy, worked for the US District Court in Baltimore, while his older sister, Jessica, became a lawyer at the Federal Judicial Center in Washington. "Everybody in my family has worked for the federal government in one way or another" (Wired, 3). Snowden's family commitment to government helped him find his career path. Snowden took his love for technology and combined it with his family's dedication to serving the country.

The Incident—Snowdengate

Snowden's strong family ties and dedication to the U. S. government could lead one to question why he decided to address his concerns with NSA activities outside the judicial system of the U. S. government. According to Toxen, "Edward Snowden, while a contractor for the U. S. National Security Agency (NSA), copied up to 1.7 million top-secret and above documents, smuggling copies on a thumb drive out of the secure facility in which he worked and releasing many of those documents to the press" (Toxen, 44). From any point of view, this action is unethical. Stealing confidential information from an organization to give it to the press is a breach in the

relationship between the organization and the agent. In order for the organization to function it has to offer vulnerable information to its agents; however, it trusts its' agents to hold the information and use it only in the interest of the organization's operations.

It is not easy for a company to trust their employees right away. It takes time to build this trust between coworkers and the company itself. As stated in *Who Must You Trust?* "to build anything of value, you will have to place your trust in some people, products and services. Placing that trust wisely is a skill that is best learned over time" (Wadlow 49). The relationship between Snowden and the US government while he was directly employed for the government, and while he worked as a contractor embodies a relationships of trust between the agent and the organization. This can be noted in Snowden's career advancement. Throughout his career he worked with several different US agencies in varying capacities. Each time he was transferred, responsibilities were heavier and the material he had to handle in each new role was more confidential. Snowden continued to gain promotions and career-level experience. With the investment the U. S. government made in his career, why did he betray the U. S. government and potentially put in harm's way national security interests? As reported by Dylan Thomas, during an interview in his Hong Kong hotel room Edward Snowden said,

" I am willing to sacrifice [my former life] because I cannot in good conscience allow the U. S. government to destroy privacy, internet freedom and basic liberties for people around the world with this massive surveillance machine they are secretly building (Thomas, 1)."

According to Snowden, the government was acting unethically, but that is not an excuse for Snowden to act the way he did. If a company hires you for a specific job, you have to fulfill your obligations as an employee no matter what. However if you do not agree with the job description or the company values, the best solution is quitting that job. Nonetheless, Snowden did not act this way. He preferred to act the same way as the government did (according to Snowden). In other words, he was as unethical as the US government at one point.

Stakeholders Analysis

The significance of Snowden's actions and the information he made public is colossal. The stakeholders to this information are broad reaching: the U. S. Government, its citizens, U. S. allies, the U. S. legislature system, and private U. S. companies. Combined, these stakeholders influence nearly every transaction world-wide. Additionally, these disclosures have impacted public opinion of U. S. government operations in a variety of ways. Some say that this had led to a greater awareness amongst the general public and transparency of the U. S. government. Others say it has made government agencies more vulnerable, in a sense where our enemies have a clearer view of which cards we are holding. A third group believe that these impacts are temporary and will be insignificant in the long run as surveillance techniques will continuously be upgraded and continuous surveillance and monitoring is inevitable. However, it is beyond doubt that the information brought to light by Snowden has reshaped how U. S. citizens and foreign entities view the U. S. government and its' operations.

The concept of " Big Brother" has been around since George Orwell

introduced it in 1964, but Edward Snowden has unraveled the magnitude of its ever-increasing influence in our lives. The 2013 incident has affected almost every strata of society either directly or indirectly. Some of the key stakeholders in this regard are discussed below:

a. The United States Government

The US government encompassing the NSA is probably the most important affectee of this incident. After the horrific event of September 11th, 2001, the NSA felt the need to invest heavily in security systems through spy and surveillance programs in order to prevent another terrorist attack on U. S. soil. For the past 10 years numerous concerns have been voiced in the legislature and the media to highlight the questionable methods of these spy programs. However, in view of the more substantial goal of national security, these systems continued to propagate. After Snowden made NSA files public, U. S. citizen's, who fund the NSA through tax dollars, finally were able to gain some transparency into the activities of government entities. For the first time in over a decade, U. S. citizens had a glimpse around the veil of National Security the U. S. government has heavily shrouded itself with since 2001. Snowdengate brought an outcry from the public adamantly opposing the NSA surveillance techniques. Many view the NSA's activities as a breach of privacy and trust in our government. The media attacked the NSA condemning their actions while the American Civil Liberties Union filed a lawsuit against them. Additionally, key elected officials condemned the NSA. On the other hand, several legislators supported the NSA's efforts in significantly reducing the number of terrorist incidents in the U. S. There seems to be no doubt towards the ultimate goal the NSA is aiming to achieve

through their monitoring activities. However, questions arose to the methods and the procedures being followed. Either way, this incident has substantially affected the role of the NSA and the United States Government.

b. U. S. Citizens

Three months before the Snowden leaks began, Senator Wyden inquired Mr. James Clapper the Director of National Intelligence if the NSA was collecting data of American citizens, Mr. Clapper profusely denied. After the world learned about the leaks, Mr. James Clapper claimed that the customer data was subject to tight controls and only targeted non-US citizens, this claim also proved wrong in the future. As people became aware of the how their privacy was breached they realized the vulnerability of their existence. This created a furor of emotions. Although, most people were inadvertently aware of the NSA's actions, they could not comprehend the blatant denials by the agency in the premise of national security. This led to a feeling of distrust and questions arose regarding the extent of such behavior.

Contrastingly, some surveys showed that there was significant support amongst the American public for the NSA's surveillance efforts. They felt that the agency was acting for the benefit of the country and the actions were aimed at national security.

c. Other Countries

One of the major outcomes of these leaks was the reaction of other states, especially Germany. The data released showed that the NSA was spying on German Chancellor Angela Merkel through her cell phone. ChancellorMerkel was so upset with this disclosure that she compared these actions to Stasi and she cancelled her forthcoming trip to the United States. Consequently,

the German Federal Prosecutor Harald Range opened an investigation into the matter. This intensified the diplomatic relations of the U. S with a close ally.

After the release of the Snowden stories, even the most powerful British spy agencies The MI5 and the GCHQ had to face public hearings against their surveillance techniques. This was a result of the leaked information which revealed that these agencies had asked the NSA for “ unsupervised access” of data.

Brazil reacted in a much confrontational manner. The Brazilian Government decided not to give their fighter jet contract to Boeing, as they opted for Saab instead. The President Ms. DilemmaRousseff denounced the surveillance on her during her speech at the United Nations General Assembly. On the domestic front, Brazil passed an Internet Bill of Rights aimed to protect the privacy of their citizens. The impact of the NSA’s activities being made public has done irreparable damage to the relationships with our allies, friends and potential business partners.

d. The U. S Legislature

After the September of 2001, the USA Patriot Act was passed. This act increased law enforcement powers in the United States and increased information sharing between law enforcement agencies and the police. The data released from the leaks showed that the NSA had been consistently ignoring the section 215 of this Act. This section directly relates to the collection of data through telephone calls. Another contentious area is the Act’s permission to search the personal library records and other organizational files through the issuance of National Security Letters (NSL).

The use of these NSL's has considerably increased after Act has taken effect (Harvard National Security Journal, 2013).

Even after 12 years, innumerable civic organizations, citizens and local governments have been unable to modify or repeal this Act. Various members of The U. S Senate and The House of Representatives introduced pieces of legislation to scale back the scope of the Act. The American Library Association and the American Civil Liberties Union also lobbied against the questionable provisions of the Act. Perhaps the biggest concern that Snowdengate brought to light is the lack of knowledge U. S. legislators had of U. S. government activities and the ability for the legislative or judicial branch to oversee the executive branch, which the NSA is a part of (National Security Agency). Since its inception, the U. S. has functioned off of a three branch, check and balance system. However, during hearings in March 2013, three months before Snowdengate, Senator Ron Wyden asked Director of National Intelligence (DNI) James Clapper ' whether the NSA collected any type of data at all on millions or hundreds of millions of Americans. Clapper's answer was, ' No, not wittingly'' (Landau, 54, 55). Once Snowden brought the documents to the public, Senator Rand Paul noted that ' Clapper lied in Congress, in defiance of the law, in the name of security. Mr. Snowden told the truth in the name of privacy' (Halper, 2013).

In lieu of the above discussion, it will be unfair to point the effectiveness of the Act in controlling terrorism within the United States. This Act has played a significant role in limiting the threats and increasing national security. But the results have been achieved at a cost. The Government should carefully consider balancing the equation without losing resources and political

support. In this regard, the surveillance court has started to publicly post some of the major cases. Furthermore, the NSA and other agencies have posted declassified files to a new intelligence Tumblr as a measure of their transparency policies.

e. The Technology Companies

In the wake of the Snowden leaks, technology companies became more concerned about their privacy policies. The Cloud providers were expected to lose almost 35 billion dollars because foreign companies were afraid of storing data with the U. S companies due to their inability to assure privacy. Many companies started investing in their own encryption techniques to increase security. Google has also decided to make its Chrome browser much more secure and encrypted.

The transfer of technology has trickled down to almost every sector of the society. Car rental companies have been using tracking technologies in every vehicle they rent out. This enables them to monitor every movement and location the driver has been. Various companies track their employee whereabouts through trackers and keep email records without consent. Insurance companies are also using data to monitor their clients. The events of 2013 have revealed the actions of such companies and now they are more concerned with the disclosure of the accessed information.

Formal Analysis of Ethical issues surrounding Snowdengate

Edward Snowden leaked information and documents that revealed some deep spying programs on the US citizens and some other nations conducted by National Security Agency and the Five Eyes (Harding, 2014). Additionally, this involved telecommunication firms and participation from some European

governments. The world looks at Snowden at different angles as some see him as a hero, some a patriot, and some see him as a whistleblower. The U.S government, however regarded him as a traitor and a criminal as well (Mazzie, 2013). The Department of Justice termed his actions as a violation of Espionage Act and a direct theft of state's property (Horwitz, 2013). The amount of disclosure availed by Snowden has been termed as immeasurable in terms of files and email accounts of many key individuals. Moreover, the areas covered a range of uninformed surveillance, security details, and what the NSA terms as very sensitive for the operations of the security affairs of the state.

Snowden's actions instigated debates over government secrecy, the extent the government can go when it comes to surveillance and the rights of the public to the privacy of information (ONeill, 2013). It was clear that the government was infringing on civilians right to privacy as the NSA had tapped servers of major Internet companies for emails and documents without the public's consent (Dickson, 2013). The vast monitoring activities of the NSA on the American people has created a relationship of distrust between the American people and their government. The NSA's activities have been deemed unconstitutional, they have yet to be ruled on by any judicial court; because, who prosecutes the government? There is a need to analyze the situation and identify the moral implications of this issue on various aspects of everyday life.

Snowden issue presents an ethical dilemma that can only be comprehended following thorough evaluation of the stipulations that relate to the factors that pushed him to do what he did, and the results that he

sought to attain from the same. As an individual entrusted with crucial intelligence and top-secret information, he was completely aware of the level of confidentiality that surrounded the same information. Besides, he had sworn to confidentiality and privacy of any information that he would have access to while in the organization. Saturley and Kissinger (2012) purport that the disclosure of any private or confidential information of an organization is devastating to the organization and other stakeholders that are involved. The idea is that confidential information should not be disclosed to the public to a variety of reasons. In the case of NSA confidential information concern matters of national security, which means that at no given point should the information be access to any individuals that are not authorized to have it (Vallad, 2012). Unfortunately, Snowden chose to maximize the opportunity he had been given to work for the institution to exploit and reveal information that was not supposed to be in the hands of public for national security reasons. Ethically, Snowden was not in position to disclose this information, because one of the reasons for the existence of the NSA is to gather intelligent information that has links with the national security. As such, there was no other way through which the institution would gather these information without utilizing the available technology as the secret machine that would offer surveillance to the public.

a. The right to privacy of information.

Edward Snowden revealed numerous actions that the government without the knowledge of its' citizens. Taking the information without approval and without any direct oversight from another government agency or branch is a violation of social rights as deemed so by the constitution (ONeill, 2013). The

data collection is unconstitutional and happens to be an infringement of the right to privacy (Cohn, 2014). Every democratic society considers privacy as a human right that is fundamental to the liberty of the people. The government has no right to commit arbitrary interference with privacy, as that would constitute a constitutional attack. It insults peoples' dignity and autonomy. The government has termed such encroachment on privacy as modest yet it felt the need to perform it undercover, an element that suggests that there could be more to hide (Dickson, 2013). Snooping calls with no intention to listen to the conversations would be needless in the first place. They involved telecommunication firms without allowing them a chance to opt out. Further, the government violated the rights and entitlements we give to private businesses by forcing them to handover the information of their customers (ONeill, 2013). Snooping at their system is morally wrong and is unacceptable in a democratic society.

b. Domestic and Foreign relations

There has been a sense of strained relations between private firms and the government. This has gone beyond borders as the spying issue raised by Snowden instigated tensions between the U. S. and other nations. In the United States, Wikipedia has filed a lawsuit against the NSA for violation of privacy and proper targeting (Stiles, 2015). Wikipedia asserts that the NSA discourages free speech for the users of the popular free-knowledge product (Stiles, 2015). The move by the NSA to track internet usage is discouraging people to participate online freely and thus cannot achieve their missions. Violation of users' privacy hinders their efforts to acquire knowledge and express themselves freely.

The press in US and abroad has felt threatened by the NSA and the U. S. governments' surveillance. Human rights organizations have found it unethical as it has had a chilling effect on democracy. Consequently, this has brought into question the freedom of press operating within the U. S. (The-Conversation, 2014). The mishandling of journalists affiliated with Snowden's case is not what one would expect from a country that upholds and values the First Amendment.

Foreign relations sunk soon after Snowden's files were shared with the world. European officials were gutted by NSA snooping into their affairs and furiously warned of serious repercussions if the files would be found accurate (Shoichet, 2013). NSA had violated basic privacy not just for US citizens but also for the European Union officials. This would leave the door open for the cold war between United States and member states of European Union. Snowden's whistleblowing saw foreign relations between US and other nations hit an all-time low as there serious economic implications. Some countries canceled deals after their officials had realized they had been the target of US spying and direct verbal assault. Brazil government had to stop business with United States worth billions of dollars (Lester, 2013). Germany had to issue a ban on the use of Windows 8 in the nation affecting some technology firms.

c. National Security

United States has been a victim of a number of terror attacks, and it is a moral obligation of the government to protect its citizen from similar attacks. The National Security Agency would justify its move as ethical as part of its duty to ensure that all Americans are safe. The wake of 9/11 attacks left so

many deaths and casualties due to lack of information that would have helped the FBI stop the attack. Some journalists have tried to quote some of the issues that the NSA cites as justification for the surveillance. NSA leaders and officials insist they would find it comfortable to explain why they are spying rather than having to explain why another 9/11 happened (Campbell, 2013). Some lawyers have found The Patriot Act giving the government the power to have tangible things if needed in order to execute a measure that would mean protection for the Americans. This could feature things like electronic records and a few others (Fung, 2013). The government tries to show why this little invasion of privacy is vital to our security.

d. Making spying ethical and effective

There is a need for the public to respect and appreciate the role of intelligence agencies in their commitment to ensure and safeguard our safety at all times. There are terrorists, drug traffickers, pedophiles and other criminals who take advantage of privacy and get away with it. It is evident that many planned attacks have been stopped midway due to NSA surveillance. But then again, the government and the intelligence agencies should understand violation of privacy without our consent is a breach of civil liberties and an open door to conditions of tyranny. The government should liaise with the citizens and stipulate ethical principles that should apply to the spying and surveillance.

The government should only do so when there is a sufficient sustainable cause that has the potential to cause harm. Integrity should guard the entire process and it needs to be done under proportionate methods. The authority assigned with this duty should be ready to be accountable to the public. The

task should be done where we have a reasonable prospect of success.

Privacy violation for the sake of security should only happen as a last resort.

The government should not rush to violate our privacy (Omand, 2013). The

idea of having it done secretly would reveal the unsuspecting thieves and

knowing they do it with our consent would reduce the chances of distrust

between the government and the entire public.

Conclusion

In conclusion, the paper discussed the matter that was highlighted in the Guardian newspaper, concerning the issues surrounding Edward Snowden, who revealed crucial and confidential information, which had accessed from the NSA. The paper therefore, sought to determine whether it was ethical for Snowden to disclose this information, even though he was completely aware that it was against the stipulations of NSA and he had accessed this information through stealing. The prime role of NSA is to gather intelligence on all matters that pertain to national security and the roles of NSA were enhanced following the 9/11 attack, which led to the blame of the intelligence group because it had failed to gather intelligence that surrounded the attack. As a result, NSA strengthened its operations and only conducted busy with individuals and firms that it had complete trust upon, because these individuals and firms would access the country's top-secret and confidential information that must be kept from the public. Snowden took this as an opportunity to access the information and reveal it to the public while paying little regard to the position he would place the national agency, NSA, the public and U. S. government. The formal ethical analysis determined that the actions of Snowden were unethical because they

demonstrate that despite the level of confidence that the U. S government and citizens have towards the intelligence organization; they are vulnerable, meaning that the country is very vulnerable to any kind of attack based on the release of confidential information to the wrong people.

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