

THE SOURCE OF THE INTELLIGENCE LEGITIMACY PROBLEM

Ben Wittes went to a secret meeting on “Intelligence Challenges” and came away with the realization that even as we are more reliant on intelligence, the public has grown more skeptical of the government’s use of it.

And from the beginning of the day, one theme has arisen repeatedly: call it the “intelligence legitimacy paradox.”

The paradox, about which more than one speakers has wrung his or her hands, is that the threat environment America faces is growing ever more complicated and multifaceted, and the ability to meet it is growing ever-more-deeply dependent on first-rate intelligence. Yet at precisely the same time, the public has grown deeply anxious about our intelligence authorities and our intelligence community is facing a profound crisis of legitimacy over its basic authorities to collect.

The explanation for the paradox, I think, is simple: technology. The core reason the American threat environment is so complicated is the spread of technology. It’s what gives rise to global terrorist groups, to cyber threats, and it’s what allows relatively weak nations to play in the big leagues of international power politics. But at the same time, technological change is also the fundamental reason for the intelligence legitimacy crisis. The more ubiquitously communications technology spreads and the more integrated it all becomes globally, after all, the more that surveillance of the bad guys—in all their complexity—requires the

intelligence community to
surveil systems that we all use every
day too.

Curiously, Ben doesn't consider some other far more likely possibilities, all of which I suspect are at least as important:

- The government trumped up a war on false intelligence. The war killed hundreds of thousands, badly exacerbating the terrorist threat in front of us, and bankrupted our country.
- The government chooses to apply "intelligence" to some problems – terrorists and cybertheft of defense contractors and crafting trade deals that send more manufacturing jobs overseas – but not to others – finding and holding accountable the people who ruined our economy. Intelligence no longer serves the average person's interests, and at times serves interests very much opposed to the average person.
- The intelligence community's excessive secrecy, punctured by exposure that shows the secrets weren't really all that secret and in fact were kept secret largely because

the average person might object, discredit it. So too does the hypocrisy exposed when those secrets come out. So too does the government's use of secrecy to gain an advantage when litigating against its citizens.

Technology may have contributed to the way these things delegitimized intelligence, because it made it easier to demonstrate the lies behind the Iraq War, the corruption of the press, the unwillingness to take on more pressing threats to the average person, the hypocrisy behind the secrecy of power.

And technology may make the threats the government deigns to fight more effective.

But underlying it, the legitimacy problems are more primary. They are earned by the intelligence community, not created by the technology it faces. They are exacerbated by an increasing distance between the intelligence world – those select with clearance – and the people they very distantly claim to serve.

Sure, it might be easier for the government to fight these threats if it hadn't already squandered its legitimacy. But it squandered it in ways that are unrelated to technology.