

Reassessing Edward Snowden

Whistleblower, Traitor, or Spy?

by Peter C. Oleson

It has been seven years since Edward Snowden flew from Hong Kong to Moscow and some of the documents he purloined from the National Security Agency were first published. In 2015, I wrote for AFIO “Assessing Edward Snowden: Whistleblower, Traitor, of Spy?”¹ concluded by questioning “[I]s Edward Snowden a whistleblower? – yes and no. A traitor? – yes. A spy? – perhaps. In the intervening years there have been many investigations, articles and books written about Snowden and the controversies he generated about surveillance activities. Perhaps it is time to reassess Snowden.

Many details of the investigations following Snowden’s flight to Russia have come to light. Many of those who knew him or were involved in the subsequent investigations (and there were many) have written or commented on aspects of Snowden’s activities and personality. He has become a cottage industry for journalists. Books across the political spectrum have either praised or excoriated him. The House Permanent Select Committee on Intelligence (HPSC(I)), then headed by Representative Devin Nunes, has published a redacted report of its investigation.

The HPSC(I) report had some important conclusions: Snowden’s provision of some 1.5 million documents to selected sympathetic journalists was “the largest and most damaging public release of classified information in US intelligence history;” that he showed a “pattern of intentional lying,” also “the public narrative popularized by Snowden and his allies is rife with falsehoods, exaggerations, and

crucial omissions...,” and mitigation of the damage he caused will cost billions of dollars.²

Was Snowden a Whistleblower?

Snowden has continued to claim that he is a whistleblower and that he attempted to bring to the attention of responsible authorities the misdeeds of NSA in conducting surveillance of US persons. But, as was revealed by the HPSC(I) investigation, Snowden took no effort, despite his claims, to report questionable activities or policies. He retained no evidence that he did. Investigations turned up no evidence of appropriate government officials receiving any. Had he followed established procedures there would be records of his complaints. What records that do exist of Snowden’s interactions with other officials, such as NSA’s Inspector General’s office, do not include any allegation of wrongdoing on the part of NSA employees or its contractors. Snowden’s claims are unsupported.³

Snowden’s revelations did result in a national debate on the propriety and constitutionality of NSA’s efforts, which had largely been kept secret. The PRISM program, which gave NSA access to American’s telephone and Internet records, did not sit well politically. One problem NSA faced was the presumption of continued wrongdoing after the earlier revelation of the STELLARWIND program by the Bush Administration following the 9/11 attacks.⁴ While NSA’s activities had been authorized by law, due to the negative political reaction Congress eventually restricted NSA’s surveillance activities in revisions to the relevant laws. It is this national debate over the limits of allowable government surveillance that Snowden and other civil libertarians use to claim his whistleblower status.

Snowden’s later claims of misbehavior by NSA employees were exaggerated. Investigations revealed that real misbehavior was limited. Former NSA deputy director, Chris Inglis, told an AFIO luncheon audience that of all the incidents of errors in NSA collection under Section 702 of the FISA Act (which the press labeled “violations” of law) most involved changes in the target requiring cessation of surveillance unless

1. *The Intelligencer, Journal of US Intelligence Studies*, Vol. 21, No. 2, Summer 2015, pp 15-22. Now on-line at https://www.afio.com/publications/OLESON_Snowden_Pages_from_AFIO_INTEL_SUMMER2015_Vol21_No2.pdf.

2. House Permanent Select Committee on Intelligence (HPSC(I)), 114th Congress, 2nd Session, *Review of the Unauthorized Disclosures of Former National Security Agency Contractor Edward Snowden*, Washington, D.C.: Government Printing Office, December 23, 2016.

3. The relevant whistleblower laws, Presidential Directive, policies and procedures are explained in my 2015 article.

4. STELLARWIND was the codename for NSA’s warrantless surveillance program that was ended in 2004 when James Comey, the acting Attorney General, determined it was not legal and refused to reauthorize it.

new authority was granted, and some 15% were unintentional errors, including typographical mistakes in record keeping. In the 12 years from 2001 to 2013, Inglis said NSA's authority was misused eleven times. Nine instances occurred overseas. All individuals were caught and punished by loss of security clearance and termination of employment. Two occurred within the US and resulted in legal proceedings.⁵

Was (is) Snowden a Spy?

Snowden's actions and how he purloined NSA's documents are illustrative of how an insider spy would operate. Barton Gellman in his recent book, *Dark Mirror*, details many of Snowden's techniques to gain access to documents and systems for which he had no authorized access.⁶ He installed "spiders"⁷ into NSA computer systems to look for key words and then he collected and downloaded onto his computer or removable thumb drives the relevant documents. He broke into specially compartmented files that contained the most sensitive information about NSA's programs and sources and methods. Through duplicity he also borrowed, stole, or forged the personal passwords of his cohorts at work. Snowden intended to steal NSA's documents and others from CIA and America's allies. He changed jobs in Hawaii, from NSA contractor Dell to Booz-Allen Hamilton, in order to gain greater access to classified materials. He "told the *South China Morning Post* that he had sought out the contract with Booz for its access to NSA documents that he wanted to expose."⁸ The HPSC(I) review noted that when Snowden moved jobs within NSA's complex in Hawaii he returned to his old desk, a twenty-minute commute away, unrelated to his new duties, to keep downloading surreptitiously documents.

If the definition of a "spy" is someone who steals secrets, then Snowden is definitely a spy.

In an interview with Snowden's former supervisor at NSA's facility in Hawaii from where Snowden fled to Hong Kong, his supervisor stated "[i]t is pretty evi-

dent to me that he had been planning this for years. I suspect perhaps back as early as 2007, 2008, when he was... in Japan."⁹

There is no public evidence of Snowden having been recruited by Russia despite a claim of one former KGB official, which apparently is unproven.¹⁰ Jack Devine, the former chief of CIA's Directorate of Operations, opined to an audience that Snowden was probably not recruited before defecting.¹¹ Snowden was probably self-recruited. One unanswered question, however, is how did Snowden travel from Hong Kong to Moscow? The US had cancelled his passport while he was still in Hong Kong. Yet Snowden, assisted by Sarah Harrison, the assistant to Wikileaks founder Julian Assange, flew to Moscow on the Russian airline Aeroflot. It is safe to assume that Aeroflot personnel were instructed to allow someone without a valid passport or visa to get on the flight. It is important to note that by this time Wikileaks had transformed into a front for Russian propaganda. Getting Snowden, of course, would be a coup for the Russian intelligence services. It remains to be revealed what role they played in Hong Kong. *Izvestia* reported that upon his arrival in Moscow Snowden was escorted off in a "special operation" and put up in a Federal Security Service (FSB) controlled facility at the airport.¹² He was expected. Snowden falsely claims he was trapped in Russia by the US Government's action. But he was in Hong Kong when his passport was revoked, not in route or in Russia.

Is Snowden a Traitor?

Ironically, Snowden, in fact, is trapped in Russia. He cannot leave without risking arrest and extradition to the US.¹³

5. Inglis did not detail what the legal proceedings were. Luncheon address to AFIO members, Tysons Corner, VA. May 8, 2015. Author's notes.

6. Barton Gellman. *Dark Mirror: Edward Snowden and the American Surveillance State*. New York: Penguin Press, 2020. Gellman was the *Washington Post* reporter who reported extensively on the documents that Snowden provided him and other journalists. See the review of *Dark Mirror* in *The Intelligence*, Vol. 26, No. 1, p 115. Review available (with other reviews) here: https://www.afio.com/publications/OLESON_Book_Reviews_from_AFIO_Vol26_No1_INTEL_Fall_2020.pdf.

7. A "spider" is a program that searches for and collects webpages or documents automatically. It is used by search engines, such as Google and Yahoo. Spiders are also known as "webcrawlers."

8. Gellman, p. 84.

9. Suzanne Kelly, "An Exclusive, Personal Chat with Edward Snowden's Former Boss," *The Cipher Brief*, August 17, 2020. <https://www.thecipherbrief.com/video-daily-brief/exclusive-snowdens-former-boss-talks-to-the-cipher-brief-about-access-betrayal-and-insider-threats>.

10. Nigel Nelson, "Edward Snowden was targeted by Russian spies 6 years BEFORE he exposed US secrets," *The Daily Mirror*, June 7, 2014. <https://www.mirror.co.uk/news/world-news/edward-snowden-targeted-russian-spies-3659815>. Ex-KGB Major Boris Karpichkov, who defected to the UK in 1998, told the tabloid *Daily Mirror* that the SVR had a recruitment dossier on Snowden, having identified him in Geneva and noted his postings on *Ars Technica* as a possible defector.

11. Address to the symposium of the International Association for Intelligence Education (IAFIE), July 16, 2014, at Mercyhurst College. Author's notes.

12. Edward Jay Epstein, "The Fable of Edward Snowden," *Wall Street Journal*, December 30, 2016.

13. Snowden has been charged with three criminal violations: theft of government property, and two offenses under the espionage statutes, specifically giving national defense information to an unauthorized person 18 USC 793(d) and revealing classified information about "communications intelligence." 18 USC 798(a)3.

Snowden has repeatedly claimed that he has provided no classified information to Russia. He told Gellman that he did not bring the computers or hard drives he had in Hong Kong to Moscow. So, what happened to them? Who has them? Snowden has claimed both that his encryption of their contents prevents their exploitation and that he destroyed the material before he left Hong Kong. Further, he claims only Laura Poitras and Glenn Greenwald have copies of the documents he took. However, Edward Jay Epstein, in his *Wall Street Journal* article, writes about Snowden's lawyer, Anatoly Kucherena, who gave an interview to Sophie Shevardnadze of *Russia Today* on September 23, 2013. "Mr. Kucherena said Mr. Snowden had only given 'some' of the NSA's documents in his possession to journalists in Hong Kong. 'So, he [Mr. Snowden] does have some materials that haven't been made public yet?' Ms. Shevardnadze asked. 'Certainly,' Mr. Kucherena answered." Kucherena later confirmed to Epstein that Snowden brought classified materials to Moscow.¹⁴ In June 2016, the "deputy chairman of the Russian parliament's defense and security committee publicly conceded that 'Snowden did share intelligence' with his government."¹⁵

Regardless of what Snowden has said, or has done, it is most likely that the documents he brought to Hong Kong are in the hands of foreign intelligence services. Gellman in his book describes the lengths to which he and the *Washington Post* went to secure his information. But Gellman also noted that he did not believe that Glenn Greenwald was as security conscious or capable. Gellman tells of a luncheon conversation he had with Richard Ledgett, who headed NSA's investigation of the Snowden leaks and was later the agency's deputy director. Ledgett told Gellman to assume his information had been compromised.

My take is, whatever you guys had was pretty immediately in the hands of any foreign intelligence service that wanted it. Whether it was Russian, Chinese, French, the Israelis, the Brits. Between you, Poitras, and Greenwald, pretty sure you guys can't stand up to a full-fledged nation-state attempt to exploit your IT. To include not just remote stuff, but hands on, sneak-into-your-house-at-night kind of stuff. That's my guess.¹⁶

Snowden has clearly become, whether willing or not, an agent of influence for the Kremlin. He is used for Russian propaganda that attacks the US and its allies as part of the Kremlin's chaos campaign to

spread discontent in the West. While Snowden claims that he subsists on Bitcoin donations¹⁷ from supporters and acts independently and has no contact with the Russian intelligence services, these claims ring false. His lawyer, Anatoly Kucherena, is a Putin ally and member of an advisory board for the FSB. There are many questions about his residency in Russia that he does not answer. Who pays the rent for his apartment? How is it he has access to international communications to participate in symposia? Who provides the translation services for some of these? Mark Kelton, who led CIA's investigation into Snowden, points out that the Russian intelligence services "deal in *quid pro quo*."¹⁸ Snowden is a prisoner – of his own making. As such, in Russia, that is largely controlled by the security services, he has little choice but to be a puppet.

Snowden — The Person

Gellman did not meet Snowden in Hong Kong when he first fled Hawaii. Laura Poitras, Glenn Greenwald, and Ewen MacAskill of *The Guardian*, and later Wikileaks' Sarah Harrison, were those who initially interviewed Snowden. However, Gellman twice traveled to Moscow to interview Snowden. In his book Gellman writes "Snowden is a complicated figure... He can be fine company: funny and profane, an autodidact with a nimble mind and eclectic interests. He can also be stubborn, self-important, and a scold." And Gellman admits that Snowden was not always honest with him. He exaggerated his experiences and "valued his own judgment over the rules."¹⁹

Author Edward Jay Epstein noted "nearly every element of the narrative Mr. Snowden has provided, which reached its final iteration in Oliver Stone's 2016 movie, *Snowden*, is demonstrably false."²⁰

One of Snowden's great exaggerations was that he could eavesdrop on the president. Former NSA deputy director, Chris Inglis, labeled Snowden's comment as "absolutely wrong."²¹ Snowden repeatedly claimed holding higher positions than he did, inflating his application forms for jobs. He falsely claimed academic credentials he never earned, including a high school diploma.

Snowden constantly had problems in the workplace. The HPSC(I) report details many of these. The

17. Gellman, p. 254.

18. Mark Kelton, "Snowden's Real 'Permanent Record,'" *The Cipher Brief*, January 7, 2020. <https://www.thecipherbrief.com/column/book-review/snowdens-real-permanent-record>.

19. Gellman, p. xiii, p. 324-5, and p. 34.

20. Epstein, WSJ.

21. Inglis, AFIO luncheon, May 8, 2015.

14. Epstein, WSJ.

15. House Permanent Select Committee on Intelligence Review, p. i-ii.

16. Gellman, p. 241.

pattern he exhibited was to escalate disagreements, often alienating his supervisors. He exhibited this behavior while employed at the University of Maryland, as a CIA employee, and as an NSA contractor. He was reprimanded numerous times for his behavior.

Clearly, Snowden was a disgruntled employee wherever he worked. He believed he knew more than his cohorts or management hierarchy. Three months after joining CIA as an IT technician, Snowden complained to the Inspector General of “being unfairly targeted” by his supervisors. He was counseled multiple times.²² The same occurred when Snowden was in Geneva and when employed by Dell. His former NSA supervisor commented:

“I am confident, based upon the things he said, and in the reports that have come out... in his interviews, that he never understood the PRISM program or the other programs... that have been revealed. He never understood the protections around them: What type of data was in there, how we use that data, how the Agency governed that data. I think there was a lot of ignorance there in that regard, so I always found it a bit disingenuous when he comes out and kind of portrays himself as an expert on these programs, when he never actually had access to them and really didn’t have the data and never really played around with them.”²³

What is clear is that Snowden exhibits extreme hubris. Mark Lowenthal, a former intelligence community and congressional official wrote “...[T]here remains something remarkable if not shocking for a thirty-year-old... to believe that he has a clearer sense of the propriety and legality of certain intelligence programs than does the Congress and President of the United States. It [was] an act of astounding hubris.”²⁴ Jack Devine was more blunt: Snowden is a psychopath.²⁵ Confident in his own judgment of right and wrong, Snowden told Gellman that “I felt that I had an obligation to act.”²⁶

Impact of Snowden’s Revelations

General Martin Dempsey, the Chairman of the Joint Chiefs of Staff testified before the House Armed Service Committee that most of the approximately 1.5 million documents that Snowden downloaded and took with him were related to military secrets, not

domestic surveillance.²⁷ In a luncheon talk to AFIO members on February 1, 2019, David Major, former FBI representative to the National Security Council, stated that the vast majority of compromised information was related to NSA’s efforts around the world against legitimate intelligence targets, not within the US. Snowden compromised a great deal of the US’s SIGINT capabilities.²⁸

In a 2014 interview with *Vanity Fair*, Richard Ledgett, the NSA executive who headed the damage assessment team, described one lengthy document taken by Mr. Snowden that, if it fell into the wrong hands, would provide a “road map” to what targets abroad the NSA was, and was not, covering. The HPSC(I) review stated that Snowden revealed the identities of “thousands of Intelligence Community employees and contractors.”²⁹ It is revealing to note that most of the damage assessment section of the HPSC(I) report was redacted, suggesting that the damage was (and is) severe and continuing.

Mark Kelton wrote that Snowden likewise probably has blood on his hands by virtue of his revelations of programs crucial to U.S. and UK counterterrorism efforts.³⁰

And the damage from Snowden’s revelations have not ceased. Long after Snowden’s flight to Russia, AP reports that *The Intercept*, an investigative publication for which Glenn Greenwald was an editor, and which has access to Snowden documents, has published stories on a “mass surveillance program run by close U.S. ally Japan and on how the NSA targeted bitcoin users to gather intelligence to support counterterrorism and to combat narcotics and money laundering.”³¹ “Speaking in 2018, Director of the National Counterintelligence and Security Center (NCSC), Bill Evanina, stated that over the preceding year there had been ‘more international, Snowden-related documents and breaches than ever.’” “Moreover, Evanina judged, ‘we don’t see this issue ending anytime soon’ as only about one percent of the material taken by Snowden had appeared in public.” Evanina said intelligence agencies are finishing their seventh classified assessment of the damage.³²

22. House Permanent Select Committee on Intelligence Review.

23. Kelly, *The Cipher Brief*, August 17, 2020.

24. Mark Lowenthal, *The Future of Intelligence*, Cambridge, UK: Polity Press, 2018, p. 96.

25. Devine, IAFIE, July 16, 2014.

26. Gellman, p. 304.

27. CJCS House Armed Services Committee testimony, March 6, 2014.

28. AFIO tape recording of luncheon talk.

29. House Permanent Select Committee on Intelligence Review.

30. Kelton, *The Cipher Brief*.

31. Deb Riechmann, “Cost of Snowden Leak Still Mounting 5 Years Later, AP June 4, 2018. <https://www.fifthdomain.com/critical-infrastructure/2018/06/04/costs-of-snowden-leak-still-mounting-5-years-later/>.

32. Kelton, *The Cipher Brief*.

Conclusion

Snowden has become an iconic figure for some who are focused only on perceived US Government misbehavior. They exhibit a confirmation bias, already believing in the worst of the government. Regardless of the damage done by Snowden these “true believers” will always consider Snowden to be a whistleblower. There is no convincing them otherwise.

Snowden will continue to portray himself as a persecuted dissenter, claiming that he cannot get a fair trial if he returns to the US.³³ His fleeing to Russia to avoid the consequences of his actions speaks far louder than his words.

So, is Snowden a whistleblower, traitor or spy? As Mark Kelton concludes, his actions are those of a zealot, not a whistleblower.³⁴ But he is especially both a traitor and a spy.

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The opinions expressed here are his own.

Note: This article was written before Edward Snowden applied for Russian citizenship.

33. Snowden expressed this in a live online chat on *The Guardian's* website, June 17, 2013.

34. Kelton, *The Cipher Brief*.