

How the Most Famous Whistleblower Cases in the History of the United States Challenge Traditional Views of the Construction of National Interests



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ABSTRACT

This thesis researches the notion of national interests and the manner in which they come about. Traditional views in the field of international relations often consider national interests to be static, uniform for different nations and developed in a context independently from the motives and actions from state leaders. However, constructivist approaches to national interests generally share the view that national interests are constructed by state leaders, meaning that they depend on the historical, cultural and linguistic context in which they are shaped. Here it is argued that this constructivist perspective should be adopted more often in the analysis of political phenomena, although the perspective itself could use some theoretical improvements. The construction of the national interests of the United States of America is analyzed through the use of documents from times where state leaders perceived an international enemy which endangered the liberal-democratic core of the U.S. national identity, namely the Cold War and the War on Terror. In the midst of both these political crises, two men stepped up to reveal sensitive and secret information to the public, which not only shocked the American people and their leaders but also had consequences for the national interests of the U.S. and the way in which they were formulated. An analysis of political documents both before and after these leaks provides more insight in the processes which the construction of national interests consists of and in the effects Daniel Ellsberg and Edward Snowden had on the view and consistency of the U.S. national identity, with consequences for the theoretical field of international relations as well as for American politics and (foreign) policy.



“The whole art of government consists in the art of being honest.”

THOMAS JEFFERSON

A Summary View of the Rights of British America, 1774

“Power is in tearing human minds to pieces and putting them together again in new shapes of your own choosing.”

GEORGE ORWELL

1984, 1949



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Introduction

“The real political task in a society such as ours is to criticize the workings of institutions that appear to be both neutral and independent, to criticize and attack them in such a manner that the political violence that has always exercised itself obscurely through them will be unmasked, so that one can fight against them.”

MICHEL FOUCAULT

The Chomsky-Foucault Debate: On Human Nature, 2006



The 2020 United States (hereafter: U.S.) presidential election is drawing near, and U.S. citizens are divided about whether or not they grant Donald Trump the opportunity to serve them for four more years. Not only in light of Trump's responses to the coronavirus pandemic but also with regard to the Russian interference in the 2016 election, the systematic removal and installment of public servants for his own benefit and his defining public service as a money-making business, some would say that fundamental elements of the U.S. Constitution and democracy are currently under pressure and that the country is being led inadequately (Welfens, 2020; Wittens, 2018). Naturally, the U.S. has known great political and democratic challenges before, and these challenges and tensions that have existed in the U.S. through time have played a primary role in the emergence of the U.S. as a nation. Even though the future of the U.S. knows many uncertainties, in hindsight it is known that the political history of the U.S. has shaped the national identity and interests of the nation in many ways, and continues to do so today (Deudney & Vaswani, 2015; Diggins, 2000). This political history and the construction of the national interests of the US have not always happened through conscious and calculated processes by the statesmen who were leading the country. There have been various events and actors throughout U.S. history that have forced U.S. governments to strategically adapt to political turmoil and reflect on the governmental image they wished to show to the domestic and international public, which is often an image of the U.S. as being the precursor of liberal democracy on the international playing field (Weldes, 1999; Nayak, 2006; Deudney & Vaswani, 2015; Meyer & Jepperson, 2002). Whistleblowers have a prominent place in U.S. political history as being such actors who have put statesmen in uncomfortable positions, and their political and legal place in the history and politics of the U.S. is still a topic of debate, dependent on the specific case of whistleblowing but also across time, political preferences and governments (Meyer & Berenbaum, 2014). Be that as it may, the fact that whistleblowers force politicians, lawyers and the public to stay sharp in their considerations of the meaning of democracy, can hardly be contested (Earle & Madek, 2007; Stanger, 2019).

Moreover, the United States of America would not have come about were it not for the defense of the political rights and independence of the Americans. Civil disobedience and the independent functioning of governmental institutions which would protect citizen's rights in all openness and transparency, were the starting points of the mere existence of the United States of America (Wood, 2011; Stanger, 2019). In this light it is not surprising that even before the Constitution became America's basic law, Congress issued the world's first whistleblower protection law in 1778, which was the starting point of a tradition of protecting whistleblowers that for a long time overshadowed other countries (Worth, 2013). The First Amendment, which recognized freedom of speech and freedom of press as expressions of a free state, grew directly out of the protection law of 1778, because the opportunity for American



public servants to inform Congress of governmental misconduct was considered to be vital for a good functioning of federal institutions. Thereby good faith was placed not only in the independent operation of Congress, but also in the public servants and their ability to defend the republic's security and American citizens' rights (Wood, 2011; Meyer & Berenbaum, 2014; James, 1983). However, the first laws that ensured protection of whistleblowers and the freedom of speech and the press already brought the most important exception to these protections with them: the exception in cases of national security. The history of whistleblowing in the US has a thread running through it that shows the pattern of an existent tension between the protection of whistleblowers and freedom of speech and press on the one hand, and breaches in these rights and protections when it comes to matters of national security on the other (James, 1983; Stanger, 2019).

The 1820s and 1830s marked the beginning of an era where a national audience could be informed about public affairs through newspapers. This era in the history of the US was not only characterized by the effect of these newspapers, but also by a grow spurt of the American state and the technological changes the US went through (James, 1983). These changes opened up the possibilities for progress, which led to politicians who saw opportunities to advance the public interest through investments which also benefited their own personal agenda (mostly in the form of their finances) (Wood, 2011; White, 2003). Unfortunately for these politicians, whistleblowers could now expose these corruptive practices through the use of newspapers, which not only reached a greater audience but was also welcomed by it, because of the fact that this era marked an increasing economic inequality and a dysfunctional government which now also began to show symptoms of corruption (White, 2003). In this regard, whistleblowers made America aware of the downside of their own developing economy because this was a time where the self-enrichment of political elites could not be said to benefit the greater good, let alone the national security. Not many factors in this political era showed a tension between liberty and security, but this was about to change in the 20th century (Wood, 2011; White, 2003).



Structure of the Thesis and Research Question

This thesis will go further into the question of how whistleblowers contribute to the (forced) reevaluation of the national identity and interests by federal governments in the case of the United States. Considering the tension that is exposed by whistleblowers between the interest that governments wish to constitute and show to the public and the different type of interests they act in accordance with in times of unexpected crisis and exposure (Stanger, 2019), important cases of whistleblowing are valuable sources of information on the construction of national interests. The relevance of whistleblowing for the construction of national interests will be elaborated on further down this introductory chapter. Likewise, the reader will find there more information on the literature on social constructivism, and more specifically the construction of national interests. Prominent cases of whistleblowing in the US seem to show a dealignment between the interests of the US that federal governments deliberately and publicly adhere to, and the reactions of these governments to the whistleblowers and the information they leaked. Further research into this phenomenon can provide important information with regard to the role of whistleblowers in the construction of national interests and to their role in politics and democracy in general, and with regard to the extent to which current social constructivist theory can provide a sufficient theoretical framework which can be used to analyze the construction of national interests. Therefore, the research question that will provide the framework within which the research will be conducted, will be the following:

To what extent does the federal government of the United States, as seemingly constructing its national identity as precursor of liberal democracy, treats whistleblowers in a way that aligns with this identity?

The prominent theories of social constructivism describe, analyze and explain how and why states function the way that they do and, in the light of this thesis, how national interests are constructed, and provide an important and useful framework for conducting the research that aims to answer the research question above. Chapter one will therefore elaborate on the most dominant and important scholars and strands in the field of social constructivism and its place among the most dominant perspectives in the field of theories of international relations. Moreover, this chapter will explore important literature regarding the development and history of the political identity of the United States, and will help the reader understand how and why US leaders have chosen to present themselves and their administration in the way that they have. In the light of this theoretical framework, this chapter will formulate and explain the hypotheses that will lead the research of this thesis.



The first and theoretical chapter will be followed by an overview of the methodology that is used for the analysis of this thesis. This second chapter will provide the methodological framework in which the analysis of the research will be conducted. The research design of this analysis will be a qualitative study of two cases: the Pentagon Papers that were leaked by Daniel Ellsberg in the era of the Cold War, and the leaks by Edward Snowden in the War on Terror that followed the attacks on 9/11. As chapter two will show, both these cases can be considered most likely cases, of which an analysis is very appropriate for the testing of hypotheses and, ultimately, for contributing to the generation and further shaping of theories. A total of four political documents from two different presidents, respectively President Nixon and President Obama, are selected to perform a discourse analysis in order to discover how these administrations defined the identity and national interests of the U.S. In order to do so, the chapter will explain how the key concepts which are formulated by Weldes to uncover the construction of national interests are operationalized and how they will be used in chapter three and four to analyze the documentation of both cases.

Following the methodological chapter, chapter three will include the analysis of the documentation on the leaking of the Pentagon Papers within the era of the Cold War and the person who was responsible for the leakings: Daniel Ellsberg. The chapter will start by shortly elaborating on the political and historical context in which the leaks of the Pentagon Papers took place and the take of the federal government in this era on the rights, responsibilities and democratic value of whistleblowers, which helps to shed light on the context in which the national identity and interests were constructed by the Nixon administration. Furthermore, the chapter will provide an analysis of two speeches by the Nixon administration within the methodological framework as outlined above by aiming to show how this construction of the national identity and interests of the U.S. took place. In order to do so, two documents will serve as the units of analysis to provide an understanding of these construction during the Cold War, both before and after the Pentagon Papers were leaked.

Chapter four will include the same approach as chapter three, only it will be applied to the case of the information on mass surveillance that Edward Snowden leaked during and with regard to the War on Terror. Again, the chapter will describe shortly how the War on Terror influenced policies with regard to whistleblowers and the privileges that the government had given itself to battle terrorism. The central theme of the fourth chapter will be the analysis of two speeches by President Obama, the first of which will serve to provide insight into the President's perspective on the War on Terror and the identity and interests of the U.S. government in this era *before* Edward Snowden leaked classified



information, and the second will be used to analyze the similar constructions but then shortly *after* the leaks by Snowden.

The last and concluding chapter will wrap up the research of this thesis by, firstly, providing a short and summarizing overview of how and why the research was conducted. Secondly, the two chosen cases will be compared and a reflection on the analyses in the light of the theory and hypothesis will be carried out, where the conclusions and results of the conducted research will take their place in the larger dimension of research of social constructivism and scientific studies of American politics. Furthermore, the reflection on the research of the thesis will include a discussion of the chosen research design, its shortcomings and improvements for those who should want to take up further research on the topic. Finally and most importantly, the research question which was introduced and explained in the current chapter will be answered and its implications for theories of social constructivism, political and social science in general and American politics will shortly be discussed, whereby the research will be concluded.

Relevance of the Research: Social Constructivism

The research that is conducted in this chapter is relevant for current academic literature on political science for several reasons. These reasons can be divided in two categories: relevance in the theoretical sense, more specifically in the sense of the theoretical field of social constructivism, and relevant because of the contribution research on whistleblowing can provide with regard to academic literature. The latter will be discussed in the second part where the relevance of this research will be explained.

The first element of relevance for the academic field of political science is the fact that the traditional theories of international relations are more dominant than social constructivism in the qualitative analyses of states and their behavior and interests, and, more specifically, in the analysis of specific political events and turns in the political history of the US (Hoffmann, 2010; Wiener, 2004; Ruggie, 1998). The most dominant theory is (neo-)realism, which will be explained further in the theoretical chapter, but at its core assumes there to be 'anarchy' in the international system which forces states to act with their self-interest and their power position, in relation to other states, as directives. Another dominant theory in international relations is neo-liberalism or neo-liberal institutionalism, which differs from (neo)realism in believing that international cooperation (through international institutions) is more capable of satisfying state interests than a system of anarchy is, and moreover, in claiming that international moral progress through cooperative behavior in the international system and an



implementation of states' political philosophy in their foreign policy. Even though (neo)realism and neo-liberal institutionalism have their differences, at the core they share a worldview about states and international relations: they regard the structure of the international system and the interests of states as a 'given' and as relatively 'static', and pay little attention to what the role of norms and the perception of humans and societies is on the process of how these structures and interests come to be (Hoffmann, 2009). This role is, however, very intriguing to constructivists, who would argue that the meaning of 'all things political' is attributed to those things by human minds, and does not exist outside of these minds, meaning they are man-made constructions instead of natural facts (Hoffmann, 2009). Even though constructivism is slowly becoming more popular and involved in academic theoretical research in political science, the constructivist perspective is not often considered in the analysis of US identity and policy in both the academic and the political field, which could result from theoretical shortcomings and internal contradictions as well as difficulty in its actual scientific and political application (Ruggie, 1998; Legro & Kowert, 1996). Whereas the course of political events and choices are often discussed by other public actors and academia, the representation of politically significant events and national identities by the state in question are not often considered to be the result of either conscious or unconscious constructions by this state itself, while this perspective may be of great importance for understanding the depiction of political events and identities for academia and those involved in day-to-day politics alike.

The second element of the academic relevance of the research with regard to theories of constructivism has to do with some theoretical gaps in constructivism itself. As stated above, constructivism is concerned with explaining the processes used by actors of the state in shaping their national identity/interests, with the aim to point out that these identities and interests are not static and 'factually' but instead given meaning through language and other human and societal influences. However, even though constructivist theory pays attention to the different elements of national identities and interests and the 'image' it is meant to lead up to, it often presupposes that the constructions are the result of conscious processes and have the intended 'images' as outcome (Weldes, 1996). This thesis will show that this is not always the case, as there might be other interests that have a determining factor on the image that is ultimately constructed and shown to the outside, which may be the result of other processes than consciously constructed images and interests, such as political events that are deemed to require responses which are incompatible with the image that the state has initially tried to construct.



Relevance of the Research: Whistleblowing

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The second category with regard to the question of how this thesis is relevant for academic literature is concerned with the place that whistleblowers have in literature on constructivism and the emergence and development of national interests. Literature has barely gone into the connection between whistleblowers and constructivism: in what way do whistleblowers influence the processes and outcomes of construction by states?

The possibilities that whistleblowers have for exposing tensions and inconsistencies in how national identities and interests are formulated by state leaders seems to be overlooked. The U.S. has been forced to make choices with regard to whistleblowers about how it sees itself and the manner in which it wishes to depict itself towards the public. Even though the consequences of whistleblowing (on politics, legislation, politicians and whistleblowers) has been profoundly analyzed, the role of statesmen in responding to these whistleblowers and dealing with them with regard to the national interests they are aiming to construct, remains an underexposed area of research. As whistleblowers put these statesmen in a position where the contrast between different interests is highly exposed and the tension between the liberal-democratic identity of the U.S. and other interests is uniquely highlighted, their cases are very suitable for analyzing the construction of national interests.



CHAPTER I

Theoretical Framework

“All things are subject to interpretation. Whichever interpretation prevails at a given time is a function of power and not truth.”

FRIEDRICH NIETZSCHE

The Gay Science, 1882



This theoretical chapter will focus on the emergence and most important aspects of social constructivism and its place among the most dominant theories of international relations. In doing so, it will go into the writings of the 'founder' of social constructivism as a theory of international relations, namely Alexander Wendt, and for the research of this thesis specifically it will elaborate on an article by Jutta Weldes, *Constructing National Interests*. This article provides a clear and structured overview in both the theoretical and practical sense of how the construction of national interests according to Weldes comes about and will therefore serve as the framework in which the analyses in chapter three and four will take place. Moreover, in the last part this chapter will temporarily deviate from the social constructivist perspective and will go into multiple writings which have contributed to the academic understanding of the national identity and national interests of the US specifically, to provide a comprehensible conception of the complexity and different aspects of US politics.

A Theory of Social Constructivism

Even though the idea of social constructions and the emphasis of interpretation instead of explanation were not new in science or even in international politics when Alexander Wendt wrote his book *Social Theory of International Politics* (1999), he is known for incorporating social constructivism as serious theoretical framework in the academic field of international relations. Wendt's criticism of the two main theories in international relations, namely (neo)realism and neoliberalism or institutional liberalism, can be applied to, broadly speaking, two interrelated domains.

The first of these domains is the methodological and scientific approach to means of analyzing international relations and conducting science in general. Social constructivism to be the scientific approach that accompanied postmodernism in the mid- to late 20th century, and is, just as postmodernism, critical of traditional views of science, art, human psychology and society that were built on strong assumptions of rationality and objectivity (Wiener, 2004). According to social constructivists, these assumptions do not take into account the role that (subjective) interpretation and meaning attributed by humans to the world around them, play in how science and reality are perceived. Social constructivism assume that phenomena, objects and structures in reality have meaning not in themselves but because we, humans, have attributed this to the outside world. These meanings have developed in social contexts and are the products of shared language and assumptions of reality, and are ongoingly constructed within these shared means of communication. This means that language plays a powerful role in the way in which 'reality' is perceived, and that the use of language (and other forms of communication) at the same time causes the constructions of reality to stay in place, because



the validation of concepts is most likely to be the same across cultural contexts (Wendt, 1999). This is not to say that there are no such things as real events according to social constructivists, however, how these events are interpreted is dependent on constructions and not on 'reality' itself (Hoffmann, 2010; Ruggie, 1998). In the political and social context this means that every phenomenon that has political or social meaning, such as political threats, dangers and norms and national identities and interests, are all dependent upon the contexts in which they are constructed, and upon the language that serves as the foundation of these constructs (Wendt, 1999; Hoffmann, 2010; Weldes, 1996). In more scientific terms, social constructivism has a diversity of methods since it aims to *understand* instead of *explain*, and tries to avoid methods that lean upon strict and static notions of universal 'truth' that social constructivists do not believe to exist (Wendt, 1999; Hoffmann, 2010).

The second domain in which social constructivism is theoretically important with regard to the research of this thesis, is the domain of international relations, on which the effects of social constructivism are slightly different and more practically applied. As explained in the introduction, social constructivism in international relations has developed as a contrasting theory to dominant, traditional theories such as (neo)realism and neoliberalism/liberal institutionalism. Scholars conducting research in light of these latter theories spend their time and energy trying to explain and predict international structures, actors and politics in general by assuming a certain staticness in the units of their analysis, which mostly consist of the actors, states and structures in the international system that force or are forced to act a certain way on the international stage because the static characteristics of the international playing field force them to do so (in creating a system of 'anarchy') (Wendt, 1999; Hoffmann, 2010; Weldes, 1996; Ruggie, 1998). Even though (neo)realism and neoliberalism have their mutual differences and can be nuanced according to different strands and thinkers, the scholars in these fields distinguish themselves from social constructivists by interpreting political contexts and events in light of these characteristics and not concerning themselves with the question of how norms and human or societal interpretation and/or constructs influence the way in which we perceive what is happening or should happen in international politics (Wendt, 1999; Legro & Kowert, 1996). Moreover, they assume that this 'reality' is directly accessible humans and thus to leaders of states, which allows them to act in accordance with this 'reality' without cognitive interference of their own subjective and socially constructed understanding of the world and the situation they have in front of them (Wendt, 1999; Hoffmann, 2010; Weldes, 1996; Ruggie, 1998). Social constructivism, on the other hand, refuses to believe that these characteristics of the world are simply the way they are, but instead assumes that they are constructions, dependent on historical, political and cultural contexts that result from means of communication and in turn determine how we perceive these characteristics, or as Wendt himself put



it, “the structures of human association are determined primarily by shared ideas rather than material forces, and that the identities and interests of purposive actors are constructed by these shared ideas rather than given by nature” (Wendt, 1999). Even though critics of social constructivism accuse the theory of being unscientific and not useful for either scientific development and formulating clear answers to (normative) political questions, social constructivism forces us to look further into our own assumptions and the position and effects that we have amidst our own reality, and has been able to open up some black boxes that remained closed under the dominant theories and even predict political developments that other theories could not (Wendt, 1999; Hoffmann, 2010; Ruggie, 1998).

Constructing National Interests

Jutta Weldes (1996) applies notions of social constructivism on the research of how national interests are conceptualized and produced in her article *Constructing National Interests*. According to Weldes, state officials are the ones who, predominantly, establish the national interests of a state, and they do so because of the need to engage in political situations in an interpretative manner, to determine what situation the state finds itself in and what the appropriate response is. In order to perform this interpretation, they need to have some shared language with both the other state officials that determine the action of the state and also as the public, as they have to legitimate their courses of action. Weldes calls this shared language ‘the national interest’. As explained in the previous part, social constructivists assume that shared norms and language provide the context in which meanings are created, and in accordance with which the international system and the place of the nation in it, are understood. This is precisely what Weldes aims to lay bare, as she believes that ‘the national interests’ are constructed out of intersubjective and culturally established meanings that serve to provide some understanding of international politics and the state.

After explaining who constructs these national interests and why they do so, Weldes describes the manner in which they are constructed in three steps. First, the system of norms and meaning that is used in a community to comprehend the world around them, are produced by and embedded in domestic political and cultural contexts. State officials draw on this system in creating representations which are meant to provide a perspective that is the basis of how objects in the world, meaning the ‘self’ (in this case, the state) and the ‘other’ is perceived. This perspective attributes (normative) characteristics to these objects that serve, according to the second step that Weldes takes, to establish the relations among these objects. In terms of international politics, these relations are most often in terms of ‘friendly’ or ‘hostile’, and the representations of these objects that are established in the



previous phase serve to justify and strengthen these relations and create a belief-system in which these relations and representations are made out to be 'real' and 'objectively true'. This belief-system goes further than simply depicting these international relations, as it also aims to provide the perspective from which to value the behavior of other states and the political situations in which the own state finds itself, and, moreover, how it reacts to these external factors. The third step that Weldes describes is how the representations have already made out what the national interest is in establishing a worldview that determines what and how the different objects are, how they relate to each other, and, moreover, *why*. The representations have this power to establish the national interests as the identity of the state is derived from these representations, and, as Wendt has put it, "identities are the basis of interests" (Wendt, 1999). This means that the representations which state officials have constructed of the different objects (and their identities) and the between them, provide the soil from which the roots of the national interests (in specific situations) spring. Weldes dedicates a part of her article to the explanation of how step one and two precisely take place.

In the practice of creating intersubjective meaning out of the norms that are produced by and embedded in domestic political and cultural contexts, Weldes describes two steps. The first is the step of articulation, where linguistic elements are articulated into connotative chains, producing meaning out of extant cultural raw materials or linguistic resources. Linguistic elements come out to seem as though they are inherently or necessarily connected, thus producing meanings that seem natural and accurately describing reality. The second step is interpellation, where specific identities are created when social relations are depicted and individuals come to identify with these subject-positions and with the representations in which they appear. Subjects are involved in this process because of the rhetoric factor that is so important in the construction of the national interests and that is also used to convince subjects of the power and value of the national identity and their own belonging in it.

When state officials formulate descriptions of states and events with the use of discursive understanding built upon these linguistic elements, they tend to represent characters of states and the threats they can be for the US as self-evident. Descriptive words and normative terms are used which are fitting into an already widely spread and accepted representation of a certain state or a certain political situation. The truthfulness of these terms is taken for granted because the description seems evident in the light of the linguistic system that is culturally and historically embedded in the manner in which the identity of the US and the 'other' are regarded. As the national identity of the US could be said to be constructed in such a way that it is culturally embedded to regard the US as liberal-democratic precursor on the international stage whose destiny it is to bring freedom and democracy upon the



world and protect its own interests and safety by all means necessary, the terms that are used in statements regarding foreign policy will be likely to reflect the image of this identity and thus formulate US interests in accordance with this identity. On the other hand, the representation of the identity of the US and the relationship between the US and 'illiberal' or 'undemocratic' states will be strengthened by how the identity of these states themselves are depicted, as the US uses the contrast with their non-American character to emphasize their own identity and show the need for the relationship between the states because of the need to protect its own identity against 'threats' and to spread peace, liberalism and democracy across the world. Furthermore, in the process of interpellation, 'the US' as an identity instead of individual American identities became the central object of foreign policy and national interests, in order to create a sense of community and belonging that justifies and legitimizes actions taken by the US. With the use of terms such as 'we', 'us' and 'our nation' or 'our country', American individuals are drawn into the notion that they are a necessary and important part of a community with which they share an identity, their interests and their norms. This process of identification is made easier and more logical because individuals already share a set of values and language with 'the state' upon which other subject-positions are built, such as the necessary connection between being 'freedom-loving democrats' who necessarily oppose communism and being 'concerned American patriots' who believe that 'we' should protect America against foreign threats.

The National Identity of the United States of America

The United States has a long and complex history, which has, on multiple occasions, forced state officials to think and rethink their conception of the national identity and national interests of the nation they were leading. This history is fundamental for understanding how the US has positioned itself toward the rest of the world and why, because it provides us with much information about the considerations that US state officials have to make when they are put to a political test. Broadly speaking, the US national identity is constituted by two main elements that seem adversary but are actually logically intertwined when we look further into the political history of the US (Deudney & Vaswani, 2015; Wood, 2011).

On the one side, the US has a long history of pursuing a liberal democracy in a manner which can hardly be compared to any other country in the world. This liberal-democratic 'side' of the US national identity has been shaped in two important historical contexts which are exceptional for the US as a nation and which show us how the US came to be seen as the 'early liberalizer' on the international stage. The first of these contexts has to do with the constitution of the US itself, as this process was centered around



a strong notion of a national political identity which 'deserved' to have an independent nation to pursue its devotion to political values and the institutions which served to realize and protect these values (Lipset, 1996; Lieven, 2004). This was a unique process for the US as political developments in other nations that are currently regarded as liberal democracies, were dominated by long history, ethnic, religious and 'racial' elements (Deudney & Vaswani, 2015; Lieven, 2004). These predominantly European elements further encouraged the liberal-democratic identity of the US, as many people have fled from Europe to the US throughout history to pursue political freedom. This led to the US originally being a 'settler colony' and protector of those who were religiously, ethnically or politically oppressed and strengthening the national identity of the US as not only the most liberal and democratic at that time but also as being dominant in republican, anti-monarchial and anti-aristocratic in their views (Deudney & Vaswani, 2015; Lipset, 1996). The fact that the U.S. is, from the 20th century onward, often considered (mostly by Americans) to have freed the world from Nazism and thereby paving the way for a global spread of liberal democracy, further strengthens these aspects of the American identity. The second context in which the liberal-democratic character of the US developed itself further is by setting of its national identity against its major military opponents which were substantially less liberal and democratic than the US, which led to a deeper emphasis on the liberal and free character of the US as means to contrast itself to these adversaries (Deudney & Vaswani, 2015; Lipset, 1996). Even though many of these nations are currently at least as liberal and democratic as the US is, as stated before, these characteristics have emerged out of entirely different historical contexts than was the case for the US, and these contexts have long served as political spheres which the US could draw its opposing national identity from. The opposition against these non-liberal and illiberal states which strengthened the liberal-democratic character of the American identity has often taken the form of military war-making, which helps to understand how the military and patriotic 'side' of the American identity is interconnected with the liberal-democratic side (Deudney & Vaswani, 2015; Lipset, 1996; Lieven, 2004).

The political struggles that have accompanied the constitution of the liberal-democratic American identity were almost always of a military nature and it is therefore not surprising that the other side of the American identity consists of a focus on national security and the protection of that very identity. Throughout American history, there have been several wars from the Revolutionary War to the War on Terror that have strengthened the American identity because they were fought against entities of very different and illiberal characters and where military means were used in order to do so. American patriotism and liberal values in the political identity and community were emphasized in times of great existential threats, which required extensive mobilization and military capacities and cost the lives of many Americans. This history has created a link between the American national identity and its



protection through all means necessary, up to the point where (aggressive) protection of the American nation and values were and are deemed necessary in such times and through repetition and ideology have become a part of its very identity. Not only was the liberal-democratic identity of the US further encouraged by the sacrifices that have been made for its protection, but the image of the US as precursor of liberal democracy has also, especially from the 20th century onwards, served as justification for war patriotism. Mobilization of the American public and polity has often succeeded because of an appeal to the liberal characteristics of the national identity, which served to link political courses of action to the survival and evolution of the liberal-democratic interests that defined the national identity of the US (Deudney & Vaswani, 2015; Lipset, 1996; Lieven, 2004). Even though European nations fell behind the US for a long time in developing their liberal democracies, many of them have known, since the 20th century, persistent democracies and a steady increase and protection of political freedoms compared to the US, because of intensive international cooperation and a decline of strong ethno-linguistic national identities and war mobilization. These contexts and developments show an interesting tension between the different aspects to the American identity, even though they have evolved throughout the same historical processes and mutually enforce(d) each other. These tensions become evident in times and situations that call for political debates about the discrepancy between values of national security and of a transparent and democratic government. Such times are times when the US is engaged in warfare, especially in warfare with entities that are considered challenging for the American safety and values, and in situations that question the consistency of the American identity (Deudney & Vaswani, 2015; Lipset, 1996; Lieven, 2004). This brings us to whistleblowing.

Hypotheses

Considering the theoretical framework which describes how the national identity of the interests came about and is still constructed, one would expect the government of the U.S. to have a wish to further build upon the image of their nation as being a strong and free world leader that has, more than other nations, a history of freedom and democracy that emphasizes this identity. On the one hand, drawing on the theory by Weldes, it could be said that the U.S. would be able to transform such a wish into the practice of actively constructing national interests which are beneficial to the protection of such an identity. On the other hand, from the theorizing on how the American identity comes about it could be said that this process of construction would be strengthened by events and political contexts that provide an opportunity for the U.S. government to emphasize the American liberal-democratic identity and interests by contrasting them to the identity of the perceived enemy by evidently and strongly highlighting its own liberal-democratic identity.



With regard to whistleblowers, a wish to construct and uphold a strong liberal-democratic identity would likely imply that U.S. presidents would be careful with condemning these whistleblowers and the information they would leak as whistleblowers have, through American history, often served and been regarded as protectors of democracy and control mechanisms for illegal and/or immoral governmental practices. More importantly, a severe judgment of whistleblowers could be considered contradicting of the notions of liberal democracy and therefore of the U.S. as liberal-democratic nation, as protecting the fundamentals of the U.S. liberal democracy is precisely what most whistleblowers aim to do by leaking the information they have leaked (Stanger, 2019). As a description of the cases in question will show, both Daniel Ellsberg and Edward Snowden have leaked information that directly concerned the American public and had the potential to provoke political action by the people. The democratic value and contribution of these two whistleblowers can therefore hardly be denied considering the political debates they have set off and the options they have provided the public with for having insight in government policies and holding these governments accountable for their actions. Therefore, one would expect of a nation that aims at protection its identity as a liberal democracy at all costs to embrace these whistleblowers as patriotic agents to help the U.S. government in strengthening its liberal-democratic interests, especially when offered such an opportunity to further emphasize how valuable freedom and democracy is for the U.S. compared to either the Communists or the Islamic terrorists.

Based on these theoretical notions, the following two hypotheses are formulated to guide the research of this thesis:

1. When the U.S. perceives a foreign threat that is considered to be dangerous for the U.S. as a liberal democracy (X), this will strengthen the process of constructing the national interests of the U.S. in a liberal-democratic manner (Y).
2. When whistleblowers leak information with regard to U.S. policy concerning these perceived threats to the public (X), the U.S. government will treat these whistleblowers lightly and in a way that celebrates the U.S. identity and interests as a liberal democracy (Y).



CHAPTER II

Methodology

“The whole of language is a continuous process of metaphor, and the history of semantics is an aspect of the history of culture; language is at the same time a living thing and a museum of fossils of life and civilizations.”

ANTONIO GRAMSCI
Selections from the Prison Notebooks, 1975



The following chapter will go into the methodology that will be used to conduct the analysis for this thesis. As stated in the introduction, the analysis will be one in the form of a qualitative case study analysis, for which the cases of the Pentagon Papers and the leaks by Edward Snowden have been chosen as most likely cases. The methodology of the analysis of these cases will be qualitative discourse analyses, performed on the data that consists of four political documentations from the presidents in the respective relevant eras. This chapter will explain why and how this methodology was chosen for this research and explain how the measurements to conduct the analyses are operationalized. In the chapters will follow this methodological chapter and in which the analyses will be conducted, it will become clear how this method, in practice, provides the information that is searched for with regard to national constructions and whistleblowing.

Research Design

As stated before, the case studies will be analyzed by performing a qualitative case study analysis. This method was chosen as research design because for testing the hypotheses of the research, it is necessary to test the causal mechanism that supposedly leads to the federal government of the US supporting whistleblowers in order to protect the national identity of the US as precursor of liberal democracy, and the information that can help in doing so lies in the evidence that is detected and weighed in individual cases instead of becoming apparent by using information that is inherent to the quantity instead of quality of different cases (Wodak & Krzyzanowski, 2008; Gerring, 2016). An heuristic understanding of the processes and contexts in which the phenomenon that is researched takes place is, in cases such as these, more suitable than an empirical research that is aimed at formally analyzing comparable observations. This is the case for several reasons. Firstly, there are not enough cases to conduct such a quantitative analysis, considering the necessities of both serious international threats and leaks by whistleblowers that force a response from the president. Secondly, as the construction of national interests plays an important role in testing the hypotheses, a qualitative analysis would be most useful to detect these constructions and analyze how they are precisely done, as this will shed the most light on how US governments have tried to shape their national identity and interests and, moreover, how they have responded to the respective whistleblowers and what language was used to justify these reactions and link them to the interests of the US as a nation. A deeper insight into the manner and context in which national interests come about is fundamental for understanding these interests themselves and for understanding the role that they play in policies that presidents wish to pursue. Elaborating on these national interests and the causal relation to the type of policy one would expect them to lead to, namely support for whistleblowers and the role they play for the liberal



democracy of the US, is best suited by a qualitative analysis of the underlying processes of such a causal relation.

Moreover, for the research of this thesis a certain degree of interpretation of the manner in which language is used is necessary for understanding the linguistic processes and connecting them to theories of the US national interests and their constructions, and for which a quantitative approach is not suitable. Considering the different types that one can use to conduct a qualitative case study analysis, a discourse analysis instead of a content analysis is most suitable for the research of this thesis. The subject of the research and the theoretical framework in which the research takes place and in which the hypotheses are formulated, namely social constructivism and its perspective on how national identities and interests come about, imply that a formal, strictly textual analysis of the documents which constitute the data, would be less suitable for extracting information than a discourse analysis would. An interpretative approach is needed in order to research how the US uses language to give meaning to its own identity and interests and those of the 'other' and what consequences are connected to how these identities and interests are perceived. Such an understanding would not come about if one were to let the textual information stay for what it is, as simply registering the content and not aiming to analyze its meaning with regard to their context and theoretical framework would lead to possible loss of information and an inability to understand the, sometimes implicit, manner in which the presidents use their language to give broader meaning and connect implications to the situations they describe.

Case Selection

As mentioned and explained above, the research of this thesis will be carried out by performing case studies. Although case studies differ from quantitative research in the sense that they are an in-depth, often interpretative study of one case instead of an observational study of many cases, case studies can still be used to contribute to the formulation and analysis of (general) causal effects and can thereby provide information about not only the case that is being studied, but about a larger population of cases that share characteristics with the case(s) used for research. The selected cases, namely the leaks by Daniel Ellsberg in the Cold war and the leaks by Snowden in the War on Terror, were selected because of their potential to provide a large amount of useful information on the manner in which US presidents construct the national interests when they consider the US to be under threat by foreign forces, and on the manner in which they respond to whistleblowers who leak information with regard to and during these times of threat. For these reasons, and as was stated in the introductions of this thesis and this chapter, these cases can both be typed as *most likely* cases. According to Gerring (2016), *most likely*



cases are a sub type of crucial or influential cases, meaning that the outcome of their analysis is highly influential for the probability of hypotheses being true because they represent the (almost) ideal situation in which a causal mechanism should or should not perform according to the hypothesis. This is why most likely cases and crucial cases can be regarded as diagnostic cases, as these cases are the most suitable for testing hypotheses in order to prove, disprove or refine them: these cases have the circumstances which are the most or least fitting, depending on what the researcher aims to do with the hypothesis, with regard to the values for the variables under which the causal mechanism performs according to the hypothesis. By using most likely cases specifically, the researcher aims to disprove the hypothesis by showing that if the hypothesis does not even appear to be true under the circumstances which one would expect precisely to be the circumstances under which the hypothesis would be true. If the hypothesis cannot even be proven to be true under these circumstances, it would seem most difficult to prove it at all.

With regard to the hypothesis of this research, the selected cases are the most suitable for testing the hypothesis for several reasons. As the reactions of the US presidents with regard to Daniel Ellsberg and Edward Snowden are well-known to most and did not align with the expectations following from the theoretical framework of this thesis, the aim of analyzing these cases is to disprove the hypothesis that US presidents are expected to support whistleblower leaks because they tend to construct their interests and policy in a manner that is likely to support the image of the US as the ultimate liberal-democratic state. This would mean that a tension can be observed between how US presidents construct national interests when responding to a whistleblower that has leaked important information, compared to how these interests are constructed in other political situations. The cases of Ellsberg and Snowden are crucial for testing the hypothesis regarding whistleblowers because a combination of two elements which exists in both cases makes them unique, and therefore crucial, for testing this hypothesis.

The first element is the element of a great foreign threat that is perceived by the US federal government. The Pentagon Papers were leaked in the Cold War and thus during a time where US policy, both foreign and domestic, was dominated by the Communist threat and the urge to retain its position of power in a bipolar world. Naturally, there have been many historical eras where the US was or felt threatened by a foreign power. However, the Communist threat was perceived as being more aimed at the US than at any other country, which combined with the amount of power that the Soviet Union had on the international field created a fairly unique position in which the US found itself. Even though the US had pulled many allies towards its side of the pole, it can certainly be said that the US was the



main enemy of the Soviet Union. Moreover, the war was not simply about land, power, money or any other materialistic element, but according to the US and the Soviet Union alike, ideology played a large role. These factors make for a fairly unique position, and a position in which the US had many incentives to emphasize its own identity as being very liberal and democratic. These factors can be applied to the case of the War on Terror as well: despite the absence of an international system that was dominated by bipolar powers, the threat that was perceived by the US with regard to fundamentalism terrorism could be compared to the Cold War in the sense of its ideological dimension and the dominant effect it had on, again, both foreign and domestic US policies. These factors also contribute to the fact that this threat again created incentives for the US to point out the (international) peace and freedom it deemed so characteristic for its national identity, and which showed great contrast with the identity of the terrorists by which it felt threatened.

The second element which combines with the above mentioned elements to constitute the combination of variables which makes these two cases unique and crucial cases to analyze the responses from US president to whistleblowers in times of great political crisis, is the element of a whistleblower that not only leaked information *during* this time of crisis but also *with regard to* policies carried out by the federal government to deal with the perceived foreign threats. This element is fairly unique, as the history of the US knows many cases of whistleblowing but most of them are solely related to domestic policies, whereas the Pentagon Papers were related to not only the foreign threat of Communism but also the role of the US government in the Vietnam War, during which the Cold War was partly fought out, and the leaks by Edward Snowden exposed information about the mass surveillance by the NSA that was deemed necessary in the war against terrorism by the US government. The circumstances of these cases provided opportunities for the US government to highlight the liberal-democratic character of its national identity, as these whistleblowers exposed information that was related to the kind of identities that the US wished to contrast its own to. These two elements combined result in two cases that are uniquely suitable for testing the hypothesis regarding US policy towards whistleblowers who leaked information during and with regard to foreign threats by identities who were stated to be the opposite of what the US was made out to be. If this hypothesis is not true for these cases, it would be difficult to find cases for which it would be true, meaning that many questions can be raised regarding the construction of US national interests would this hypothesis prove to be false.



Choice of Data & Analysis

The data that is used for the case study is derived from four political documents which will be used to shed light on how national interests are constructed by US presidents and their administrations in times of great foreign threats and when they are forced to respond to whistleblowers who have exposed information during these times and with regard to policies carried out in the light of these threats. In a methodological sense, the units of analysis then are the four speeches, and the units of these speeches that are used for recording consists of the entirety of each text.

The first document that is analyzed and used for the testing of the first hypothesis is a speech by Richard Nixon, in which he describes the course of action that the US government should take in order to respond responsibly to the Communist threat that is still apparent in the international politics of the 1960s and 1970s by responding to the debate on the isolationist perspective on U.S. foreign politics. The speech is given on June 4, 1969, at the Air Force Academy in Colorado Springs, CO, which is one of the five U.S. military academies for officer cadets of the U.S. Air Force and U.S. Space Force. President Nixon addresses students and officers at the Air Force Academy Commencement Exercises and explains what and why he believes should be done in political sphere that dominated at that time. This document was chosen for analysis for several reasons. One of these reasons is the fact that, even though the Cold War did not know many heights of crises and escalation during this particular year, the Communist threat was still evidently and clearly perceived by the U.S. government and it was still determined that it should influence foreign and domestic policy. As it is important to analyze how national interests were defined around the time when the Pentagon Papers were leaked, it would not do to select data from a time during the Cold War where these threats were perceived very differently or by a different administration, one that were not forced to respond to the leaks in question. As the leaks of the Pentagon Papers began only two years after this speech and also took place during the presidency of Nixon, it would be safe to assume that Nixon would consider the national interests of the US during the time of the leaks similar as those two years earlier. Moreover, the speech is chosen because it clearly offers a definition on both the identity and the interests of the US and explains what the role of the US should be on the international stage, which makes sense considering the public which he addresses. Finally, the speech was not given in private spheres and publicly published, and therefore the language that is used may be assumed to be in tune with what Nixon wished the public to hear and know. Therefore it is the most suitable for analyzing how Nixon constructs the national interests of the US as the processes involved in this construction depend on linguistic elements built upon in society and the wish of the government to hail the public into the discourse that is spoken in.



The second document consists of two letters submitted to the Supreme Court on June 26, 1971 in the process of the US government in trying to stop newspapers from further publishing the Pentagon Papers. This document is used for testing the second hypothesis, as this document relates to the reaction of the administration to Daniel Ellsberg and the Pentagon Papers. As finding officially documented data for this specific analysis proved to be fairly difficult, this documentation would be the most informative of the matters to be analyzed in the category of officially and publicly expressed statements by the Nixon administration concerned the leaks of the Pentagon Papers. Even though there were many leaks of phone calls and exchanged information inside the administration on the Pentagon Papers and the manner in which to deal with Daniel Ellsberg, those documents would be difficult to interpret in the sense of the construction of national interests such as Weldes (1996) has explained them, as they do not contribute to the conscious processes of articulation and interpellation on which the interaction with the community and its language is based. Furthermore, these letters goes explicitly into the reasons that Nixon's administration had for trying to prevent further publication of the Pentagon Papers and links these reasons to notions of national identity and national interests of the US.

The third document that is to be analyzed is a speech by President Obama on how he perceives the War on Terror and the national interests of the US during this war, as well as his notion of how the US should proceed in handling terrorist threats in its foreign and domestic policies. The speech is from May 23, 2013 and was given at the National Defense University, which, as was the case for the first speech of Nixon, is an appropriate time and place to elaborate thoroughly on what the president considers the role of the US to be in the playing field that operated internationally in the wake of modern terrorism. The president aims at making clear what he perceives to be the role of the US and how this role stems from the national interests of the US, which make it appropriate for analyzing; moreover, the speech was given in public and could therefore be said to, again, contribute to the process of construction which Weldes has laid out. Additionally, the speech is close in time to the speech that was given in following the leaks by Edward Snowden, meaning that the definition that Obama used of both the national identity and the national interests of the US is likely to be consistent with the conceptions that he had while responding to the leaks with regard to the practices of mass surveillance by the NSA. Considering the time of this speech and the aim of analyzing it, it will be used for the testing of the first hypothesis.

The fourth document is a speech by Barack Obama, which is given on January 17, 2014 at a press conference at the White House. This speech is very suitable for analysis and testing of the second



hypothesis as it is conceived as the most important and extensive response by President Obama on the leaks by Edward Snowden and the political debate on mass surveillance these leaks unleashed. Furthermore, in this speech, President Obama describes what he perceives the national interests of the US to be with regard to these practices of mass surveillance, (cyber)terrorism and the tension between upholding a transparent democracy and reacting to people, such as Snowden, who have leaked state secrets to the public. Moreover, considering the time of this speech, it is not too far removed from May 23, 2013 when he delivered his speech on his perspective on the War on Terror and the role that the US should play on the international stage in a military and ideologic sense. Therefore, it could be said that the odds are as small as possible for the President's notions of the national identity and national interests to have changed during these eight months. Finally, this speech was again given publicly, meaning that in the light of the theoretical framework of the research the language used in this speech could be said to provide insight in how President Obama has aimed to construct this identity and these interests, as these processes of construction are happening publicly and consciously to involve the public in the construction of the national interests.

Operationalization

In order to operationalize the methodology for application on the documents mentioned above, there are two questions that serve as a framework for the discourse analysis. These questions are the following:

1. How are national identity and national interests of the US constructed by the US government with regard to perceived international threats?
2. How are national identity and national interests of the US constructed by the US government with regard to whistleblowers who leaked information that related to these international threats?

The first question relates to the first speech by President Nixon and the first speech by President Obama, which both serve to provide insight into their regard of the national identity and national interests of the U.S. in times of respectively the Cold War and the War on Terror before information regarding the policies by the U.S. government during these times of political turmoil was leaked. The second question will help to understand how the national identity and interests of the U.S. were formulated when this information was leaked in both cases.



In order to create a methodological framework which will serve to answer these questions, the second step of the operationalization is determining the manner in which the construction of these identity and interests manifests itself, drawing on the theory by Weldes. As explained in the theoretical chapter, Weldes lays out several elements which contribute to the construction of national interests taking place. Summarized to be able to provide the tools for a discourse analysis, the first of these elements is the use of non-neutral or implicative normative terms to describe the identity of both the U.S. as an actor and the actor that is, different depending on the case, perceived as threatening to the U.S (Weldes, 1996; Nayak, 2006; Zhao, 2004). These terms helps the user to create and reinforce an image of the U.S. as a nation, or even a community, that is on the right side of history by trying to protect its own freedom, safety and liberal democracy and likewise spreading it to the rest of the world. This image is reinforced by contrasting the U.S. identity to that of the perceived enemy, and by using the same kind of language only with negative connotations to construct an image of this enemy as dangerous, threatening or even evil and immoral. The terms that are used are often seemingly neutral and posed as naturally and inherently true through the way they are connected to the actors whom are spoken of (Weldes, 1996). According to both hypotheses, President Nixon and President Obama are expected to emphasize the liberal-democratic identity and interests of the U.S. in both their speeches, by firstly using language entirely in the favor of the U.S. and, secondly, by using contrasting language when speaking of the enemy. These manifestations will be researched and interpreted for the hypotheses through establishing the amount of words and sentences used to describe characteristics of both identities, focused on normative adjectives; through determining the importance of the contrast between the different identities for the tone and message of the document and through establishing both the quantity of the obvious connections that are stated between these identities and the consequences of their characteristics for (world) politics, and the obviousness with which these connections are presented to exist.

The second manner in which the construction of national interests according to the hypothesis can manifest itself is through a political course of action that is assumed and presented as being logically connected to the way in which the national identity of both the U.S. and the enemy in question are depicted. The connection between these identities and the policy that is based on these identities does not only provide more insight into what the Presidents perceive as the national interests of the U.S. but is also highly relevant in light of (international) politics in general, as it might help to understand why state leaders act in the manner that they do. Moreover, courses of action that are deemed necessary because of a certain depiction of different international actors and their mutual relationship could serve as a verification of the hypothesis by Weldes (1996) that language is put to use in such a way that



seemingly obvious connections are created between the different aspects of the national interests in order to construct these interests in a convincing manner. The way in which these seemingly necessary courses of actions are manifested are researched through, firstly, establishing how often words and sentences are used to point out that a certain course of action must be taken by the U.S. government because of its natural link to the national responsibility that is perceived as having fallen upon the U.S. for being the protector of liberal democracy on the international stage. Secondly, such 'necessary' courses of action with relation to the liberal-democratic identity of the U.S. can be manifested through pointing out the consequences for liberal democracy that the U.S. and other liberal-democratic nations will certainly face would the U.S. not take these actions.

The third possible manifestation of the construction of national interests conforming the hypotheses is through what Weldes has describes as the process of interpellation, which refers to the practice of 'hauling' the public into the notions which constitute the identity and interests of the U.S. in order to create a sense of community and belonging with regard to the U.S. nation and the political courses of action that are deemed necessary in order to protect the nation. This process is closely aligned with the manner in which identities and interests of nations are given shape through emphasizing the contrast between these nations and their characteristics, as these contrasts help in creating sentiments of 'us' versus 'them'. To have these sentiments among the public will help state leaders with creating a sense of community and thereby gaining legitimacy which supports them in pursuing their political goals. Therefore, according to the hypotheses, it is expected that manifestations can be found in the speeches which point out that language is put to use in such a manner that hauling the public into the notions of the U.S. national identity and interests contributes to the strengthening of the construction of the liberal-democratic national interests of the U.S. The manifestation of the construction of national interests conforming the hypotheses for this research through interpellation can be researched through, firstly, the use of words to give the public the sense of them belonging to the American community, such as 'we', 'us' and 'our country' or 'our nation' but also the contrast to the other identity which is seemed as threatening to the U.S. through terms as 'they' and 'them'. Secondly, interpellation could also happen through adopting the use of sentimental or emotional arguments, such as using anecdotes or describe individual situations that are in some way symbolic for the liberal-democratic identity of the U.S. and the threat this identity is facing. Such arguments help state leaders with convincing the public of their vision and policy and involve the U.S. public in the mission of the nation (Haugaard, 2019).



As the testing of the hypotheses will happen in the form of a discourse analysis, the manners in which the above described manifestations are expected to be expressed are analyzed and interpreted in their context and the way in which they contribute to the construction of national interests. Considering the processes involved in this construction, a content analysis which leans towards a quantitative and positivist approach of simply 'counting' the words and interpreting the text itself without considering its context and overall message and/or method of presenting the different identities and interests, will not suffice for the aim of this research and the type of hypotheses that are being tested. Some freedom will be taken in the analysis with using different formulations by the Presidents of the words and sentences mentioned above as examples for the different types of manifestations, as the aim is to analyze the discourse that is used and the possibility that this discourse takes on different forms.



CHAPTER III

The Cold War and Daniel Ellsberg

“In the absence of the governmental checks and balances present in other areas of our national life, the only effective restraint upon executive policy and power in the areas of national defense and international affairs may lie in an enlightened citizenry—in an informed and critical public opinion which alone can here protect the values of democratic government.”

SUPREME COURT JUSTICE POTTER STEWART

New York Times Co. v. United States, June 30, 1971



In the following chapter, two documents from the Nixon administration will be analyzed in order to establish whether the manner in which the President and his officials have formulated national interests and identity of the U.S. in the Cold War and shortly after the leakings of the Pentagon Papers confirm or disprove the hypotheses of this research. The test of these hypotheses will be conducted conform the methodological framework that is laid out in the previous chapter. However, before the analysis will take place, a short summary of the position of whistleblowers and relevant legislation in the U.S. from the time where the overview in the introduction left off up until the Pentagon Papers will be provided to understand the context in which the national interests were formulated and what the legal position of whistleblowers was when the Pentagon Papers leaked. After this overview, a short description of the case of the Pentagon Papers and Daniel Ellsberg will be provided to better understand the information that Daniel Ellsberg considered the American people had the right to know and what the situation was that the Nixon administration responded in the second document and how this response relates to how he and his administration perceived the U.S. national interests.

The World Wars and the Communist Threat

Under the influence of the communist movement, with at its head the Soviet Union, and the following World Wars and Cold War, the relationship between freedom and matters of national security would forever change. As the U.S. strengthened its image as free and liberal democracy by using the contrast with the illiberal, communist Soviet Union, Congress passed the Espionage Act in 1917, which prohibited any attempt to interfere with military operations or to support enemies of the US during wartime (Asp, 2019). Furthermore, the Sedition Act of 1918, which was an amendment to the Espionage Act, prohibited the use of “disloyal, profane, scurrilous, or abusive language” about the US government, flag, or armed forces (Boyd). The protection of the national security especially against the Soviet Union remained a thread in US policy throughout the 20th century, until the collapse of the Soviet Union in 1991. In 1947, the National Security Act (and its amendments in 1949) marked the transition of the US as a nation that focused on national security at the expense of several liberties in wartimes, to a nation that focused on national security at all times (Stanger, 2019). After World War II, as well as laying down the increased protection of the national security in legislation, the US created several new institutions (such as the Central Intelligence Agency and the National Security Agency) which were meant to defend the American constitutional democracy against what was considered to be its greatest challenger (Stanger, 2019). In this bipolar world, it was impossible to blow the whistle on state secrets without being framed as aiding and abetting the enemy, partly because of the COMINT Act of 1950. This Act allowed punishment of those who “knowingly and willfully communicates, furnishes, transmits,



or otherwise makes available to an unauthorized person, or publishes... any classified information... concerning the communications intelligence activities of the United States” and served as the justification of McCarthyism and other intense anticommunist practices (National Security Council, 1952; Stanger, 2019). The case of Daniel Ellsberg and the Pentagon Papers is related to this political era and the consequences of threat the Soviet Union posed to the United States according to the American government.

Daniel Ellsberg and the Pentagon Papers

The Pentagon Papers, officially known as “Report of the Office of the Secretary of Defense Vietnam Task Force” was given to a secret study of U.S. political and military involvement in Vietnam from 1945 to 1967 that was conducted by the Department of the Defense (Kobrick, 2019; Ellsberg, 2002). Military analyst Daniel Ellsberg became to oppose the war during his contribution to this study as he learned that, among other things, the administration of John F. Kennedy had actively helped overthrow and assassinate South Vietnamese President Ngo Dinh Diem in 1963 and that the official government statements about the effects of the intensive bombing of North Vietnam, on both the enemy’s will to fight and the chances for the US of winning the war, were false. During his research the Vietnam War was still ongoing and 500.000 US troops were abroad fighting, which led to him deciding that the information he discovered. Ellsberg’s first steps were taking photocopies of sections of the report to several members of Congress, however, action was not to be taken. Ellsberg considered the information should be made available to the American public for the sake of transparency and democracy and thus gave the photocopies to The New York Times in March 1971, which then published a series of articles that uncovered the secrets from the report starting from June 13 that year (Ellsberg, 2002; Stanger, 2019; Kobrick, 2019).

After publication of the third article, the Nixon administration issued a restraining order against further publication of the report, prohibiting it for reasons of national security. However, a lawsuit followed, where the New York Times and the Washington Post joined forces to fight for the right to publish, and on June 30 the US Supreme Court ruled that the government had failed to prove harm to national security and that publication of the report could be allowed under the First Amendment, which constitutes freedom of speech and the press (Kobrick, 2019). Further publication revealed that the administrations of Truman, Eisenhower, Kennedy and Johnson had all misled the public about the intensity of U.S. involvement in Vietnam and thereby confirmed many suspicions about the role the U.S. government had played in actively building up the conflict (Stanger, 2019; Kobrick, 2019). Even



though the policies that were included in the report were carried out before the time that Nixon became president, they embarrassed the national government that he represented in that moment, moreover because Nixon hoped to be reelected in 1972. However, the methods Nixon used in this reelection to discredit his adversaries would become known as the Watergate scandal and would ultimately lead to his own downfall as president.

Ellsberg himself was charged under the Espionage Act with conspiracy, espionage, and theft of government property (Ellsberg, 2002; Kobrick, 2019). The White House publicly insisted that newspapers, by publication of the Pentagon Papers, were doing irreparable harm to national security. Government officials even went as far as stating that Ellsberg had given the Pentagon Papers directly to the Soviet Union. However, the trial ended in a dismissal of the charges after prosecutors discovered that a secret White House team had burglarized Ellsberg's psychiatrist's office in September 1971 in order to find information that would discredit him (The National Security Archive). Still, the specific whereabouts of Ellsberg and his family remain unknown to this very day as he continues to receive multiple threats of people who never stopped regarding him as a traitor (Stanger, 2019).

The Nixon Administration on U.S. National Interests in the Cold War Era

The document that represents the course that the Nixon administration wished to take with regard to the US foreign policy in times of, although declining, Communist threats. Around the time of this speech, political debates in the US were partly characterized by the question of how to appropriately respond to the Communist threats, although they were declining, and whether the US should pursue a policy of protectionism and withdraw as much as possible from international conflicts in the military sense, or whether the US should step up and take on its role as leader of the liberal world. The documentation shows Nixon's explanation of how and why he chose the latter, and connects his policy preferences to the way in which he perceives the international politics with regard to Communist threats and with regard to what he perceives as the identity and interests of the US. President Nixon analyzes how he perceives this political era, what the role of the US is in this era and how its foreign policy should be, and most importantly what the US needs for its national interests and national security.

The speech by Nixon on June 4, 1969 clearly lays out the political course that Nixon is convinced the U.S. should take with regard to foreign affairs in responding to the Communist threats that are still facing the world. The speech clearly describes, although aimed at the first instance at those who prefer



the U.S. to take the isolationist road, what the national interests of the U.S. are according to Nixon and what is the best course of action to take with regard to these interests. As laid out in the methodological chapter, these national interests are expected constructed conforming according to three types of manifestations to ultimately aim at upholding the image of the U.S. as being the ultimate liberal-democratic nation.

The first manifestation of the construction of national interests conform this image, which was defined as “the use of non-neutral or implicative normative terms to describe the identity of both the U.S. as an actor and the actor that is, different depending on the case, perceived as threatening to the U.S.” is to be found multiple times in the speech, to describe the identity of the U.S. as well as the identity of the perceived enemy and its characteristics. Firstly, with regard to the identity and interests of the U.S., President Nixon implies three times that the U.S. has a responsibility towards itself but also to the rest of the world to ensure peace and freedom, a responsibility that is unique for the U.S. as a nation. He does not mention liberal democracy as such but assumes that the US is the nation which has the responsibility to ensure international peace, which can be derived from the use of words such as “responsibility for defending peace and freedom in the world”, “destiny for greatness”, “responsibilities abroad” and the multiple mentions of the term “leadership”. Moreover, the general message of the speech with regard to this manifestation is that, in contrast to what the isolationists believe, America is in a position to “bring out a modern miracle” (the sentence with which he ends its speech) when it fulfills its destiny and takes its responsibility as leader of the free world. The manner in which he characterizes the U.S. as a nation is clearly through the use of not only positive words, but also language that refers to the identity of the U.S. conform the first hypothesis. Secondly, considering the use of language to describe the actor perceived as threatening to the U.S., President Nixon evidently uses the contrast between the ‘free’ and ‘peaceful’ U.S. and the ‘unfree’ Communist culture and nations, which is implied by his use of language to describe the responsibility of the U.S. to bring freedom to the rest of the world and moreover, the unfree and unpeaceful state the world would be in would the U.S. not take on this responsibility. Also the use of language such as “danger”, “kind of peace that suffocated freedom”, “aggressors of this world” and “they ... have not yet learned peaceful ways to resolve their conflicting national interests” are evident references to the hostile characteristics of the actor(s) that the U.S. and the world face and of which the U.S. identity is clearly the opposite. The choice between the American course of peace and freedom and the Communist course of international conflict and a suffocating way of living is depicted as binary and mutually exclusive.



With regard to the second manifestation, namely the necessary policy steps that have to be taken in the light of the aforementioned U.S. identity, it becomes clear that Nixon thinks that it is the destiny of the US to bring peace, order and stability to the world. As the aim of the speech is describing the course of action that President Nixon considers to be the correct one for the U.S. by comparing his views to the isolationist views, the manifestation through the two steps laid out in the methodological chapter are not difficult to trace. President Nixon connects the identity of the U.S. multiple times to a foreign policy that he describes to be evidently justified in the light of and following from the way in which he describes the U.S. as a nation. As mentioned in the paragraph on the normative terms to describe both identities, President Nixon assumes that the U.S. has a responsibility to protect the peace and freedom that is endangered by Communism, and expresses the policy that is assumed to be naturally linked to this responsibility as an active involvement of the U.S. in international politics to battle Communism, which is expressed through language such as “protecting freedom beyond its shores”, “keeping the peace” and “we must rule out unilateral disarmament”. To emphasize the need for this policy and the inescapable choice that lays before the U.S. as a nation to pursue this in order to prevent the U.S. and the rest of the world to fall prey to the dangers of Communism, President Nixon uses language in different ways to point out to the public the consequences for the liberal-democratic world would the U.S. not take on this responsibility. Examples of this language are words and sentences such as “there is no advancement for Americans at home in a retreat from the problems of the world”, “if America were to turn its back on the world” and “we stand at a crossroad in our history”. Through the use of this discourse, it should easily become clear to the public that the U.S. should act upon the responsibility it has to itself and the world as a great nation of freedom-fighters, and that there is one way and one way only to take on this responsibility.

Considering the third manifestation, namely the construction of national interests through interpellation or “hauling” in the public, President Nixon aims at creating a sense of community to involve the public and convince them of his proposed policy in various ways. Firstly, he frequently uses terms such as ‘we’, ‘our ...’ and ‘us’ but also words to emphasize the contrast between the American community and the Communist community through language such as ‘they’, ‘them’ and ‘theirs’, most likely in order for people to identify themselves with the American community and its role on the international stage and moreover, with the necessity of the choice that their President puts in front of them. Secondly, by using sentimental discourse such as “needs of our people at home” and “every man achieves his own greatness by reaching out beyond himself, and so it is with nations”, referring to current or past anecdotes of national historical significance such as “our current exploration of space”, President Nixon uses arguments and language in such a way that it touch upon people’s sentiments,



leading them to create and/or sustain an emotional bond between them, their national community and the political mission that it is destined for.

The Nixon Administration on U.S. National Interests in Response to Daniel Ellsberg

As becomes evident from the analysis of this document as found in the appendix, President Nixon and his administration pay very little to no attention to the liberal-democratic identity of the U.S. in the brief that was submitted to the Supreme Court in an attempt to restrain the New York Times and the Washington Post from further publication of the Pentagon Papers. Instead, the administration argues that such further publication would cause serious harm to the U.S. national security, for which multiple reasons are given in the additional secret portion of the brief. Interestingly, the arguments that are submitted by the administration do not only not appeal to arguments of a liberal-democratic nature, but do also seem to contradict the characteristics of the U.S. liberal-democratic identity that President Nixon heavily appealed to only two years earlier for several reasons.

Firstly, the brief starts by arguing that the national courts do not have the jurisdiction to rule over matters such as these, as the administration considers them to be the responsibility of the executive and legislative and not the jurisdictional branch. This is an interesting perspective from the administration as the right to freedom of speech is not only often considered to be a fundamental characteristic of liberal democracies but also the First Amendment to the United States Constitution. Considering the debates on threats that the publishing of the Pentagon Papers would actually pose for the national security of the U.S., an appeal to restrain the newspapers from publishing them would not be very fitting for the liberal-democratic identity that Nixon described in his previous speech. Moreover, the right of and trust in an independent court to rule on this matter instead of this right lying in the hands of the executive and legislative branches of government would be more aligning with the principles of a democratic nation that values freedom above all else.

Secondly, President Nixon and his administration appeal to national interests in their brief but define these notions in an entirely different manner than they did in the previous speech. In contrast to highlight the destiny of the U.S. as bringer of peace and freedom to the world, they now consider to be the national interests to predominantly consist of protecting members of the armed forces and maintaining peaceful diplomatic relations. Even though these arguments do not at all means exclude or contrast to the idea of a liberal-democratic nation, there are two facts which make the convincing power of these arguments fairly dubious. The first is, as mentioned before, the fact that the treat to



the national interests that would follow the publishing of the Pentagon Papers, was not considered as a given fact by scientific and official reports, even around the time this brief was constituted. Moreover, the administration itself is not able or willing to explain what these threats precisely consist of. This allows us to raise some questions about both the motives and the substantiations that Nixon's administration had for invoking arguments related to the harm for U.S. national interests. Secondly, the emphasis that Nixon's administration lays on the friendly and reserved attitude towards other nations, both nations with a Communist history and Western allies, seems contrasting to Nixon's proactive and military dominant approach he takes in the previous speech. The responsibility that the U.S. has in spreading peace and freedom will most likely not be taken on through a policy of silencing Ellsberg and the national press, moreover because the claim that the national security would irreparably be damaged does not seem to hold and the allowance of such a report to be published would more likely be spreading a message of how liberal democracy can be pursued and celebrated.

Thirdly, the document was, although considered as official statement, not intended to reach the American citizenry. This points out that the way Nixon perceives national identity and interests might be different depending on the context in which he speaks. When reaching a larger public, including the American citizens and their representatives, and speaking out of his own choice, Nixon adopts a different discourse than when speaking to a national court when his administration is forced to make a statement because of an event that took place outside of the President's power and concerned information that had potential to embarrass him and his government. Evidently, these are speculations and assumptions based on the context in which the brief was submitted and based on the discourse of the previous speech. However, considering the unlikelihood that President Nixon's take on the American mission to take its responsibility in actively ensuring peace and freedom in fighting international Communism would change in the span of two years, the hypothesis of the research considering the response to whistleblowers does not seem to be verified by this document. Considering the private phone calls by the Nixon administration during the leaks and the fact that the administration tried to discredit Daniel Ellsberg with all its power and even charge him under the Espionage Act, further disproves the hypothesis.



CHAPTER IV

The War on Terror and Edward Snowden

“I am a sort of gadfly, given to the democracy by the gods, and the democracy is a large, noble horse who is sluggish in its motions, and requires to be stung into life.”

SOCRATES

In Plato's *Apology*, 30E



This chapter will be focused on the analysis of the two speeches by President Obama in order to test the two hypotheses that guide the research. By analyzing the discourse of the first speech, the aim is to research the formulation of national interests and identity of the U.S. in a time where the War on Terror was a continuing matter, but where Edward Snowden had not yet leaked sensitive information regarding the practices of the NSA, in order to establish to what extent the Obama administration formulated the U.S. interests and identity as liberal-democratic. The second speech aims to test the extent to which this liberal-democratic discourse stood ground when President Obama spoke on the leaks by Edward Snowden. Before these two speeches will be looked at, a description of both the whistleblower policies around the War on Terror and the events and context around the leaks by Snowden will be presented in summarized form.

U.S. Politics from the End of the Cold War to the War on Terror

The Cold War and the Soviet Union were not the only political era and 'enemy' that led to an increase in the assumed importance of national security, and the sacrifices of freedoms and whistleblowers' rights that were made in the name of this national security. Towards the end of the 20th century, the public outrage that followed the Watergate scandal, the Pentagon Papers and the losses from the Vietnam War that the Papers exposed, forced Congress to respond with legislation (Stanger, 2019). This led to the Sunshine Act of 1976, which required all government meetings to be open to the public (Snow); the Ethics in Government act of 1978 (Congress, 1977-1978), which required government officials to release their financial and employment histories to the public; the Presidential Record Act of 1978, which transferred legal ownership of presidential records to the public (National Archives), and the Foreign Intelligence Surveillance Act (FISA) of 1978, which placed strict limits on the collection of intelligence on American Soil (Justice Information Sharing). Until the public trust in the White House was undermined by Watergate, there was no congressional oversight of intelligence operations, despite the creation of institutions such as the CIA and NSA. However, FISA was not designed for the technological revolutions and digital world that would soon follow, and could therefore not withstand the freedom-undermining security practices that were deemed necessary in the following War on Terror (Stanger, 2019).

The attacks of 9/11 were the start of another era where the federal US government felt the overwhelming necessity of protecting the national security from an external threat by all means necessary. Only this time this threat was in the form of Islamic terrorism. The possible consequences of a breached national security had shown their face and the Bush administration did not fret to spend



an enormous amount of money on the problem as well as rapidly expanding national security institutions and measures (Stanger, 2019). Matters of national security became (partly) privatized as free-market solutions were put in use to solve public problems. From military training and equipment to gathering and analyzing data about potential threats that was provided by the NSA's (mass) surveillance, measures to protect national security were more and more in the hands of private contractors (Stanger, 2019). Even though the digital age brought new opportunities for whistleblowing, contractors performing government work are not protected by whistleblower laws intended to protect government employees. In a time where the expansion of presidential and executive power was deemed necessary for the sake of national security, worries about the fusion of private and public matters and the protection of whistleblowers who were suspected of (possibly) threatening the national security, were pushed to the background (Stanger, 2019; Snowden, 2019). From the perspective of the US at war with the terrorist enemy, anyone who doubted the justness of the actions of government officials, was seen as obstructive to the US War on Terror, of which case of Edward Snowden is an illustration (Stanger, 2019).

The Era of Surveillance and Edward Snowden

Shortly before 9/11, it became clear for Congress that the NSA was too slow to adapt to the enormous communicative and technological changes that the digital world brought with it, and this was before the national security 'blunder' that was 9/11 came along. In 2001 the Patriot Act was issued, which lowered the barriers to legal surveillance, and the powers of the NSA were broadened through the "special needs" doctrine which secretly creates exceptions to the application of the Fourth Amendment to combat terrorism (Congress, 2001). Furthermore, in this year president Bush issued a secret executive order which allowed the NSA to eavesdrop illegally on Americans and foreign nationals inside the US, if this surveillance seemed likely to provide information on potential terrorist activity. This order led to the creation of the NSA program STELLARWIND, which authorized warrantless collection of metadata on US phone calls. That authority was extended to the Internet in 2002 (Stanger, 2019; Snowden, 2019). The new legislation created some grey areas in the kind of privacy infringements that were and were not allowed and gave the NSA room to experiment in this grey area. In the name of national security, these experiments were wholeheartedly accepted by the government and even became the new normal, instead of exceptions that were allowed solely in times of war. In 2008, amendments to the 1978 FISA allowed the NSA to expand its power even further: the NSA was now allowed to target non-citizens reasonably assumed to be located abroad who were communicating with persons in the US, as warrant requests were now allowed to be approved by a panel of judges that were



appointed by the Chief Justice. Until the amendment to the FISA, such warrants had to be granted by a court order, which had prevented a circumvention around the Fourth Amendment that was now in danger. Incentives to restrain the expanding permissible surveillance were scarce, as many policies were secretly issued and the government claimed the measures to be necessary for national security reasons, which made it hard for politicians and other public employees to be outwardly against them. Even though Barack Obama expressed his concerns with regard to the extensive reach of the NSA, he barely changed course regarding the NSA when he came into office, but largely maintained Bush's antiterrorism policies. The Whistleblower Protection Act from 1989 was updated to include all government employees, but continued to treat national security workers as a separate category. This exclusion was countered by Presidential Policy Directive 19 (PPD-19), which protected members of the intelligence community so long as they did not disclose classified information. However, it did not extend to contractors like Edward Snowden, who were now a large part of the employees within the intelligence community (Stanger, 2019).

Snowden's ethical concerns about mass surveillance began he was trained and tested by the CIA for a position in cyberwarfare where he learned about the effects of the new FISA. Snowden was tasked with building communication networks and improving the cybersecurity of the CIA, but his concerns ultimately lead to him resigning from the position. After working for the CIA from 2006 to 2009, Snowden started employment as NSA sub-contractee while officially working for Dell. When he is assigned to an NSA facility in Tokyo, where he instructed government and military officials how the US government was to be protected from Chinese hackers. However, it was here that he learned about the mass surveillance practices of the US government in not only Japan, but also in most other countries that have communication networks with the US and which are considered allies, and where he first got the idea of investigating and exposing the US mass surveillance program (Stanger, 2019; Snowden, 2019). With a growing moral consciousness about the practices he was supporting, Snowden moved back to the USA to take a position as consultant for the CIA. Shortly after he learned that the program for which he had worked in Japan provided real-time data for assisting US drone pilots in launching lethal strikes against terror suspects in Pakistan, he reached his "breaking point" when he saw that "the Director of National Intelligence, James Clapper, directly lie[s] under oath to Congress" about the US surveillance practices, and he quit his job at Dell to take a position at an information consulting firm in order to gather and release the data of the NSA's activities (Snowden, 2019). According to Snowden himself, he expressed his concerns to multiple employees and supervisors, all of which advised him to remain silent as none of them wished or dared to engage in contradicting the safety practices of the US government (Snowden, 2019).



This is when Snowden decided to publish the leaks. On May 20, 2013, he quietly left his home and job in Hawaii and fled to Hong Kong where he convinced some carefully selected journalists to meet him there and talk through the story and possible publishes. These took place starting from June 5. The responses of the US government were not in Snowden's favor, and to this day his safety and position as US citizen is not secured. On June 14, 2013, Snowden was charged with violating the Espionage Act, and in response he fled to Moscow and then to Latin America, despite protests from his home country (Snowden, 2019; Stanger, 2019). After fleeing back to Moscow with the help from Julian Assange, he is forced to remain there to this day as the US government has revoked his passport. The moral and legal position of Snowden's action is still disputed by many citizens, government officials and even the law (Stanger, 2019). Many officials from administrations from Bush Jr. to Trump have insisted that Snowden has compromised US intelligence operations and the national security and can be regarded as a traitor. From a legal point of perspective, they are not necessarily wrong. During the time of the leaks, the procedures and regulations of the NSA were almost entirely transformed after 9/11, as President Bush's secret executive order of 2001 had permitted dragnet searches under some circumstances. Moreover, Snowden has sworn an oath not to do what he did (Stanger, 2019). Obama has not pardoned Snowden before he left office and officials from his administration have emphasized that the activities of the NSA that Snowden exposed were legal according to all three branches of government, however, the Supreme Court has yet to rule whether they were also constitutional (Stanger, 2019). From a moral point of perspective, there is no simple judgment of Snowden's actions. For now, there is not much to be done considering his case but wait for the judgment of the court, engage in the democratic debate that Snowden has evidently erupted and reflect on the laws that had allowed the government to conduct practices such as these. In the meantime, Snowden has 'celebrated' his five year stay in Moscow and remains to be involved, from a distance, in various activist practices and is still awaiting his verdict.

The Obama Administration on U.S. National Interests in the War on Terror Era

The first speech by Obama characterizes his position towards the War on Terror and the course of political action that the U.S. should take according to his view. In this time, al Qaeda was driven out of Afghanistan is considered almost defeated and the (military) American invasion of Iraq had just ended. Political debates had emerged about the position of the U.S. on the international stage and the values it stood for, as it was come to known that American officers had tortured terrorist suspects and imprisoned them in manners that compromised their basic human rights. In the light of these developments, President Obama sought a position for himself between the notions of foreign policy



that President Bush had adhered to, but which had in hindsight been judged as too harsh by many, and standing as a leader of a military strong yet free nation. He formulates what he perceives to be the national identity and interests of the U.S., which will serve to analyze whether President Obama 'uses' this political era to highlight the liberal-democratic character of the U.S., as the first hypothesis predicts.

As stated before, this image is assumed to be manifested through, firstly, "the use of non-neutral or implicative normative terms to describe the identity of both the U.S. as an actor and the actor that is, different depending on the case, perceived as threatening to the U.S.". Needless to say, the enemies in the War on Terror are the terrorists, more specifically the often extremist, Islamic terrorists that threatened to attack or actually attacked the U.S. out of a supposedly fundamentalist Islamic view. As the analysis in the appendix points out, President Obama refers to these 'terrorists' often and does indeed make use of a contrast between their characteristics and those of the U.S. to highlight what he perceives as the values and identity of the nation that he leads. Especially in his last paragraph, President Obama defines the "victory against terrorism" as the opportunity for a way of living that depicts freedom and an open society with a strong sense for justice ("... and that flag will stand for freedom"; "the strength of character and bond of fellowship", "our sense of justice is stronger than that"), instead of what the "current messengers of hate" wish to spread over the world. Moreover, President Obama uses terms such as "terrorism", "terror" and "threat" very often alongside sentences as "danger to our open society", which are indeed non-neutral terms which emphasize a contrast between two different and ideologically mutually exclusive identities. However, it must be noted that in contrast to President Nixon, President Obama does not only use these terms to emphasize a contradiction between the U.S. and the terrorists in which it is in war with, but also between the values of the U.S. that form the core of its identity and the values that it has compromised in the past years by waging the War on Terror to inhumanely ("what we must do – is dismantle networks that pose a direct danger ... all while maintaining the freedoms and ideals that we defend"). Interestingly, this points out that President Obama does indeed use the current political situation to construct the national identity and interests of the U.S. in a liberal-democratic manner, but does this not only by condemning the enemy which it faces but also by criticizing its own past national policies.

The tendency that President Obama has towards upholding a liberal-democratic national identity by being careful in putting to use all means necessary to protect the national safety of the U.S. can also be seen in the political course of action that Obama sees for his nation, as he proposes to deal with terrorists "smartly and proportionally" and he states that the U.S. response to terrorism "cannot depend on military or law enforcement alone". However, he states that the use of force is sometimes



necessary and that this responsibility must be taken on by him as being the leader of the nation, but here again he emphasizes the need for proportionality “we are choosing the course of action least likely to result in the loss of innocent life”. President Obama seems to regard a role for the U.S. in having a responsibility to help other nations, both with regard to economic development, considering statements such as “we must help countries modernize economies, upgrade education, and encourage entrepreneurship – because American leadership has always been elevated by our ability to connect with peoples’ hopes, and not simply their fears”, as with regard to democratic development: “... patiently supporting transitions to democracy in places like Egypt, Tunisia and Libya”. However, his propositions for U.S. policy towards other nations are not as evidently linked to a liberal-democratic identity in the sense that he considers the U.S. the ‘savior’ of the free world. On the other hand, the second manifestation of the manner in which national interests are constructed by President Obama appears to conform the first hypothesis, as the proposed policies are, throughout the speech, linked to the political values that the U.S. stands for, albeit formulated in a different manner than President Nixon did.

With regard to the third manifestation which is aimed at the construction of national interests through interpellation or “hauling” in the public, President Obama makes, firstly, very frequent use of terms such as “we”, “us”, and “our nation” or “our country” and “the American people”, just as he frequently refers to ‘the other’, in this case the fundamentalist terrorists, by using language such as “they”, “them” and “their”. The sense of community that can be created through this discourse is heavily appealed to and used as these words are connected to the descriptions of the American identity and its values that were described in the analysis of the first manifestation. Additionally, the words to depict the enemy in this case are also connected to the possible harm they can bring to the U.S. and what it stands for, implying that the process of interpellation is used conform the theory by Weldes as the sense of community that is created through language helps President Obama in involving the public in the point that he is trying to get across. Secondly, what stands out from Obama’s speech is the amount of anecdotes from individuals, communities and events he refers to to substitute his message, and which have the potential to have an emotional effects on his listeners (as his probably his attention). Frequent use to previous American successes, terrorist attacks and the damage they have caused and possible consequences for different political courses lead to the speech having a sentimental tone and an agreeable feeling for the political values and policy that Obama tries convince the people of. Even though these anecdotes and sentiments are not explicitly linked to an image of the U.S. as liberal-democratic leader of the world, elements of interpellation are still put to use to emphasize the liberal-democratic values of the U.S.



The Obama Administration on U.S. National Interests in Response to Edward Snowden

As previously stated, the second speech by Obama is characterized by the need for an official and extensive response to the sensitive and secret information that Edward Snowden had leaked. National and international indignancy, political pressure and the emergence of a political debate on the balance between privacy and national security marked the era within which the nation was addressed by their president and in which the NSA as a part of government was largely distrusted and citizens worldwide feared for their civil rights. As President Obama has emphasized the liberal-democratic values of the U.S. in his previous speech and is granted an opportunity to highlight these again by Edward Snowden, the second hypothesis of the thesis is still expected to hold for the last document that is to be analyzed.

With regard to the first manifestation of constructing the national identity and interests of the U.S. in a liberal-democratic manner, the use of normative terms to describe the identity of the U.S. and the terrorists at which the War on Terror is aimed is expected in the speech because of the opportunity that is provided to President Obama to show the public how free and democratic the U.S. is. Firstly, to depict the identity of the U.S., President Obama adopts a slightly different tone than he has done in his previous speech. Even though he again emphasized America's "core liberties" and "civil liberties", he also assumes the U.S. to be an important example and leader on the world stage, which becomes clear from the use of sentences such as "America has special responsibilities as the world's only superpower", "... the United States has unique responsibilities when it comes to intelligence collection. Our capabilities help protect not only our nation, but our friends and our allies, as well" and "our global leadership". The political role of the U.S. is strengthened by, again, highlighting the "danger" and "threat" of the "terrorists" through frequent use of these words, which could make one consider the verification of the second hypothesis in the light of this first manifestation. However, President Obama does not explicitly focus on Edward Snowden and his rights or responsibilities with regard to leaking information, but describes the characteristics of the nation he leads by referring to practices of mass surveillance and the debate on civil liberties and national security that it has ignited. With regard to Snowden himself, Obama only states that he is "not going to dwell on Mr. Snowden's actions or his motivations", "given the fact of an open investigation". In that sense, the response of President Obama with regard to the practices that Snowden unveiled in which the President appeals to political values of the U.S. seems to be more defensive in its character than that it uses the leaks to prove the openness and transparency of the American democracy.



The defensive tone of the speech also seems to come forward through an analysis of the second manifestation, namely the link between a political course of action that President Obama sees for the U.S. and the characteristics of the U.S. identity. Even though the President states that “... nothing that I have learned since, indicated that our intelligence community has sought to violate the law or is cavalier about the civil liberties of their fellow citizens” the second manifestation is overwhelmingly present in this speech, as the President proposes several policies and changes in intelligence communities that should improve the protection of civil liberties. These proposed changes are linked to the U.S. as supposedly carrying a great responsibility for international peace and security: “... America has special responsibilities as the world’s only superpower; that our intelligence capabilities are critical to meeting these responsibilities” and exceptional means, compared to other nations, to ensure this peace and security (“America’s capabilities are unique”). On the other hand, the constraints on governmental power that President Obama offers are linked to the protection of freedom that the U.S. stands for: “... the risk of government overreach -- the possibility that we lose some of our core liberties in pursuit of security -- also became more pronounced”. Moreover, policy that restricts these liberties but is deemed necessary by the President because of the threat that the U.S. faces is evidently linked to these threats, as the President sketches possible scenarios that could happen or could have happened would the U.S. not take its responsibility: “... the same technological advances that allow U.S. intelligence agencies to pinpoint an al Qaeda cell in Yemen or an email between two terrorists in the Sahel also mean that many routine communications around the world are within our reach. And at a time when more and more of our lives are digital, that prospect is disquieting for all of us.” Through doing so, the characteristics of the enemy against which the U.S. has to be protected are used to express the need for certain policies, just as political courses are proposed in order to protect the civil liberties of citizens both inside and outside of the U.S. However, as stated before, these proposed policies seem more from a defensive and apologetic nature than that they are based on an opportunity to emphasize what a liberal-democratic nation the U.S. is.

With regard to the third manifestation, which relates to the process of interpellation, the speech again makes the preference clear with which President Obama engages in this process. As stated in the previous part, he not only often uses terms such as “we”, “our” and “them” but frequently uses anecdotes and scenarios to describe past successes of the intelligence community and the possible consequences of the community not having the authority to make use of the necessary means to secure the nation, such as “Why is this necessary? The program grew out of a desire to address a gap identified after 9/11. One of the 9/11 hijackers -- Khalid al-Mihdhar -- made a phone call from San Diego to a known al Qaeda safe-house in Yemen. NSA saw that call, but it could not see that the call was coming from an individual already in the United States”. Moreover, President Obama



indirectly refers to Snowden by using the condition that “If any individual who objects to government policy can take it into their own hands to publicly disclose classified information, then we will not be able to keep our people safe, or conduct foreign policy”. These are remarkable observation in the sense of the second hypothesis in the sense that the process of interpellation in this speech does not seem to relate to involving the public in the liberal-democratic sense of the U.S., but rather in a sense of national security.



CHAPTER V

Conclusion

“But I hope our wisdom will grow with our power, and teach us, that the less we use our power, the greater it will be.”

THOMAS JEFFERSON

Letters to Thomas Leiper, 1815



This thesis has researched the notion of national interests and the elements which constitute them according to the theory of social constructivism. This theory differs from dominant theories in the field of international relations by claiming that national interests are dependent on the historical and cultural context in which they come about and on the actors that shape them through a process of construction. In the article *Constructing National Interests* by Jutta Weldes, this process is implied to happen consciously and actions by state leaders, as the elements that constitute this process are dependent on the choices and actions by these leaders. According to literature on the national identity of the United States of America, U.S. governments have, through time, tried to emphasize the liberal-democratic identity of their nation. Throughout time, they have often done so by strengthening their this national identity in times of political crises as these crises provided them with the opportunity to highlight the notions of democracy and freedom that the U.S. has stood for since its emergence as a nation. From this theory on the U.S. national identity, combined with the theory by Weldes, follows first the hypothesis that U.S. state leaders will actively try to strengthen the process of constructing the national interests of the U.S. in a liberal-democratic manner. Second, there have been two important instances of whistleblowing in the midst of such a political crisis: Daniel Ellsberg and the leaks of the Pentagon Papers and Edward Snowden and the leaks on information regarding the mass surveillance practices by the National Security Agency. Both these leaks contained information that directly related to the political crisis at the time, and provided the respective governments with opportunities to emphasize even further how free and democratic the U.S. as a nation was by refraining from a condemnation of these whistleblowers and allowing the information to become known to the public. Therefore, the second hypothesis presupposes that the U.S. government will treat these whistleblowers lightly and in a way that celebrates the U.S. identity and interests as a liberal democracy.

The First Hypothesis

The first hypothesis was tested by analyzing two speeches: one from President Nixon and one from President Obama. Through the different manifestations of how national interests are expected to be constructed conform the liberal-democratic notions of the U.S. political identity, it can be concluded that both presidents have indeed emphasized these notions in laying out their vision and policy with regard to the perceived threats of the Cold War and the War on Terror. They have done so, as expected, by using a contrast between the U.S. and its perceived enemy, basing the course of political action they deemed appropriate on these characteristics of both identities and by using a process of interpellation, which aims to create a sense of community throughout the public by using connection words and sentimental nationalistic notions. However, both presidents have used their discourse in different



manners: whereas President Nixon explicitly used the contrast between the liberal democracy of the U.S. and Communism to highlight the most important U.S. values, President Obama used both the contrast with the terrorists that threatened the U.S. during the War on Terror and the previous policy from the U.S. itself in dealing with these threats. Moreover, the policy that was based on the notions of the U.S. identity had a different tone in both speeches: whereas President Nixon considered the U.S. to have an important responsibility in ensuring international freedom, peace and security, President Obama did not put an emphasis on such a responsibility to such an extent, despite aiming at helping nations with democratic and economic development. Instead, he focused on protecting American political values through dealing with its enemies in a proportionate and just manner. However, the differences between the way substance is given to the liberal-democratic identity of the U.S. does not take away from the fact that both presidents both emphasize this identity in times of political crisis and thus that this hypothesis still stands until proven otherwise.

The Second Hypothesis

The second hypothesis was tested through the analysis of the official documents from the Nixon administration on the trial regarding the ban on further publication of the Pentagon Papers and the speech that President Obama has given to respond to the leaks by Edward Snowden. Following the manifestations of the liberal-democratic identity of the U.S. with regard to the responses of the government to these leaks, the hypothesis that the opportunity that these leaks provided for further emphasis on this identity would have been taken by both Presidents, can according to this research *not* be said to be true. In the case of the Nixon administration, the document that was used for analysis led to a remarkable observation, namely that this administration did in no means refer to the political values and the international responsibility that were so strongly emphasized shortly before. This could possibly point out that the tension which whistleblowers expose between matters of national security and values of democracy and political freedom is delicately balanced in these case, however, considering the lack of evidence concerning the harm for the national interest of the leaking of the Papers and the secret phone calls that were recorded between Nixon and his officials, there seem to be other interests in this government that prevented it from treating Ellsberg lightly. Whatever the topic of these interests may be and what this might imply for the role of whistleblowers is not the subject of this research, however, there seems to be an evident yet mysterious contradiction between the manner in which President Nixon has constructed the U.S. national interests in both cases.



The matters are more complicated with regard to the second speech by President Obama, as the President does appeal to the liberal-democratic identity of the U.S. but does not do so necessarily with regard to whistleblowing. He responds to the tensions concerning the right to privacy that the leaks by Snowden have stirred up and aims to provide some transparency with regard to past and future policies of mass surveillance and promises his citizenry to make some changes concerning the work of the intelligence community. However, he also emphasizes the need to have such a strong community and often refers to scenario would this community be absent or less powerful. The tension between his apologetic and defensive discourse on the one hand and the message that nothing illegal or immoral has been done on the other, is interesting yet about its underlying motives can only be speculated. What is evident about this speech is that it President Obama does put liberal-democratic arguments to use, only not in the manner that the hypothesis has predicted: he does not use the current case of whistleblowing as an opportunity to strengthen the contrast between the U.S. and the terrorist groups but instead mentions civil liberties and rights as a means of showing that he understands the concerns of his people. Moreover, the global responsibility of the U.S. to ensure freedom, peace and stability that Nixon evidently assumed but Obama did not so much in his previous speech, is now adopted as common knowledge. This again points out that President Obama does make use U.S. notions of liberal democracy in responding to the leaks by Snowden, however, he does this not in the manner that was predicted by the hypothesis as he seems to use it more in the way of defending the type of policy that led to Snowden feeling the need to leak information about in the first place.

Therefore, it can be concluded that although the first hypothesis seems to be true, this cannot yet be said of the second hypothesis, meaning that the research question “To what extent does the federal government of the United States, as seemingly constructing its national identity as precursor of liberal democracy, treats whistleblowers in a way that aligns with this identity?” must be answered with: only to a very small extent can it be said that the federal government of the United States, as seemingly constructing its national identity as precursor of liberal democracy, treats whistleblowers in a way that aligns with this identity.

Reflection: Theoretical Implications

The implications of the research and the answer to the research question for the theoretical field of international relations, are the following.



First, although the impact of social constructivism on the field of international relations is still growing, supporters of the still dominant theories of (neo)realism and neoliberal institutionalism would do good by giving more theoretical space to strands of social constructivism. Processes that constitute how national interests come about have once again to be proven complicated enough for a deeper analysis, which cannot be provided by these dominant theories. Many factors play a role in how U.S. governments present their identity and interests towards the public, and the manner in which these presidents have presented these identities and interests has proven to be highly compatible to constructivist notions of shaping them through the use of discourse and context.

Second, social constructivism itself could, according to this research and the results for the second hypothesis, use some theoretical upgrading. Especially with regard to the article by Weldes, which was built around the core of social constructivism, the theory misses incorporation of the fact that the construction of national interests does not always happen to conscious actions by state leaders. Uncalculated events such as leakings by whistleblowers put state leaders in positions where they do not always have full control over how they can construct their national interests in responding to these leaks, and by responding in a manner that does not really align with the type of identity and interests that they wish to present to the outside world, this identity and these interests could take on a form that was not the intention of the state leaders. Aiming to come across as the liberal-democratic superpower of the world, it proved to be difficult for both President Nixon and President Obama to uphold this image when Ellsberg and Snowden leaked sensitive information. Including the fact that the difference between political events themselves and the way in which they are presented to the public by state leaders do constitutes an important part of Weldes' article, there seem to be some events, especially those with the potential to personally embarrass the government and putting them in a position where they have to 'choose' between liberal-democratic values and other interests, where state leaders certainly do not have full control on the manner in which national interests are constructed.

Third, with regard to literature on whistleblowing, it seems that more extensive research on whistleblowing in the future could indeed provide insight into the manners in which national constructions are formed and the elements that influence these constructions. As whistleblowers leak sensitive information which could be harmful for the reputation of the U.S. government and other interests that are not necessarily related to liberal-democratic elements of the national identity, they put state leaders in a position where these different interests have to be balanced carefully and a decision has to be made with regard to the lengths leaders will go to to emphasize the liberal-



democratic identity of their nation. The 'power' that whistleblowers have in this sense is quite unique, as they often leak information for the sake of a transparent government and have democratic motives for doing so (Stanger, 2019). Therefore, further analysis of their role in the construction of national identities and interests would likely be beneficial for research of this subject.

Reflection on the Research

Like any other research project, this thesis had some practical and theoretical shortcomings and difficulties which may or may have not influenced the outcomes with regard to the hypotheses and the answer on the research question.

Firstly, possible different manifestations of how the liberal-democratic identity of the U.S. could be constructed, were not taken into account in formulating the second hypothesis. This proved to be difficult for interpreting the second speech of President Obama, as he referred to these liberal-democratic notions but did this not by explicitly referring to Snowden or formulating his opinion on the whistleblower. This means that an emphasis on this identity does not necessarily mean a support of whistleblowers, and the other way around. Moreover, other motives to not express appraisal of the whistleblowers could be present without these motives being in conflict with the liberal-democratic identity of the U.S. For example, threats to national security because of the leaks are appropriate reasons to be skeptical of how and why official secret information is leaked, and both Presidents refer to national security. However, in order for these reasons to be convincing and not to be perceived as cover for other interests than national security, the truthfulness of their claims would have to be researched further. Regardless, considering the lack of evidence for the threat to national security that President Nixon could offer (leading to the court ruling in the favor of the newspapers) and the facts that the threats posed by Snowden's leaks are not proven and that President Obama still proposed changes in the U.S. intelligence policy, point out that the arguments of safety of the U.S. do not seem to pose the whole story (Stanger, 2019).

Second, the research of the different manifestations of a liberal-democratic identity contained some overlap in means of analysis, meaning distinguishing one category from the other could sometimes be difficult (for example, discourse regarding the identity of the U.S. and/or its enemy and the discourse regarding the proposed courses of political action). This caused some repetitions in the analyses of the different manifestations and some difficulty in categorizing language objectively and systematically.



Third, with regard to the choice of data, there were some difficulties in finding appropriate data to analyze and the fact that one of the documents of Nixon was official text submitted to the national court in the case of the government versus the newspapers, could be a factor that makes its comparison to public speeches more difficult. Moreover, the theoretical framework did not explicitly narrow down which documents could be used for the manner in which national interests are constructed and which could not, which makes it more complicated to compare speeches that had a different reach and/or different public.

Finally and perhaps most importantly, the generalizations that can be made from the results of this research are limited, since there are many variables that could have possibly played a role in the discourse that both presidents used in both cases. Not only were the different cases more than forty years apart, but the prominent actors in both cases were also very different personalities from the opposite political parties and they were also heads of two governments that were constituted differently. Furthermore, the difference in content of the leaked documents could also have played a role in the unlike responses from both presidents, just as the position of the U.S. toward other nations in the time of each leak. Not only were there different variables that could have influenced the responses from both governments, but there are not many cases that are similar to these, at least not yet, for which a causal inference of the information provided by this analyses would be very informative.

Nevertheless, despite the absence of strong claims and groundbreaking inferences that can be concluded from this analysis, it has become clear that whistleblowers have three important functions: they force state leaders to justify the exercise of their sometimes seemingly unlimited power; they force citizens to (re)consider the amount of power they feel comfortable with yielding to their leaders; and they teach us, just as social constructivists do, that everything that is presented as a truth can be questioned. And maybe that is what politics is ultimately all about.



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(Not my intention to advertise, but *The Post*, *Official Secrets* and *The Report* are absolute recommendations).

On a more serious note, I am due many thanks to my supervisor, Anna van der Vleuten, for offering as much support and advise as was needed due to the personal and pandemic situations that seriously impaired the progress of this thesis. From recommending the article that was the foundation of the entire research to the last sharp-minded insights that I needed to proceed, I can undoubtedly say I could not have this without you.

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APPENDIX

Manifestations of “the use of non-neutral or implicative normative terms to describe the identity of both the U.S. as an actor and the actor that is, different depending on the case, perceived as threatening to the U.S.” are marked in orange.

Manifestations of “a political course of action that is assumed and presented as being logically connected to the way in which the national identity of both the U.S. and the enemy in question are depicted” are marked in blue.

Manifestations of “the practice of ‘hauling’ the public into the notions which constitute the identity and interests of the U.S.” are marked in green.



FOREIGN RELATIONS OF THE UNITED STATES, 1969–1976, VOLUME I, FOUNDATIONS OF FOREIGN POLICY, 1969–1972

27. Address by President Nixon

Colorado Springs, Colorado, June 4, 1969.

[Omitted here are the President's introductory remarks in which he warned the graduating class that they were beginning their military careers at a difficult time. He told them that they would have to be prepared to risk their lives in a limited war while facing those at home who questioned the need for a strong national defense and saw a danger in the power of the military.]

This paradox of military power is a symptom of something far deeper that is stirring in **our** body politic. It goes beyond the dissent about the war in Vietnam. It goes beyond the fear of the “military-industrial complex.”

The underlying questions are really these: What is America's role in the world? What are the **responsibilities of a great nation toward protecting freedom beyond its shores**? Can **we** ever be left in peace if we do not **actively assume the burden of keeping the peace**?

When great questions are posed, fundamental differences of opinion come into focus. It serves no purpose to gloss over these differences, or to try to pretend that they are mere matters of degree. Because there is one school of thought that holds that the road to **understanding with the Soviet Union and Communist China** lies through a downgrading of our own alliances and what amounts to a unilateral reduction of our arms in order to demonstrate our “good faith.”

They believe that we can be conciliatory and accommodating only if we do not have the strength to be otherwise. They believe that America will be able to deal with the possibility of peace only when we are unable to cope with the threat of war.

Those who think that way have grown weary of the weight of free world leadership that fell upon us in the wake of World War II. They argue that we—that the United States is as much responsible for the tensions in the world as the adversaries we face.

They assert that the United States is blocking the road to peace by maintaining its military strength at home and its defenses abroad. If we would only reduce our forces, they contend, tensions would disappear and the chances for peace would brighten.



America's powerful military presence on the world scene, they believe, makes peace abroad improbable and peace at home impossible.

Now we should never underestimate the appeal of the isolationist school of thought. Their slogans are simplistic and powerful: "Charity begins at home. Let's first solve our problems at home and then we can deal with the problems of the world."

This simple formula touches a responsive chord with many an overburdened taxpayer. It would be easy, easy for a President of the United States to buy some popularity by going along with the new isolationists. But I submit to you that it would be disastrous for our Nation and the world.

I hold a totally different view of the world, and I come to a different conclusion about the direction America must take.

Imagine for a moment, if you will, what would happen to this world if America were to become a dropout in assuming the responsibility for defending peace and freedom in the world. As every world leader knows, and as even the most outspoken critics of America would admit, the rest of the world would live in terror.

Because if America were to turn its back on the world, there would be peace that would settle over this planet, but it would be the kind of peace that suffocated freedom in Czechoslovakia.

The danger to us has changed, but it has not vanished. We must revitalize our alliances, not abandon them.

We must rule out unilateral disarmament, because in the real world it wouldn't work. If we pursue arms control as an end in itself, we will not achieve our end. The adversaries in the world are not in conflict because they are armed. They are armed because they are in conflict, and have not yet learned peaceful ways to resolve their conflicting national interests.

The aggressors of this world are not going to give the United States a period of grace in which to put our domestic house in order—just as the crises within our society cannot be put on a back burner until we resolve the problem of Vietnam.

The most successful solutions that we can possibly imagine for our domestic programs will be meaningless if we are not around to enjoy them. Nor can we conduct a successful peace policy abroad if our society is at war with itself at home.

There is no advancement for Americans at home in a retreat from the problems of the world. I say that America has a vital national interest in world stability, and no other nation can uphold that interest for us.



We stand at a crossroad in our history. We shall reaffirm our destiny for greatness or we shall choose instead to withdraw into ourselves. The choice will affect far more than our foreign policy; it will determine the quality of our lives.

A nation needs many qualities, but it needs faith and confidence above all. Skeptics do not build societies; the idealists are the builders. Only societies that believe in themselves can rise to their challenges. Let us not, then, pose a false choice between meeting our responsibilities abroad and meeting the needs of our people at home. We shall meet both or we shall meet neither.

That is why my disagreement with the skeptics and the isolationists is fundamental. They have lost the vision indispensable to great leadership. They observe the problems that confront us; they measure our resources and then they despair. When the first vessels set out from Europe for the New World these men would have weighed the risks and they would have stayed behind. When the colonists on the eastern seaboard started across the Appalachians to the unknown reaches of the Ohio Valley, these men would have counted the costs and they would have stayed behind.

Our current exploration of space makes the point vividly; here is testimony to man's vision and to man's courage. The journey of the astronauts is more than a technical achievement; it is a reaching-out of the human spirit. It lifts our sights; it demonstrates that magnificent conceptions can be made real.

They inspire us and at the same time they teach us true humility. What could bring home to us more the limitations of the human scale than the hauntingly beautiful picture of our earth seen from the moon?

When the first man stands on the moon next month every American will stand taller because of what he has done, and we should be proud of this magnificent achievement.

We will know then that every man achieves his own greatness by reaching out beyond himself, and so it is with nations. When a nation believes in itself—as Athenians did in their Golden Age, as Italians did in the Renaissance—that nation can perform miracles. Only when a nation means something to itself can it mean something to others.

That is why I believe a resurgence of American idealism can bring about a modern miracle, and that modern miracle is a world order of peace and justice.

[Omitted here are Nixon's concluding remarks, in which he argued for sufficient defense expenditures to maintain a strong military establishment.]



Federal Trials and Great Debates in United States History

The Pentagon Papers in the Federal Courts

Second Edition by Jake Kobrick

The Supreme Court Case

Government's brief submitted to Supreme Court, June 26, 1971

In their brief to the Supreme Court, the Nixon administration's attorneys again argued that The New York Times and The Washington Post should be restrained from any further publication of the Pentagon Papers because of the serious harm to national security that would otherwise result. The government attorneys conceded that such harm would not necessarily follow immediately, but insisted that the "grave and irreparable" nature of the eventual harm justified a bar on publication. Because no federal statute explicitly authorized a prior restraint on publication, the administration stressed the inherent authority the executive branch derived from the President's responsibility for the conduct of foreign affairs and the President's role as commander-in-chief of the armed forces.

THE PRESIDENT'S POWER TO CONDUCT FOREIGN AFFAIRS....

The President, both as Commander-in-Chief and as the Nation's organ for foreign affairs, has available intelligence services whose reports are not and ought not to be published to the world. It would be intolerable that courts, without the relevant information, should review and perhaps nullify actions of the Executive taken on information properly held secret. Nor can courts sit in camera in order to be taken into executive confidences. But even if courts could require full disclosure, the very nature of executive decisions as to foreign policy is political, not judicial. Such decisions are wholly confided by our Constitution to the political departments of the government, Executive and Legislative. They are delicate, complex, and involve large elements of prophecy. They are and should be undertaken only by those directly responsible to the people whose welfare they advance or imperil. They are decisions of a kind for which the Judiciary has neither aptitude, facilities nor responsibility and which has long been held to belong in the domain of political power not subject to judicial intrusion or inquiry....



Under Article 2, §2, cl. 1 of the Constitution, the President, as Commander-in-Chief of the armed forces of the United States, has not only the duty of conducting military operations, but also the duty of protecting “the members of the armed forces from injury, and from the dangers which attend the rise, prosecution, and progress of war.”... The latter responsibility includes the duty to preserve military secrets whose disclosure might threaten the safety of United States troops engaged in combat....

The classified material that was submitted to the district court in the Post case and that the government intends to submit to the district court on the remand in the Times case—significant portions of which are discussed in our sealed brief filed in this Court—demonstrates that publication of the Defense Department studies would pose a serious danger to the armed forces. Of course, it cannot be said with absolute certainty that this result would follow from publication. But the government need not show that such disastrous consequences are inevitable; it is enough that there be a real likelihood of the event....

While, of course, the judiciary's duty to enforce the guarantees of the First Amendment cannot be abdicated, we submit that instances in which disclosure of particular state secrets would endanger troops in combat or otherwise imminently imperil the national security are among the “special, limited circumstances in which speech is so interlaced with burgeoning violence that it is not protected by the broad guarantee of the First Amendment,” even from prior restraint.

Secret portion of government's brief submitted to Supreme Court, June 26, 1971

In addition to its main brief outlining the legal arguments in support of its request for an order barring further publication of the Pentagon Papers, the government submitted a sealed brief in an attempt to demonstrate the harm to national security that further publication would bring. In its secret filing, the government referred to specific parts of the Pentagon Papers, which, if disclosed, would disrupt, among other things, relations with U.S. allies, the ongoing military effort in Vietnam, covert CIA operations, and negotiations over American prisoners of war.

The purpose of this portion of the Brief for the United States is to refer to a selected few of these items and to endeavor to show that the publication of these items could have the



effect of causing immediate and irreparable harm to the security of the United States....

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1. There are four volumes in the 47-volume compilation which are designated in their entirety. They are: Volume VI-C-1, VI-C-2, VI-C-3, and VI-C-4. These contain a comprehensive detailed history of the so-called negotiating track. Negotiations were carried on through third parties, both governments and individuals. These included the Canadian, Polish, Italian, Rumanian, and Norwegian governments. They also included individuals, some holding public office, and some private citizens, sometimes with the knowledge of their governments, and sometimes without their governments being informed.

These negotiations, or negotiations of this sort, are being continued. It is obvious that the hope of the termination of the war turns to a large extent on the success of negotiations of this sort. One never knows where the break may come and it is of crucial importance to keep open every possible line of communication. Reference may be made to recent developments with respect to China as an instance of a line of communication among many which turned out to be fruitful.

The materials in these four volumes include derogatory comments about the perfidiousness of specific persons involved, and statements which might be offensive to nations or governments. The publication of this material is likely to close up channels of communication which might otherwise have some opportunity of facilitating the closing of the Vietnam war.

2. Closely related to this is the fact that there is much material in these volumes which might give offense to South Korea, to Thailand, and to South Vietnam, just as serious offense has already been given to Australia and Canada. South Korea, South Vietnam, and Australia have troops in Vietnam, and Thailand allows the use of airfields from which 65% of our sorties are launched.

For the past many months, we have been steadily withdrawing troops from Vietnam. The rate at which we can continue this withdrawal depends upon the extent to which we can continue to rely on the support of other nations, notably South Vietnam, Korea, Thailand, and Australia. If the publication of this material gives offense to these countries, and some of them are notably sensitive, the rate at which our own troops can be withdrawn will be diminished. This would be an immediate military impact, having direct bearing on the security of the United States and its citizens....



3. There are specific references to the names and activities of CIA agents still active in Southeast Asia. There are references to the activities of the National Security Agency. This may not be exactly equivalent to the disclosure of troop movements, but it is very close to it....

5. Volume IV-C-6(b), page 129, sets forth the United States intelligence community's estimate of the Soviet reaction to the Vietnam War. This was made in 1967, but is in large part still applicable. The disclosure of this information will give Soviet intelligence insights into the capacity of our intelligence operations, and may strengthen them both by giving them better understanding of us, and by leading them to correct matters on their side....

11. Finally, reference should be made to prisoners of war. We are currently engaged in discussions on the prisoner of war issue, in some cases with governments which are not wholly friendly. It is obvious that these conversations are conducted on the understanding that they will be confidential, and they are not very likely to be fruitful if that confidence is broken....

There is one of these in particular which it is very likely that we will not be able to proceed further with as a result of the publication of the papers which has already been made by the New York Times and the Washington Post. The longer prisoners are held, the more will die.



DOCUMENT III

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The White House
Office of the Press Secretary
For Immediate Release

May 23, 2013

Remarks of President Barack Obama

It's an honor to return to the National Defense University. Here, at Fort McNair, Americans have served in uniform since 1791—standing guard in the early days of the Republic, and contemplating the future of warfare here in the 21st century.

For over two centuries, the United States has been bound together by founding documents that defined who we are as Americans, and served as our compass through every type of change. Matters of war and peace are no different. **Americans are deeply ambivalent about war, but having fought for our independence, we know that a price must be paid for freedom.** From the Civil War, to **our struggle against fascism**, and through the long, twilight struggle of the Cold War, battlefields have changed, and technology has evolved. **But our commitment to Constitutional principles has weathered every war, and every war has come to an end.**

With the collapse of the Berlin Wall, a new dawn of democracy took hold abroad, and a decade of peace and prosperity arrived **at home**. For a moment, it seemed the 21st century would be a tranquil time. Then, on September 11th 2001, **we** were shaken out of complacency. **Thousands were taken from us, as clouds of fire, metal and ash descended upon a sun-filled morning.** This was a different kind of war. No armies came to **our** shores, and **our** military was not the principal target. Instead, **a group of terrorists came to kill as many civilians as they could.**

And so **our nation** went to war. **We** have now been at war for well over a decade. I won't review the full history. What's clear is that **we** quickly drove al Qaeda out of Afghanistan, but then shifted our focus and began a new war in Iraq. This carried grave consequences for **our fight against al Qaeda, our standing in the world**, and — to this day — **our interests in a vital region.**

Meanwhile, **we** strengthened our defenses — hardening targets, tightening transportation security, and giving law enforcement new tools to prevent **terror**. Most of these changes were sound. Some caused inconvenience. But some, like expanded surveillance, raised difficult questions about the balance **we** strike between our interests in security and our values of privacy. And in some cases, I believe **we compromised our basic values** — by using torture to interrogate **our enemies**, and detaining individuals in a way that ran counter to the rule of law.



After I took office, **we** stepped up the war against al Qaeda, but also sought to change its course. **We** relentlessly targeted al Qaeda's leadership. **We** ended the war in Iraq, and **brought nearly 150,000 troops home**. **We** pursued a new strategy in Afghanistan, and increased our training of Afghan forces. **We** unequivocally banned torture, **affirmed our commitment to civilian courts**, worked to **align our policies with the rule of law**, and **expanded our consultations with Congress**.

Today, Osama bin Laden is dead, and so are most of his top lieutenants. There have been no large-scale attacks on the United States, and **our homeland** is more secure. Fewer of **our** troops are in harm's way, and over the next 19 months **they** will continue to come home. **Our alliances are strong, and so is our standing in the world**. In sum, **we** are safer because of our efforts.

Now make no mistake: **our nation** is still **threatened by terrorists**. From Benghazi to Boston, **we** have been tragically reminded of that truth. **We** must recognize, however, that the **threat** has shifted and evolved from the one that came to our shores on 9/11. With a decade of experience to draw from, **now is the time** to ask **ourselves** hard questions – about the nature of today's threats, and how **we** should confront them.

These questions matter to every American. For over the last decade, **our nation** has spent well over a trillion dollars on war, exploding our deficits and constraining our ability to nation build here at home. **Our service-members and their families have sacrificed far more on our behalf**. **Nearly 7,000 Americans have made the ultimate sacrifice**. **Many more have left a part of themselves on the battlefield, or brought the shadows of battle back home**. From **our** use of drones to the detention of **terrorist** suspects, the decisions **we** are making will define **the type of nation – and world – that we leave to our children**.

So America is at a crossroads. **We** must define the nature and scope of this struggle, or else it will define **us**, mindful of James Madison's warning that "No nation could preserve its freedom in the midst of continual warfare." Neither I, nor any President, can promise the total defeat of **terror**. We will never erase the **evil** that lies in the hearts of some human beings, nor stamp out every **danger to our open society**. **What we can do – what we must do – is dismantle networks that pose a direct danger, and make it less likely for new groups to gain a foothold, all while maintaining the freedoms and ideals that we defend**. **To define that strategy, we must make decisions based not on fear, but hard-earned wisdom**. **And that begins with understanding the threat we face**.

Today, the core of al Qaeda in Afghanistan and Pakistan is on a path to defeat. **Their** remaining operatives spend more time thinking about **their** own safety than plotting against **us**. **They** did not direct the attacks in Benghazi or Boston. **They** have not carried out a successful attack on our homeland since 9/11. Instead, what **we've** seen is the emergence of various al Qaeda affiliates. From Yemen to Iraq, from Somalia to North Africa, the **threat** today is more diffuse, with Al Qaeda's affiliate in the Arabian Peninsula – AQAP – the most active in **plotting against our homeland**. While none of



AQAP's efforts approach the scale of 9/11 **they** have continued to **plot acts of terror**, like the **attempt to blow up an airplane on Christmas Day in 2009**.

Unrest in the Arab World has also allowed **extremists** to gain a foothold in countries like Libya and Syria. Here, too, there are differences from 9/11. In some cases, **we** confront state-sponsored networks like Hizbollah that engage in **acts of terror to achieve political goals**. Others are simply collections of local militias or extremists interested in seizing territory. While **we are vigilant for signs** that these groups may pose a **transnational threat**, most are focused on operating in the countries and regions where they are based. That means **we** will face more localized threats like those **we** saw in Benghazi, or at the BP oil facility in Algeria, in which local operatives – in loose affiliation with regional networks – launch periodic **attacks** against Western diplomats, companies, and other soft targets, or resort to **kidnapping** and other **criminal enterprises** to fund **their** operations.

Finally, **we** face a **real threat from radicalized individuals here in the United States**. Whether it's a **shooter at a Sikh Temple in Wisconsin**; a **plane flying into a building in Texas**; or the **extremists** who killed 168 people at the Federal Building in Oklahoma City – America has confronted many forms of violent extremism in our time. Deranged or alienated individuals – often U.S. citizens or legal residents – can do enormous damage, particularly when inspired by larger notions of violent jihad. That pull towards extremism appears to have led to the shooting at Fort Hood, and the bombing of the Boston Marathon.

Lethal yet less capable al Qaeda affiliates. **Threats** to diplomatic facilities and businesses abroad. Homegrown **extremists**. This is the future of terrorism. **We must** take these **threats** seriously, and do all that **we** can to confront them. But as **we** shape our response, **we have to recognize** that the scale of this **threat** closely resembles the **types of attacks we faced before 9/11**. **In the 1980s, we lost Americans to terrorism at our Embassy in Beirut; at our Marine Barracks in Lebanon; on a cruise ship at sea; at a disco in Berlin; and on Pan Am Flight 103 over Lockerbie. In the 1990s, we lost Americans to terrorism at the World Trade Center; at our military facilities in Saudi Arabia; and at our Embassy in Kenya. These attacks were all deadly, and we learned that left unchecked, these threats can grow. But if dealt with smartly and proportionally, these threats need not rise to the level that we saw on the eve of 9/11.**

Moreover, **we must recognize** that these **threats** don't arise in a vacuum. Most, though not all, of the terrorism we face is **fueled by a common ideology** – a belief by some **extremists** that Islam is in conflict with the United States and the West, and that violence against Western targets, including civilians, is **justified in pursuit of a larger cause**. Of course, this ideology is based on a lie, for the United States is not at war with Islam; and this ideology is rejected by the vast majority of Muslims, who are the most frequent victims of terrorist acts.



Nevertheless, this ideology persists, and in an age in which ideas and images can travel the globe in an instant, **our** response to **terrorism** cannot depend on military or law enforcement alone. **We** need all elements of national power to win a battle of wills and ideas. So let me discuss the components of such a comprehensive counter-terrorism strategy. First, we must finish the work of defeating al Qaeda and its associated forces. In Afghanistan, we will complete our transition to Afghan responsibility for security. Our troops will come home. Our combat mission will come to an end. And we will work with the Afghan government to train security forces, and sustain a counter-terrorism force which ensures that al Qaeda can never again establish a safe-haven to launch attacks against us or our allies.

Beyond Afghanistan, we must define our effort not as a boundless 'global war on terror' – but rather as a series of persistent, targeted efforts to dismantle specific networks of violent extremists that threaten America. In many cases, this will involve partnerships with other countries. Thousands of Pakistani soldiers have lost their lives fighting extremists. In Yemen, **we** are supporting security forces that have reclaimed territory from AQAP. In Somalia, **we** helped a coalition of African nations push al Shabaab out of its strongholds. In Mali, **we** are providing military aid to a French-led intervention to push back al Qaeda in the Maghreb, and help the people of Mali reclaim their future.

Much of **our** best counter-terrorism cooperation results in the gathering and sharing of intelligence; the arrest and prosecution of **terrorists**. That's how a Somali **terrorist** apprehended off the coast of Yemen is now in prison in New York. That's how **we** worked with European allies to disrupt plots from Denmark to Germany to the United Kingdom. That's how intelligence collected with Saudi Arabia helped us stop a cargo plane from being blown up over the Atlantic.

But despite our strong preference for the detention and prosecution of **terrorists**, sometimes this approach is foreclosed. **Al Qaeda and its affiliates** try to gain a foothold in some of the most distant and unforgiving places on Earth. **They** take refuge in remote tribal regions. **They** hide in caves and walled compounds. **They** train in empty deserts and rugged mountains.

In some of these places – such as parts of Somalia and Yemen – the state has only the most tenuous reach into the territory. In other cases, the state lacks the capacity or will to take action. It is also not possible for **America** to simply deploy a team of Special Forces to capture every **terrorist**. And even when such an approach may be possible, there are places where it would pose profound risks to our troops and local civilians– where a terrorist compound cannot be breached without triggering a firefight with surrounding tribal communities that pose no threat to us, or when putting U.S. boots on the ground may trigger a major international crisis.

To put it another way, **our** operation in Pakistan against Osama bin Laden cannot be the norm. The risks in that case were immense; the likelihood of capture, although our preference, was remote given the certainty of resistance; the fact that **we** did not find ourselves confronted with civilian casualties, or embroiled in an extended firefight, was a testament to the meticulous planning and



professionalism of our Special Forces – but also depended on some luck. And even then, **the cost to our relationship with Pakistan** – and the backlash among the Pakistani public over encroachment on their territory – was so severe that **we** are just now beginning to rebuild this important partnership.

It is in this context that **the United States** has taken lethal, targeted action against **al Qaeda and its associated forces**, including with remotely piloted aircraft commonly referred to as drones. As was true in previous armed conflicts, this new technology raises profound questions – about who is targeted, and why; about civilian casualties, and the risk of creating new enemies; about the legality of such strikes under U.S. and international law; about accountability and morality.

Let me address these questions. To begin with, **our** actions are effective. Don't take my word for it. In the intelligence gathered at bin Laden's compound, **we** found that he wrote, "we could lose the reserves to the enemy's air strikes. We cannot fight air strikes with explosives." Other communications from **al Qaeda operatives** confirm this as well. Dozens of highly skilled al Qaeda commanders, trainers, bomb makers, and operatives have been taken off the battlefield. **Plots have been disrupted** that would have targeted international aviation, U.S. transit systems, European cities and our troops in Afghanistan. Simply put, these strikes have saved lives.

Moreover, America's actions are legal. **We were attacked on 9/11**. Within a week, Congress overwhelmingly authorized the use of force. Under domestic law, and international law, the United States is at war with al Qaeda, the Taliban, and their associated forces. **We are at war with an organization that right now would kill as many Americans as they could if we did not stop them first**. So this is a just war – a war waged proportionally, in last resort, and in self-defense.

And yet as our fight enters a new phase, America's legitimate claim of self-defense cannot be the end of the discussion. To say a military tactic is legal, or even effective, is not to say it is wise or moral in every instance. For the same human progress that gives **us** the technology to strike half a world away also demands the discipline to constrain that power – or risk abusing it. That's why, over the last four years, my Administration has worked vigorously to establish a framework that governs **our** use of force against terrorists – insisting upon clear guidelines, oversight and accountability that is now codified in Presidential Policy Guidance that I signed yesterday.

In the Afghan war theater, **we must support our troops until the transition is complete at the end of 2014. That means we will continue to take strikes against high value al Qaeda targets, but also against forces that are massing to support attacks on coalition forces**. However, by the end of 2014, we will no longer have the same need for force protection, and the progress we have made against core al Qaeda will reduce the need for unmanned strikes.

Beyond the Afghan theater, **we** only target **al Qaeda and its associated forces**. Even then, the use of drones is heavily constrained. America does not take strikes when **we** have the ability to capture



individual **terrorists** - **our** preference is always to detain, interrogate, and prosecute them. America cannot take strikes wherever we choose – **our** actions are bound by consultations with partners, and respect for state sovereignty. America does not take strikes to punish individuals – **we** act against **terrorists** who pose a continuing and imminent **threat** to the American people, and when there are no other governments capable of effectively addressing the **threat**. And before any strike is taken, there must be near-certainty that no civilians will be killed or injured – the highest standard we can set.

This last point is critical, because much of the criticism about drone strikes – at home and abroad – understandably centers on reports of civilian casualties. There is a wide gap between U.S. assessments of such casualties, and **non-governmental reports**. Nevertheless, it is a hard fact that U.S. strikes have resulted in civilian casualties, a risk that exists in all wars. For the families of those civilians, no words or legal construct can justify their loss. For me, and those in my chain of command, these deaths will haunt **us** as long as we live, just as **we** are haunted by the civilian casualties that have occurred through conventional fighting in Afghanistan and Iraq.

But as Commander-in-Chief, I must weigh these heartbreaking tragedies against the alternatives. To do nothing in the face of **terrorist networks** would invite far more civilian casualties – not just in our cities at home and facilities abroad, but also in the very places –like Sana’a and Kabul and Mogadishu – where **terrorists** seek a foothold. Let us remember that the **terrorists** we are after target civilians, and the death toll from their acts of terrorism against Muslims dwarfs any estimate of civilian casualties from drone strikes.

Where foreign governments cannot or will not effectively stop terrorism in their territory, the primary alternative to targeted, lethal action is the use of conventional military options. As I’ve said, even small Special Operations carry enormous risks. Conventional airpower or missiles are far less precise than drones, and likely to cause more civilian casualties and local outrage. **And invasions of these territories lead us to be viewed as occupying armies; unleash a torrent of unintended consequences; are difficult to contain; and ultimately empower those who thrive on violent conflict.** So it is false to assert that putting boots on the ground is less likely to result in civilian deaths, or to create **enemies** in the Muslim world. **The result would be more U.S. deaths, more Blackhawks down, more confrontations with local populations, and an inevitable mission creep in support of such raids that could easily escalate into new wars.**

So yes, the conflict with **al Qaeda**, like all armed conflict, invites tragedy. But by narrowly targeting **our** action against those who want to kill us, and not the people they hide among, **we are choosing the course of action least likely to result in the loss of innocent life.** Indeed, our efforts must also be measured against the history of putting American troops in distant lands among hostile populations. In Vietnam, hundreds of thousands of civilians died in a war where the boundaries of battle were blurred. In Iraq and Afghanistan, despite the courage and discipline of our troops, thousands of



civilians have been killed. So neither conventional military action, nor waiting for attacks to occur, offers moral safe-harbor. Neither does a sole reliance on law enforcement in territories that have no functioning police or security services – and indeed, have no functioning law.

This is not to say that the risks are not real. Any U.S. military action in foreign lands risks creating more **enemies**, and impacts public opinion overseas. Our laws constrain the power of the President, even during wartime, and I have taken an oath to defend the Constitution of the United States. The very precision of drones strikes, and the necessary secrecy involved in such actions can end up shielding our government from the public scrutiny that a troop deployment invites. It can also lead a President and his team to view drone strikes as a cure-all for **terrorism**.

For this reason, I've insisted on **strong oversight of all lethal action**. After I took office, my Administration began briefing all strikes outside of Iraq and Afghanistan to the appropriate committees of Congress. Let me repeat that – not only did Congress authorize the use of force, it is briefed on every strike that America takes. That includes the one instance when **we** targeted an American citizen: Anwar Awlaki, the chief of external operations for AQAP.

This week, I authorized the declassification of this action, and the deaths of three other Americans in drone strikes, to facilitate transparency and debate on this issue, and to dismiss some of the more outlandish claims. For the record, I do not believe it would be constitutional for the government to target and kill any U.S. citizen – with a drone, or a shotgun – without due process. Nor should any President deploy armed drones over U.S. soil.

But when a U.S. citizen goes abroad to wage war against America – and is actively plotting to kill U.S. citizens; and when neither the United States, nor our partners are in a position to capture him before he carries out a plot – his citizenship should no more serve as a shield than a sniper shooting down on an innocent crowd should be protected from a SWAT team

That's who Anwar Awlaki was – he was continuously trying to kill people. He helped oversee the 2010 plot to detonate explosive devices on two U.S. bound cargo planes. He was involved in planning to blow up an airliner in 2009. When Farouk Abdulmutallab – the Christmas Day bomber – went to Yemen in 2009, Awlaki hosted him, approved his suicide operation, and helped him tape a martyrdom video to be shown after the attack. His last instructions were to blow up the airplane when it was over American soil. I would have detained and prosecuted Awlaki if we captured him before he carried out a plot. But we couldn't. And as President, I would have been derelict in my duty had I not authorized the strike that took out Awlaki.

Of course, **the targeting of any Americans** raises constitutional issues that are not present in other strikes – which is why my Administration submitted information about **Awlaki** to the Department of Justice months before **Awlaki** was killed, and briefed the Congress before this strike as well. But the



high threshold that **we** have set for taking lethal action applies to all potential terrorist targets, regardless of whether or not they are American citizens. This threshold respects the inherent dignity of every human life. Alongside the decision to put **our men and women** in uniform in harm's way, the **decision to use force against individuals or groups** – even against a sworn enemy of the United States – is the hardest thing I do as President. But these decisions must be made, given my responsibility to protect the **American people**.

Going forward, I have asked my Administration to review proposals to extend oversight of lethal actions outside of warzones that go beyond our reporting to Congress. Each option has virtues in theory, but poses difficulties in practice. For example, the establishment of a special court to evaluate and authorize lethal action has the benefit of bringing a third branch of government into the process, but raises **serious constitutional issues about presidential and judicial authority**. Another idea that's been suggested – the establishment of an independent oversight board in the executive branch – avoids those problems, but may introduce a layer of bureaucracy into national-security decision-making, without inspiring additional public confidence in the process. Despite these challenges, I look forward to actively engaging Congress to explore these – and other – options for increased oversight.

I believe, however, that **the use of force must be seen as part of a larger discussion about a comprehensive counter-terrorism strategy**. Because for all the focus on the use of force, force alone cannot make us safe. **We** cannot use force everywhere that a radical ideology takes root; and in the absence of a strategy that reduces the well-spring of **extremism**, a perpetual war – through drones or Special Forces or troop deployments – will prove self-defeating, and alter **our** country in troubling ways.

So the next element of **our** strategy involves addressing the underlying grievances and conflicts that feed **extremism**, from North Africa to South Asia. As **we've** learned this past decade, this is a vast and complex undertaking. **We must be humble in our expectation that we can quickly resolve deep rooted problems like poverty and sectarian hatred**. Moreover, no two countries are alike, and some will undergo chaotic change before things get better. But our security and values demand that we make the effort.

This means patiently supporting transitions to democracy in places like Egypt, Tunisia and Libya – because the peaceful realization of individual aspirations will serve as a rebuke to violent extremists. We must strengthen the opposition in Syria, while isolating extremist elements – because the end of a tyrant must not give way to the tyranny of terrorism. **We** are working to promote peace between Israelis and Palestinians – because it is right, and because such a peace could help reshape attitudes in the region. **And we must help countries modernize economies, upgrade education, and encourage entrepreneurship** – because American leadership has always been elevated by our ability to connect with peoples' hopes, and not simply their fears.



Success on these fronts requires sustained engagement, but it will also require resources. I know that foreign aid is one of the least popular expenditures – even though it amounts to less than one percent of the federal budget. But [foreign assistance cannot be viewed as charity](#). It is fundamental to [our](#) national security, and any sensible long-term strategy to battle [extremism](#). Moreover, foreign assistance is a tiny fraction of what we spend fighting wars that our assistance might ultimately prevent. For what we spent in a month in Iraq at the height of the war, we could be training security forces in Libya, maintaining peace agreements between Israel and its neighbors, feeding the hungry in Yemen, building schools in Pakistan, and creating reservoirs of goodwill that marginalize [extremists](#).

America cannot carry out this work if [we](#) do not have diplomats serving in dangerous places. Over the past decade, [we have strengthened security at our Embassies](#), and I am implementing every recommendation of the Accountability Review Board which found unacceptable failures in Benghazi. I have called on Congress to fully fund these efforts to bolster security, harden facilities, improve intelligence, and facilitate a quicker response time from our military if a crisis emerges.

But even after [we](#) take these steps, [some irreducible risks to our diplomats will remain](#). This is the price of being [the world's most powerful nation](#), particularly as a wave of change washes over the Arab World. And in balancing the trade-offs between security and active diplomacy, I firmly believe that [any retreat from challenging regions will only increase the dangers we face in the long run](#).

[Targeted action against terrorists. Effective partnerships. Diplomatic engagement and assistance.](#) Through such a comprehensive strategy [we](#) can significantly reduce the chances of large scale attacks on the [homeland](#) and mitigate threats to [Americans](#) overseas. As [we](#) guard against dangers from abroad, however, [we](#) cannot neglect the daunting challenge of [terrorism](#) from within our borders.

As I said earlier, this [threat](#) is not new. But technology and the Internet increase its frequency and lethality. Today, a person can consume [hateful propaganda](#), commit themselves to a [violent agenda](#), and learn how to kill without leaving their home. To address this [threat](#), two years ago my Administration did a comprehensive review, and engaged with law enforcement. The best way to prevent [violent extremism](#) is to work with the Muslim American community – which has consistently rejected [terrorism](#) – to identify signs of radicalization, and partner with law enforcement when an individual is drifting towards violence. And these partnerships can only work when [we](#) recognize that Muslims are a fundamental part of the American family. Indeed, the [success of American Muslims](#), and [our](#) determination to guard against any encroachments on their civil liberties, is the ultimate rebuke to those who say [we](#) are at war with Islam.

Indeed, thwarting homegrown plots presents particular challenges in part because of [our](#) proud commitment to civil liberties for all who call America home. That's why, in the years to come, [we will have to keep working hard to strike the appropriate balance between our need for security and](#)



preserving those freedoms that make us who we are. That means reviewing the authorities of law enforcement, so we can intercept new types of communication, and build in privacy protections to prevent abuse. That means that – even after Boston – we do not deport someone or throw someone in prison in the absence of evidence. That means putting careful constraints on the tools the government uses to protect sensitive information, such as the State Secrets doctrine. And that means finally having a strong Privacy and Civil Liberties Board to review those issues where our counter-terrorism efforts and our values may come into tension.

The Justice Department's investigation of national security leaks offers a recent example of the challenges involved in striking the right balance between our security and our open society. As Commander-in Chief, I believe we must keep information secret that protects our operations and our people in the field. To do so, we must enforce consequences for those who break the law and breach their commitment to protect classified information. But a free press is also essential for our democracy. I am troubled by the possibility that leak investigations may chill the investigative journalism that holds government accountable.

Journalists should not be at legal risk for doing their jobs. Our focus must be on those who break the law. That is why I have called on Congress to pass a media shield law to guard against government over-reach. I have raised these issues with the Attorney General, who shares my concern. So he has agreed to review existing Department of Justice guidelines governing investigations that involve reporters, and will convene a group of media organizations to hear their concerns as part of that review. And I have directed the Attorney General to report back to me by July 12th.

All these issues remind us that the choices we make about war can impact – in sometimes unintended ways – the openness and freedom on which our way of life depends. And that is why I intend to engage Congress about the existing Authorization to Use Military Force, or AUMF, to determine how we can continue to fight terrorists without keeping America on a perpetual war-time footing.

The AUMF is now nearly twelve years old. The Afghan War is coming to an end. Core al Qaeda is a shell of its former self. Groups like AQAP must be dealt with, but in the years to come, not every collection of thugs that labels themselves al Qaeda will pose a credible threat to the United States. Unless we discipline our thinking and our actions, we may be drawn into more wars we don't need to fight, or continue to grant Presidents unbound powers more suited for traditional armed conflicts between nation states. So I look forward to engaging Congress and the American people in efforts to refine, and ultimately repeal, the AUMF's mandate. And I will not sign laws designed to expand this mandate further. Our systematic effort to dismantle terrorist organizations must continue. But this war, like all wars, must end. That's what history advises. That's what our democracy demands.

And that brings me to my final topic: the detention of terrorist suspects.



To repeat, as a matter of policy, the preference of the United States is to capture terrorist suspects. When **we** do detain a suspect, **we** interrogate them. And if the suspect can be prosecuted, **we** decide whether to try him in a civilian court or a Military Commission. During the past decade, the vast majority of those detained by our military were captured on the battlefield. **In Iraq, we turned over thousands of prisoners as we ended the war. In Afghanistan, we have transitioned detention facilities to the Afghans, as part of the process of restoring Afghan sovereignty. So we bring law of war detention to an end, and we are committed to prosecuting terrorists whenever we can.**

The glaring exception to this time-tested approach is the detention center at Guantanamo Bay. The original premise for opening GTMO – that detainees would not be able to challenge their detention – was found unconstitutional five years ago. In the meantime, GTMO has become a symbol around the world for an America that flouts the rule of law. Our allies won't cooperate with us if they think a terrorist will end up at GTMO. During a time of budget cuts, we spend \$150 million each year to imprison 166 people –almost \$1 million per prisoner. And the Department of Defense estimates that we must spend another \$200 million to keep GTMO open at a time when we are cutting investments in education and research here at home.

As President, I have tried to close GTMO. I transferred 67 detainees to other countries before Congress imposed restrictions to effectively prevent us from either transferring detainees to other countries, or imprisoning them in the United States. These restrictions make no sense. After all, under President Bush, some 530 detainees were transferred from GTMO with Congress's support. When I ran for President the first time, John McCain supported closing GTMO. No person has ever escaped from one of our super-max or military prisons in the United States. Our courts have convicted hundreds of people for terrorism-related offenses, including some who are more dangerous than most GTMO detainees. Given my Administration's relentless pursuit of al Qaeda's leadership, there is no justification beyond politics for Congress to prevent us from closing a facility that should never have been opened.

Today, I once again call on Congress to lift the restrictions on detainee transfers from GTMO. I have asked the Department of Defense to designate a site in the United States where we can hold military commissions. I am appointing a new, senior envoy at the State Department and Defense Department whose sole responsibility will be to achieve the transfer of detainees to third countries. I am lifting the moratorium on detainee transfers to Yemen, so we can review them on a case by case basis. To the greatest extent possible, we will transfer detainees who have been cleared to go to other countries. Where appropriate, we will bring terrorists to justice in our courts and military justice system. And we will insist that judicial review be available for every detainee.

Even after we take these steps, one issue will remain: how to deal with those GTMO detainees who we know have participated in dangerous plots or attacks, but who cannot be prosecuted – for example because the evidence against them has been compromised or is inadmissible in a court of



law. But once we commit to a process of closing GTMO, I am confident that this legacy problem can be resolved, consistent with **our commitment to the rule of law**.

I know the politics are hard. But history will cast a harsh judgment on this aspect of **our fight against terrorism**, and those of us who fail to end it. **Imagine a future** – ten years from now, or twenty years from now – when the United States of America is still holding people who have been charged with no crime on a piece of land that is not a part of **our country**. **Look at the current situation, where we are force-feeding detainees who are holding a hunger strike. Is that who we are? Is that something that our Founders foresaw? Is that the America we want to leave to our children?**

Our sense of justice is stronger than that. We have prosecuted scores of terrorists in our courts. That includes Umar Farouk Abdulmutallab, who tried to blow up an airplane over Detroit; and Faisal Shahzad, who put a car bomb in Times Square. It is in a court of law that we will try Dzhokhar Tsarnaev, who is accused of bombing the Boston Marathon. Richard Reid, the shoe bomber, is as we speak serving a life sentence in a maximum security prison here, in the United States. In sentencing Reid, Judge William Young told him, “the way we treat you...is the measure of our own liberties.” He went on to point to the American flag that flew in the courtroom – “That flag,” he said, “will fly there long after this is all forgotten. That flag still stands for freedom.”

America, we have faced down dangers far greater than al Qaeda. By staying true to the values of our founding, and by using our constitutional compass, we have overcome slavery and Civil War; fascism and communism. In just these last few years as President, I have watched the American people bounce back from painful recession, mass shootings, and natural disasters like the recent tornados that devastated Oklahoma. These events were heartbreaking; they shook our communities to the core. But because of the resilience of the American people, these events could not come close to breaking us.

I think of Lauren Manning, the 9/11 survivor who had severe burns over 80 percent of her body, who said, “That’s my reality. I put a Band-Aid on it, literally, and I move on.”

I think of the New Yorkers who filled Times Square the day after an attempted car bomb as if nothing had happened.

I think of the proud Pakistani parents who, after their daughter was invited to the White House, wrote to us, “we have raised an American Muslim daughter to dream big and never give up because it does pay off.”

I think of the wounded warriors rebuilding their lives, and helping other vets to find jobs.

I think of the runner planning to do the 2014 Boston Marathon, who said, “Next year, you are going to have more people than ever. Determination is not something to be messed with.”



That's who the American people are. Determined, and not to be messed with.

Now, we need a strategy – and a politics – that reflects this resilient spirit. Our victory against terrorism won't be measured in a surrender ceremony on a battleship, or a statue being pulled to the ground. Victory will be measured in parents taking their kids to school; immigrants coming to our shores; fans taking in a ballgame; a veteran starting a business; a bustling city street. The quiet determination; that strength of character and bond of fellowship; that refutation of fear – that is both our sword and our shield. And long after the current messengers of hate have faded from the world's memory, alongside the brutal despots, deranged madmen, and ruthless demagogues who litter history – the flag of the United States will still wave from small-town cemeteries, to national monuments, to distant outposts abroad. And that flag will still stand for freedom.

Thank you. God Bless you. And may God bless the United States of America.



DOCUMENT IV

The White House

Office of the Press Secretary

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Remarks by the President on Review of Signals Intelligence

Department of Justice

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THE PRESIDENT: At the dawn of our Republic, a small, secret surveillance committee borne out of the “The Sons of Liberty” was established in Boston. And the group’s members included Paul Revere. At night, they would patrol the streets, reporting back any signs that the British were preparing raids against America’s early Patriots.

Throughout American history, intelligence has helped secure our country and our freedoms. In the Civil War, Union balloon reconnaissance tracked the size of Confederate armies by counting the number of campfires. In World War II, code-breakers gave us insights into Japanese war plans, and when Patton marched across Europe, intercepted communications helped save the lives of his troops. After the war, the rise of the Iron Curtain and nuclear weapons only increased the need for sustained intelligence gathering. And so, in the early days of the Cold War, President Truman created the National Security Agency, or NSA, to give us insights into the Soviet bloc, and provide our leaders with information they needed to confront aggression and avert catastrophe.

Throughout this evolution, we benefited from both our Constitution and our traditions of limited government. U.S. intelligence agencies were anchored in a system of checks and balances -- with oversight from elected leaders, and protections for ordinary citizens. Meanwhile, totalitarian states like East Germany offered a cautionary tale of what could happen when vast, unchecked surveillance turned citizens into informers, and persecuted people for what they said in the privacy of their own homes.

In fact, even the United States proved not to be immune to the abuse of surveillance. And in the 1960s, government spied on civil rights leaders and critics of the Vietnam War. And partly in response to these revelations, additional laws were established in the 1970s to ensure that our



intelligence capabilities could not be misused against our citizens. In the long, twilight struggle against Communism, we had been reminded that the very liberties that we sought to preserve could not be sacrificed at the altar of national security.

If the fall of the Soviet Union left America without a competing superpower, emerging threats from terrorist groups, and the proliferation of weapons of mass destruction placed new and in some ways more complicated demands on our intelligence agencies. Globalization and the Internet made these threats more acute, as technology erased borders and empowered individuals to project great violence, as well as great good. Moreover, these new threats raised new legal and new policy questions. For while few doubted the legitimacy of spying on hostile states, our framework of laws was not fully adapted to prevent terrorist attacks by individuals acting on their own, or acting in small, ideologically driven groups on behalf of a foreign power.

The horror of September 11th brought all these issues to the fore. Across the political spectrum, Americans recognized that we had to adapt to a world in which a bomb could be built in a basement, and our electric grid could be shut down by operators an ocean away. We were shaken by the signs we had missed leading up to the attacks -- how the hijackers had made phone calls to known extremists and traveled to suspicious places. So we demanded that our intelligence community improve its capabilities, and that law enforcement change practices to focus more on preventing attacks before they happen than prosecuting terrorists after an attack.

It is hard to overstate the transformation America's intelligence community had to go through after 9/11. Our agencies suddenly needed to do far more than the traditional mission of monitoring hostile powers and gathering information for policymakers. Instead, they were now asked to identify and target plotters in some of the most remote parts of the world, and to anticipate the actions of networks that, by their very nature, cannot be easily penetrated with spies or informants.

And it is a testimony to the hard work and dedication of the men and women of our intelligence community that over the past decade we've made enormous strides in fulfilling this mission. Today, new capabilities allow intelligence agencies to track who a terrorist is in contact with, and follow the trail of his travel or his funding. New laws allow information to be collected and shared more quickly and effectively between federal agencies, and state and local law enforcement. Relationships with foreign intelligence services have expanded, and our capacity to repel cyber-attacks have been strengthened. And taken together, these efforts have prevented multiple attacks and saved innocent lives -- not just here in the United States, but around the globe.



And yet, in our rush to respond to a very real and novel set of threats, the risk of government overreach -- the possibility that we lose some of our core liberties in pursuit of security -- also became more pronounced. We saw, in the immediate aftermath of 9/11, our government engaged in enhanced interrogation techniques that contradicted our values. As a Senator, I was critical of several practices, such as warrantless wiretaps. And all too often new authorities were instituted without adequate public debate.

Through a combination of action by the courts, increased congressional oversight, and adjustments by the previous administration, some of the worst excesses that emerged after 9/11 were curbed by the time I took office. But a variety of factors have continued to complicate America's efforts to both defend our nation and uphold our civil liberties.

First, the same technological advances that allow U.S. intelligence agencies to pinpoint an al Qaeda cell in Yemen or an email between two terrorists in the Sahel also mean that many routine communications around the world are within our reach. And at a time when more and more of our lives are digital, that prospect is disquieting for all of us.

Second, the combination of increased digital information and powerful supercomputers offers intelligence agencies the possibility of sifting through massive amounts of bulk data to identify patterns or pursue leads that may thwart impending threats. It's a powerful tool. But the government collection and storage of such bulk data also creates a potential for abuse.

Third, the legal safeguards that restrict surveillance against U.S. persons without a warrant do not apply to foreign persons overseas. This is not unique to America; few, if any, spy agencies around the world constrain their activities beyond their own borders. And the whole point of intelligence is to obtain information that is not publicly available. But America's capabilities are unique, and the power of new technologies means that there are fewer and fewer technical constraints on what we can do. That places a special obligation on us to ask tough questions about what we should do.

And finally, intelligence agencies cannot function without secrecy, which makes their work less subject to public debate. Yet there is an inevitable bias not only within the intelligence community, but among all of us who are responsible for national security, to collect more information about the world, not less. So in the absence of institutional requirements for regular debate -- and oversight that is public, as well as private or classified -- the danger of government overreach becomes more acute. And this is particularly true when surveillance technology and our reliance on digital information is evolving much faster than our laws.



For all these reasons, I maintained a healthy skepticism toward our surveillance programs after I became President. I ordered that our programs be reviewed by my national security team and our lawyers, and in some cases I ordered changes in how we did business. [We increased oversight and auditing, including new structures aimed at compliance. Improved rules were proposed by the government and approved by the Foreign Intelligence Surveillance Court. And we sought to keep Congress continually updated on these activities.](#)

What I did not do is stop these programs wholesale -- not only because I felt that they made us more secure, but also because nothing in that initial review, and nothing that I have learned since, indicated that our intelligence community has sought to violate the law or is cavalier about the [civil liberties](#) of their fellow citizens.

To the contrary, in an extraordinarily difficult job -- one in which actions are second-guessed, success is unreported, and failure can be catastrophic -- the men and women of the intelligence community, including the NSA, consistently follow protocols designed to protect the privacy of ordinary people. They're not abusing authorities in order to listen to your private phone calls or read your emails. When mistakes are made -- which is inevitable in any large and complicated human enterprise -- they correct those mistakes. Laboring in obscurity, often unable to discuss their work even with family and friends, the men and women at the NSA know that if another 9/11 or massive cyber-attack occurs, they will be asked, by Congress and the media, why they failed to connect the dots. What sustains those who work at NSA and our other intelligence agencies through all these pressures is the knowledge that their professionalism and dedication play a central role in the defense of our nation.

Now, to say that our intelligence community follows the law, and is staffed by patriots, is not to suggest that I or others in my administration felt complacent about the potential impact of these programs. Those of us who hold office in America have a responsibility to our Constitution, and while I was confident in the integrity of those who lead our intelligence community, it was clear to me in observing our intelligence operations on a regular basis that changes in our technological capabilities were raising new questions about the privacy safeguards currently in place.

Moreover, after an extended review of our use of drones in the fight against terrorist networks, I believed a fresh examination of our surveillance programs was a necessary next step in our effort to get off the open-ended war footing that we've maintained since 9/11. And for these reasons, I indicated in a speech at the National Defense University last May that we needed a more robust public discussion about the [balance between security and liberty](#). Of course, what I did not know at



the time is that within weeks of my speech, an avalanche of unauthorized disclosures would spark controversies at home and abroad that have continued to this day.

And given the fact of an open investigation, I'm not going to dwell on Mr. Snowden's actions or his motivations; I will say that **our nation's defense depends in part on the fidelity of those entrusted with our nation's secrets**. If any individual who objects to government policy can take it into their own hands to publicly disclose classified information, then **we** will not be able to keep our people safe, or conduct foreign policy. Moreover, the sensational way in which these disclosures have come out has often shed more heat than light, while revealing methods to our adversaries that could impact our operations in ways that we may not fully understand for years to come.

Regardless of how **we** got here, though, the task before us now is greater than simply repairing the damage done to our operations or preventing more disclosures from taking place in the future. **Instead, we have to make some important decisions about how to protect ourselves and sustain our leadership in the world, while upholding the civil liberties and privacy protections that our ideals and our Constitution require**. **We need to do so not only because it is right, but because the challenges posed by threats like terrorism and proliferation and cyber-attacks are not going away any time soon. They are going to continue to be a major problem**. And for our intelligence community to be effective over the long haul, we must maintain the trust of the American people, and people around the world.

This effort will not be completed overnight, and **given the pace of technological change, we shouldn't expect this to be the last time America has this debate**. But I want the American people to know that the work has begun. Over the last six months, I created an outside Review Group on Intelligence and Communications Technologies to make recommendations for reform. I consulted with the Privacy and Civil Liberties Oversight Board, created by Congress. I've listened to foreign partners, privacy advocates, and industry leaders. My administration has spent countless hours considering how to approach intelligence in this era of diffuse threats and technological revolution. So before outlining specific changes that I've ordered, let me make a few broad observations that have emerged from this process.

First, everyone who has looked at these problems, including **skeptics of existing programs**, recognizes that we have **real enemies and threats**, and that **intelligence serves a vital role in confronting them**. **We cannot prevent terrorist attacks or cyber threats without some capability to penetrate digital communications** -- whether it's to unravel a terrorist plot; to intercept malware that targets a stock exchange; to make sure air traffic control systems are not compromised; or to ensure that



hackers do not empty your bank accounts. We are expected to protect the American people; that requires us to have capabilities in this field.

Moreover, we cannot unilaterally disarm our intelligence agencies. There is a reason why BlackBerrys and iPhones are not allowed in the White House Situation Room. We know that the intelligence services of other countries -- including some who feign surprise over the Snowden disclosures -- are constantly probing our government and private sector networks, and accelerating programs to listen to our conversations, and intercept our emails, and compromise our systems. We know that.

Meanwhile, a number of countries, including some who have loudly criticized the NSA, privately acknowledge that America has special responsibilities as the world's only superpower; that our intelligence capabilities are critical to meeting these responsibilities, and that they themselves have relied on the information we obtain to protect their own people.

Second, just as ardent civil libertarians recognize the need for robust intelligence capabilities, those with responsibilities for our national security readily acknowledge the potential for abuse as intelligence capabilities advance and more and more private information is digitized. After all, the folks at NSA and other intelligence agencies are our neighbors. They're our friends and family. They've got electronic bank and medical records like everybody else. They have kids on Facebook and Instagram, and they know, more than most of us, the vulnerabilities to privacy that exist in a world where transactions are recorded, and emails and text and messages are stored, and even our movements can increasingly be tracked through the GPS on our phones.

Third, there was a recognition by all who participated in these reviews that the challenges to our privacy do not come from government alone. Corporations of all shapes and sizes track what you buy, store and analyze our data, and use it for commercial purposes; that's how those targeted ads pop up on your computer and your smartphone periodically. But all of us understand that the standards for government surveillance must be higher. Given the unique power of the state, it is not enough for leaders to say: Trust us, we won't abuse the data we collect. For history has too many examples when that trust has been breached. Our system of government is built on the premise that our liberty cannot depend on the good intentions of those in power; it depends on the law to constrain those in power.

I make these observations to underscore that the basic values of most Americans when it comes to questions of surveillance and privacy converge a lot more than the crude characterizations that have emerged over the last several months. Those who are troubled by our existing programs are not



interested in repeating the tragedy of 9/11, and those who defend these programs are not dismissive of civil liberties.

The challenge is getting the details right, and that is not simple. In fact, during the course of our review, I have often reminded myself I would not be where I am today were it not for the courage of dissidents like Dr. King, who were spied upon by their own government. And as President, a President who looks at intelligence every morning, I also can't help but be reminded that America must be vigilant in the face of **threats**.

Fortunately, by focusing on facts and specifics rather than speculation and hypotheticals, this review process has given me -- and hopefully the American people -- some clear direction for change. And today, I can announce a series of concrete and substantial reforms that my administration intends to adopt administratively or will seek to codify with Congress.

First, I have approved a new presidential directive for our signals intelligence activities both at home and abroad. This guidance will strengthen executive branch oversight of our intelligence activities. It will ensure that **we** take into account our security requirements, but also our alliances; our trade and investment relationships, including the concerns of American companies; and our commitment to privacy and basic liberties. And **we will review decisions about intelligence priorities and sensitive targets on an annual basis so that our actions are regularly scrutinized by my senior national security team**.

Second, we will reform programs and procedures in place to provide greater transparency to our surveillance activities, and fortify the safeguards that protect the privacy of U.S. persons. Since **we** began this review, including information being released today, **we** have declassified over 40 opinions and orders of the Foreign Intelligence Surveillance Court, which provides judicial review of some of our most sensitive intelligence activities -- including the Section 702 program targeting foreign individuals overseas, and the Section 215 telephone metadata program.

And going forward, I'm directing the Director of National Intelligence, in consultation with the Attorney General, to annually review for the purposes of declassification any future opinions of the court with broad privacy implications, and to report to me and to Congress on these efforts. To ensure that the court hears a broader range of privacy perspectives, I am also calling on Congress to authorize the establishment of a panel of advocates from outside government to provide an independent voice in significant cases before the Foreign Intelligence Surveillance Court.



Third, we will provide additional protections for activities conducted under Section 702, which allows the government to intercept the communications of foreign targets overseas who have information that's important for our national security. Specifically, I am asking the Attorney General and DNI to institute reforms that place additional restrictions on government's ability to retain, search, and use in criminal cases communications between Americans and foreign citizens incidentally collected under Section 702.

Fourth, in investigating threats, the FBI also relies on what's called national security letters, which can require companies to provide specific and limited information to the government without disclosing the orders to the subject of the investigation. These are cases in which it's important that the subject of the investigation, such as a possible terrorist or spy, isn't tipped off. But we can and should be more transparent in how government uses this authority.

I have therefore directed the Attorney General to amend how we use national security letters so that this secrecy will not be indefinite, so that it will terminate within a fixed time unless the government demonstrates a real need for further secrecy. We will also enable communications providers to make public more information than ever before about the orders that they have received to provide data to the government.

This brings me to the program that has generated the most controversy these past few months -- the bulk collection of telephone records under Section 215. Let me repeat what I said when this story first broke: This program does not involve the content of phone calls, or the names of people making calls. Instead, it provides a record of phone numbers and the times and lengths of calls -- metadata that can be queried if and when we have a reasonable suspicion that a particular number is linked to a terrorist organization.

Why is this necessary? The program grew out of a desire to address a gap identified after 9/11. One of the 9/11 hijackers -- Khalid al-Mihdhar -- made a phone call from San Diego to a known al Qaeda safe-house in Yemen. NSA saw that call, but it could not see that the call was coming from an individual already in the United States. The telephone metadata program under Section 215 was designed to map the communications of terrorists so we can see who they may be in contact with as quickly as possible. And this capability could also prove valuable in a crisis. For example, if a bomb goes off in one of our cities and law enforcement is racing to determine whether a network is poised to conduct additional attacks, time is of the essence. Being able to quickly review phone connections to assess whether a network exists is critical to that effort.



In sum, the program does not involve the NSA examining the phone records of ordinary Americans. Rather, it consolidates these records into a database that the government can query if it has a specific lead -- a consolidation of phone records that the companies already retained for business purposes. The review group turned up no indication that this database has been intentionally abused. And I believe it is important that the capability that this program is designed to meet is preserved.

Having said that, I believe critics are right to point out that without proper safeguards, this type of program could be used to yield more information about our private lives, and open the door to more intrusive bulk collection programs in the future. They're also right to point out that although the telephone bulk collection program was subject to oversight by the Foreign Intelligence Surveillance Court and has been reauthorized repeatedly by Congress, it has never been subject to vigorous public debate.

For all these reasons, I believe **we need a new approach**. I am therefore ordering a transition that will end the Section 215 bulk metadata program as it currently exists, and establish a mechanism that preserves the capabilities **we need** without the government holding this bulk metadata.

This will not be simple. **The review group recommended that our current approach be replaced by one in which the providers or a third party retain the bulk records, with government accessing information as needed.** Both of these options pose difficult problems. Relying solely on the records of multiple providers, for example, could require companies to alter their procedures in ways that raise new privacy concerns. On the other hand, any third party maintaining a single, consolidated database would be carrying out what is essentially a government function but with more expense, more legal ambiguity, potentially less accountability -- all of which would have a doubtful impact on increasing public confidence that their privacy is being protected.

During the review process, some suggested that **we** may also be able to preserve the capabilities **we need** through a combination of existing authorities, better information sharing, and recent technological advances. But more work needs to be done to determine exactly how this system might work.

Because of the challenges involved, I've ordered that the transition away from the existing program will proceed in two steps. Effective immediately, we will only pursue phone calls that are two steps removed from a number associated with a terrorist organization instead of the current three. And I have directed the Attorney General to work with the Foreign Intelligence Surveillance Court so that



during this transition period, the database can be queried only after a judicial finding or in the case of a true emergency.

Next, step two, I have instructed the intelligence community and the Attorney General to use this transition period to develop options for a new approach that can match the capabilities and fill the gaps that the Section 215 program was designed to address without the government holding this metadata itself. They will report back to me with options for alternative approaches before the program comes up for reauthorization on March 28th. And during this period, I will consult with the relevant committees in Congress to seek their views, and then seek congressional authorization for the new program as needed.

Now, the reforms I'm proposing today should give the American people greater confidence that their rights are being protected, even as our intelligence and law enforcement agencies maintain the tools they need to keep us safe. And I recognize that there are additional issues that require further debate. For example, some who participated in our review, as well as some members of Congress, would like to see more sweeping reforms to the use of national security letters so that we have to go to a judge each time before issuing these requests. Here, I have concerns that we should not set a standard for terrorism investigations that is higher than those involved in investigating an ordinary crime. But I agree that greater oversight on the use of these letters may be appropriate, and I'm prepared to work with Congress on this issue.

There are also those who would like to see different changes to the FISA Court than the ones I've proposed. On all these issues, I am open to working with Congress to ensure that we build a broad consensus for how to move forward, and I'm confident that we can shape an approach that meets our security needs while upholding the civil liberties of every American.

Let me now turn to the separate set of concerns that have been raised overseas, and focus on America's approach to intelligence collection abroad. As I've indicated, the United States has unique responsibilities when it comes to intelligence collection. Our capabilities help protect not only our nation, but our friends and our allies, as well. But our efforts will only be effective if ordinary citizens in other countries have confidence that the United States respects their privacy, too. And the leaders of our close friends and allies deserve to know that if I want to know what they think about an issue, I'll pick up the phone and call them, rather than turning to surveillance. In other words, just as we balance security and privacy at home, our global leadership demands that we balance our security requirements against our need to maintain the trust and cooperation among people and leaders around the world.



For that reason, the new presidential directive that I've issued today will clearly prescribe what we do, and do not do, when it comes to our overseas surveillance. To begin with, the directive makes clear that the United States only uses signals intelligence for legitimate national security purposes, and not for the purpose of indiscriminately reviewing the emails or phone calls of ordinary folks. I've also made it clear that the United States does not collect intelligence to suppress criticism or dissent, nor do we collect intelligence to disadvantage people on the basis of their ethnicity, or race, or gender, or sexual orientation, or religious beliefs. We do not collect intelligence to provide a competitive advantage to U.S. companies or U.S. commercial sectors.

And in terms of our bulk collection of signals intelligence, U.S. intelligence agencies will only use such data to meet specific security requirements: counterintelligence, counterterrorism, counter-proliferation, cybersecurity, force protection for our troops and our allies, and combating transnational crime, including sanctions evasion.

In this directive, I have taken the unprecedented step of extending certain protections that we have for the American people to people overseas. I've directed the DNI, in consultation with the Attorney General, to develop these safeguards, which will limit the duration that we can hold personal information, while also restricting the use of this information.

The bottom line is that people around the world, regardless of their nationality, should know that the United States is not spying on ordinary people who don't threaten our national security, and that we take their privacy concerns into account in our policies and procedures. This applies to foreign leaders as well. Given the understandable attention that this issue has received, I have made clear to the intelligence community that unless there is a compelling national security purpose, we will not monitor the communications of heads of state and government of our close friends and allies. And I've instructed my national security team, as well as the intelligence community, to work with foreign counterparts to deepen our coordination and cooperation in ways that rebuild trust going forward.

Now let me be clear: Our intelligence agencies will continue to gather information about the intentions of governments -- as opposed to ordinary citizens -- around the world, in the same way that the intelligence services of every other nation does. We will not apologize simply because our services may be more effective. But heads of state and government with whom we work closely, and on whose cooperation we depend, should feel confident that we are treating them as real partners. And the changes I've ordered do just that.

Finally, to make sure that we follow through on all these reforms, I am making some important changes to how our government is organized. The State Department will designate a senior officer



to coordinate our diplomacy on issues related to technology and signals intelligence. We will appoint a senior official at the White House to implement the new privacy safeguards that I have announced today. I will devote the resources to centralize and improve the process we use to handle foreign requests for legal assistance, keeping our **high standards for privacy** while **helping foreign partners fight crime and terrorism**.

I have also asked my counselor, John Podesta, to lead a comprehensive review of big data and privacy. And this group will consist of government officials who, along with the President's Council of Advisors on Science and Technology, will reach out to privacy experts, technologists and business leaders, and look how the challenges inherent in big data are being confronted by both the public and private sectors; whether we can forge international norms on how to manage this data; and how we can continue to promote the free flow of information in ways that are consistent with both privacy and security.

For ultimately, what's at stake in this debate goes far beyond a few months of headlines, or passing tensions in our foreign policy. When you cut through the noise, what's really at stake is how we remain true to who we are in a world that is remaking itself at dizzying speed. Whether it's the ability of individuals to communicate ideas; to access information that would have once filled every great library in every country in the world; or to forge bonds with people on other sides of the globe, technology is remaking what is possible for individuals, and for institutions, and for the international order. So while the reforms that I have announced will point us in a new direction, I am mindful that more work will be needed in the future.

One thing I'm certain of: This debate will make us stronger. **And I also know that in this time of change, the United States of America will have to lead**. It may seem sometimes that America is being held to a different standard. And I'll admit the readiness of some to assume the worst motives by our government can be frustrating. No one expects China to have an open debate about their surveillance programs, or Russia to take privacy concerns of citizens in other places into account. But let's remember: **We are held to a different standard precisely because we have been at the forefront of defending personal privacy and human dignity**.

As the nation that developed the Internet, the world expects us to ensure that the digital revolution works as a tool for individual empowerment, not government control. Having faced down the dangers of totalitarianism and fascism and communism, the world expects us to stand up for the principle that every person has the right to think and write and form relationships freely -- because individual freedom is the wellspring of human progress.



Those values make us who we are. And because of the strength of our own democracy, we should not shy away from high expectations. For more than two centuries, our Constitution has weathered every type of change because we have been willing to defend it, and because we have been willing to question the actions that have been taken in its defense. Today is no different. I believe we can meet high expectations. Together, let us chart a way forward that secures the life of our nation while preserving the liberties that make our nation worth fighting for.

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Thank you. God bless you. May God bless the United States of America. (Applause.)

