

# The Snowden stigma [Commentary]

By **Matthew F. Ferraro**

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**I**n the year since Edward Snowden's first leaks, the reputation of the U.S. intelligence services has taken a beating, especially by the millennial generation. After everything that's been said about the alleged malevolence of the CIA and the other agencies, many in the under-33 set wonder why anyone would want to get mixed up with them.

As a millennial who grew up on a steady diet of scandals — in business, government and even religious organizations — that shook our confidence in almost every major institution, I get it. I'm a natural skeptic, too. But when I took an intelligence job in my early 20s, I encountered a different, heartening reality. I saw agencies whose work is lawful and essential to national security and (yes) to global peace. Of course, the intelligence community isn't perfect, but in hopes of countering its negative post-Snowden stigma, let me describe some of what I found

*Intelligence can be controversial, but it is critical and constitutional.* The United States is the world's leading power, and it is far better to be powerful and knowledgeable about global threats than powerful and ignorant of them. When national leaders lack accurate intelligence, terrible things can happen from Pearl Harbor to 9/11.

But the gathering of intelligence can be discomfoting because it involves action in international relations that would be unseemly in personal relations. It often means inducing people to betray confidences or intercepting communications meant for others. I believe that careful adherence to law in the service of peace legitimizes these tactics, renders them moral and enables men and women of conscience and integrity to undertake them.

That goes for the surveillance of communications, too, even though that method is especially contentious because the Constitution's Fourth Amendment protects Americans from warrantless government eavesdropping. But press accounts of the many programs Mr. Snowden exposed have tended to gloss over the simple truth that, except in limited circumstances, the U.S. Constitution does not apply globally. Foreigners, whether Russians, Iranians, or (even) Germans, are not afforded the same privacy rights as Americans. Nor should they be. Threats can lurk anywhere, from Crimea, to Natanz, Iran to Hamburg, where several 9/11 hijackers plotted. And no foreign intelligence service affords privacy rights to Americans.

*America has unparalleled legal constraints and oversight of intelligence.* Reading the press, one could think that U.S. intelligence agencies exist in a lawless Wild West. Quite the opposite is the case. Intelligence operates within strict legal controls under the review of lawyers embedded at all levels, inspectors general, courts and Congress. This system of checks is the most extensive oversight arrangement of any on the globe, which means American intelligence agencies are legally and politically accountable in a way unique in history. Despite the scary headlines, for those engaged in intelligence, near-constant legal oversight is the day-to-day reality.

Even the much-maligned NSA program to collect the metadata of many U.S. phone records was validated by all three branches of government. Congress passed the bill that allows for it, the executive implemented it, and the judiciary approved it through the Foreign Intelligence Surveillance Act court. Other courts have so far split over challenges to the program, and there are congressional proposals to alter it, but blanket assertions that the program was undertaken without legal foundation or oversight just don't hold water.

*Leaks do real harm.* Many were surprised by some of Mr. Snowden's revelations, and some adjustments should be made, if for no other reason than to address the public's privacy concerns, even if the programs are legal. But we should not underestimate the real damage of leaks in general and Mr. Snowden's in particular. They weaken U.S. alliances, corrode public trust and paralyze some intelligence gathering. Even more so, Mr. Snowden's lionization sets a regrettable example for potential copy-cats. The fear of such imitators hurts cooperation among and within America's intelligence agencies. And the failure of collaboration was one of the signal intelligence disasters pre-9/11. When I worked in intelligence, my coworkers and I had to rely on each other not to betray our mutual trust by leaking (and negating) our efforts. I cannot imagine how much harder that kind of work would have been if we were constantly second-guessing one another's loyalty.

We have real enemies and real intelligence needs, from terrorism and cyberhacking to Russian revanchism and Iranian nuclear ambitions. That our intelligence agencies address these threats within a vibrant system of accountability is an achievement worth celebrating. Whether millennials or not, those who care about the Constitution, the rule of law and protecting American interests while promoting a better world, would find many kindred spirits within Langley's walls.

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