

SURVEILLANCE LOGIC: SNOWDEN IS BAD BECAUSE AQAP CONFERENCE CALL LEAK WAS

McClatchy did an interview with former national security official Ken Wainstein. He focuses on leaks, explaining how sometimes the “good leaks” don’t get prosecuted and admitting that overclassification is a problem.

But in response to McClatchy’s suggestion that Edward Snowden’s leaks are good, Wainstein responds in a bizarre fashion – by bringing up an entirely different leak.

Q: Do you weigh the public’s interest in the information that was leaked and whether it served the public good? For example, would you weigh whether Snowden’s actions triggered a broader debate about classified programs that the public should have known more about?

A: I think prosecutors would look at the intent of the leaker and what that person was intending to do.

But you wouldn’t have consensus that (the Snowden leak) was the best way to bring about this debate and that there hasn’t been damage. Just last week, for example, there was talk about how al Qaeda has shut down some of its communications because of a leak. I wouldn’t say it’s a given that it’s in the public interest that these disclosures are out there.

Wainstein’s talking, of course, of the NYT report that the public reports about the AQAP conference call story caused the terrorists to

start using other communication methods.

But there are several problems with his claim. First, as I've pointed out, there's a significant likelihood the leak in question came from AQAP sympathizers in the Yemeni government; in any case the leak was sourced to a broadly known fact in Yemen, not the US.

More importantly, the entire point of the story was that that AQAP leak had done more damage than all of Edward Snowden's leaks. In fact, when criticized for the story, NYT's editor pointed to that comparative fact as the entire point of the story.

He also said that many of the critics of the story "are missing part of the news here – that Snowden has not given away the store" in terms of harming national security or counterterrorism efforts.

The article, Mr. Hamilton said, "told an important and surprising story given the focus on Edward Snowden and the N.S.A. leaks. It had the kind of detail about terrorist operations that only reporters with long experience in national security coverage – and sources they can trust – can uncover."

In other words, in response to a suggestion that Snowden's leak did more harm than good, Wainstein points to a story that, even if the emphasis was wrong, pointed out that Snowden hadn't done much damage.

Maybe Wainstein brought it up to suggest that McClatchy had better watch out; the AQAP story was also a McClatchy story. He'd be better off thanking McClatchy for making it clear someone in Yemen doesn't keep our secrets very well.

But I guess that would ruin his entire scold about Edward Snowden.