

Nicholas Steventon

Jack Skoda

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Did Edward Snowden's Actions Benefit The Greater Good?

Edward Snowden was a contractor for the NSA who worked with 3 journalists to expose the unethical and illegal surveillance programs that the NSA and GCHQ were operating. Using an act utilitarian ethical framework, I have determined that Edward Snowden did the right thing and that his actions were justified. It is important to acknowledge that his actions allegedly had serious consequences for the national security of the United States and its foreign assets, but many of these claims surrounding those consequences don't carry the burden of proof that is necessary for the severity of their claims, and even for the claims that are substantiated, the benefits of his actions for the freedom of people both in the United States and around the world outweighed the claimed damages that they caused to the national security of the United States.

The information that he revealed helped the American people, as they became aware of the systems that the government had developed to surveil them. His revelations also allowed the judicial branch of the government to access information essential for keeping the surveillance programs in check that they were previously unable to gather. Quite recently, in 2020, a federal court that one of the programs that Snowden exposed, the NSAs bulk collection of telephone call records through service providers, was illegal. "In a ruling handed down on Wednesday, the US court of appeals for the ninth circuit said the warrantless telephone dragnet that secretly collected millions of Americans' telephone records violated the Foreign Intelligence Surveillance Act and

may well have been unconstitutional” (Seven Years On). Unlike the telephone program that was just discussed, many of the other programs that Snowden revealed were legal due to the legal framework that had been established around them. Even though these other programs were legal, they were unethical, and their exposure by Snowden was in service to the people of America and the world at large due to that fact. A good example of one such program was described in an article written by the Washington Post. The article states: “Nine of 10 account holders found in a large cache of intercepted conversations, which former NSA contractor Edward Snowden provided in full to The Post, were not the intended surveillance targets but were caught in a net the agency had cast for somebody else” (Gellman et al). The article goes on to say that “The NSA treats all content intercepted incidentally from third parties as permissible to retain, store, search and distribute to its government customers” (Gellman et al). This is highly unethical, as it shows that they are able to retain and store information collected from not only their targets, which require a low standard of proof to be defined as such, but also the innocent individuals whose data was unintentionally collected as well. This means that those who don’t meet that low standard required to be considered a target by the NSA may still have their data collected and stored in the same databases that are used to store the data of terrorists and enemies of the US government. This is unethical, as it is evidence about US citizens that was collected without a warrant, and Snowden was serving the common good when he exposed it.

In addition, even if you have never done anything wrong, the data that the NSA might have collected about you could be considered incriminating. In the movie Citizenfour, which is a documentary detailing the in person meetings conducted between Edward Snowden and the journalists who published the information that he chose to expose, there is a scene where a activist named Jacob Appelbaum is discussing the current system of surveillance with members

of the Occupy movement. He tells them that the data that is collected about them “tells a story about you which is made up of facts, but is not necessarily true. So for example, just because you were on the corner and all of those data points point to it, it doesn’t mean you committed the crime” (Poitras). The data that the NSA collected on people who have not committed crimes, most of which is innocuous data such as location data from cell phone providers and payment data from their bank cards, can be used to track the location of people and as Applebaum describes, can be used to develop a story of facts about you, which may be fallacious, but which could then be used as evidence to connect you to a crime that you didn’t commit. This has not been documented as an observed occurrence, but I would argue that even without documented occurrences of misuse it is wrong to allow for a system that could be abused so easily to be operated, and that the exposure of these systems and their potential for misuse by Snowden was therefore in service of the greater good.

Although Snowden’s actions can be justified by the fact that they allowed Americans to learn about surveillance systems that were illegally and unethically spying on them and their private lives, it is important to acknowledge that some of those same programs that he exposed were also being used effectively against terrorists on foreign soil. Within the same article cited above, discussing the NSA’s interception of Internet traffic, it is mentioned that this program led the US to capture 2 dangerous terrorists. “Months of tracking communications across more than 50 alias accounts, the files show, led directly to the 2011 capture in Abbottabad of Muhammad Tahir Shahzad, a Pakistan-based bomb builder, and Umar Patek, a suspect in a 2002 terrorist bombing on the Indonesian island of Bali.” (Gellman et al) This is quite convincing, as it seems to suggest that even if the programs that Snowden exposed may have been unethical, they were effective. Although that specific program was effective, many others were much less effective, in

particular the domestic programs operated within the confines of the US and which targeted American citizens. In early 2014, the Privacy and Civil Liberties Oversight Board, appointed by President Obama to evaluate the necessity of and the possible civil rights issues with surveillance programs that the government operated at that time, released a report detailing the conclusions of their investigation into the NSA program that collected the details of every Americans phone calls, the same program mentioned in the previous paragraph that was determined to be illegal in 2020. Within their report, they stated that they had not “identified a single instance involving a threat to the United States in which the telephone records program made a concrete difference in the outcome of a counterterrorism investigation” (*Report on Telephone Records*). They went on to mention that there was one instance where the program did identify a terror suspect, but that there was “reason to believe that the FBI may have discovered him without the contribution of the NSA’s program” (*Report on Telephone Records*). This means that the program that was monitoring the phone records of every American was both unethical in the way that it used the private data of Americans and ineffective at stopping terrorism, meaning that it was both illogical and immoral to use. Even though some of the programs that Snowden exposed and in turn damaged the effectiveness of were unethical but at least useful at catching terror suspects, some of the programs were not even effective, and therefore the damage that Snowden did to that second set of programs is irrelevant, as it had no effect on our national security. The exposure of these programs was in accordance with the greater good, because although a few of them were found to have been effective in some specific cases, the amount of information being gathered on innocent Americans as was described in the previous paragraph was not justified by the lack of evidence of success at counterterrorism, the goal behind those programs.

In addition to the actual content of the information that he exposed and the effects that that information had on the security and foreign policy of the United States, another important component of Edward Snowden's story to dissect when examining whether his actions were in line with the greater good is his escape from US jurisdiction. When he first met in person with the journalists that he worked to expose the NSA's activities with, they met in Hong Kong. After their meeting concluded and when the world became aware of Snowden's involvement, he tried to flee to Ecuador, but ended up getting stuck in Russia after the US revoked his passport while he was in the Moscow airport. Some critics have claimed that his current residence in Russia and his stay in Hong Kong, over which China has control, mean that he has met with and shared intelligence with their governments. In an opinion piece written for the New Yorker by Jeffrey Toobin, Toobin mentions Snowden's travel to both Hong Kong and Russia, pointing out that "As part of Snowden's flight from American justice, he went to two of the most repressive and technologically sophisticated countries on earth. (Hong Kong is, of course, part of China.)" (Toobin). He goes on to quote a statement from Snowden about how the authorities of those countries treated him well, "'I never gave any information to either government, and they never took anything from my laptops," Snowden said" (Toobin). In response to that statement by Snowden, he says "Oh, really? Is he serious? Should anyone believe a word of this? China and Russia spend billions of dollars conducting counterintelligence against the United States. An American citizen walks into their countries bearing the keys to our most secret programs, and both—both!—China and Russia decline to take even a peek."(Toobin) This argument brings up some valid concerns, as both Russia and China have shown themselves to be willing to do whatever is necessary to get ahead in the realm of foreign espionage. These concerns seem justified, as within a report by the House Intelligence Committee, it is stated that "in June 2016,

the deputy chairman of the Russian parliament's defense and security committee asserted that "Snowden did share intelligence" with his government." (*Unauthorized Disclosures*). This seems convincing, but just to make sure that they are not misquoting the Russian member of parliament, one can check the source for that statement, an NPR article entitled "During Tenure In Russia, Edward Snowden Has Kept A Low Profile". Within that article, the following excerpt can be found, which includes the section that was cited in the report, but with some additional context. "'Let's be frank," he says. "Snowden did share intelligence. This is what security services do," adds Klintsevich. "If there's a possibility to get information, they will get it." It's a possibility that Snowden's lawyer, Ben Wizner of the ACLU, denies." (Kelly). Whereas the specific four words cited in the House Intelligence Committee seem convincing in their assertion that Snowden shared intelligence, the rest of the quote from the Russian official portray a different conclusion, as the final sentence he says "If there's a possibility to get information, they will get it" (Kelly) makes it clear that his statement about Snowden sharing intelligence is just an opinion, with no direct evidence for the claim that Snowden did in fact share intelligence. Although he is an expert in regards to the capabilities of Russia's intelligence services, that just makes his claim and its use within the House Intelligence Committee an example of the appeal to authority logical fallacy, as they use the opinion of an expert, the Russian parliament member, as evidence that Snowden did in fact share information with the Russian government, instead of providing concrete evidence that verifies that Snowden actually shared information. In addition, it seems as though they intentionally misquoted the Russian government official, as they only included the specific four words that would suit their agenda from his statement and chose not to include any of the other words from his statement which provided important context to his statement. In addition, directly after the statement by the Russian parliament member, Ben

Wizner, Snowden's lawyer, was quoted as saying "he has made clear, he didn't even bring sensitive information with him to Russia, precisely because he didn't want to be in a position where he could be coerced" (Kelly). It is quite interesting that the House Intelligence Committee chose only to quote part of the statement from the Russian member of parliament in a misleading manner, and completely ignored the next sentence that contains the opinion of Snowden's lawyer, which arguably has just as much credibility as the Russian MP's statement. It is important to understand that both the perspective of the Russian parliament member and of Snowden's lawyer are both opinions that are not directly backed up with evidence and are both equally unbelievable. This means that the statement quoted in the HIC report proves nothing, and since neither statement proves anything, the burden of proof lies on those who accuse Snowden of directly sharing information with Russia, not on him and his lawyer, the accused. Although there is no evidence of direct engagement and sharing of information with Russia, it is important to acknowledge that his disclosures to the general public potentially provided information to both Russia and China that could have dire consequences, at least according to the previously cited House Intelligence Committee report. The report states "As of June 2016, the most DoD review identified 13 high-risk issues, which are identified in the following table. Eight of the 13 relate to...[REDACTED]...capabilities of DOD; if the Russian or Chinese governments have access to this information, American troops will be at greater risk in any future conflict" (*Unauthorized Disclosures*). Although this doesn't provide proof that the Russians and the Chinese were able to acquire information that would put American troops at risk, it does say that the content of the documents that were stolen by Snowden doesn't put the possibility of them having acquired such information completely out of the realm of possibilities. Due to the fact that there is no evidence of direct engagement and sharing of information with Russia, and the lack of compelling

evidence that the documents he leaked actually provided sensitive information to the enemies of the United States, it seems as though his actions still were in line with the common good. He provided all Americans free access to information about how their government was spying on them, and although his actions did bring harm to the United States' foreign policy efforts and objectives, the outrageous claims of actual damage are not supported by evidence that is publicly available and verifiable. In addition, the claims that he shared sensitive information with the Russians apart from what he released publicly through journalists and that the information made public was detrimental to America's national security are also unsubstantiated. Therefore, I feel confident saying that the actions of Edward Snowden were in line with the idea of the greater good, and therefore his actions were justified within the act utilitarian ethical framework.

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