

Privacy Law: How Edward Snowden Exposed the NSA's Mass Surveillance Programs
GLENN GREENWALD, NO PLACE TO HIDE: EDWARD SNOWDEN, THE NSA, AND THE U.S.
SURVEILLANCE STATE (Picador, 2014).

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“Fearmongering is a favored tactic by authorities precisely because fear so pervasively rationalizes an expansion of power and curtailment of rights.”¹

No Place to Hide is an eye-opening, almost surreal, experience. Everything you thought about the United States government is torn to pieces upon its completion. Today, various agencies, including the NSA, have unbridled power to access people's information, emails, data, photos, and videos, without your knowledge or consent. In 2013, Edward Snowden revealed a treasure trove of impermissible government intrusion into the lives of Americans. This invasion of privacy runs afoul to not only our societal values, but also the Constitution. *No Place to Hide* provides a documentary style read which is designed to open to audiences' eyes to mass surveillance that happens without their knowledge.

Glenn Greenwald is a former constitutional lawyer who received his J.D. at New York University Law School. He led The Guardian's Pulitzer Prize winning journalism in reporting the Snowden files. He has won numerous awards for journalism, including the Fannett Foundation award for investigative journalism and the George Polk award for national security reporting. *No Place to Hide* is a New York Times bestseller and one of his many books. He

¹ See GLENN GREENWALD, NO PLACE TO HIDE: EDWARD SNOWDEN, THE NSA, AND THE U.S. SURVEILLANCE STATE 208 (Picador, 2014).

regularly appears on various news outlets and is a cofounder of The Intercept, a global media outlet, where he now publishes. His career started at The Guardian; where he worked when Edward Snowden contacted him and disclosed the leaks that made this book possible.

No Place to Hide is divided into five sections which tell the story of Greenwald's visit to Hong Kong to meet Snowden and the leaks and their implications on him as a journalist. Part one is entitled "Contact" and recounts Greenwald's early contact with an online stranger who promised him a treasure trove of classified NSA documents. Initially, Snowden contacted Greenwald and asked him to set up an encrypted email server under the alias "Cincinnatus."² Greenwald largely ignored the emails until several months later when documentary filmmaker Laura Poitras showed him emails she received from the mysterious Cincinnatus.³ Greenwald and Poitras reignited communication and eventually agreed to meet Snowden in a Hong Kong hotel, where, on the sixteen-hour flight, Greenwald learned Snowden's name for the first time.⁴

Greenwald and Poitras spent ten days in Hong Kong, the focus of part two of *No Place to Hide*.⁵ Still without an image of Snowden's face, the journalists arrived at the Mira Hotel and were told to look for the man holding the Rubik's cube.⁶ They followed the twenty-nine year old Snowden to his room, where they immediately began asking questions and gathering information.⁷ Greenwald and Poitras learned about his background, his decision to leave the

² See GREENWALD, *supra* note 1, at 7-8 (noting that Cincinnatus comes from a 5th Century B.C. Roman dictator who was appointed to shield Rome from attack).

³ See GREENWALD, *supra* note 1, at 13 (stating that both parties had little doubt as to whether Cincinnatus was the real deal).

⁴ See GREENWALD, *supra* note 1, at 31 (citing Greenwald's impressions of Snowden that he was politically astute and highly rational). On the flight to Hong Kong from New York, Greenwald read many of the files sent to him and Poitras by Snowden, which included evidence that the NSA lied to Congress about the scope of their surveillance.

⁵ See GREENWALD, *supra* note 1, at 33 (explaining that Greenwald and Poitras were to meet Snowden on their second day to avoid drawing suspicions by immediately checking into their hotel and leaving).

⁶ See GREENWALD, *supra* note 1, at 35 (stressing the steps Snowden took to avoid attention, including meeting in a remote area of the hotel and not looking at his guests).

⁷ See GREENWALD, *supra* note 1, at 38 (recalling that Snowden had the journalists place their cell-phones in his refrigerator to disrupt the frequency in case someone was listening in).

CIA, his career with the NSA and why he choose to come clean about the NSA's dirty secrets.⁸ In ten days, Greenwald spoke to Snowden every day, and never slept more than two hours in a night. Greenwald garnered four history-changing stories including a FISA court order to Verizon to turn over every American's cellphone records and a story about the George W. Bush warrantless eavesdropping program.⁹ The chapter further describes the various difficulties and backlash faced by the journalists in publishing thousands of leaked documents. One thing was for certain – Snowden divided people's perception of a traitor and hero; some saw him as noble and courageous, and others condemned him as un-American.

Chapter three is entitled "Collect it All" and is designed to give readers a sense of the breadth of Snowden's leaks. For example, the "BOUNDLESS INFORMANT" program allowed the NSA to collect every single telephone call and email sent through an American telecommunication system.¹⁰ PRISM allowed the NSA to collect user information from the world's largest internet companies, including Facebook and Google. The United States had built a system eliminating all electronic privacy worldwide.¹¹ The size and scope of government intrusion was simply stunning: the NSA has the ability to access 75% of all web traffic in the world, and collects data from every single email sent.¹² Former President Obama lied to all Americans when he said "What I can tell you unequivocally is that if you are a U.S. person, the NSA cannot listen to your calls . . . without a warrant . . . and probable cause." Snowden's documents prove otherwise. While the NSA is only allowed to collect information between an

⁸ See GREENWALD, *supra* note 1, at 47 (articulating some of Snowden's reasons for whistleblowing). "I don't intend to destroy [the NSA's surveillance capabilities], but [my goal] is to allow the public to decide whether it should go on." *Id.*

⁹ See GREENWALD, *supra* note 1, at 58 (describing the various stories Greenwald wrote in his hotel room based off top secret leaks by Snowden).

¹⁰ See GREENWALD, *supra* note 1, at 92 (quantifying the emails and calls gathered at over 3 billion per month).

¹¹ See GREENWALD, *supra* note 1, at 94 (admonishing the government's ability to collect such vast information).

¹² See GREENWALD, *supra* note 1, at 99-100 (citing statistics of the NSA's capabilities).

American and a targeted alien abroad, they incidentally collect all data, irrespective of the Fourth Amendment.¹³

In chapter four, “The Harm of Surveillance,” Greenwald argues that mass surveillance is inherently repressive because it curtails the ability to explore new ways of thinking and being.¹⁴ Greenwald recognizes that the NSA could not read the billions of emails and listen to every call, but argues that the government controls human behavior by striking fear in the citizens.¹⁵ Greenwald ends the novel with a chapter entitled “The Fourth Estate”, where he reprimands the media for failing to act adversarial to those in political power.¹⁶ Greenwald faced immense pressure from other journalists who attempted to discredit his work.¹⁷ New York Congressman Peter King and famed defense attorney Alan Dershowitz called to have Greenwald prosecuted for publishing classified information.¹⁸ The backlash was so significant that Greenwald moved to Rio De Janeiro, Brazil with his partner. The fourth estate, and ultimately the premise of the book, is that those who possess the greatest power must be pushed back on with insistence of transparency.¹⁹

No Place to Hide reads like two separate books. On one hand, meeting Snowden in a Hong Kong hotel involved a plot that rivals any Hollywood movie. The first two chapters are in documentary style, taking the reader on the journey of meeting Edward Snowden and learning his secrets. In the remainder of the book, Greenwald describes the treacherous path the United

¹³ See GREENWALD, *supra* note 1, at 127 (fearing the NSA’s deceitful behavior in incidental collections).

¹⁴ See GREENWALD, *supra* note 1, at 174 (comparing the NSA’s bulk collection programs to George Orwell’s novel, *1984*, because citizens were subject to monitoring at any time).

¹⁵ See GEORGE ORWELL, 1984 263 (Penguin Publishing Group, 1950) (stating that man must choose between freedom and happiness, and happiness is better).

¹⁶ See GREENWALD, *supra* note 1, at 210 (describing the media’s hostility towards Greenwald’s reporting on Snowden).

¹⁷ See GREENWALD, *supra* note 1, at 210 (noting an encounter with a New York Daily News reporter who tried to discredit him).

¹⁸ See GREENWALD, *supra* note 1, at 216-17 (citing examples of attempted prosecution).

¹⁹ See GREENWALD, *supra* note 1, at 230 (defining the fourth estate).

States has taken allowing rampant surveillance of its citizenry. Greenwald provides intense skepticism about the United States government and the NSA. Part of the reader wishes that his words were not true. His experience as a journalist who lived through the single greatest uncovering of national security secrets in history is amazing. Dealing with the fear of speaking out against your government is truly commendable, and is very well developed in “The Fourth Estate.”

Greenwald’s work is undoubtedly a valuable question to understanding privacy, the lack thereof, and government secrecy. He has created a work that pushes the bounds of what people thought they knew about their country. Further, Greenwald has informed an entire nation whose government has left in the dark and stirred up conversation and debate. He describes numerous programs in thorough detail, providing readers with knowledge previously available only to an elite few. Proponents of mass surveillance insist that it keeps the nation safe because the government can focus on messages with impermissible key words. Greenwald could have done a better job addressing those who are not skeptical of surveillance. Ultimately, he focuses on the principle of the mass surveillance and concedes that much of the information gathered is discarded. Additionally, Greenwald’s work has been the catalyst for public debate about Edward Snowden, who remains in asylum in Moscow. It seems impossible for him to receive a fair trial should he be extradited to the United States. There is simply no question that Greenwald, not just through his book but also through his publications, has contributed an immeasurable amount to the great privacy debate.

No Place to Hide is one of the most important works of the twenty-first century. Anyone with an interest in the government should read this book. It is not limited to legal scholars by any means, and Greenwald refrains from the use of legalese. Greenwald’s experiences are

unrivaled and because of his ambitious journalism, he lives in fear of being prosecuted. *No Place to Hide* takes readers on a mission to prove that the government spies on everything they do online and over the phone. In 2009, Google CEO Eric Schmidt said “If you have something you don’t want anyone to know, maybe you shouldn’t be doing it in the first place.”²⁰ Agree or disagree with such logic, Greenwald’s book entertains, informs, educates, and scares the reader living in the United States surveillance state.

²⁰ See GREENWALD, *supra* note 1, at 170 (citing Schmidt’s quote).