



A Conversation on Privacy – Part 4

Note: The following transcript may not be 100% accurate.

Nuala O'Connor: So I just want to note that Ed has a several seconds lag time. He's not jumping in and being rude, he just doesn't hear the speakers. So, please forgive that. And we'll try to forgive you to Ed. We'll get back to you later. You've all painted a very bleak picture and a very dark picture of our government and other governments' motives. And I'll try to refrain from my opinion of various international governments around the world and their issues of privacy and free expression. But we can't deny that this week's headlines are very tragic and Ed if your litmus test is people dying, well died in Brussels this week and there are many who are justifiably very, really afraid for their own personal safety not only in this country but around the world. So what do we say to citizens, not only here at home in the United States but in countries that have experienced terrorism repeatedly, about how we can combat terrorism, how we can live in a free and open society, both for our own physical safety and also our civil liberties?

Noam Chomsky: Let me say that there are plenty of people who live constantly under the threat of terrorism. If you want to find them go to Yemen or North Waziristan where people don't have to be told about terrorism. They are constantly in fear that five minutes from now that the guy across the street is going to be blown away along with anyone else who happens to be around. That's massive global terrorism. And it has repercussions and we're seeing some of the repercussions/repercussions. What happened in Brussels was a monstrous terrorist act but it's worth looking at the explanation that was given for it. ISIS took credit for and issued a statement which basically said: "As long as you keep bombing us, we're going to respond by attacking you."

There's something to that. There is a real problem. We have to make a decision as to how to deal with it. One decision we can make is to follow the playbook that Al Qaeda and ISIS have presented and want us to follow. Namely, and they are very explicit about it, destroy your own societies, destroy your own freedom and liberty and get into a war with the Muslim world. That's their playbook. We can accept that if we like. We've been doing it for fifteen years. If you go back fifteen years to the launching of the so-called War on Terror, terrorism, what we call terrorism was located in a tiny area, tribal areas of what we call AFPAK, Afghanistan and Pakistan. Where is it now? All over the world. Every time you hit it with a sledge hammer it expands. The invasion of Iraq for example. And one of the effects was that in the year following it, terrorism increased by a factor of seven. Intelligence agencies had predicted that it would lead to more terror but that was way beyond. And that continues. There is another possibility and that is to try to get at the roots and the causes of it and try to deal with them. That's not dramatic and exciting but it

would work. And there is plenty of research that tells us why people turn to terrorism. Take Brussels or Paris. The terrorist acts were carried out by people who lived and grew up there in slums or miserable suburbs. Young people who lived with humiliation, degradation, no hope, some from countries in North Africa where they had been subjected to brutal European atrocities for centuries... ..young people who wanted something in their lives. They wanted some dignity, some hope, some excitement, something to look forward to, but they were not going to find it in their own societies. Most of them have very little background in Islam, some of them picked up Islam. This gave them a cause, okay. We can increase that by following the ISIS playbook or you could look at the cause for them and try to deal with them. Take a look at the British in Northern Ireland. Terrorism in England was pretty serious for a long time. Much more than it is now. Fortunately they didn't react by carpet bombing Northern Ireland, following Ted Cruz's proposal. They finally, after a long period of doing the wrong thing of reacting with violence, they began to consider the reasons and the causes and to deal with them. And it didn't turn into a paradise but it's a big difference. I was in Belfast in 1993 and it was a warzone, literally. I was there fifteen years later and you could see tensions but it was a pretty normal city. And some of the people who had been hitmen for the IRA were now part of the negotiating teams. That's the way you deal with it if you want to end the terrorism. If you want to follow the playbook outlined by Osama Bin Laden and his successors, then hit it with a sledgehammer.

Glenn Greenwald: So you know, I also want to address that root cause issue in a minute because it's really at the crux of everything we are talking about here because even people who are inclined to agree with what we are saying about the value of privacy, they ultimately run into that brick wall called terrorism, which is really just fear mongering. You elevate people's fear enough and they are eager to run into the arms of authority. This is human nature that has existed for as long as human beings have. Let me just quickly address a couple of specific point in relation to terrorism and surveillance. First of all the key difference is between targeted surveillance and mass surveillance. Nobody disagrees that terror-targeted surveillance is legitimate. That you have reason to believe that certain individuals are plotting violent acts against civilians and therefor you monitor their communications. If that's what the US government had been doing, you would have never known the name Edward Snowden, there would never have been a leak. That's exactly what they are not doing. What they are doing instead is mass surveillance.

They have constructed the largest system of suspicionless surveillance ever created in human history where they are targeting not specific individuals who are likely involved in terrorism but hundreds of millions of people, of entire populations to very invasive scrutiny. One of the things that struck me when I read through the documents was how few of them have anything to do with terrorism. As Professor Chomsky was saying earlier, you read through documents and you are shocked by how little of it has to do with national security. There is tons of it that have to do with spying on economic targets, on oil companies, on economic conferences where countries negotiate trade agreements, spying for diplomatic advantage, spying on entire populations including our own. Very little of this apparatus has been devoted to actual terrorism. And the final specific point I want to make about that is that we always talk about, and your question suggested this, that there is a trade-off between security and privacy. So that if you want more security you have to give up more privacy and let the government spy more. And vice versa. This a really false dichotomy.

And huge numbers of experts have said that when you allow the government to collect billions of telephone calls and emails every day, as the US government is doing, billions every day, that it is virtually impossible for them to find who is going to detonate a bomb at the Boston Marathon or who is planning on blowing up a jet liner over Detroit or detonating a bomb in a subway or airport in Brussels or attacking a newspaper in Paris, because they are collecting so much information that they can't possibly find what they claim they are looking for. And if I know that, and if all these experts are saying that, they know that as well, which ought to really provoke the question: Is it

really the case that they are just so incompetent that they don't get this basic fact that if they collect everything they won't know what they have or is there some other purpose to this spying system beyond the stated purpose of finding terror plots. And I think that ultimately is the key question.

And you know, I just want to make one point about terrorism itself, and Professor Chomsky made all the key points, but what's really remarkable to me is, I have had this misfortune, because I was travelling this week throughout the US, of being subjected to what I typically try really hard to avoid, which is watching cable news, and what's amazing is they have wall-to-wall coverage of every minute aspect of this terrorist attack in Brussels, and they had like all of their famous TV correspondents in their really chic overcoats and they have been deployed to Brussels, walking around all investigative and whatever, you know all those actors who play the role of journalist on TV, they are all in Brussels, and for everything that they talked about the one question that was literally never asked is what was the motive in why terrorists decided to sacrifice their own lives and kill people in Belgium. Why would they do that?

It was just assumed that these are savages and barbaric monsters with this primitive inscrutable religion. You know, I've lived in Brazil for the last ten years, Brazil is non-muslim country, overwhelmingly catholic and evangelical, it is also a free and open and democratic society, there is never any talk about Muslims targeting Brazil. The same is true in Japan or Korea or Argentina or Chile or dozens of democratic non-muslim countries around the world. Why is that? Is it that the terrorists just put the names of all the countries into a paper bag and randomly pulled the ones out that they are going to attack? Or is there something that is true about the governments and policies of the countries they attack that is causing them to become targets? And there is tons of evidence as Professor Chomsky said, but just go to Google and google "2004 Rumsfeld report on terrorism". Because Donald Rumsfeld in 2004 asked this question. He said "Why are there so many people who hate the United States so much that they are willing to give up their own lives to attack and kill Americans?" And the answer that Donald Rumsfeld's commission said was, it said "You know what? These people, they don't hate us for our freedoms, and they don't hate us because they are involved in a religious war or because they have this religion that hypnotises them into committing violence. They hate us because of our policies. Overwhelming support for Israel, occupying and bombing their countries, killing their children, propping up their dictators.

So, as Professor Chomsky said, we can continue to engage in those policies that our own government says, in secret, causes terrorism, or if we are really serious about stopping it, we don't need to spend tens of billions of dollars and tell the government to spy on us. We can ask ourselves what is it that we can be doing differently that lessens that desire and that dilutes and weakens that infrastructure.

Noam Chomsky: If I can just add a word? That report was quite interesting. And particularly interesting was that it was a repeat of a National Security Council document from 1958. That's one of the advantages of living in a free society where you can get declassified documents. President Eisenhower, in 1958, asked his staff, "Why is there a campaign of hatred against us in the Arab world?" Not from the governments but from the populations. And there happened to be a National Security Council study that came out that year which gave the answer. It said "There is a perception in the Arab world that the United States supports brutal and dictatorial regimes and blocks democracy and development and that we do it because we want to make sure that we can control their resources and their policies. And then it said that these perceptions are more or less accurate but we should continue doing it because that's in our interests. So the Rumsfeld report is repeating what we should know and what the victims do know. They don't have to read secret documents to find out.

NO: Ed, we are going to let you jump in.

Edward Snowden: If I could just, you know, chime in on one point here as somebody who actually worked with these programs. One of them was that we get all of this talk on the news about the fear of terrorism, the fact that attacks do happen. But very rarely is any actual context provided. The Troubles in Ireland as we so euphemistically called them, were actually far more serious and claimed far more western lives than Al Qaeda ever has. And this is something that is not really provided. If you look at the actual statistics of quality of life, of the risk of dying in a terrorist attack and so forth in the western world, we are safer now as in decades prior. Despite the fact that you constantly see national security officials and pundits, people who profit off the industry of terrorism analysis, arguing that, sort of, the lights are flashing red, this is more dangerous than it's ever been, that we have never seen anything like this before. Really guys? We lived through the Cold War, the threat of nuclear annihilation, and you're worried about a few terrorists who claim fewer lives than bathtub falls or from our own police officers every year?

It's not the terrorism is not a threat or a serious problem. It is dangerous. But it's true that we should investigate, that we should apply resources there. And we should also hold ourselves to account when our protocols and policies are not working. Now this is a key point that Glenn raised, which is that the public justification for these programs, which is terrorism, may not line up with the actual value produced by these programs. Now, in the wake of 2013 NSA revelations, the President said, initially, that he thought that we had drawn the right balance on these programs, nobody is listening to your phone calls and so on and so forth, don't worry about it, nothing to see here, but by January 2014 he gave a speech on the basis of his own independent panels that he appointed and that were also packed with his friends, including such liberal reformists as the former deputy director of the CIA, who found that these mass surveillance programs have never thwarted a single terrorist attack in the United States. Moreover, they had not made, their words, a "concrete difference" in a single terrorism investigation that could not have been gotten through alternative investigative means.

Now in all this talk of Brussels, there is a story that just recently broke, which I am not sure has gotten the same play as the others, which is that the attack was preventable. And it was preventable through traditional means, not mass surveillance. An allied intelligence service, in this case in Turkey, warned Belgium that this individual was a criminal, that they were involved in terrorist activities, and that individual turned out to be one of the suicide bombers. Another one of them had been wanted since December in relation to the terrorist attacks. And this is not something that exists just in Europe, it's not a failure of an underfunded Belgian anti-terrorist organization, in the United States we had the same thing with the Boston Marathon bombings. We were explicitly warned by foreign intelligence services that one of the brothers who was involved in the bombings, would be engaged in that kind of activity. And yet we did nothing to stop it. Now, this is the challenge, the question is why? Why didn't we stop it? And the reality here is that our resources are misallocated. When you collect it all, as the NSA's aspiration here is, to watch everybody, everywhere, all the time just in case, when you collect everything you understand nothing. You don't have the focus, you don't have the context, you don't have the specialists who are focused on a few carefully selected targets, you are blinded by the noise. I worked at that desk. I personally used the tools on my screen, such as XkeyScore, which you could look at as sort of a Google for spies. It's what gave me the ability to look up your email or anybody else's browsing activity on Amazon.com and so on and so forth, without a court order or anything else. Now that is the technical capability. Of course, you are not supposed to do this but all you have to do is enter the email address and noone is ever going to know about it. And then you go "Alright. Well these guys aren't stupid. If they created a system of mass surveillance they are not doing it for nothing." If it doesn't work against terrorism, it must work for something, right?

So what is that what? When we look at the actual use of intelligence agencies that were using this, we found post 2013, courts have found, that they were using it to spy on NGOs, human rights

organizations such as Amnesty. They were capturing the emails of journalists. These programs were going beyond things that were specifically focused on terrorism and they were capturing webcam images off of things like Yahoo video chats. For everyone without any individualized suspicion of criminality. That could be the laptop in your bedroom. And these were held despite the fact that they knew - they had a lot of evidence of sexual activities and other very intensely private activities sitting in a government database that analysts were crawling through, and they did nothing about it. Now, these kind of issues extended and we saw the NSA, as you certainly know our American intelligence service, using these capabilities to develop programs that were monitoring the pornography viewing habits of radicals whose politics the government disapproved of. Now, it is important to note here that in the NSA's own documents about this in their own reports, they say that these individuals are not known to be associated with violence or associated with terrorism. They were simply what the government considered to be radicalizers. Now there can be arguments made about whether we should have the government policing sort of radical politics but that is something that traditionally, one would hope, would be considered inherently unamerican. And if that was going to change and we were going to start being the political police for the world, that's something that should be publicly debated and something that we should have a say in.