States of Surveillance

In June of 2013, TV screens were filled with the image of an articulate young man in a hotel room in Hong Kong. He was telling us that the US government was monitoring what we did on the phone and on the internet. The National Security Agency (NSA), he said (transcript),



> targets the communications of everyone. It ingests them by default. It collects them in its system and it filters them and it analyses them and it measures them and it stores them for periods of time simply because that's the easiest, most efficient, and most valuable way to achieve these ends.

The speaker was Edward Snowden, a 29-year old analyst who had been working for a technology company contracted by the NSA. He was being interviewed by Glenn Greenwald, a journalist working with *The Guardian.* Snowden was releasing secret information about the US government's surveillance activities because he believed that the government had not been granted the power to behave in this manner. If the government could know everything about everyone then it could overtly or covertly manipulate them to maintain or increase its power. The people would then be liable to a "turnkey tyranny." Having elected a government (turned on the program), the people would find that they had inadvertently given it the power to become a dictatorship.

With any economic or political crisis the government could increase its powers until finally we became something like the society described in Orwell's *Nineteen Eighty-Four* (1949): a

society wherein everyone is monitored, wherein no one is free to think for themselves, and wherein the state of crisis never ceases because of perpetual war. In Orwell's dystopia, the war was among the superstates of Oceania, Eurasia and Eastasia; nowadays, we have our Global war on Terror.

Private information about us can easily be used to manipulate our actions. This can occur through blackmail or vindictive prosecution – everyone has done something illegal at some time. Most frighteningly, the manipulation might be done without our knowing. Not only does the internet provide the government with the ability to monitor our actions, it also allows service providers to change our emotions and ultimately to alter our behavior.

Security and Secrecy

Intelligence gathering is a necessary part of our current world. And there is a need for secrecy. However, limits must be set, and there must be proper oversight to ensure these limits are maintained. Those who work in secrecy must always be accountable. If their actions can be completely hidden, they will be able to do whatever they wish. Though most analysts and agents may follow the ideals of a just and democratic society, some may not. It is just too easy to use information to receive gain or increase power.

We abhor societies that live under the constant surveillance of a secret police. One of the most evil regimes was that of the former East Germany (German Democratic Republic). Every citizen was monitored by the STASI (State Security). The movie *The Lives of Others*, which won the Academy Award for the Best Foreign Language Film in 2006, provides a frightening glimpse into their society.

The STASI was originally set up to be the "Shield and Sword" for a party whose goal was to improve the lot of the common man. It evolved into an instrument of state terror. No one

could question the government without their actions being reported, and their lives destroyed.

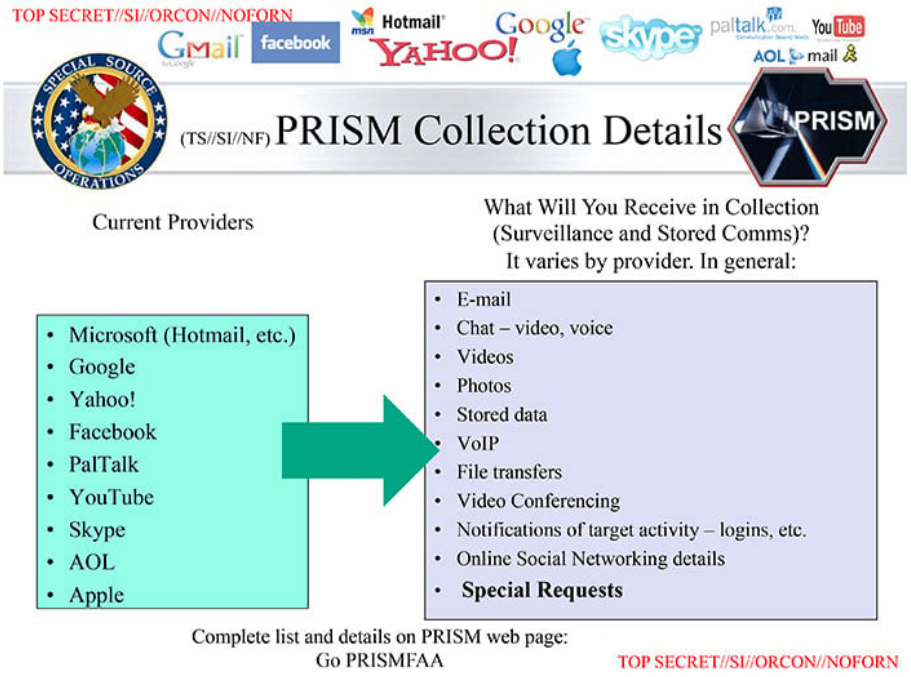
The Lives of Others shows how this surveillance and security system was subverted to serve the purposes of those in power rather than to preserve the rights of the people. A government minister lusting after a beautiful actress directs the STASI to monitor the home of her lover so that he can be arrested and the actress made completely subservient to his desires. To think that this cannot happen with the current NSA programs is to be foolishly naïve.

The movie begins with the statements:

> 1984, East Berlin. Glasnost is nowhere in sight. The population of the GDR is kept under strict control by the Stasi, the East German Secret Police. Its force of 100,000 employees and 200,000 informers safeguards the Dictatorship of the Proletariat. Its declared goal: “To know everything.”

This goal is chillingly similar to the current aims of the NSA which under General Keith Alexander expanded its surveillance activities until it could monitor all our electronic communications, obtaining data on everything we do. The motto of the organization is to “collect it all” (see Chapter 3 of Greenwald’s *No Place to Hide*, 2014). NSA works in collaboration with the intelligence agencies of Britain, Canada, Australia, and New Zealand in an alliance known as Five Eyes.

PRISM is the set of programs used by the alliance to collect and analyze data on internet usage from electronic communication service providers such as Microsoft, Google, Facebook, etc.



From Snowden revelations: NSA Powerpoint Slide of "PRISM Collection Details" Wikimedia Commons

The acronym (Planning Tool for Resource Integration, Synchronization, and Management) does not in any way betray what he programs are actually used for. It brings to mind the colors of the rainbow rather than the darkness of surveillance.

Theoretically the goal of this data collection is to obtain intelligence on foreign agents who might be a danger to US Security, and the data collection is under court supervision. In fact the data is collected from everyone and the supervision is simply a rubber stamp from a committee (the Foreign Intelligence Surveillance Court) that does not report to any government agency independent of the intelligence organizations.

Vilification of the Whistleblower

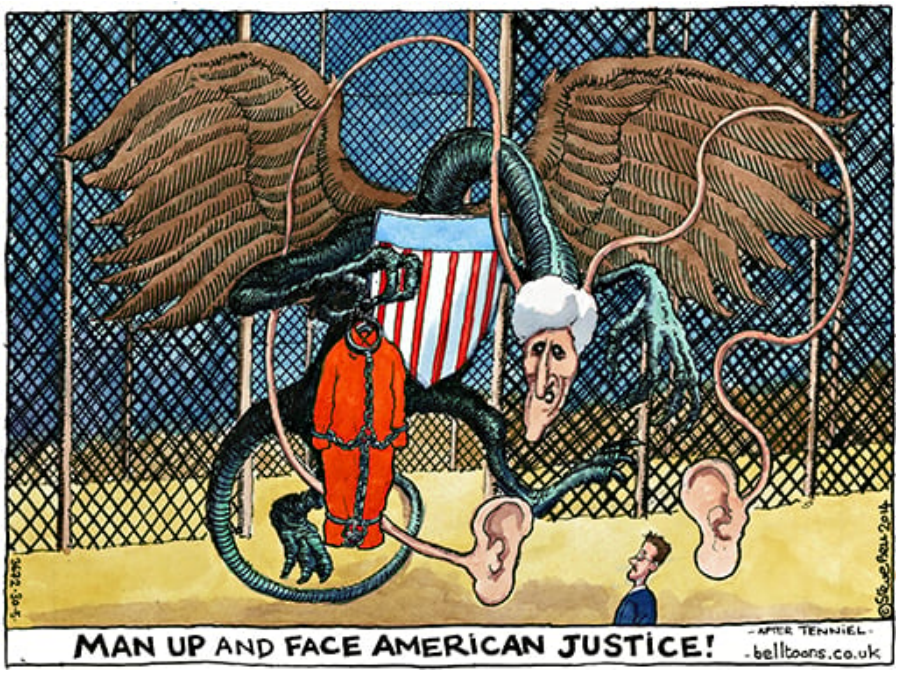
What is astounding is the distance to which the US government has gone to denounce Snowden's actions. Statements that the

release of information about government surveillance has put the country at risk are patently absurd. Any actual terrorist would be fully aware that they might be under surveillance and would take care to hide their actions.

The only downside of the revelations is the embarrassment that they have caused for the government by showing how it has acted against its own people. This is a government that has recently had little experience with the proper cause of justice. The imprisonment and torture of suspects without trial in Guantanamo, and the imprisonment and conviction of Private Chelsea (Bradley) Manning are evidence that the government of a country that has led the world in its devotion to freedom and democracy is losing its way.

The suggestion by Secretary of State John Kerry that Edward Snowden should “man up” and return to the United States for a fair and just trial is an insult to anyone’s intelligence. This comes from a man who in his youth objected to his government’s policies without ever being brought to account for this opposition.

Kerry’s comments were wickedly satirized by Steve Bell in a cartoon portraying Kerry as the evil Jabberwocky and Snowden as the beamish boy who confronts him:



The cartoon was based on John Tenniel's illustration of the Jabberwocky in Lewis Carroll's *Through the Looking Glass*.



And as in uffish thought he stood,
The Jabberwock, with eyes of flame,
Came whiffling through the tulgey wood,
And burbled as it came!

One, two! One, two! And through and through
The vorpal blade went snicker-snack!
He left it dead, and with its head

He went galumphing back.

One can only hope that the beamish boy will ultimately be able to slay the sad spectre that American Justice has become. Then the original ideas of freedom and justice that led to the United States may again prevail.

The Fourth Amendment of the US Constitution ensures that

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

As Greenwald clearly states this was intended to

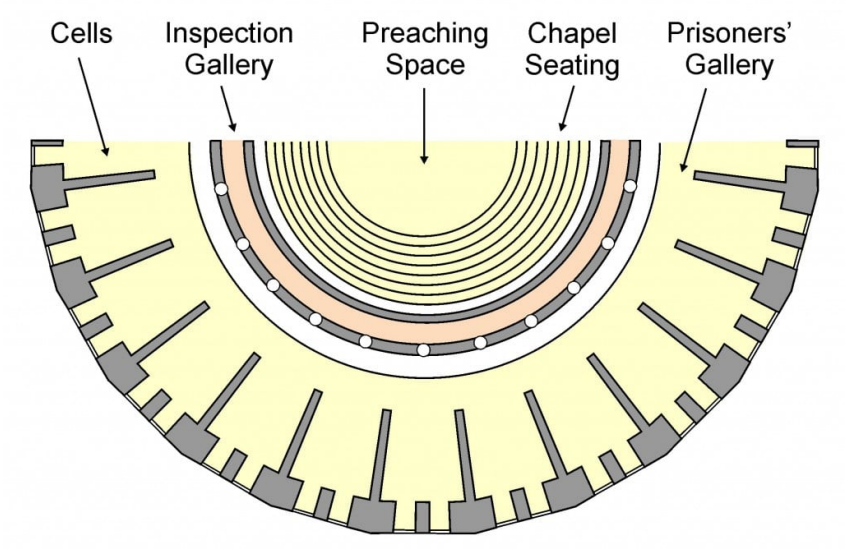
> abolish forever in America the power of the government to subject its citizens to generalized suspicionless surveillance (Greenwald, 2014, p 3)

Another strange development is the branding of Snowden as a "narcissist" by commentators such as Jeffrey Toobin (see Greenwald, p 222). This appears to be a new way to undermine the motives of a whistleblower – insinuating that they release secrets just for personal fame, acting on ego rather than on conscience. In Snowden's case the allegation is absurd. He currently lives an ascetic life in Moscow, staying as much as possible out of the public eye. He is in Russia not by choice but because the US government has made it impossible for him to gain sanctuary elsewhere.

Power of the Panopticon

The philosopher Jeremey Bentham (1748-1832) is most famous for the ethical concept that one should act to bring about the greatest good for the greatest number of people. However, one of his projects did not follow this edict: the design of a

prison called the Panopticon:



Panopticon (Bentham, 1791) Figure from Creature and Creator, p 358.

This cross section of one half of the circular structure derives from a drawing by William Reveley based Bentham's description. The cells were set up in a circle around a central observation tower. The gaolers could inspect the prisoners through spy holes looking out from the inspection gallery toward the cells. Each prisoner could not see any other prisoner, and would not know whether or not they were being watched. This particular Panopticon includes in the central area a chapel where prisoners could be re-educated in morality.

The main advantage of the Panopticon was its efficiency. One gaoler could monitor many hundred prisoners. Sometimes, there might even be no gaoler, since the prisoners would not know that they were not being watched.

In *Discipline and Punish*, Michel Foucault pointed out that the efficiency of the Panopticon works in many areas of human society in addition to prisons: schools, hospitals, barracks, factories, and offices. The idea is to induce in the individual subjects of an organization a sense that they are

always visible. The subjects of surveillance then lose any sense of individual freedom:

> He who is subject to a field of visibility, and who knows it, assumes responsibility for the constraints of power; he inscribes in himself the power relations in which he simultaneously plays both roles; he becomes the principle of his own subjection. (Foucault, 1975, pp. 202-203).

This leads to a disciplinary or "carceral" society, wherein each individual becomes docile and acts only for the benefit of the observing others. These others are more likely members of an elite (and unobserved) group than society as a whole.

This is the type of society to which we are moving, one in which we will not wish to disagree with those in power or to freely express our ideas. This is no time for complacency. The state of mind that occurs when we are under surveillance is frightening.



Orwell described the ubiquitous poster of Big Brother in *Nineteen Eighty-Four*.

> It depicted simply an enormous face, more than a metre wide: the face of a man of about forty-five, with a heavy black moustache and ruggedly handsome features….It was one of those pictures which are so contrived that the eyes follow you about when you move. BIG BROTHER IS WATCHING YOU, the caption beneath it ran. (p.1)

The figure on the left is loosely based on the 1983 image that Nancy Burson made by morphing the portraits of Hitler, Stalin, Mussolini, Mao and Khomeini. It borrows the colors and style of the poster of Frederic Guimont, based on his graphic version of the novel.

Bentham, J. (1791, edited by Bowring, J., 1843). T*he works of Jeremy Bentham. Volume 4. The making of modern law*. Edinburgh: William Tait. The general description of the panopticon is on pp 39-49; the description of the chapel is on pp 78-80; the drawing by Reveley is Plate 2.

Foucault, M. (1975, translated by Sheridan, A., 1978). *Discipline and punish: the birth of the prison.* New York: Random House.

Greenwald, G. (2014). *No place to hide: Edward Snowden, the NSA, and the U.S. surveillance state.* New York: Metropolitan Books (Henry Holt)

Orwell, G. (1949). *Nineteen eighty-four.* London: Secker & Warburg