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ONE HUNDRED THIRTY-TWO HOURS & FIFTY YEARS:
A CONVERSATION WITH MICHAEL OREN

THE SEVENTH DAY & COUNTING:
THE ELUSIVE PEACE OF THE SIX-DAY WAR
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A POPE & A PRESIDENT:
JOHN PAUL II, RONALD REAGAN, & THE COLLAPSE OF COMMUNISM
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ALSO: ROBERT KAUFMAN BACKS THOMISTIC OFFENSE • CHRISTOPHER KOLAKOWSKI REMEMBERS BATAAN • C.S. LEWIS CELEBRATES THE 1ST SERVANT • ALAN DOWD INTERROGATES AMERICAN INTERVENTION • MARK TOOLEY ON AMERICAN INTERESTS • GENERAL MACARTHUR CONSTRUCTS A MAN • MARK COPPENGER OFFERS AIDE TO THOSE SNOWED-IN • GEORGE ELIOT LAUDS A SPOT OF NATIVE LAND & ROBERT NICHOLSON PUTS SIX DAYS IN PROPER CONTEXT

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Army Chief Chaplain Rabbi Shlomo Goren, surrounded by Israeli Defense Force soldiers of the Paratroop Brigade, blows the shofar in front of the Kotel ha-Ma'aravi, or Western Wall, during the Six-Day War, June 7, 1967. Built by Herod the Great, the Kotel is a segment of a much longer, ancient, limestone retaining wall that encased the hill known as the Temple Mount. Under the British Mandate of Palestine, the blowing of the shofar at the Kotel was criminalized, and from 1948-1967, when the Old City of Jerusalem was controlled by Jordan, Jews were denied access to the Wall entirely. Today, in accordance to agreements with Muslim authorities, the Kotel is the holiest place on earth where Jews are allowed to pray. Photo Credit: David Rubinger, Government Press Office.

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WHAT SHALL WE MAKE OF “SNOWDENISM”?

MARK COPPENGER



Snowden, Assange, Bradley.

Some dreamers insist “the more domestic surveillance the better!” Indeed, the revelations of high-profile “whistleblowers,” troubling to many, have stirred their zeal for the possibilities, as it’s become increasingly clear that the sky’s the limit when it comes to existing or emerging technology’s ability to delve into the nooks and crannies of society.

We’re encountering a dazzling array of gathering techniques and programs, with names like XKEYSCORE, PRISM, and TEMPORA. We’ve learned of big snooping dishes on the British

coast and a mega-storehouse of information in Utah; of the complicity of Internet providers, facilitators, and firms like Google, Skype, YouTube, Facebook, and various phone companies; of the way in which they can monitor, cache, and access anything with an electronic footprint—the parties to conversations (whether voice, email, or texting), the course of individual internet explorations, credit card transactions, and travel details. They have the potential to activate the camera on your laptop, supplying images from inside your home to complement those captured on ubiquitous closed

circuit cameras in public places, and to examine the content of particular conversations.

Less sanguine than the dreamers, others caution, “The less surveillance the better.” They delight in the work of the trifecta of Edward Snowden, Bradley/Chelsea Manning, and Julian Assange, who brought a raft of theretofore top-secret intelligence to light, revealing both content and capabilities. I call these enthusiasts the party of *Snowdenism*, one that enjoys enormous acclaim around the world.

Snowden is proud to announce on his website that he is the recipient of a good many honors for his deeds—from Norway, Sweden, Germany, Brazil, and America. He has been the subject of hagiographical films (Oliver Stone's *Snowden*¹ and Laura Poitras's Oscar-winning documentary, *Citizenfour*²) and books (*No Place to Hide* by Glenn Greenwald;³ *The Snowden Files* by Luke Harding;⁴ and *Snowden*,⁵ a work of graphic nonfiction by Ted Rall).

But Senator Tom Cotton demurs, calling Snowden “an egotistical serial liar and traitor” who “deserves to rot in jail for the rest of his life.”⁶ So what shall we say? Are Snowden and his fellow travelers laureates or reprobates?⁷ There are several factors that should be considered as we generate a verdict.

THE OBVIOUS

Let's start with the basics. Though the disclosures brought about by these men affected a wide range of parties around the world, from foreign heads of state to troops in the field, our focus will be on domestic surveillance, Snowden's special interest. Of course, the Kim Jong-uns and Hassan Rouhanis of this world are more naturally the targets of such scrutiny, but they have not murdered as many Americans as the Tsarnaev brothers, who enjoyed “legal permanent residence” in Massachusetts, or Virginia-born, U.S. Army Major Nidal Hassan of Fort Hood infamy. Peril is everywhere, so we may need to keep tabs on all kinds of people.

Furthermore, we'd be foolish to fail to integrate advances in technology. We've come a long way from the mid-1970s when,

each day, “a courier went up to New York on the train and returned to Fort Meade with large reels of magnetic tape, which were copies of the international telegrams sent from New York the previous day using the facilities of three telegraph companies.”⁸ Nevertheless, decades later, “The FBI's effort to find [AA Flight 77 hijackers] al-Hamzi and al-Mihdhar was pursued with too few resources. Simply using commercially available software to track their credit card usage might have been decisive, but no such effort was made.”⁹ We're asking for more than another 9-11 if we fail to systematically upgrade our capabilities and deployed them aggressively.

THE NOT SO OBVIOUS

Many things are more complicated than they appear to be on the surface. Among these is the oft-made rejoinder that if a citizen is not up to something nefarious, he has nothing to fear from intrusive surveillance. We're assured that, while it can be embarrassing and even infuriating to learn that you've been closely watched, wounded feelings or diminished privacy do not outweigh the hard realities of a terrorist threat. But it's not so simple.

Granted, we can certainly earn or even choose close scrutiny, whether by landing on suicide watch in prison, signing up for Covenant Eyes, or accepting a job despite, for instance, camera surveillance of the lunchroom or other forms of suffocating supervision.¹⁰ But involuntary submission to indiscriminate observation is another thing entirely, one which Snowden addressed. There are four points we should consider here.

The Law

The Fourth Amendment is striking in its strictures:

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.

The Amendment “grew out of opposition to the infamous ‘writs of assistance’ used by officers of the Crown against the colonists in the New World.” These were, “in essence, general warrants allowing an officer to enter private property and conduct a dragnet search for ‘smuggled goods,’” without specifying what they were looking for. As Massachusetts attorney James Otis, Jr., put it, the writ “places the liberty of every man in the hands of every petty officer.”¹¹

Of course, those intrusive red-coats and indignant colonists knew nothing of electronics, and indeed, the 20th-century pioneers of vacuum tube and transistor technology could scarcely imagine such phenomena as smart-phone GPS tracking and Internet surfing. Nevertheless, the Amendment stands, and its defenders have cried “foul” at the NSA.

In this vein, U.S. District Judge Richard Leon has argued that the gathering and storing for five years (with renewals beyond this) of “bulk telephony metadata” is a practice that likely violates the Fourth Amendment.¹² He brushed aside the argument that a 1979 court decision

sanctioning the placement of a warrantless, individualized “pen register” (dialed-number recorder) on a suspect’s phone¹³ gave the state the right to gather, horde, and scan everything the citizenry did on their phones.

Against the 1979 precedent, Judge Leon cited statistics to bolster his argument that the situation is substantially different today: including a 3,000-fold increase in cell-phone subscribers since 1984, and a jump in voice minutes from the billions in 1997 to the trillions in 2013. With such a vast pool, the math of surveillance allowances such as the “three hop” rule becomes staggering. Hops allow the intelligence community to develop contact chains by starting with the suspect and determining with whom he communicated. If a person talks to 50 contacts, those 50 numbers could be collected. That’s one hop. All the contacts of those 50 contacts could then be gathered. That’s a second hop. After the third hop, the total of collected numbers could easily surpass a million. Indeed, from tracking a single suspicious “seed” and working the rule, eventually everyone who contacted anyone who communicated with someone who connected electronically with the person in question was fair game for scrutiny (and just imagine if one of those contacts was a carry-out pizza joint).

Moreover, it’s important to recognize that the state need not scrutinize the actual words of your conversations to learn an invasive amount about your daily life. As NYU law professor Barry Friedman put it, “Today, phone metadata reveals not only what number you called, but whether the call was completed, how long you were on the

line, where you made the call from, [and] what equipment you used.” Indeed, “What people, including some judges, are rapidly coming to see is that all these bits and pieces of metadata about people are just as revealing of our lives as content information—and thus deserve similar protection.”¹⁴

Although Judge Leon’s ruling was later overturned by an appeals court on a technicality, Congress enacted major reforms to the program based on many of the same concerns.¹⁵

Regard for Personal Dignity

Of course, all of us are fallen creatures and will eventually, if not regularly, do things we’re ashamed of. And an enemy watching our every move would inevitably find material useful for humiliation or blackmail. But even if someone were perfect in behavior, we would still have to contend with the machinations of “vicious curiosity.”¹⁶ What if the images of our getting dressed, bathroom events, chaste lovemaking, or nose-picking at a stoplight were shared across the land? No exposure of sin on our part, but damage just the same. For to be an effective person, I need to be able to compose myself before going public.

Indeed, the word “person” derives from the Latin word *persona*, originally the part one played in a drama. Think of the masks that one might adopt, one with a smile denoting comedy, another with a frown designed for tragedy. One then assumes a persona, depending upon the play. Similarly, we choose personas (doting grandparent; bold preacher; businesslike banker) designed for particular situations, and indeed our personhood is our role-playing capacity. And this is not, *per se*,

artificial. Rather, it’s a matter of effective presentation; it is the stewardship of one’s life.

This may seem an arcane point, but it suggests how the elimination of privacy strikes at the very heart of our personhood, and is not to be taken lightly. As Harvard’s Sissela Bok observed, “With no control over secrecy and openness, human beings could not remain either sane or free.”¹⁷ Stealing a look “backstage” is not a trivial or innocuous matter.

The Importance of Context

About fifteen years ago, *Baptist Press* called to ask if I’d write a piece on bestiality, and I immediately wondered why they’d chosen me out of 16 million Southern Baptists. The short answer was that I’d done some writing for them, that I lived in Illinois (as a pastor in Evanston), and that the Illinois legislature was putting bestiality back into the criminal code. In their predecessors’ haste to be progressive and erase the sodomy statutes a few years back, they’d thrown the baby (or sheep) out with the bath. But an uptick in bestiality, something they hadn’t dreamed would occur, sent lawmakers running back to the table.

I agreed to give it a try, and I soon discovered, thanks to the Internet, that the word for this practice was “zoophilia,” and there were websites standing by to encourage and counsel the perverse. Nasty stuff.

Why do I bring this up? To argue that without context, content can be meaningless—or made to mean anything at all. Whether through misunderstanding or malice, someone with access to my search history could have pressed unjust difficulties upon me at that point.



Detail of Judas in a stained glass depiction of the Last Supper, 19th century. Basilique Cathédrale Notre-Dame de Moulins, France. Source: Wikimedia Commons.



Barriers to Warranted Dissent

Of course, it's important for a legitimate government to be vigilant and on guard against internal foes who would initiate violent overthrow to establish an unjust regime. But there are, of course, legitimate reform movements, and if those in power could, by employing privileged information, short circuit or eliminate their foes' tactical advantage (e.g., an "October surprise"), then that would constitute grave abuse of legitimate powers.

Taken together, these four considerations push back against the notion that honest citizens have nothing to fear from unfettered governmental surveillance. After all, government employees are just as fallen as the general populace, equally capable of shameful acts, and

there must be hedges on their power.

HEROES OR TRAITORS?

But building a case for or against close governmental surveillance doesn't bear directly on our assessment of Snowden himself. We still must consider the nature of justified whistleblowing and whether the Snowden-Manning-Assange trifecta meets the standard. Julian Assange suggests he does, describing his own motivation in heroic terms: "I like crushing bastards."¹⁸ But after closer examination, several points strongly suggest that Assange is quite mistaken about who the actual "bastards" really are.

Noble Whistleblowers?

Snowden might count himself as a "whistleblower," but professor-turned-investigative-jour-

nalist Edward Jay Epstein argues that he was certainly not content with this "humble" role. After all, he could have masked his identity in the Poitras video in which he discussed the NSA leaks, but he hungered for powerful celebrity status, "no longer a near nonentity servicing a computer system at a backwater NSA base in Hawaii."¹⁹

Of course, the word "whistleblower" has warm connotations, and Bradley/Chelsea Manning's attorneys were happy to use it on the occasion of President Obama's gift to their client (commutation of his 35-year sentence to time served plus four months). They called him "the longest-serving whistle-blower in the history of the United States."²⁰ But to discern the counterfeit, it is useful to first study the real thing, e.g., the disclosures of



Top Left: Detail from an engraving of the Gunpowder Plotters including Guy Fawkes, by Crispijn van de Passe the Elder, circa 1605. National Portrait Gallery, London. Source: Wikimedia Commons. Top Right: Detail from an engraving of the Gunpowder Plotters including Guy Fawkes, by Crispijn van de Passe the Elder, circa 1605. National Portrait Gallery, London. Source: Wikimedia Commons. Bottom Left: Lord Clive meeting with Mir Jafar after the Battle of Plassey, by Francis Hayman, circa 1760. National Portrait Gallery, London. During the Battle of Plassey, Mir Jafar defected against Nawab Siraj ud-Daulah to assist the British East India Company. Source: Wikimedia Commons. Bottom Right: The Assassination of Julius Caesar, by Vincenzo Camuccini, 1804 – 1805. Galleria Nazionale d'Arte Moderna, Rome. Source: Wikimedia Commons.

Chief Warrant Officer Hugh Thompson. A helicopter pilot during the Vietnam War, Thompson was in the air on March 16, 1968, when he intervened against fellow servicemen carrying out atrocities in the twin hamlets of the Son Mỹ village in South Vietnam. In what would come to be known as the My Lai Massacre, over 400 Vietnamese civilian men, women, children, and infants would be murdered, but Thompson's actions—and those of his crew—prevented a greater bloodletting. He immediately reported the massacre to his higher ups, and for this, he was both vilified and honored, eventually receiving the Soldier's Medal for valor.²¹ But Thompson's revelation was laser-like in designating

the particular offenders and their offense, executed in fidelity to Army values, serving real justice.

In contrast to Thompson's thoughtful and pointed reports, Manning's (and Snowden's and Assange's) actions were analogous to the disastrous release of a million and half balloons by Cleveland's United Way back in 1986, a public-relations production resulting, however inadvertently, in chaos, loss of life, and serious damage to property, thanks to the effects of wind and rain. Moreover, while the Ohioans' motives were pure throughout, Pvt. Manning's were, from the start, petulant, presumptuous, and narcissistic, as well as chaotic.

His "moral crusade" was prompted by a video taken from an Apache helicopter gunship. The scene in question was a tragic case of mistaken identity, wherein the gunners, tracking insurgents, mistook a *Reuters* cameraman's long lens for a weapon and opened fire, killing non-combatants. Manning was indignant over the "callous" use of the order to "Light 'em up!" that started the engagement.²² In a case of "slandorous emoting,"²³ Manning made his own sensitivity the measure of all things in order to condemn the motives and actions of others. His intervention meant the indiscriminate release of nearly three-quarters of a million classified and sensitive military and diplomatic documents. His

deeds were scattershot and untargeted, and, therefore, anti-theoretical to the pursuit of justice. Rather than being faithful to Army values, Manning's action was a perverse betrayal.

The damage done by Manning, Assange, and Snowden is probably incalculable, though we already know some of the cost in lives and diminished national security. Furthermore, as one analyst estimates, "It was not the quantity of Mr. Snowden's theft but the quality that was most telling. Mr. Snowden's theft put documents at risk that could reveal the NSA's Level 3 tool kit—a reference to documents containing the NSA's most important sources and methods."²⁴

Public Servants?

All this being said, perhaps there's room to give thanks for the revelations of our trio of flawed whistleblowers. Partly in response to Snowden's revelations, for instance, Congress approved the USA Freedom Act—legislation that curtailed certain aspects of the Patriot Act, placing restrictions on the bulk collection of telecommunications metadata from American citizens by the US intelligence community. Perhaps we should follow the lead of Eric Holder, once a fierce critic, when he eventually declared that Snowden had performed "a public service."²⁵

But it's one thing to observe that some good has come from something wicked, and quite another to praise or excuse the behavior of the one who did the deed. The stoning of Stephen in Acts 7 resulted in the missionary diaspora of the Early Church, but those throwing the deadly stones were morally culpable. The Nuremberg court condemned Dr. Karl Brandt to



Julius and Ethel Rosenberg after being found guilty of espionage, by Roger Higgins, 1951. Library of Congress Prints and Photographs Division, Washington, D.C. Source: Wikimedia Commons.

death for heartless medical experiments on imprisoned Jews, some of which were designed to help German pilots who might face life-threatening reversals at high altitudes or who crashed into icy ocean waters. But even if data from the studies (which were fatal to the Jewish subjects) were instrumental in saving American lives in subsequent wars, we ought still to refuse to speak warmly of Karl Brandt for services rendered.

WHAT THEN?

Genesis 9:20-25 tells us the story of Noah's post-Flood drunkenness. Ham comes upon his father lying naked in his tent and hurries off to tell his brothers. Unlike Ham, they refuse to indulge in the spectacle, but rather they put a garment on their shoulders and walk backwards into the tent to lay it on their father, without looking. They seek remedy to the situation without parading the titillating details for all to see. This is the way of love. This is manifestly not the way of Snowdenism, whose adherents seem to take self-righteous delight in humiliating their own country. Indeed,

since the word "patriotism" derives from the Greek and Roman words for "father," we should deem Snowden, Assange, and Manning, as well as those who laud them, as cousins of Ham. They defile what they ought to redeem.

How, then, might we instead choose the way of love? Certainly, we start by acknowledging that there are rocks on both sides, as Aristotle put it. Privacy is not nothing. Neither is the need for intelligence. We have to steer through the proper middle.

To complicate things, the rock-bordered waterway we're called to negotiate presents the helmsman with twists and turns, frustrating the use of an automatic pilot. New challenges and capabilities arise. Outliers and the outlandish can catch us by surprise, and fresh data can disturb us. Everything must be taken on a case-by-case basis and safeguards shouldn't be disdained.

Reflecting on the first seven years of the FISA court—which oversees requests for surveillance warrants against

suspected foreign spies inside the United States—CIA director Stansfield Turner (1977-1981) observed that they had “never yet found a request to be deficient.”²⁶ Perhaps that should have been a red flag instead of a reassurance to those concerned that the new setup would choke out counterintelligence. And on the subject of protocols, Thomas Paunovich spoke for many of us when he asked rhetorically, “Why do we allow someone in Mr. Snowden’s low-level position to have unfettered access to super critical intelligence information in the first place?”²⁷ Indeed, and the same goes for the lamentable Bradley Manning.

As for the unforeseen, who knew that the proliferation of police body cams could open up Public Records Act nightmares, as the Seattle police have discovered. Thinking that, in the wake of the Michael Brown and Eric Garner deaths, they were taking steps to increase police accountability, they found themselves sitting on 1.5 million individual videos (300,000 hours and 350 terabytes), eagerly sought by KOMO reporter Tracy Vedder, footage that could contain up-close-and-personal looks at witnesses and informants as well as the interiors of houses and hotel rooms, no matter how innocent the residents.²⁸ Do we really want all that available to the public?

Of course, we’d love to have the clear answer to past, present, and future issues, but I think this is too ambitious. I’m reminded of a remark I heard in Jerusalem some years back, when an Israeli official speaking to a small group of us responded to a question about “the” solution to the Israeli-Palestinian crisis. He said they didn’t think the problem could be so much solved as *managed*. And I think

the same can be said of domestic surveillance tensions.

As Sissela Bok put it:

Secrecy is as dispensable to human beings as fire, and as greatly feared. Both enhance and protect life, yet both can stifle, lay waste, spread out of all control. Both may be used to guard intimacy or to invade it, to nurture or to consume. And each can be turned against itself; barriers of secrecy are set up to guard against secret plots and surreptitious prying, just as fire is used to fight fire.²⁹

So we’re dealing with fire, and we must take care to not burn ourselves as we seek to keep the cabin cozy and the predators at bay. P

Mark Coppenger is a professor of Christian apologetics at the Southern Baptist Theological Seminary. He is also managing editor of the online *Kairos Journal*. He has authored, edited, or contributed to numerous books, and his articles have appeared in venues such as *Teaching Philosophy*, *Touchstone*, *American Spectator*, *Criswell Review*, *Reformation and Revival*, *USA Today*, and *Christian Scholar’s Review*. He is a retired infantry officer.

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