

Munk Debate on State Surveillance Summary

By Michael Hayden

L'affaire Snowden is big news. The relentless exposure of secrets, fed to us at regular intervals by (now awarding winning) journalists, has both captivated and outraged.

I'm outraged, of course, because I believe the public revelation of these kinds of things makes us less safe. I'm also concerned that a lot of the story has been distorted, some because of its sheer complexity, some because of an tendency to rush any story like this to the darkest corner of the room.

But let's put those two concerns aside. For the moment, at least, let's just accept without objection that legitimate secrets are now public knowledge and that discerning readers can slice through any errors or hyperbole to a core of truth about what their intelligence services are doing on their behalf.

But even with these concessions, the discussion remains distorted. Most observers are still like an audience that has entered a theater late in the third reel of a movie, watched a few minutes, and now confidently declares, "The butler did it!"

Before we condemn the butler, though, we might want to watch the earlier scenes. Who knows? They might illuminate what we think we understand of his current actions.

Take NSA's global bulk collection and use of metadata, for example. All of that started *before* 9-11, as the volume of modern communications was drowning traditional approaches to signals intelligence in a sea of ones and zeroes. Rather than fight against volume, could we make volume our friend and use the pattern of communications (not just their content) to inform decision making? The answer was yes.

Then there is the *locus* of modern communications. Gone are the isolated state run networks of the late 20th century carrying, say, the command signals of the

Soviet ICBM force. Not even the most ardent civil libertarian objected to tracking *those* signals.

But now in their place is the 21st century equivalent: terrorist, proliferator and trafficker communications coexisting with your emails and mine on a single, integrated, global communications grid. To do their mission, NSA and like organizations in other democracies have to be in this new data stream.

And some accidents of history, like where the worldwide wide web was developed, place many of these communications inside the United States. Terrorist emails between bad actors in Pakistan and Yemen routinely sit on servers in California. It shouldn't be surprising that the United States government rejects the concept that Gmail, Hotmail and Yahoo should therefore be safe havens for such correspondence.

Then there is the reality that the foreign enemy is sometimes already within the gates. The Congressional postmortem on 9-11 hammered NSA for its "cautious approach to any collection of intelligence relating to activities in the United States". The collection of American telephonic metadata is a direct response to that charge.

I understand that, even after seeing more of the movie, many might remain convinced of the butler's guilt. Fair enough. Serious people can still object to any, some or all of the above activities. I certainly have a view, but if enough people are uncomfortable, some things will stop. But let's also admit that these actions were logical responses to changing technology and changing threats, not dark plots waiting to be hatched.

Just one more thing on behalf of intelligence professionals if your comfort level demands that they pull back. They'll need your assurances that you acknowledge an inevitable fact: in making yourself more comfortable, you have also made your society less safe. You owe them that.