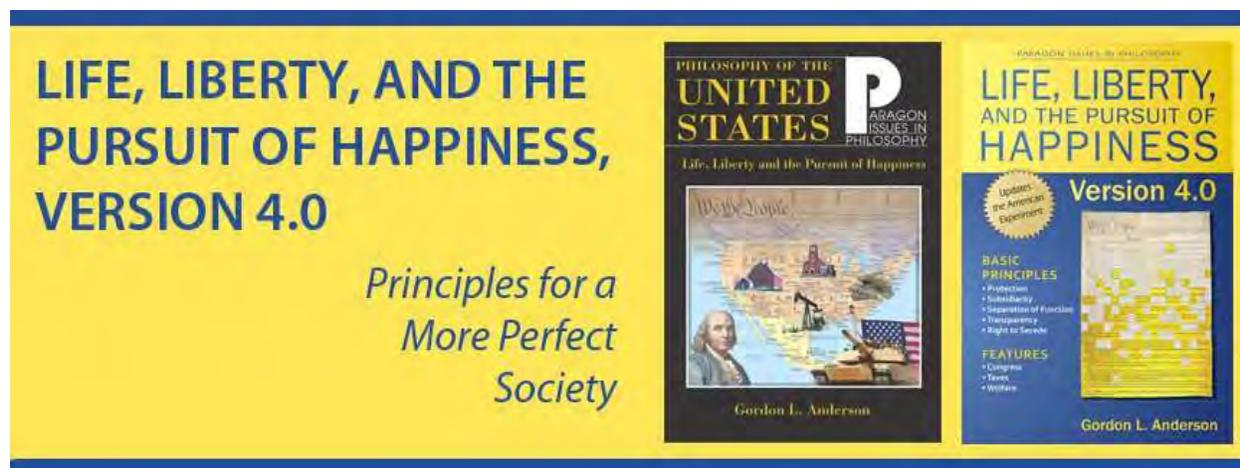


Edward Snowden and the Divergence of Law and Principle

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Edward Snowden’s revelations are, in part, a result of the growing divergence of law and principle in the United States. When laws are rooted in political lobbying efforts, or rules created by administrative agencies, and unconnected to principle they increasingly diverge from the principles of respect for others, human rights, and individual freedom.

For him, it is a matter of principle. “The government has granted itself power it is not entitled to. There is no public oversight. The result is people like myself have the latitude to go further than they are allowed to,” he said.—The Guardian

The moral problem of law vs. principle is not new. It is at the core of conscientious objection, civil disobedience, and the refusal to obey a military order. Henry David Thoreau, Mohandas K. Gandhi, Martin Luther King, Jr. are well-known champions of civil disobedience, willing to go to jail to change bad laws. Daniel Ellsberg was perhaps in the most similar situation to Snowden on his release of “The Pentagon Papers” in 1971. Ellsberg also worked with the military and became aware of activity he believed to be unprincipled.

Inspired by a young Harvard graduate named Randy Kehler who worked with the War Resisters League and was imprisoned for refusing to cooperate with the military draft—as well as by reading Thoreau, Gandhi and Dr. Martin Luther King—Ellsberg decided to end what he saw as his complicity with the Vietnam War and start working to bring about its end. He recalled, “Their example put the question in my head: What could I do to help shorten this war, now that I’m prepared to go to prison for it?”—bio.com

In authoritarian regimes political dissent is generally not allowed, and dissenters are treated harshly. However, the United States founders considered political dissent a right, yet they also believed in punishing traitors. Thus, the question that has to be asked is “Is Snowden a Traitor?.”

Is the Law Unprincipled?

Snowden made a deliberate decision, knowing there would be consequences for disobeying the law. Most people believe that Snowden violated the law, but it is less clear that many believe he is a traitor. This dilemma arises when the law itself appears to be unprincipled.

Laws can be immoral, a point that arose in the Enron scandal as executives who had looted the pension funds of retirees argued that they had done “nothing illegal.” A similar explanation was given by President Obama when asked why there had been no prosecutions of Wall Street executives for fraudulent behavior contributing to the financial crisis. He stated that the banks did nothing illegal, only found loopholes that Dodd-Frank was intending to fix. In both these cases, the laws allowed immoral behavior, and in the case of the big bank bailout and Dodd-Frank, many considered those actions by government were immoral as well because they rewarded the irresponsible behavior of big banks that created a situation where many honest small banks were bankrupted by the systemic problems and not bailed out.

Contemporary Politics does not lead to Principled Laws

There is no doubt that U.S. laws can be bad and immoral. The President recognizes this, and most Americans recognize this in their low 10% approval rating of Congress. Many people suggest term limits or other measures as Band-Aid solutions to this problem, but as I indicated in *Life, Liberty, and the Pursuit of Happiness, Version 4.0*, there have been a series of changes in law over the past 200 years that

transformed the legislative system so that unprincipled laws are more easily produced—almost exclusively produced—by Congress.

Rather than checks and balances that encourage only legislation within the principled bounds established by the constitution, ensuring the majority of both individuals and states approve, we now have a system in which bills are assembled by special interest concerns and inevitably redistribute wealth from taxpayers to groups that can afford expensive lobbyists. The two largest groups, the Democratic and Republican Parties, are large factions funded by special interests that have hijacked the political process. Madison and Washington foresaw this, but their warnings have gone unheeded.

There Will Likely Be More Whistle-blowers before Reforms

As the divergence of law and sound principles continues, it will likely become more popular to be a whistleblower. In 2010, the Obama administration violated the First Amendment that guarantees freedom of the press when WikiLeaks founder Julian Assange was sought by the U.S. Justice Department for prosecution. Many people believe that Army Pfc. Bradley Manning, who stole the information was a traitor who should be prosecuted because he violated the law. But, it is a very different case with the press that publish leaked information. The New York Times notably back Julian Assange, as their own freedom of press was on the line.

The U.S. treatment of Assange, indicating an increasingly outlaw regime, was no doubt one reason Edward Snowden leaked his information to a press outside the United States and less under the control of the U.S. government.

President Obama, rather than advocating the First Amendment, has proposed legislation to create a “media shield.” But this is perceived as a way to provide a sham shield in name only, rather than the real shield that guarantees Freedom of the Press—the Constitution. Any media shield law would be produced by a Congress that enacts laws through a process that thwarts the constitutional intent of protecting a free society.

The result of this whistle-blowing is that citizens on both the right and the left, from Glen Beck to Ariana Huffington, are increasingly agreeing that the whistle-blowers are heroes and the real stand-up America citizens willing to risk their lives for noble American ideals, while those in the NSA, Congress, other federal agencies, and Wall Street are in collusion based on power and greed through a derailed political system.

The Edward Snowden leak is new, and the public is largely suspicious because evil tends to keep things in secret. The jury is still out on whether or not information he leaked threatened American security or will make the United States a better society. However, a resurgence of ideas of public virtue and principle, rather than politics as usual, is entering American consciousness as a result of a growing awareness of the divergence of law and principle, and this is another event that encourages it.