

**Edward Snowden and the Ethics of Whistleblowing**

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**Abstract:**

This case study will be discussing the 2013 Edward Snowden leaks regarding the mass surveillance programs that the NSA implemented after the 9/11 attacks. This includes a detailed examination of the events, as well as an analysis of both opposing sides through the lens of Act Utilitarianism. This paper concludes that given the ethical framework discussed, the NSA’s actions were ethically correct.

Key Words: *Edward Snowden, NSA, CIA, data, surveillance, prism, ethics, Act Utilitarianism*

In June 2013, Edward Snowden leaked classified information to the Guardian, a well-known UK-based newspaper, including documents from the Central Intelligence Agency (CIA), United States Department of Defense (DoD), and the National Security Agency (NSA). The NSA was violating the rights of US citizens to pursue the war on terrorism. Through the lens of act utilitarianism, the overall actions of the NSA can be seen as a positive effect.

Edward Snowden started working for the CIA in 2006 and later moved on to working for the NSA. During this time, he discovered that the NSA was collecting private data from American citizens in massive volumes through a program known as PRISM (Greenwald, 2013). Snowden journeyed through an ethical dilemma over the rights and wrongs of the American intelligence organizations' actions. Ultimately, Snowden decided to leak the information he discovered to the public. He sought asylum in Hong Kong first, then eventually transitioned to Moscow, where he remains today. Snowden believed what he was doing was the best ethical decision he could make, based on the information he had. He exposed to the public what was going on behind the closed curtains of the intelligence community. The NSA firmly believed that the data they were collecting was for the greater good, and the data helped protect US citizens from terrorists, both domestically and abroad.

Snowden was born into a family with a long history of political involvement. He showed both an interest and aptitude for technology. Following his unsuccessful attempt to join the US Army Special Forces instead, he started a career with the CIA. As Snowden excelled in his field, he worked as a subcontractor for Dell, working at the NSA. Once in that position, Snowden had access to various programs and technologies that the NSA and CIA used to gather intelligence. During his time as a subcontractor, he began to have doubts about the nature of these programs, "I saw something wrong. I saw, basically, the government was violating the law and what I believe to be the constitution of the United States and more broadly human rights for anyone in the United States and around the world." (Snowden, 6:10, 2019).

Following the World Trade Center attacks on September 11, 2001, the US government wrote into law The Patriot Act, which gave the executive branch of government new, unprecedented powers; including but not limited to the capability and legal power to spy on tens of millions of American citizens. Through the cooperation from telecom companies and private organizations, intelligence agencies could monitor the communications of any person believed to be a terrorist threat. "Everything they could monitor, they were monitoring" (Snowden, 6:26, 2019). Unfortunately, similar to the US government's claims of weapons of mass destruction (WMDs) in the Middle East, these threats of terrorist groups "... just didn't exist. It was all a power grab … they started doing this in secret and it was completely unconstitutional, it was completely illegal even under the very loose requirements of the Patriot Act" (Snowden, 9:22, 2019).

While this technology tracked unsuspecting Americans, there were members of the government who raised some objections, "We had one senator, Ron Wyden and ... Tom Udall ... who did object to this … but because they had security clearances and things like that – they weren't allowed to tell anybody else even if they objected to it." (Snowden, 11:02, 2019). The problem with revelations of government wrongdoing is that, historically, "the government's response to any scandal… is not to make the activities of the person who is caught breaking the law comply with the law; but instead making the activities of the person who is breaking the law, legal. They make the law comply with what the agencies want to do…" (Snowden, 1:18:40, 2019).

Snowden realized that the legal route for releasing this information would only be suppressed, so he decided on another course of action. He contacted journalists at three independent newspapers and turned over the evidence on these questionable programs. He gave strict conditions that the reporters would not use the information as a publicity event or to increase sales, but that these newspapers would "make an institutional judgement and stand behind [it]" (Snowden, 13:47, 2019).

With this in mind, he also requested that the whole archive not be publicly published, as he still believed that while some of these secrets were illegitimate, many were also legitimate secrets for any nation to maintain its national security, "...it gets back to legitimate secrets and illegitimate secrets. Some spying… is okay. But there are lines and degrees in that where it's not useful" (Snowden, 1:38:26, 2019).

In his interview with Joe Rogan, Snowden states multiple times that national security is a valid reason for government secrecy and these powers should be publicly known, "I do believe that everybody in the United States and more broadly people in the world who are having their rights violated by a government should at least have an understanding of how that is happening" (Snowden, 12:35, 2019). Snowden additionally added, "...The powers and programs, the policies that a government is asserting… Authorities that are supposed to be granted to it by us" (Snowden, 1:31:50, 2019). He also states that as a result of the powers granted by The Patriot Act, Foreign Intelligence Surveillance Act (FISA), and FISA Amendment Act, the American people "were no longer partner to government, we had simply become subject to government" (Snowden, 11:47, 2019). Additionally, he drew an unsettling connection between the American government and the public, "We the public have less say and less influence over the policy of government with each passing year. There's kind of a new class that's being created, a government class and then the public, civil class that are held to different standards of behavior" (Snowden, 12:14, 2019).

From the perspective of national security, Snowden's actions cannot be considered all positive. "The NSA has two missions, one is the Signals Intelligence mission that we've, unfortunately, read so much about in the press, the other one is the Information Assurance mission, which is to protect the national security systems of the United States" (Anderson & Ledgett, 2014). The intelligence gathered by the NSA supports the country's ability to be a significant power in the modern world. By leaking top-secret information regarding what the government was doing, Snowden weakened the national security of the United States and their reputation.

While bringing awareness to the civilian population about the operations the government is doing provides benefit to the individual citizen, the country was harmed in this leak. The data collection done by the NSA through the PRISM program was intended to prevent further terrorist attacks from happening (Anderson & Ledgett, 2014). With the exposure of the ongoing activities of the NSA, terrorists, drug traffickers, and human traffickers are more aware of the methods the government uses against them. This pushes these individuals further underground, making them more difficult to apprehend. Not only do these criminals become harder to catch, but more civilian lives become endangered. Previously preventable terrorist attacks can now slip under the radar until execution, killing numerous civilians. The Deputy Director, Mr. Ledgett, noted: "I'd say two things, one is, the reason that there hasn't been a major attack in the United States, that is not an accident. That's a lot of hard work that we have done, that other folks in the intelligence community have done, that the military has done, and that our allies around the globe have done" (Anderson & Ledgett, 2014).

Small-scale civilian attacks, terrible as they are, represent only the tip of the iceberg. Sinister people are working towards getting their hands on nuclear and biological weapons. Any country could be attacked with these weapons, throwing the world into turmoil. The scope of this threat bears the weight of the world on the intelligence committees. The Deputy Director continued, "The other thing I would say is that your idea of nuclear or chem bio threat is not at all farfetched and, in fact, there are a number of groups who have, for several years, expressed interest and desire in obtaining those capabilities and work towards that" (Anderson & Ledgett, 2014). The NSA expressed that after the Snowden leaks, they had difficulty hiring recruits. The downturn is primarily due to the negative press the NSA has received after Snowden's leaked documents (Brumfiel, 2015). Overall, the effects of the Snowden leaks have put a definitive damper on the progress towards mitigating terrorist actions while simultaneously harming the NSA's reputation in intelligence communities worldwide.

It is practically impossible to compare the NSA's violation of privacy rights with the good that came from PRISM since the alleged harm is not evident. It is practically impossible to compare the NSA's violation of privacy rights with the good that came from PRISM since the alleged harm is not evident. The NSA has prevented numerous terrorist attacks through their program, causing many lives to be saved (Fisher, 2013). The value of a human life outweighs that of the privacy rights of individuals. Nevertheless, the violation of privacy rights is capable of causing a great deal of harm. Government agencies are susceptible to having poor security on their databases, leaving them vulnerable to be attacked. A prime example of this is the 2015 election hack exposing 191 million US voting records (Brewster, 2015). Should threat actors get access to the data of millions of citizens, the damage would be immense. Individual lives could easily be ruined by malicious criminals out for material gain. While it is uncommon for these cyberattacks to lead to deaths, the loss of the quality of life for many individuals would be a devastating experience.

Snowden's leaks of the NSA's actions do not provide citizens with much good. The most significant benefit that came out of this leak is public awareness of the NSA's operations. The NSA broke the law to keep a watchful eye on its citizens to prevent terrorism. However, the negatives of the leak are damaging. With public awareness of the NSA's operations, terrorists will be more cautious to keep their operations out of sight from the NSA. This will lead to more terrorist attacks breaking through the layers of defence, causing the deaths of more innocent people.

It is challenging to precisely measure the after-effects of Snowden's leaks, even eight years after the events unfolded. The NSA broke the law, yet so did Snowden. While privacy rights are necessary and should be upheld, the lives of individuals hold a greater weight. Using act utilitarianism as an ethical framework leads to the conclusion that the actions of the NSA were pursuing the greater good. While the actions of the NSA are legally questionable, they saved lives. In contrast, while doing his best to act with what he believed to be an ethical decision, Snowden has jeopardized the lives of the US citizenry by harming the NSA's ability to counter terrorist attacks.

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