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National Security

Paul Lashmar

Introduction

"What's the cadet motto at West Point? You will not lie, cheat, or steal, or tolerate those who do. I was the CIA director. We lied, we cheated, we stole.."

Former CIA Director Mike Pompeo — Texas A&M University (April 15, 2019)

Hidden behind a veil of secrecy, intelligence agencies can be a force for public good or bad. In authoritarian nations they can protect or even install dictators. Consider, for instance, the assassination operations against critics of President Putin by the Russian secret service agency, the GRU.[1] This chapter though, mainly focuses on the relationship between the intelligence agencies and the news media in Anglophone democratic countries, where the secret services should play a vital role in protecting the state from non-democratic change.

Since the emergence of Islamist terrorism in the 21st century, and the globe-wide counter-terrorism offensive, the attrition on civil liberties in many nations has been high. The threat to those countries posed by terrorism has been high also. For example, by November 2019, the British security services were conducting a staggering 800 'live' terrorism investigations (Casciani, 2019).[2] *The Guardian's* former national security reporter Richard Norton-Taylor sagely warns: "We may need the security and intelligence agencies more than ever. But more

[1] These have been revealed, not least, thanks to the work of the Bellingcat Investigative Collective.
[2] And had foiled 24 Islamist plots since March 2017

than ever we need to know that they are not abusing their ever-increasing power.' (Norton – Taylor, 2020, p. xiii)

As Mike Pompeo's words above make clear, the way intelligence agencies work, as we shall see, is not always ethical and that is a reason why journalists have a duty to monitor the national security apparatus. The news media monitor for betrayal, wrongdoing and incompetence, for which there is no shortage of historical evidence.[3] Thirty years before Pompeo's speech, academics Hulnick and Mattausch portrayed the CIA's *modus operandi* in similar terms:

> Professional standards require intelligence professionals to lie, hide information or use covert tactics to protect their 'cover,' access, sources, and responsibilities. The Central Intelligence Agency expects, teaches, encourages and controls these tactics so that the lies are consistent and supported ('backstopped'). The CIA expects intelligence officers to teach others to lie, deceive, steal, launder money, and perform a variety of other activities that would certainly be illegal if practiced in the United States. They call these tactics 'tradecraft.' And intelligence officers practice them in all the world's intelligence services. (Hulnick & Mattausch, 1989, pp 520–521)

There is little reason not to think that British spies have demonstrated a similar operational ethos to Pompeo's CIA and other national secret services over the years. Since the advent of the modern intelligence services in the UK in 1909 they have from time-to-time ignored basic democratic principles, especially in the British colonies, where torture, rape and murder were part of their repertoire against nationalist uprisings (see Lashmar and Oliver, 1998; Cobain, 2012).

[3] Mike Pompeo later became President Trump's Secretary of State.

Intelligence agencies, cloaked in a culture of secrecy, are the most challenging organs of the state on which the news media can shine their Fourth Estate spotlight. Norton-Taylor observes:

> The role of the media in a struggle that goes to the heart of parliamentary democracy is crucial, given the reluctance of MPs to subject intelligence agencies to effective scrutiny. Well aware of the potential influence of the media, these agencies, MI6 in particular, seduce or smear journalists, give heavy spin to news events and even plant false stories in the media. (2020, 2)

With the exception of 'the eavesdroppers', the Government Communications Headquarters, UK agencies do not have press offices, and GCHQ's is mainly for community liaison. In the US, media access is more accepted but varies across the seventeen or so intelligence agencies. Journalists from Canada, Australia, and New Zealand, experienced in covering national security, have told me that media access is restricted, difficult, and sometimes tense in their countries, unless you play the agencies' game.

Former current affairs TV Producer and now intelligence academic, Kenneth Payne, notes that covering national security for the mainstream media draws in what he defines as the "access," the "clippings," and the "investigative" journalists.[4] (Lashmar, 2018b) The access journalists are those for whom national security is their specialism, or 'beat'. In the UK most major news organizations have one or two reporters who are "accredited" and have mutually authorized contact with intelligence organizations. Norton-Taylor observes that this encourages only positive rather than objective coverage, 'Too many journalists persuaded

[4] Academic Profile for Kenneth Payne: https://www.kcl.ac.uk/people/payne-dr-kenneth

themselves that questioning what these sources tell then will end their "special access"' (2020, 2).

In Payne's second category, when a major story involving national security breaks, an inflow of general reporters may cover the story, making the best contacts they can in the moment and using the "cuttings" library for content. But it's the third category that is the most significant, as the revelatory public interest stories about national security are predominately produced by investigative journalists. The world of intelligence has been encapsulated as a 'wilderness of mirrors' needing considerable expertise to locate the truth of any story. Highly experienced investigative journalists' skill bases of nurturing inside sources, handling whistle-blowers, procuring leaks and grasp of law are a good fit for this demanding task. The current generation of these reporters tend to be comfortable with data journalism, know how to handle high standards of data security and are wired into supportive international journalism networks.

Historical context

The acceptance in the news media that questioning intelligence agencies is part of the Fourth Estate role is a relatively recent phenomenon. The first generation of post-World War Two journalists saw it as wise not to be critical of their own nation's spies (see Lashmar and Oliver, 1998; Knightley, 2006; Moran 2013). Many journalists had worked in intelligence during the Second World War and had close ties (see Lashmar, 2015 and 2018a). Intelligence historian Richard Aldrich proposes that it was not until the early 1960s that the 'era of exposure' began after a series of scandals. He cites critical coverage of the U2 spy plane incident in 1960, the disastrous Bay of Pigs invasion in 1961, the Vassall spy case in 1962 and the Profumo Affair in 1963 (Aldrich, 2001, p. 607).

The UK media slowly began to take a more robust approach after the intelligence agencies suffered reputational damage as a result of the gradual exposure of the Cambridge Spy Ring process that started in the 1950s but took many years. This handful of Cambridge University graduates, apparently paid up members of the British establishment but in reality Soviet agents, had inveigled their way into Britain's intelligence services. (Boyle, 1979) The gullibility of the British establishment's 'old boys' network' was beyond embarrassing and the spy ring had caused the death of many agents and the loss of many important national secrets before it was exposed.

Aldrich describes the subsequent, more aggressive reporting by the news media of the agencies as 'regulation by revelation'.

> Thereafter, during the last two decades of the Cold War, other journalists developed a counter-culture of revelation, focusing the spotlight of investigative journalism upon what they considered to be governmental miscreants. Yet even where the relationship was prickly, there remained an underlying appreciation that journalism and espionage were cognate activities and shared common professional ethics, including the diligent protection of sources. (2009, pp. 13-14)

The cultural breakthrough came with the Californian based monthly publication *Ramparts,* one of the first of a new breed of radical 'underground' magazines that would spring up across the United States in the 1960s. Faced with the futility of the Vietnam War, they ignored the mainstream media's 'sacred cows' an unspoken consensus such as not criticising intelligence agencies when they failed. The *Ramparts* office was situated in Menlo Park near San Francisco and with its Editor, Warren Hinckle increasingly drawn to the embryonic counterculture, the magazine engaged with radical politics and begun taking an interest in the CIA as early as 1966. *Ramparts'* journalists had been alerted to a covert CIA operation by the

scientist, Stanley K. Sheinbaum. In the 1950s he had coordinated a development project for South Vietnam called the Michigan State University Vietnam Advisory Group (MSUG). This project had been secretly financed and used as a cover by the CIA including to train the Saigon police force and to write the South Vietnamese constitution. Published in April 1966, the investigation caused enough reaction for *Ramparts* to achieve a George Polk Award for Magazine Reporting (Richardson, 2009).

On 14th February 1967 the *New York Times* ran a front page story headlined, "A student group concedes it took funds from the CIA". The story was by-lined Neil Sheehan, one of the paper's first investigative reporters. In a joint publication with *Ramparts* which exposed how, for many years, the CIA had sponsored the National Student Association (ibid). It was becoming clear that the CIA was far exceeding its democratic mandate.

The ensuing period saw the mainstream media led by the *Washington Post* and *New York Times*, spurred on by the radical press, challenging a corrupted government and the deep state. As revelations poured out about the deep state, it all built up to the Watergate scandal, which was to force the American President, Richard Nixon, to resign. It was a signal moment, not only in American history but for the history of investigative journalism, best encapsulated in the movie, "All the President's Men" (1976)'

In the UK extensive illegal and politically partisan operations by the intelligence services were revealed more gradually. Perhaps the most important breakthrough was the detailed 1967 *Sunday Times* coverage of MI6's Kim Philby, a key figure in the Cambridge Spy ring. Historian Richard Aldrich noted that Whitehall's attempts to control the Philby story failed.

> The *Sunday Times* had ignored a D-Notice placed on the story. It also resisted efforts by Dennis Greenhill of the Foreign Office to persuade the editors to print unflattering material about the KGB alongside the Philby material. It is hard to recapture the sense

> of shock and outrage felt by some members of the establishment at the public parading of these secrets.[5] (Aldrich, 2004, p. 945)

In the new climate the agencies were seen as fair game for exposure and the controversial eavesdropping activities of the GCHQ were revealed, most notably by the investigative journalists Duncan Campbell and Mark Hosenball (1976). British intelligence was shown to have been involved in many coups from Iraq to Indonesia, often with unintended and unfortunate consequences (Lashmar and Oliver, 1998, pp. 1-10).

I have argued that the introduction of accountability and oversight bodies post-Watergate looks good, but their record of efficacy has been poor, tending to be reactive rather than proactive (Lashmar, 2020, pp. 239-245). The intelligence academic, Peter Gill observed that the growth of oversight was progress but not proactive:

> But we have learnt of highly controversial policies such as rendition and torture and mass communication surveillance not from these formal institutional mechanisms of oversight in the UK; rather they have come as a result of whistle-blowers, legal action and investigative journalists. (2013, p. 3)

Investigative Journalists continued to monitor the agencies sometimes assisted by whistle-blowers or inside sources. As Neal Ascherson has commented:

> The list of known names of government employees who for moral and patriotic reasons have broken their duty of silence - and often their pledge under the Official Secrets Act – is impressive. Some would call it a roll of honour. From recent years it would include Clive Ponting, Cathy Massiter, Sarah Tisdall and Katherine Gun. (Ascherson, 2020)

[5] Even to this day we do not know the full scale of Philby's perfidy as a Soviet agent.

Edward Snowden

Since the second edition of this book was published by far the biggest national security story has been the leak of a huge tranche of National Security Agency (NSA) documents by Edward Snowden.[6] Snowden had been hired by an NSA contractor, Booz Allen Hamilton. By mid-2013 he was so disillusioned with the extent of global surveillance he had found at NSA, that he established contact with Glen Greenwald, then of *The Guardian*, a journalist who had undertaken investigations. On 20 May that year, Snowden flew to Hong Kong after leaving the NSA base in Hawaii, and in early June he made the documents available, initially to a small group of journalists including Greenwald, filmmaker Laura Poitras and investigative reporters of Ewen MacAskill *(The Guardian*) and Barton Gellman (*Washington Post).*

Revelations from Snowden's leaked documents were splashed by media outlets worldwide, including *The Guardian* (Britain), *Der Spiegel* (Germany), The *Washington Post* and the *New York Times* (US), *O Globo* (Brazil), *Le Monde* (France), and news outlets, not least in Sweden, Canada, Italy, Netherlands, Norway, Spain and Australia. These articles revealed details of a global surveillance apparatus jointly run by the Five Eyes network in close cooperation with their commercial and international partners with scant regard to the applicable laws.[7]

Snowden stated: 'My sole motive is to inform the public as to that which is done in their name and that which is done against them.' He revealed that the agencies have secretly negotiated for 'backdoors' in the security of computer programmes, social networking sites, websites and smartphones. The largest GCHQ spying program — TEMPORA — and the

[6] The National Security Agency is the US equivalent of GCHQ but vastly larger.
[7] The Five Eyes is a partnership of the eavesdropping organisations of Australia (ASD), United Kingdom (GCHQ), United States (NSA), Canada (CSEC), and New Zealand (SIS).

NSA's PRISM, showed 'their extraordinary capability to hoover up and store personal emails, voice contact, social networking activity and even internet searches'. (Hopkins & Harding, 2013)

An Australian journalist who had also worked in government, Phillip Dorling told me, 'Edward Snowden's revelations about the mass acquisition of telecommunications data and bulk interception of internet traffic by the US National Security Agency provide a salutary warning of how technological change has developed the architecture for a surveillance state.' (Lashmar, 2017, p. 12)

According to the Snowden documents, GCHQ scooped up e-mails from journalists working for major media outlets. GCHQ had listed investigative journalists as a threat alongside terrorists and hackers (ibid). Journalists were targeted and Germany's *Der Spiegel* reported that the NSA had intercepted, read and analysed internal communications at Al Jazeera which had been encrypted by the news organisation (*Der Spiegel* 2013).

The counter-attack

The reaction to publication of the Snowden documents was frequently hostile and particularly so in the UK. *The Guardian* was condemned not only by government, politicians and the agencies but also by some of the British media, notably the *Daily Mail*. Sir John Sawers, then head of MI6, appearing in front of a parliamentary committee in November 2013, addressed the impact of the Snowden revelations by questioning the qualifications of journalists and senior editorial staff in deciding what can be published.

> I'm not sure the journalists managing these publications are particularly well placed to make that judgement [...] What I can tell you is that the leaks from Snowden have

> been very damaging, they have put our operations at risk. It is clear our adversaries are rubbing their hands with glee, al Qaeda is lapping it up (Marszal, 2013).

The UK Government and the Prime Minister, David Cameron, lambasted *The Guardian*, while maintaining that the UK's intelligence agencies were fully accountable:

> So we have a choice, do we maintain properly funded, properly governed intelligence and security services, which will gather intelligence on these people, using all of the modern techniques to make sure that we can get ahead of them and stop them, or do we stop doing that? What Snowden is doing and to an extent what the newspapers are doing in helping him is frankly signalling to people who mean to do us harm, how to evade and avoid intelligence and surveillance and other techniques (Hope and Waterfield, 2013).

My research into the leak suggests that journalists who wrote the Snowden articles acted responsibly, and concentrated on material that demonstrated the extent of mass surveillance and other areas where the legitimacy was seriously in doubt (Lashmar, 2017). *The Guardian* editor, Alan Rusbridger, had told a UK parliamentary committee that the paper consulted with government officials and intelligence agencies, including GCHQ, the White House and the Cabinet Office, on more than one hundred occasions before publication (Rusbridger, 2013). No documents from active anti-terrorist operations were published. (Lashmar 2020, p.226)

Impact on Journalism

Snowden's revelations were to have significant impact on the practice of investigative journalism. Realising that the Five Eyes had the technology to snoop on journalists and their sources, a major revaluation of journalism tradecraft began. I published two papers on

changes to tradecraft for which I interviewed investigative journalists and academics from the Five Eyes nations. One paper was researched six months after Snowden went public and the other four years later. (Lashmar, 2017 & 2018)

When it came to protecting their sources the interviewees' reaction to changing procedures was mixed. The Canadian investigative reporter David Seglins, for example, said that working with and reading the Snowden documents had fundamentally changed his understanding of operational security as a journalist.

> Everything from storage of documents to the use of encryption, encrypted communication, encrypted data storage, to how our mobile devices are potential listening devices and how that affects a journalist's ability to travel to places, meet sources, have discussions with absolute certainty we are not being recorded or monitored or tracked. (Lashmar, 2018b)

Encryption has become a regular tool. Scott Shane then of the *New York Times* said he now uses encrypted email. Some reporters had stepped up using PGP and TOR. Some also use encrypted phone apps:

> One of the things that has changed since we last talked is the proliferation of encryption communication apps. Many of us have run through the various ones, Silent Circle, What's App, Signal, so there is an increasing availability of encrypted communications. I'm certainly more aware of what I am putting into a storable electronic record. (ibid)

Some interviewees now include the PGP key and other encryption contact information into their email or social media addresses. Australian *ABC* journalist Dylan Welch said he emphasised to potential sources that *ABC* are serious about source protection. Since Snowden

it has been hard for journalists to monitor the agencies to find out what is really going on in national security. In each of the Five Eyes nations (and many others) new and much more draconian laws have been passed to stop journalists, sources and whistle-blowers reporting on intelligence (ibid, Chapter XX).

Spy Cops

There are still disturbing historical cases of unjustifiable and unethical intelligence operations coming to light. A British case study of the media acting as the Fourth Estate watchdog concerns the activities of an elite undercover police unit. The Metropolitan Police's Special Demonstration Squad (SDS) operated among civil rights, animal-rights, anti-fascist left-wing groups, far-right activists and environmental activists from 1968 to 2008. Set up as a temporary operation at the height of student protests in 1968, male and female undercover police officers infiltrated these groups. However they also undertook criminal acts to maintain deep cover, engaging in relationships with the people they were monitoring and in some cases had children with them.

A few of the groups infiltrated were engaged in violence, arson and other illegal activities. Some harm was prevented and some activists were convicted, but there was a major issue of proportionality. Only persistent digging by journalists and campaigners, mostly notably an award winning seven-year investigation by Rob Evans and Paul Lewis of *The Guardian* revealed this massive policing enterprise and its moral and accountability failure. (Lewis and Evans, 2013) At the time of writing a public inquiry was taking evidence to find out what did happen within SDS.

The Truth will out – eventually

For the 2008 edition of *Investigative Journalism*, I authored a chapter that analysed how well investigative journalism had dealt with the 'War on Terror' that had begun with 9/11 and the tragedy of the 3000 American deaths. My case study was British journalist Stephen Grey's investigation into rendition and torture by the CIA. His book *Ghost Plane* published in 2006, had painstakingly identified over 1000 CIA 'ghost flights' criss-crossing the globe after 2001. Many of these flights were for 'extraordinary rendition' where, simply, terror suspects were secretly, without the suspect's agreement, taken by force from one country to another and in some cases kidnapped. As Bob Baer, a former CIA operative in the Middle East commented:

> If you want a serious interrogation you send a prisoner to Jordan. If you want them to be tortured you send them to Syria. If you want someone to disappear. . .. . .you send them to Egypt (Grey, 2004).

Rendition flights were not to move suspects from battle zones in Afghanistan or Iraq to the United States where these alleged terrorists could face the rule of law, the receiving nation was always a third country where the security services were cooperating with the CIA.

Grey described the cooperation by reporters:

> Beat reporters like me who have followed this story have worked cooperatively – not in concert but by picking up pieces of the jigsaw puzzle disclosed by others, and then adding new pieces to the picture of what we know so far. Much more remains to be discovered. (Grey, 2006, p. vii)

Rendition is exactly the kind of practice that journalists are there to expose as it involves nation states abusing fundamental human rights and seeking to avoid the rule of law. In December 2005, the then Labour Foreign Secretary Jack Straw, the minister responsible for

MI6 and GCHQ, categorically denied their involvement when he told the Commons foreign affairs committee:

> Unless we all start to believe in conspiracy theories and that the officials are lying, that I am lying, that behind this there is some kind of secret state, which is in league with some dark forces in the United States . . . there simply, is no truth in the claims that the United Kingdom has been involved in rendition. (Cobain, 2018)

Straw composed the party line for the government and the intelligence agencies to repeat *ad nausea* for over a decade. Then, surprisingly, under the chairmanship of Dominic Grieve, the previously toothless Intelligence and Security Committee revealed that Jack Straw had indeed misled the media and public. ISC's four-year inquiry, published in 2018, found that the UK had planned, agreed or financed some thirty-one rendition operations. Moreover, there were fifteen occasions when British intelligence officers consented to or witnessed torture, and 232 occasions on which the intelligence agencies supplied questions put to detainees during interrogation, whom they knew or suspected were being mistreated. MI5 had helped finance a rendition operation in June 2003 (Cobain, I and E. MacAskill, E., 2018). In October 2004, Straw authorised the payment of a large share of the cost of rendering two people from one country to another. (ibid).

Shortly before the ISC reported, an important independent tribunal judgment was delivered that had been triggered by the Snowden revelations about GCHQ operations, formally confirming that the British government had broken the law by allowing the eavesdropping agency to amass data on UK citizens without proper oversight from the Foreign Office. GCHQ had been given greatly increased powers to obtain and analyse citizens' data after the 9/11 terrorist attacks in 2001, on the condition that it agreed to strict oversight from the Foreign Secretary. The IPT, concluded that the Foreign Office has, on several occasions,

given GCHQ ‘carte blanche’ to extract data from telecoms and internet companies. The tribunal reported:

> In cases in which . . . the Foreign Secretary made a general direction which applied to all communications through the networks operated by the [communications service provider], there had been an unlawful delegation of the power.’[8]

The Guardian was vindicated and the attacks by David Cameron and others on publication were demonstrably wrong-headed. In both cases these malfeasances would never have come to light if it had not been for dogged investigative journalism.

The 45 year veteran of national security reporting, Richard Norton-Taylor ends his 2020 book on intelligence and the news media, with a powerful warning:

> We have seen how Britain’s top security, intelligence and military figures have failed to tell the truth to power for reasons of cowardice as well as convenience. As a result even their political bosses and those elected to monitor and question their activities are kept in the dark. That is all the more reason for the media to mount a sustained battle against an excess of official secrecy in the real interest, however perverse it may seem, of national security and of those agencies charged with protecting it. (2020, p. 312)

Conclusions

Intelligence academics Gill and Phythian have commented on the importance of the media in bringing accountability to the intelligence agencies:

> The media in general remain significant, if inconsistent, contributors to oversight. Certainly, the heightened public concern with security in the wake of 9/11 has

[8] The IPT judgment can be found at <https://www.ipt-uk.com/judgments. asp?id=45>

> increased media attention to intelligence matters greatly, and the media have played an important role in alerting the public to concerns among intelligence professionals at the politicization of their product. (2012, p. 169)

As a result of the 1960s 'era of exposure' the news media in the Five Eyes countries have sought to bring accountability to the intelligence services with intermittent success, but now face increasing resistance in fulfilling this role. The public mood has changed since 9/11 and reporting on national security has become more difficult and subject to greater attacks by government, its sympathetic media and the agencies. Over a decade ago the US based doyen of intelligence studies, Loch K Johnson suggested the following proposition:

> In times of military crisis, a nation tends to rally behind its leader in favour of an efficient intelligence and military response to the threat, placing at a lower level of concern questions of civil liberties and intelligence accountability. (Johnson, 2009, pp. 50-51)

The proposition has proven accurate.

The Snowden affair has been the most fractious clash between the national security nexus and the media in Western countries in recent times. It highlights the variations within democracies as to what is the right balance between security and civil liberties. What that right balance is, remains unresolved.

A profoundly serious issue for journalism is the use of surveillance techniques to prevent journalists acquiring and maintaining confidential sources, especially in the public sector. Surveillance is now so ubiquitous it makes the development of intelligence sources in the sector very difficult, and consequently the news media's duty to provide critical

accountability of power is much reduced. A UNESCO report expressed concern for the rule of law in the new environment:

> As a parallel to digital development, and occurs where it is un-checked by measures designed to preserve fundamental rights to freedom of expression and privacy, as well as accountability and transparency. In practice, this leads to what can be identified as a 'trumping effect', where national security and antiterrorism legislation effectively take precedence over legal and normative protections for confidential journalistic sources (2017, p. 19).

It is important not to cry wolf. Nevertheless, over the last decade national security apparatuses that makes East Germany's Stasi internal security agency of the Cold War period, infamous for its ubiquitous intrusion to ordinary people's lives, look like a tiny cottage industry by comparison, have secretly been installed in many democratic nations. With few exceptions, the oversight agencies have proved ineffective. What has proven more effective is investigative journalism, even if it is not a consistent monitor and itself subject to worrying levels of surveillance. Despite politicians and intelligence chiefs mouthing support for the freedom of the media as vital to democracy, they have no desire to provide legal protection to journalists and their sources, not least because they know they could be the target of investigations/.

Despite all the increased difficulties in reporting national security, there is no doubt that investigative journalists will find a way. This crumpled specialism has been reported as dying for more than forty years, but has a particular way of surviving, a tribute to the stubbornness of practitioners. The rise of the security state has given it a new, and vital, importance; it must and will continue.

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