

HERO OR TRAITOR?

DIFFERING PERCEPTIONS ON EDWARD SNOWDEN, THE NSA AND DATA PROTECTION IN GERMANY AND THE USA

Stefan Burgdörfer / Daniel Fuglestad

Edward Snowden's leaks regarding the collection of data and the working practices of American intelligence agencies have created upheaval in the international political arena, angered citizens in dozens of countries and in some cases severely strained relations between their governments and the United States. The relationship between the USA and Germany has been particularly badly affected. Revelations about the fact that the United States conducted surveillance on German citizens caused anger in Germany. Relations between the two countries were impacted further when it became public knowledge that the NSA (National Security Agency of the United States) had conducted surveillance operations in Germany without German consent, going as far as monitoring the Chancellor's mobile phone.

Initially, the majority of Germans were outraged over Edward Snowden's revelations, as were the Americans. Due to past experience, both countries rate the protection of civil liberties very highly. Germany, for its part, had seen two dictatorships violate the privacy of its citizens in the last century through secret service activities. Analogously, Americans are proud of their constitutionally guaranteed liberties and never grow tired of stressing the efforts they made and losses they took to win them. However, the longer the reporting on Snowden continues and the more widespread the repercussions of the events become – a board of inquiry of the German Bundestag initiated work on this matter in March – the clearer the rift between the USA and Germany becomes. Most Americans have now turned resolutely against Snowden and refuse to clearly condemn the activities of the NSA, while anger in Germany



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has mounted and Snowden is increasingly being hailed as a hero; in fact, in April, the University of Rostock offered him an honorary doctorate.

These diametrically opposed developments should, however, not detract from the fact that the current controversy over the work of security agencies, and the proper balance between security and freedom, has caused a significant split in U.S. society. Center-left Democrats and center-right Republicans – i.e. the political main stream – have marked Edward Snowden as an enemy, while far-left liberals, the Republicans of the “Tea Party” movement and centrist independents are attacking the NSA. This split is also illustrated by the fact that even though the justice system would prosecute Edward Snowden if he entered the country, the British newspaper *The Guardian* as well as *The Washington Post*, which had published Snowden’s information, received this past April the Pulitzer Prize, the most distinguished media award in the country.

Sensenbrenner, a Republican who was instrumental in drafting the Patriot Act after the September 11 attacks, is now promoting the adoption of the Freedom Act.

This disunity in society, and particularly in Congress, makes it difficult for politicians, such as U.S. Congressman Jim Sensenbrenner, to gain majority support for a substantive reform of the intelligence services. Sensenbrenner, a Republican who was instrumental in drafting the Patriot Act after the September 11 attacks, which had made it possible for intelligence services to assume far-reaching powers in the first place, is now promoting the adoption of the Freedom Act, which would curtail these powers. In March, on a visit to Berlin to conduct political talks at the invitation of the Konrad-Adenauer-Stiftung, Sensenbrenner said: “The NSA needs to be significantly reformed, and significantly reformed legislatively, so that they do not have a blank check for what they have done. [...] I think that we should learn lessons to make sure that there is never another American Edward Snowden that appears on the scene and has these types of revelations.” Sensenbrenner’s urging shows that the interests of the two countries as well as the perceptions of politicians on both sides of the Atlantic are much closer than the current impression the two virtually irreconcilable estranged publics suggests.



"No more blank checks for the NSA": Republican Congressman Jim Sensenbrenner speaking at an event of the KAS on 19 March 2014 in Berlin, advocates for a "Freedom Act" that would restrict the competences of the intelligence services. | Source: © KAS.

OUTRAGE AND ANGER IN GERMANY

The debate in Germany was triggered by Edward Snowden's disclosure that his former employers were collecting NSA metadata (i.e. data on time, caller, call recipient and duration of telephone calls) from Germans in order to use them in the fight against terrorism when and as required. According to Snowden, Germans are "in bed" with the Americans regarding mass surveillance, as are all Western countries.¹ According to an ARD poll, 60 per cent of Germans viewed Snowden as a hero rather than a villain in late 2013, though far less respondents thought Germany should grant him asylum.² In addition, 58 per cent supported the suspension of current negotiations on a free trade agreement with the USA until the NSA scandal was resolved.³ 78 per cent expected Chancellor Angela Merkel to act resolutely against the USA.⁴

- 1 | Jacob Appelbaum and Laura Poitras, "Als Zielobjekt markiert", *Der Spiegel*, No. 28/2013, 8 Jul 2013, <http://spiegel.de/spiegel/print/d-102241618.html> (accessed 28 Apr 2014).
- 2 | "Snowden ist für Mehrheit ein Held", *Kölner Stadt-Anzeiger*, 8 Nov 2013, <http://ksta.de/politik/15187246,24939022.html> (accessed 28 Apr 2014).
- 3 | Jacob Appelbaum et al., "Der unheimliche Freund", *Der Spiegel*, No. 44/2013, 28 Oct 2013, <http://spiegel.de/spiegel/print/d-118184380.html> (accessed 28 Apr 2014).
- 4 | Sven Becker et al., "Indispensable Exchange: Germany Cooperates Closely with NSA", *Spiegel Online*, 8 Jul 2013, <http://spiegel.de/international/world/a-909954.html> (accessed 28 Apr 2014).

Snowden's documents substantiated some peoples' suspicions about close cooperation between the intelligence services. According to his information, U.S. intelligence agencies provided data to the Germans upon their request on 1,800 occasions, while there were 800 cases where data moved in the opposite direction.⁵ Despite massive public opposition in the middle of last year's election campaign, the Chancellor defended intelligence cooperation with the United States. She described comparisons between the NSA and the Stasi as unprofessional and disrespectful to those who had suffered under the East German regime.⁶ The SPD and other parties, however, sought to use the controversy of the transatlantic intelligence cooperation to their own ends, but failed. The fact that the rather conciliatory stance of the German government did not end up undermining support for the Chancellor in the polls, in spite of strong criticism from the opposition and considerable resentment among the population, also illustrated that while the Germans were angry with the USA during the initial weeks of the scandal, the cordial relationship between the two sides did not seem to be seriously threatened. Ultimately, the Germans re-elected with an almost absolute majority a Chancellor dedicated to the transatlantic alliance.

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During the following months, further disclosures by Snowden were published on the manner in which the NSA was undertaking widespread spying in Germany without permission from the German government – including illegal data transmissions from its embassy and consulates. The Chancellor expressed her outrage, and the German public responded with an even greater degree of anger when the extent of the violations of privacy became known, which many considered a sign of disrespect toward their country.⁷ The fact that German intelligence had a helicopter conduct a flyover of the U.S. consulate in Frankfurt can

5 | "Merkel Speaks: Chancellor Defends Intelligence Monitoring", *Spiegel Online*, 10 Jul 2013, <http://spiegel.de/international/germany/a-910491.html> (accessed 28 Apr 2014).

6 | "NSA und Stasi sind zwei völlig verschiedene Dinge", *Frankfurter Allgemeine Zeitung*, 10 Jul 2013, <http://faz.net/aktuell/politik/-12277502.html> (accessed 28 Apr 2014).

7 | "Karl Theodor zu Guttenberg on GPS: Everybody Spies", *CNN*, 3 Nov 2013.

be interpreted as an aggressive political signal of German displeasure.⁸ A visit by American politicians intended to smooth things over backfired when they refused to apologise for the spying and instead defended the NSA's activities.⁹ While the White House spokesman promised that the Chancellor would not be spied on in future, many commentators in the USA defended the activities on the grounds that the terror attacks of 9/11 had been partly planned in Hamburg. Trust between the United States, the Germans and the German government hit rock bottom.

ANGER IN THE LAND OF THE FREE

In the United States, people initially reacted to Snowden's actions with similar outrage as in Germany. Citizens, politicians and the judiciary condemned the NSA's activities, and this disapproval was, initially, virtually unanimous.¹⁰ The majority of Americans considered Snowden a patriot and did not want him prosecuted, although their objection was not as strong as that against the entire NSA program.¹¹ A Gallup poll conducted directly after the scandal broke, for instance, showed that 53 per cent of Americans disapproved of the surveillance program while 37 per cent approved, yet only 44 per cent thought that Snowden had done the right thing by exposing it while 42 per cent disagreed with this.¹² After the news about the spying on Angela Merkel, 56 per cent of American respondents in a

The majority of Americans considered Snowden a patriot and did not want him prosecuted, although their objection was not as strong as that against the entire NSA program.

- 8 | Matthias Gebauer, "NSA Affair: Germans Conduct Helicopter Flyover of US Consulate", *Spiegel Online*, 9 Sep 2013, <http://spiegel.de/international/germany/a-921257.html> (accessed 28 Apr 2014).
- 9 | Raniah Salloum, "US-Gesandte in Berlin: Die zwei Beziehungsarbeiter aus Amerika", *Spiegel Online*, 25 Nov 2013, <http://spiegel.de/politik/ausland/a-935573.html> (accessed 28 Apr 2014).
- 10 | Emily Swanson, "NSA Leaks: Poll Finds Americans Divided Over Edward Snowden's Actions", *The Huffington Post*, 13 Jun 2013.
- 11 | Jonathan D. Salant, "Snowden Seen as Whistleblower by Majority in New Poll", Bloomberg, 10 Jul 2013, <http://bloomberg.com/news/2013-07-10/snowden-seen-as-whistleblower-by-majority-in-new-poll.html> (accessed 28 Apr 2014).
- 12 | Frank Newport, "Americans Disapprove of Government Surveillance Programs", *Gallup Politics*, 12 Jun 2013, <http://gallup.com/poll/163043/americans.aspx> (accessed 28 Apr 2014).

poll agreed with the statement that it is unacceptable for the U.S. to monitor the phones of allied leaders.¹³

Members of Congress also voiced their outrage. In spite of this, a presidential bill that would have reformed the NSA's activities was defeated in the House of Representatives with 217 against 205 votes. The rejection was by no means due to party-political tactics, but reflected fundamentally diverging positions on the relationship between freedom and security, which had split both parties into two camps: 111 Democrats and 94 Republicans voted Yes, 83 Democrats and 134 Republicans No.¹⁴

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Several legal challenges were filed against the NSA wiretapping, one of which bore fruit in December when a New York court put a suspended stay on NSA surveillance on two plaintiffs, commenting that NSA wiretapping was likely a violation of the 4th Amendment. The NSA was devastated by the disclosures. The agency, a usually secretive organisation, has embarked on a belated but largely unsuccessful PR campaign.¹⁵ The two top men at the agency, General Keith Alexander and Chris Inglis, announced their retirement.¹⁶ With challenges mounting from citizens, politicians and figures from the justice system, it appeared as though NSA spying in its current form would be brought to an end by means of the democratic process.

13 | Pew Research Center, *Most Say Monitoring Allied Leaders' Calls Is Unacceptable*, 4 Nov 2013, 2, <http://people-press.org/files/legacy-pdf/11-4-13%20European%20Monitoring%20Release.pdf> (accessed 28 Apr 2014).

14 | Laura Poitras, Marcel Rosenbach and Holger Stark, "Codename Apalachee", *Der Spiegel*, No. 35/2013, 26 Aug 2013, <http://spiegel.de/spiegel/print/d-108794834.html> (accessed 28 Apr 2014).

15 | Daniel Drezner, "Tone-Deaf at the Listening Post", *Foreign Policy*, 16 Dec 2013, http://foreignpolicy.com/articles/2013/12/16/tone_deaf_at_the_listening_post_my_day_at_the_NSA (accessed 28 Apr 2014).

16 | Shane Harris, "Top NSA Civilian Resigns As Surveillance Controversy Swirls", *Foreign Policy*, 13 Dec 2013, http://foreignpolicy.com/posts/2013/12/13/top_nsa_civilian_resigns_as_surveillance_controversy_swirls (accessed 28 Apr 2014).

ANGER TURNS TO ACCEPTANCE

But as the Snowden controversy wore on, matters took a different turn in the United States compared to Germany. This was due partly to the fact that Snowden fled first to China and subsequently to Russia – two countries that are routinely described as “enemies” in the USA outside diplomatic circles. Fears arose early on that Snowden would not be able to hold on to his secrets in these two countries and that divulging confidential information would be damaging to the USA. When the headlines would not abate, and more and more details from Snowden’s trove of data came to light, this suspicion hardened. To many people, the former intelligence employee soon appeared to lose control of the situation. It seemed that the Russian government was increasingly determining the timing and content of the disclosures.

When Snowden’s divulgements began taking their toll on U.S. foreign policy, the majority of Americans turned against him. While back in June, 38 per cent had stated they were more likely to agree that Snowden had done the right thing and 35 per cent said the opposite, these proportions reversed shortly afterwards. In July, 38 per cent compared to 33 thought he was in the wrong. In the same poll, 48 per cent were in favour of his prosecution, while 33 per cent of respondents were opposed to this.¹⁷ During the following few months, increasing disdain for Edward Snowden as a person went hand in hand with a changed perception of the NSA’s activities.¹⁸ In December, 55 per cent agreed with the statement that his divulgements harmed public interests while 34 disagreed, an almost complete reversal from most polls taken in June, immediately after the scandal began.¹⁹ All polls were by that time showing either an about-turn

17 | “More Americans Now See Snowden as Having Done the Wrong Thing”, *The Huffington Post*, 5 Jul 2013.

18 | Gregory Ferenstein, “A Majority of the Public still approves of the NSA Dragnet”, *TechCrunch*, 1 Aug 2013, <http://techcrunch.com/2013/08/01/a-majority-of-the-public-still-approves-of-nsa-dragnet-4-graphs> (accessed 28 Apr 2014).

19 | Pew Research Center and The Council on Foreign Relations (CFR), *Public Sees U.S. Power Declining as Support for Global Engagement Slips. America’s Place in the World 2013*, 3 Dec 2013, 32, <http://people-press.org/files/legacy-pdf/12-3-13%20APW%20VI%20release.pdf> (accessed 28 Apr 2014); cf. Drake Bruce, “Snowden Leaks Seen as Harming the Public Interest”, *Pew Research Center*, 17 Dec 2013.

A survey from January 2014 showed a relatively dramatic drop in support for the NSA program. However, despite this drop, a majority of Americans still want to see Snowden in jail.

or an ambivalent stance on the issues. While the insights gained through Snowden were welcomed, his activities were rejected. A survey conducted by the Pew Research

Institute in January 2014 showed that support for the NSA program itself had fallen substantially, particularly among African-American and Hispanic communities, with 55 per cent now condemning it and 41 per cent defending it. At the same time, an overwhelming majority wanted Snowden jailed for his crimes.²⁰

This position, which is only contradictory at first glance, is exemplified by a comment made by Edward Lucas writing for the magazine *The American Interest*. Under the headline "Snowden and the Fools Who Love Him", he describes the former NSA employee as a "useful idiot", whose actions had played into the hands of the enemies of the USA.²¹ Lucas does not condemn whistleblowing as such, but lists three conditions that whistleblowers would have to meet if they wanted their actions justified: "For a whistleblower to justify his breach of trust, he has to do three things. He has to expose grave wrongdoing which could not be remedied through normal channels. He has to minimise danger to public safety and security. And he should steal and leak only those materials that are relevant to his cause." According to Lucas, Snowden failed on all three counts. He published material that had nothing to do with concerns about the protection of private data, which he purported to champion. It was, for instance, not in the public interest nor to the benefit of Snowden's supposed cause to disseminate information revealing that the USA were intercepting e-mails sent by the Taliban in Pakistan and subjecting that country's nuclear program to closer scrutiny. Also, Snowden was not effectively in a position to assess the damage his divulgements could inflict: "Seemingly anodyne pieces of information can be gravely damaging when combined."

20 | Pew Research Center and *USA Today*, *Obama's NSA Speech Has Little Impact on Skeptical Public*, 20 Jan 2014, <http://people-press.org/files/legacy-pdf/1-20-14%20NSA%20Release.pdf> (accessed 28 Apr 2014).

21 | Edward Lucas, "Snowden and the Fools Who Love Him", *The American Interest*, 6 Feb 2014, <http://www.the-american-interest.com/articles/2014/02/06/snowden> (accessed 28 Apr 2014).



Edward Snowden on Russian state television: According to many Americans Snowden undermined his credibility when he fled to China and later Russia. | Source: © Pavel Golovkin, AP Photo, picture alliance.

Lucas' choice of words "grave wrongdoing" also points to a controversy within U.S. society, which is adding to the above-mentioned rift. Has the NSA broken the law or not? The Patriot Act remains imprecise on an important point. In the much-discussed *section 215*, federal agencies are granted the right to collect all "tangible things" that are "relevant" to certain investigations. The NSA interpreted this wording as meaning all "tangible things" that are "potentially relevant" and therefore also collected data without any concrete suspicions in case the information could potentially become relevant during subsequent investigations. It was particularly on this point that the Freedom Act, the bill introduced by Congressman Sensenbrenner, sought to bring about greater clarity.

The scandal has caused a deep divide in U.S. society, with the mainstream Democrats and Republicans as well as older people and women tending to support the NSA and people on the extreme political left and right, centrists and the younger generation tending to oppose the intelligence agency.²² The current situation is dire for American opponents of the NSA. Society is split, but overall leaning towards supporting the NSA. Opposition to the NSA in

22 | Pew Research Center and CFR, n. 19; cf. Scott Clement und Sean Sullivan, "Poll: Public wants congressional hearings on NSA surveillance", *The Washington Post*, 19 Jun 2013, <http://wapo.st/RTGyoZ> (accessed 28 Apr 2014).

Congress has also waned. Recently, the FISA court²³ and other judges have found in favour of the NSA collecting metadata.²⁴ Major reforms of the agency appear unlikely.²⁵ While the Supreme Court will probably hear many more arguments for and against the program, the issue is out of the hands of anti-NSA activists to a large extent.

A DIVIDE EMERGES

In July 2013, Pew conducted a poll which provides good insight into the differences between the ways Germans and Americans view the NSA's activities. The poll asked Americans whether or not they approved the program, what they knew about it and whether they thought there was sufficient oversight. According to the poll, only 30 per cent believed there is adequate oversight of the program, and 70 per cent said the state was not using it exclusively for the fight against terrorism. The remarkable aspect, however, is this: In the same poll, 50 per cent of Americans said they were in favour of the NSA program, while 47 per cent disapproved of it. Even among the 27 per cent of the respondents who believed the state spied on them personally, 40 per cent approved the NSA's practices.

While the opinion that the state has too much power has always been widespread in the USA,²⁶ Americans are less concerned about the state monitoring the Internet and their computers than Germans – and far less now than they were even in 2000, one year before the terror attacks in New York and Washington, DC.²⁷ The majority of Germans,

23 | FISA means Foreign Intelligence Surveillance Act. Emile Simpson, "The Panopticon Paradox", *Foreign Policy*, 24 Dec 2013, http://foreignpolicy.com/articles/2013/12/24/the_panopticon_paradox_nsa_war_on_terror (accessed 28 Apr 2013).

24 | Sari Horwitz, "NSA collection of phone data is lawful, federal judge rules", *The Washington Post*, 27 Dec 2013, <http://wapo.st/1nMUazN> (accessed 28 Apr 2014).

25 | Pew Research Center, *Few See Adequate Limits on NSA Surveillance Program*, 26 Jul 2013, <http://people-press.org/files/legacy-pdf/7-26-2013%20NSA%20release.pdf> (accessed 28 Apr 2014).

26 | Joy Wilke, "Americans' Belief That Gov't Is Too Powerful at Record Level", *Gallup Politics*, 23 Sep 2013, <http://gallup.com/poll/164591/americans.aspx> (accessed 28 Apr 2014).

27 | Art Swift, "U.S. Internet Users Less Concerned About Gov't Snooping", *Gallup Politics*, 24 Oct 2013, <http://gallup.com/poll/165569/snooping.aspx> (accessed 28 Apr 2014).

on the other hand, take a sceptical to strongly hostile view of secret service activities. They welcome state intervention in their daily lives to a much greater degree than Americans, for instance regarding healthcare, education or childcare. However, when it comes to intelligence activities, Germans do not want to grant the relevant authorities the wide-ranging powers, resources and mandates that Americans take for granted. For Americans, these extensive powers of their military and intelligence institutions are basically not up for debate. This is founded on a general consensus to do whatever is necessary to protect the United States against its external and internal enemies.



Members of the Sauerland group on trial in 2009: U.S. intelligence services provided the information that led to the arrest of the terror cell. | Source: © Federico Gambarini, dpa, picture alliance.

WHERE DO WE GO FROM HERE?

For the above-mentioned reasons, the U.S. government is not likely to put restrictions on the NSA, while the German government, which would like to do so, does not have the means. "The dispute is significant beyond the immediate issue of surveillance because it draws attention to the enduring asymmetries in the transatlantic relationship".²⁸ Added to this is the fact that, notwithstanding the opposition

28 | Cf. Johannes Thimm, "Inseparable, but Not Equal. Assessing U.S.-EU Relations in the Wake of the NSA Surveillance Affair", *SWP Comments*, Stiftung Wissenschaft und Politik, Jan 2014, http://swp-berlin.org/fileadmin/contents/products/comments/2014C04_tmm.pdf (accessed 28 Apr 2014).

to the NSA among the population, Germany does benefit from the information provided by U.S. intelligence. Without the intelligence cooperation with U.S. agencies, Germany would be less secure. It is highly unlikely that citizens and politicians in this country will allocate the means and powers to their intelligence agencies that would be necessary to make assistance from the USA redundant. The information that led to the arrest of the so-called Sauerland Group in 2007 before it could put its plans for a bomb attack into practice, for instance, emanated from American intelligence sources. There are also many indications that the German intelligence services have neither the technical skills nor the legal authority to obtain such information.

Some in the United States have suggested that Germany be invited to join the "Five Eyes" alliance. Besides the USA, its members include the UK, Australia, New Zealand and Canada, which cooperate closely with the U.S. intelligence apparatus in this setup. The argument was that

The USA and Great Britain violate what Germans see as inalienable privacy rights throughout the world. The Germans and their elected representatives oppose actions such as targeted killings using drones.

Germany was, after all, not conducting any offensive intelligence operations against the USA and was considered a close friend and ally. However, joining the "Five Eyes" in any meaningful way would require coordinating foreign policies and becoming complicit in

some morally suspect activities to a degree unlikely to be acceptable to the German people. The USA and Great Britain violate what Germans see as inalienable privacy rights throughout the world. The Germans and their elected representatives oppose actions such as targeted killings using drones. Germany is therefore not in a position to either force the USA to stop its spying activities or offer it the type of intelligence cooperation that would make such spying unnecessary from the U.S. point of view. No doubt, the German government is unlikely to walk away from the current negotiations over the NSA with nothing, but it is aware of its lack of leverage. This explains the efforts made by the government spokesman to lower expectations of the German public in advance of the Chancellor's visit to Washington in early May. While Angela Merkel did receive a warm welcome and the consultations took an unusually long time, she left without any concrete assurances or prospect of a compromise concerning data collection and NSA activities.

The German government was not the only one to call for Washington to modify current practices and was joined in this demand by other governments that maintain friendly relations with the USA. France, Israel, Brazil and Mexico have complained emphatically about the intelligence operations by the USA. As it turns out, however, none of the allies wishes to risk its relationship with the U.S. breaking down. France and Israel themselves have a long history of offensive intelligence operations against the USA, which is why their protests will probably fall on deaf ears.²⁹ The Brazilians have cancelled a state visit to the USA and refused to award a significant order for their military to an American company; these are both important symbolic but not very far-reaching acts, while Mexico decided not to take any measures against the USA.³⁰

REFORM OF THE INTELLIGENCE AGENCIES?

Given the lack of foreign pressure, the only thing that can cause a change in intelligence policy is pressure from inside the USA. However, with the American people strongly divided regarding the NSA and overwhelmingly hostile towards Edward Snowden, there is no such pressure within society. After Snowden's initial disclosures, the President might have been able to exploit the political climate to restrict the activities of the NSA. Most of those had been set in motion under President George W. Bush, and the Democrats had been very sceptical about them for quite some time. But Obama not only failed to change the policies of his predecessor Bush; he also publicly defended the NSA, facilitated the continuation of the programs that Snowden revealed and retained them as an instrument of U.S. foreign policy. Since then, there has been a reversal in public opinion, and hopes for the passing of a law that would fundamentally reform the regulations on intelligence activities in the USA have receded into the far distance.

Obama not only refrained from altering the policies of his predecessor, but instead established himself publicly as a defender of the NSA, and enabled the continuation of the very programs exposed by Snowden.

29 | "Cloaks Off", *The Economist*, 2 Nov 2013, <http://economist.com/news/international/21588890-foreign-alarm-about-american-spying-mounting-sound-and-fury-do-not-always-match-0> (accessed 28 Apr 2014).

30 | Joshua Foust, "Face it: Everybody Spies", Medium, 8 Jul 2013, <http://medium.com/war-is-boring/29c226968c2c> (accessed 28 Apr 2014).

Many Americans believe Edward Snowden himself is to blame to a considerable extent. They think that by fleeing to China and Russia, both undemocratic countries and in strong competition with the USA, he has undermined his own credibility. One can, indeed, not exclude the possibility that both countries have had access to the information on his laptop during his presence there, which could lead to further damage to the USA. With the most recent disclosures at the end of March, Snowden gambled away his remaining credit. The documents show that the U.S. intelligence services had conducted surveillance on China's politicians and its economy. With this content, he had reached a point where the Americans were more annoyed about the fact of the disclosure than the information itself. In Germany, on the other hand, outrage toward the USA remains at a high level, as if there was no difference between monitoring the Chancellor's mobile phone and representatives of an undemocratic country with a politicized judiciary.

States do spy on each other and they are not likely to stop doing so in the foreseeable future. Many of the countries complaining about the USA, such as Brazil and France, do not act any differently, they just have fewer means at their disposal. However, it is not an unreasonable demand that these activities should be subject to democratic oversight and that (in the case of the USA) they should not contravene the U.S. constitution. Similarly, Germany, a long-time ally of the United States without a tradition of spying activities directed against the USA, is equally justified in calling for the activities of intelligence agencies to be conducted with the knowledge and approval of the German government. However, in view of Barack Obama's actions and the increasingly hostile stance of the U.S. population towards Edward Snowden, far-reaching reforms of the NSA do not appear likely. Should the proposed Freedom Act, promoted by Congressman Sensenbrenner in Berlin amongst other places, make it into law against all expectations, at least the worst excesses would be curbed. This would not make the world a less safe place, but it would probably benefit the relations between Germany and the USA.