



## Briefing for the Public Petitions Committee

**Petition Number:** [PE01515](#)

**Main Petitioner:** Mick Napier

**Subject:** Asylum in Scotland to Glasgow University Rector Edward Snowden

Calls on the Parliament to urge the Scottish Government to offer political asylum to Glasgow University's elected student Rector, Edward Snowden, in the event of a majority 'Yes' vote in the independence referendum in September.

### Background

Edward Snowden is a former US Government employee who worked for the United States National Security Agency (NSA) and then the CIA. After resigning from the CIA in February 2009, Snowden returned to working with the NSA as a contractor. Despite being a contractor, Snowden had top secret clearance<sup>1</sup>. He was contracted to work at a US Military base in Japan for 3 years. During this time, his disillusionment with US Government surveillance policies deepened. He explained this in an interview with the Guardian newspaper:

"I watched as Obama advanced the very policies that I thought would be reined in." Between 2009 and 2012, he says he found out just how all-consuming the NSA's surveillance activities are: "They are intent on making every conversation and every form of behaviour in the world known to them." He also realised that the mechanisms built into the US system and designed to keep the NSA in check had failed. "You can't wait around for someone else to act. I had been looking for leaders, but I realised that leadership is about being the first to act."<sup>2</sup>

In 2012, he started working as a contractor at the NSA's regional cryptological centre in Hawaii, working at one of the 13 NSA hubs devoted to spying on foreign interests, particularly the Chinese. Snowden decided to leak a large number of top secret NSA documents to journalists. After months of planning, Snowden met Guardian columnist Glenn Greenwald and the Guardian's veteran Washington correspondent Ewen MacAskill, along with a

<sup>1</sup> <http://www.theguardian.com/world/2014/feb/01/edward-snowden-intelligence-leak-nsa-contractor-extract>

<sup>2</sup> <http://www.theguardian.com/world/2014/feb/01/edward-snowden-intelligence-leak-nsa-contractor-extract>

correspondent from the New York Times in Hong Kong at the start of June 2013. In the meeting, Snowden provided Greenwald with copies of top secret material from the NSA and GCHQ – the UK’s intelligence and security organisation. The Guardian began publishing the information in 5 June 2013. According to the Guardian, the leaked documents:

“...reveal a number of mass-surveillance programs undertaken by the NSA and GCHQ. The agencies are able to access information stored by major US technology companies, often without individual warrants, as well as mass-intercepting data from the fibre-optic cables which make up the backbone of global phone and internet networks. The agencies have also worked to undermine the security standards upon which the internet, commerce and banking rely.”<sup>3</sup>

Having leaked the files to the Guardian and New York Times, Snowden sought asylum in an effort to avoid returning to the United States where he would have been arrested and charged with leaking details of its electronic surveillance programmes. He left Hong Kong and travelled to Russia, where after spending several weeks in Moscow Airport seeking a country to grant him asylum, he was finally granted temporary asylum in Russia for one year. The Russian Government’s move was received very badly by the US Government and politicians<sup>4</sup>. Snowden’s whereabouts in Russia are currently unknown.

## **Recent Developments**

Edward Snowden was installed as Rector of Glasgow University on 23 April 2014. Speaking by video link at his installation,

Snowden said:

"People have a right to know the policies of their government. We may not need to know the names and identities of every target of surveillance on every active operation, but we should know the general outlines and what the government is doing in our name, and particularly what the government is doing against us."<sup>5</sup>

In April 2014 The Guardian and US newspaper The Washington Post were jointly awarded the Pulitzer Prize – the biggest prize in US journalism – for their reporting on NSA surveillance.

According to a YouGov poll published in April 2014, public opinion tends to be in favour of the newspapers’ decision to publish the revelations, with British people calling the decision good, rather than bad, for society, by 46% to 22%. Many, however, (31%) are still unsure how they feel<sup>6</sup>. A previous YouGov poll in June 2013 found that most of the British public supported Snowden’s actions with 56% saying he was right to give information on how the US

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<sup>3</sup> <http://www.theguardian.com/world/the-nsa-files>

<sup>4</sup> <http://www.bbc.co.uk/news/world-europe-23535524>

<sup>5</sup> <http://www.bbc.co.uk/news/uk-scotland-glasgow-west-27127128>

<sup>6</sup> <http://yougov.co.uk/news/2014/04/18/reporting-nsa-revelations-good-society/>

government was monitoring telephone calls and emails to the press. Only 27% said Snowden was in the wrong<sup>7</sup>.

### **Reserved under the Scotland Act 1998**

Members will be aware that asylum issues are reserved to the UK Government and Parliament under Schedule V of the Scotland Act 1998<sup>8</sup>. The petitioner has called for the Scottish Government to grant Edward Snowden asylum in the event of a majority yes vote in the Independence Referendum in September 2014. Even if there is a yes vote, asylum issues will remain reserved to the UK Government until the date of Scottish Independence which is planned for March 2016. As a result, in the event of a yes vote, the Scottish Government would not be able to consider an application for asylum from Edward Snowden until March 2016 at the earliest.

### **Scottish Government Action**

The Scottish Government has made no public comment on this issue.

### **Scottish Parliament Action**

The Scottish Parliament has not previously discussed Edward Snowden or his decision to leak confidential US and UK Government information.

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<sup>7</sup> <http://yougov.co.uk/news/2013/06/16/edward-snowden-hero/>

<sup>8</sup> <http://www.legislation.gov.uk/ukpga/1998/46/schedule/5>