

Edward Snowden condemns UK surveillance legislation

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In an interview published in the *Guardian* Monday, National Security Agency (NSA) whistleblower Edward Snowden denounced new surveillance legislation being rushed through parliament this week by the British government.

Snowden was interviewed by the *Guardian* in Moscow this month. The initial video excerpt from the Snowden interview is here, with the full interview to be made public by the newspaper on Thursday. The *Guardian* said the interview covers “the impact of the global debate he [Snowden] unleashed on surveillance and privacy to fresh insights into life inside the NSA.”

Snowden is in Moscow, in forced exile, following his courageous disclosure that the US, British and other governments have set up gigantic spying networks to conduct mass surveillance operations on the world’s population.

His interview underscores the draconian character of the legislation being railroaded through parliament with the agreement of the governing Conservative/Liberal Democrat coalition and the Labour Party.

Snowden said the UK governments Data Retention and Investigative Powers Act (DRIP) was akin to the Protect America Act enacted in the United States in 2007.

DRIP contains new and even broader surveillance powers, enabling data interception warrants to be issued covering companies based outside the UK, something that was not possible under the old legislation.

Snowden told the *Guardian*, “So what’s extraordinary about this law being passed in the UK is that it very closely mirrors the Protect America Act 2007 that was passed in the United States at the request of the National Security Agency, after the warrantless wire-tapping programme, which was unlawful and unconstitutional, was revealed.”

The Protect America Act was part of a raft of reactionary legislation enacted over the last decade and

more under the guise of the “war on terror”. It vastly expanded the spying powers of the George W. Bush administration, while granting immunity to telecommunications companies that participated in violations of the law.

Speaking about the DRIP legislation, Snowden stated, “The NSA could have written this draft. They passed it under the same sort of emergency justification. They said we would be at risk. They said companies will no longer cooperate with us. We’re losing valuable intelligence that puts the nation at risk.”

Snowden notes that the Protect America Act was signed into law with virtually no public debate. The *Guardian* reports, “A year later it was renewed and the new version was even worse, he [Snowden] said, granting immunity to all the companies that had been breaking the law for the previous decade.”

Snowden told the newspaper that DRIP was “a significant change” and it “defies belief” for the UK to be introducing such anti-democratic legislation after it had remained silent on the revelations he had made public. Noting that no such legislation had ever been passed in peacetime, he added, “I mean we don’t have bombs falling. We don’t have U-boats in the harbour.”

He said the government was asking for these “new authorities immediately without any debate, just taking their word for it, despite the fact that these exact same authorities were just declared unlawful by the European court of justice.”

In April, the ECJ ruled that a European Union directive requiring telecoms companies and Internet providers to retain phone, email and similar metadata for a period of between six and 24 months was an unlawful intrusion on personal privacy, and struck it down.

Snowden added: “Is it really going to be so costly for us to take a few days to debate where the line should be drawn about the authority and what really serves the

public interest?

“If these surveillance authorities are so interested, so invasive, the courts are actually saying they violate fundamental rights, do we really want to authorise them on a new, increased and more intrusive scale without any public debate?”

The DRIP laws require Internet service providers (ISPs) and mobile operators to store customer metadata for 12 months at a time, in order that they can be freely accessed by UK law-enforcement agencies. New clauses are included expanding the government’s ability to directly intercept phone calls and digital communications (i.e., emails, texts).

The legislation establishes in law key elements of the “Snoopers Charter” from which the coalition government, due to public opposition, had been previously forced to backtrack. That would have enabled it to legally intercept all communications and voice calls made by the public. The Snowden documents made public by the *Guardian* revealed that the government had already enacted, in total secrecy, precisely such a surveillance operation via its Tempora programme, run by the Government Communications Headquarters (GCHQ) spying operation.

The government has downplayed the reactionary implications of the new powers, with Prime Minister David Cameron claiming that the legislation only confirms measures already in place.

Parliament’s Intelligence and Security Committee (ISC), the body that supposedly regulates the UK’s spying bodies, also maintained this fiction and gave DRIP a clean bill of health. ISC chairman Sir Malcolm Rifkind said after being briefed on the measures they were “broadly speaking ... necessary” and “replicate what currently exists”.

This is a lie. Privacy campaigners have established that the legislation contains sweeping new powers compelling companies operating anywhere in the world who have access to data on British citizens to hand it over to the UK intelligence services and police. These companies will be paid for doing so and those who refuse to comply can be sanctioned under extraordinary powers.

One of the privacy groups, Liberty, circulated a briefing note to Members of Parliament Sunday regarding the DRIP legislation in which its policy director Isabella Sankey warned, “Clause 4 of the bill also contains new and unprecedented powers for the UK to require overseas companies to comply with interception warrants and communications data acquisition requests and build

interception capabilities into their products and infrastructure. These provisions will expand existing mass interception powers that are due to be challenged in the British courts next week.”

The groups also point out that clause 5 of the six-clause bill extends the 2000 definition of telecommunications services to enable a much wider range of data, including webmail and some social media traffic data, to be collected.

Just prior to Snowden’s latest *Guardian* interview, the newspaper revealed that the Obama administration was fully informed about the unprecedented moves carried out last July by the British government to destroy hard drives and computers owned by the newspaper that contained documents passed to them by Snowden.

The *Guardian* reported that General Keith Alexander, then director of the NSA, and Obama’s director of national intelligence, James Clapper, were both informed beforehand that the drives were to be destroyed. This was revealed following a Freedom of Information request by AP reporter Jack Gillum, who obtained heavily redacted email correspondence.

Rick Ledgett, now deputy director of the NSA, sent an email to Alexander with the subject line “Guardian data being destroyed”. The email was dated July 19, 2013, just 24 hours before the destruction of the hard drives, and contains a remark from Ledgett: “Good news, at least on this front.”

The *Guardian* notes, “A day later, hours after the material was destroyed, Alexander follows up with Ledgett, asking: ‘Can you confirm this actually occurred?’”

“Later that day, Clapper emails Alexander under the same subject line, saying: ‘Thanks Keith ... appreciate the conversation today’.”



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