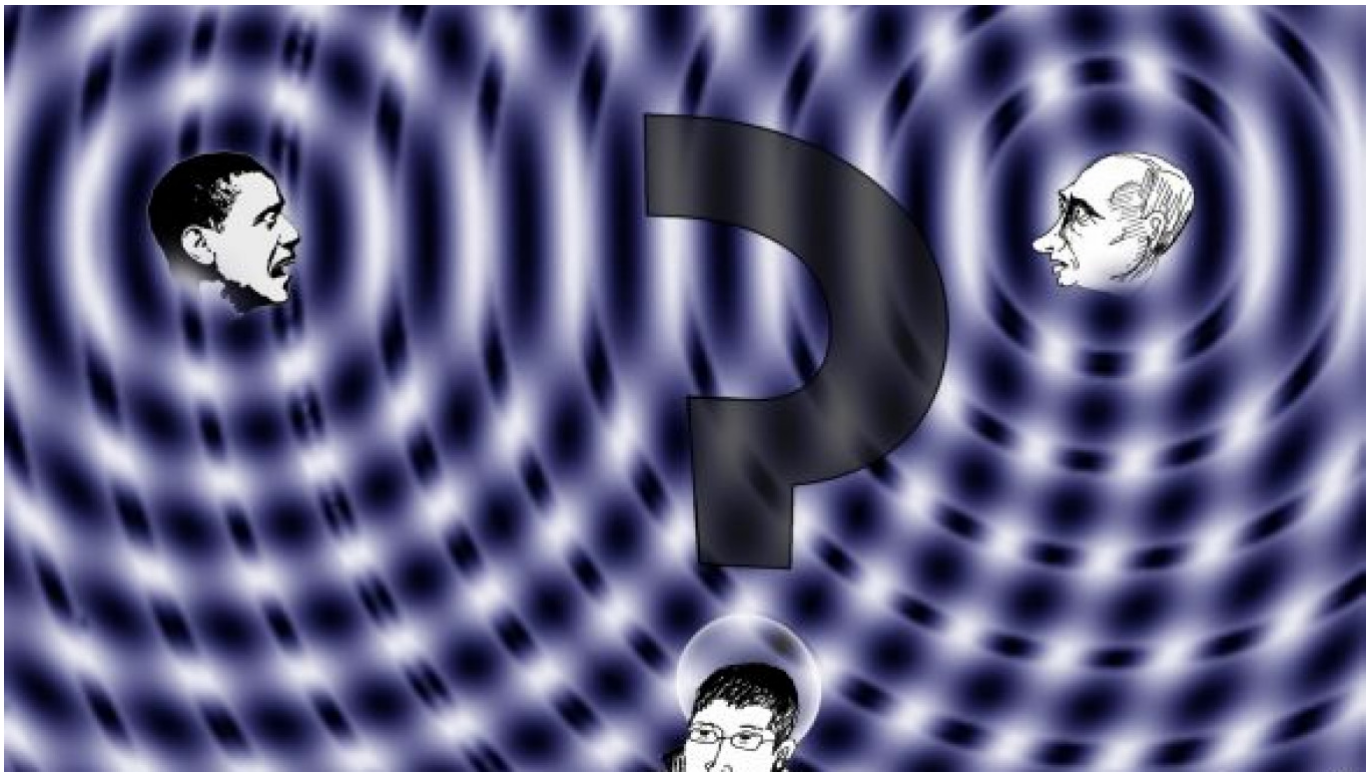
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The Road to Hell

By Richard Lourie

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Godfather Putin made Edward Snowden an offer that he could only refuse — initially, at least. Snowden could have asylum in Russia, but only if he stopped leaking intelligence secrets "aimed at harming our American partners." This was odd behavior when Putin could have just stuck to his position of "make up your mind but get out of here fast!"

Did Putin want to both stick it to the U.S. by offering Snowden asylum, thereby looking good to all reflexively nationalistic Russians, while at the same time not overly aggravating the Americans on the simple principle that it is never a good idea to anger anything 10 times bigger than you?

By offering
Snowden asylum,
Putin wanted
to stick it to the
U.S., while at the
same time trying

not to overly
aggravate
a country that is
10 times bigger.

Godfather Putin also made the U.S. government an offer that it could only refuse: to extradite Colonel Alexander Poteyev, who fled to the U.S. in 2010 after exposing an extensive network of spies living undercover as average Americans. That group included the flame-haired Anna Chapman who returned to Russia a hero, going from under-cover to cover-girl without missing a beat. This week, a tweet purportedly from her proposing marriage to Snowden circulated in Russia, another example of technology in the service of triviality, if another were needed.

The main reason Putin wants Snowden gone is found in an old Russian saying: A bad example is infectious. There have to be some potential Snowdens inside the Russian security services working in IT. And they might have access to secrets that could do even more damage to Putin than Snowden's did to U.S. President Barack Obama: the apartment buildings blown up in 1999 — supposedly by Chechens but also allegedly by the secret service — the murder of journalist Anna Politkovskaya, the assassination of former KGB agent Alexander Litvinenko by polonium in London. These are all subjects that contain potentially explosive information. Cybersecurity is probably better in Russia than the U.S., but the world of cyberspace is so bewilderingly complex that it is difficult to create security structures that can't be circumvented by someone with the will and talent. In any case, what prevents Russian Snowdens from acting is the fear that they will hunted down — anywhere. The relatively recent Litvinenko hit only reinforces this fear.

Then again something of the same sort may in store for Snowden. Daniel Ellsberg of Pentagon Papers fame, says that Snowden has taught us that "secrecy corrupts just as power corrupts," and he hopes Snowden "finds a haven as safe as possible from kidnapping or assassination by U.S. Special Operation forces."

In weighing Snowden's actions and anticipating his fate, are we being drawn into what Valerie Plame Wilson and Joe Wilson call "just a sideshow to the essential issues of national security versus constitutional guarantees of privacy, which his disclosures have surfaced in sharp relief"? Like Ellsberg, they speak from experience: She was a CIA undercover agent outed by Dick Cheney & Co. when her husband Joe, a former U.S. diplomat, blew the whistle on the fabricated report that yellow-cake uranium was sold to Iraq.

Though "side show" may be too dismissive a term for Snowden's saga, they are right about what's at stake. During the manhunt for the Boston Marathon terrorists, I was both impressed and depressed by how easily a whole city could be shut down for a manhunt, by how compliant the population was, by the phalanx of interlocked law-enforcement agencies with their body armor and hi-tech equipment. I'm just glad they were chasing a bad guy.

Not long after the Boston terrorist attack, the U.S. Supreme Court approved DNA testing for people arrested on suspicion of serious crimes. I am all for terrorists being hunted down and for DNA testing that makes rapists pay for old crimes and sets the falsely convicted free. Yet I worry about how all these surveillance systems, laws and technologies could be used

against citizens by governments less benevolent than the current U.S. administration. Now any government in the world can justify such intrusions by saying the United States does it and so does everyone else. More important, they can use the Obama administration's justification that it's all being done for the citizens' own safety and security. Restrictions on liberty are always imposed in the name of some unassailably higher good, The classic example of this so-called tradeoff is that the Internet must be restricted to protect people against hate speech or child pornography.

Americans have proverbs, too: The road to hell is paved with good intentions.

The only protection against such excesses are checks and balances built into the structure of the system, which is what has been lacking in the United States' expanding surveillance state. The secret Foreign Intelligence Surveillance Court had no one arguing against the governments requests for access to specific communications. James Robertson, a federal judge who served on that secret court from 2002 to 2005 says advocates with security clearance must argue against the government; otherwise every request will be approved. Judge Robertson credits Snowden's leaks as initiating a "wide-open debate" about surveillance and liberty, secrecy and privacy.

Snowden still matters because of the example he has set and because of the example that will yet be made of him. Most significant here are the steps the U.S. and other nations take to capture Snowden.

Let's hope that the blatantly illegal forcing of the Bolivian president's plane out of the skies is not a preview of coming attractions. But not to worry: It will all be done with the very best of intentions.

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