This chapter focuses on how the United Kingdom, historically and contemporarily, has generally resolved the dichotomy between the conflicting public interest principles of media freedom to publish and governmental duty to protect, in the field of national security. The fundamental principles common to all democracies are discussed, the history of UK government/media interaction described, two detailed recent case studies are used of the UK’s system of officially informed but voluntary self-censorship (during Afghanistan 1 and Iraq 2), and lessons on government/media balance are drawn. In today’s high-speed international communications environment, it is no longer feasible for governments to suppress information widely in the public domain electronically and in other countries. Governments therefore achieve better protection of necessarily secret national and allied security information at source by not

Historical and philosophical material is abstracted from the author’s Secrecy and the Media: The Official History of the United Kingdom’s D-Notice System (Routledge, 2009). The case studies and findings per se have not previously been published.
attempting to suppress publication of other security information seen by large numbers of insiders as being of low security importance.

**Keywords:** censorship; leaks; mainstream media; national security; United Kingdom.

Security also lies in the value of our free institutions. A cantankerous Press, an obstinate Press, a ubiquitous Press must be suffered by those in authority in order to preserve the even greater values of freedom of expression and the right of the People to know.


For a democracy to be true and mature, it must hold to the principle that everything done by its government, ipso facto on behalf of its public, should be made known to that public. The only question then, for each policy and action and omission, is how quickly that publicising should be done. Should it be immediately, or, for example in the case of national security, when the current operation is completed, or when the relevant tactics and equipment involved are either obsolescent or widely in the public domain otherwise, or when the lives of certain participants and their families are no longer in danger? Any of those justifications could mean that the publicising of that particular matter does not take place until many months, years or even decades later. Who therefore should decide when, and who separately should monitor such decisions on behalf of the public?

In such cases there are also other principles involved, two of which are usually in conflict: on the one hand that the media should be free to publish matters concerning national (and indeed international) security, but on the other hand that government should be able to withhold certain information for the time being in order to protect the public. Again, how should this conflict be resolved in general and in each case, by whom, and who separately should monitor this resolution?

**THE UNITED KINGDOM’S WAY**

Such dichotomies are at the heart of how every democratic government uses or abuses its powers, and each country attempts to find the answers in its own way. The following pages describe how the United Kingdom does it and has done it for almost a century, mainly through a system known colloquially as ‘the D-Notice System’. This system exists for one purpose
only: to provide advice to the media and to officials in the United Kingdom about the publication of national security matters.

The D-Notice System has no statutory basis; its use is voluntary for both officials and media, and its advice may be disregarded by them; it is independent in that it answers to neither government department nor media board, and the five senior officials on it are more than balanced by the 16 senior press, broadcasting, publishing and Internet representatives; and it is not perfect either in protecting secrets or in protecting those who follow its advice. Yet it normally works, and in this area it is the preferred interface of UK government and media, for both of whom the unattractively unpredictable and expensive alternative is litigation.

Furthermore, a potential addition to any such routine use of litigation would be (as has indeed occasionally been attempted) direct or indirect intimidation of the media by the political apparatus, as routinely practised in many other countries, including, alas, some democracies. In the United Kingdom, there is an Official Secrets Act and now many other inhibitory laws, but they have no direct connection with the D-Notice System and are anyway comparatively rarely used against editors or publishers, even though the threat of use lurks always in the background. All this is a system unique to Britain, and it could perhaps work only in a medium-sized country that has no written constitution and that prides itself on a long history of fuzzy pragmatism. Indeed to understand how the system works at all today, it is necessary to know something of how it started and has developed.

**BRIEF HISTORY OF GOVERNMENT/MEDIA INTERACTION IN THE UNITED KINGDOM**

As with so many British institutions, the D-Notice System did not spring suddenly from any one idea, event or group. It started to emerge amorphously in the second half of the 19th century, from a confluence of trends in world politics, in commerce, and in the technologies of communications and of the military. A much more vigorous national Press had evolved, partly as a result of rapid improvements in printing processes, and in the railways and linked public telegraph system, partly as a result of the opportunities this provided to Victorian entrepreneurs with political interests, and partly as a result of parliamentary action. The latter included abolition of the tax on paper, educational reform leading to increased literacy and lower-middle-class prosperity and the nationalisation and
cheapening of the telegraph system. The military too, from the time of the Crimean War (1853–1856), benefited from the telegraph system spreading throughout Europe, and then by underwater cable around the richer parts of the world; and the Royal Navy, as the sinews of the growing empire and its garrisons and the protector of imperial trade, moved sedately from the era of sail, wood and broadsides to that of steam, armour and gun turrets. Encouraged by all this Press and military progress, the public’s interest burgeoned in what today we call National Security.

Nevertheless, this progress also brought more sharply into focus the conflict between the two aspects of public interest referred to earlier. Reporting on military shortcomings in the Crimea was followed by similar Press frankness about other campaigns, in Egypt and The Soudan in the 1880s, and later in the Second ‘Boer’ War in South Africa (1899–1902). A major concern of the Generals became Press disclosures of details of operational plans and imminent force deployments. Once that War was over, the Government and the Press made several desultory attempts to find a mutually acceptable system of resolving this situation, seen by both sides as unsatisfactory. But each time a Bill was drafted to enable some degree of censorship to be introduced in time of tension and war, the hostility of the Press and in those days also of Parliament, to any such infringement of British liberty, caused ministers to postpone further work until a more propitious moment arrived.

When Germany replaced France as the publicly perceived major external threat to Britain and its Empire, the political opportunity to introduce legislation duly arose. The Agadir Crisis of 1911, although directly involving Germany and France rather than Britain, was nevertheless seen by Government, Press and public as the brink of war. A new Official Secrets Act was rushed through Parliament with minimal discussion, and the draft Bill to control the Press was dusted off. Even now, however, Ministers such as Churchill and Lloyd George wished to avoid confrontation with an influential Press, and a senior civil servant in the Army department was sent quietly to talk to editors and proprietors. From these discussions emerged a compromise agreement to set up an informal committee of officials and of Press representatives, to provide a forum through which informed self-censorship might take place.4 It met for the first time in August 1912, chaired by the Admiralty’s Permanent Secretary, Sir Graham Greene (uncle of the future novelist), and was the first model of the current system.

By the time the First World War began, a rudimentary modus operandi and a degree of trust between the Official and the Press sides had been established.5 Between 1914 and 1918, the system operated in tandem with a
censorious Press Bureau. It was during this time that the term D-Notice was by chance introduced (the Government was also issuing administrative Notices to the public in other lettered series). The committee issued over 700 D-Notices on behalf of the Bureau during the war, dealing not only with military and intelligence matters but also with diplomatic, industrial, economic and domestic subjects. These were of a far wider and looser kind of national security concern than has ever since been accepted; for example, the Press were asked to be cautious in how they reported Turkey’s entry into the war on Germany’s side, because of the potential impact on the opinion of the millions of Muslims in the British Empire; and similar care was demanded in reporting on the forthcoming US Presidential Election of 1916, and on the eventual arrival of US ships and troops in Europe in 1917.6

Between the World Wars, this still unpublicised committee remained unknown to the public, to most politicians and officials, and even to most in the Press (now joined by Broadcasters). In the late 1930s, as realisation dawned that another war was indeed possible, the Government made belated plans for a wartime Press and Censorship Bureau; the D-Notice Committee was consulted about some aspects, but when war came again it was itself placed in suspended animation.7 Between 1939 and 1945, D-Notices continued however to be issued, several of those involved in the committee before and after the War were involved in the wartime replacement organisations, and, when the committee was re-established after VJ Day, some of the wartime aspects (e.g. giving advice to book publishers) transferred seamlessly to the peacetime modus operandi.8

It was indeed the wartime Chief Press Censor who in autumn 1945 suggested the re-activation of the D-Notice Committee, and he became its new Secretary. One of the other early supporters was the Security Service (which in such matters also then represented the Secret Intelligence Service and Government Communications Headquarters, none of the three having been greatly involved with the D-Notice System pre-War). Thus the system evolved and remained in operation through the Cold and Korean Wars, through occasional security troubles in withdrawal from Empire, through the 1956 Suez campaign, through earlier Iraqi threats to Kuwait, through the discovery of Britons spying for the Soviet Union, through Northern Ireland-related and Irish-American-financed terrorism in the United Kingdom and abroad, through the Falklands campaign of 1982, through the first Iraq War and the disintegration of former Yugoslavia, past 9/11 to Afghanistan and Gulf War 2.9 For the United Kingdom, the levels of intelligence, security and military activity have thus been consistently high (including those of Special Forces in their normally covert role, in modern
times against terrorists). The degree of media and public interest has also therefore been intense, fanned by popular fiction of the James Bond and Le Carré genres. And the post-1945 concomitant D-Notice Committee involvement has been busier than at any period since World War I. By the mid-1960s, the existence of the Committee was common knowledge, but because its workings and even the Notices were still classified, it acquired a mythological and entirely inaccurate status (much beloved of journalists and television producers) as a shadowy organisation that ‘slapped a D-Notice’ on anything the Government wanted to conceal from the public.

Occasionally the continuation of the D-Notice Committee has been called into question, notably when Prime Minister Harold Wilson became overly involved in the ‘Cable-Vetting Affair’ in 1967,10 and when, over the deterrent-related Zircon satellite and similar disclosures in the mid-1980s, Mrs Thatcher initially demanded more of the System than was acceptable to its independence.11 There have been several politically commissioned external reviews, and many internal reviews of individual Notices or of the whole System. A 1993 internal review led to the previously long-postponed decision to publish the then six Standing D-Notices, in a further attempt to demystify the System.12 Since 2000, even greater openness has been the norm; for example a record of the discussion at each of the D-Notice Committee’s bi-annual meetings is placed on its website,13 with copious other information about the system.

CURRENT MODUS OPERANDI

A constant in this history, sometimes fiercely contested between the media and official sides of the committee, has been the conflict between the principles of freedom to publish and of governmental duty to protect the public. Another inherent dichotomy is that, while national security is a highly political subject, the acceptability of the D-Notice System to the media and the public depends on it being seen to be independent of government. Indeed, as indicated earlier, whenever prime ministers have taken too close an interest in its workings, its continuation has been seriously threatened.

The System operates too in a somewhat grey area. National Security is a term often used, as an exception or as a justification, including in Acts of Parliament such as those dealing with official secrets, terrorism, regulation of investigatory powers, freedom of information and data protection. It is however nowhere defined, being what governmental lawyers call ‘an
ambulatory concept’. This delightful phrase smacks of ‘It means just what I choose it to mean’; but in practice it reflects the difficulty which both media and officials have always rediscovered when trying to encapsulate, in a few lines, a set of criteria that are not either unacceptably broad and all-embracing, or meaninglessly vague and unhelpful.

Both sides of the D-Notice Committee therefore accept that the concept of national security has to be tested and discussed in the light of the particular and often unforeseeable circumstances of each case. Considerations that then come into play include what damage has been or would be done to life or current operations, what impact disclosure would have on future operations, or on the lives of the public or of those working undercover, and how widely something is already in the public domain. The latter criterion has been from the earliest days an especially touchy area for the media; as globalisation and developments in electronic technology and the Internet have gathered even greater pace in recent years, this has directly affected the judgements which the D-Notice Committee has to make. Both sides also accept that the coverage of the System is confined to what is in the Notices and their Introduction; it does not apply, for example, to even life-threatening violence by animal rights groups, nor directly to other parts of the fabric of wider national security such as the economy or (normally) the police.

The only full-time member of the D-Notice System is the Committee’s Secretary. He is usually a retired senior officer from the armed services, with the appropriate experience, stature and security clearances not only to assess and advise what should not, or may safely, be disclosed, but also when necessary to investigate something with officials before deciding what advice to give. The Secretary’s responsibility is equally to the two sides of the committee, whose individual official and media members in turn are responsible respectively to their parent organisations. The committee’s only collective responsibility is, nebulously, to the British public.

The secretary’s week-in week-out advice to media and officials is based on the guidance contained in the now five standing notices and their introduction: military plans and operations, equipment (including nuclear), cryptology, sensitive sites, and the secret agencies and special forces. Every six months, the secretary accounts to the full committee on his activities, very occasionally consulting them in between if confronted with something especially novel or contentious. Normal involvement arises either from a request for advice from a journalist or publisher who wishes to disclose some matter possibly covered by the notices; or from an official concerned that some endangering information is about to be published; or when the
secretary himself foresees possible damaging disclosure and issues pro-active advice.

Only very rarely is a complete story involved, usually just some operational, technical or personal detail that will endanger a life or an operation; never something just embarrassing to the governmental machine. It is equally common for the Secretary to advise an official that there is no reason not to publish something, as it is for him to advise a journalist against disclosure. The secretary also keeps regularly in touch with those in government departments who have direct contact with the media over national security (unattributably in the case of the secret Agencies, MI5, MI6, GCHQ (Government Communications Headquarters, the UK equivalent of the NSA)) to ensure being both informed and (if in agreement with the department concerned) consistent. The secretary maintains ‘Chinese walls’ between information he receives respectively from officials and the media. The secretary’s job is an intensely pragmatic business: case by case maintaining the right balance between secrecy and the public interest. In the current era of ruthless international terrorism, this is simultaneously both a clearer and a murkier balance.

SOME CASE HISTORIES SINCE 2000

Operations in former Yugoslavia and East Timor apart, in the years immediately preceding ‘9/11’, the environment of D-Notice Committee activity had been predominantly domestic: leaks allegedly emanating from the two renegade ex-insiders from MI5 and MI6;16 the final gasps of Northern Ireland-related terrorism with skeletons tumbling out of the opening cupboards of the security authorities and of both tribes of terrorists; a torrent of books by ex-Special Forces authors, and Ministry of Defence reaction attempting to enforce a preventive contract; the ex-Director General of the Security Service, Mrs Rimington, wrangling with the governmental machine about publishing her memoirs (see Rimington, 2001); the long tussle over the incipient and eventually weakened Freedom of Information Act, and the Parliamentary Ombudsman criticising Government Departments for being over-secretive (Buckley, 2002); all these, and even the military intervention on behalf of the government of Sierra Leone and the dramatic rescue of hostages there,17 had a largely ‘British’ tone.

Nevertheless, as direct foreign threats to British national security apparently receded, elsewhere Islamist extremists had been targeting Western interests and influence for some years. Apart from the now disclosed failures
in intelligence co-ordination, American readers well know that the higher
visibility incidents included bombing the World Trade Centre in 1993,
attacks on US Marines in Somalia the same year, bombing the US Embassies
in Nairobi and Dar-es-Salaam in 1998 (leading to US missile attacks on
targets in Afghanistan and Sudan), and the attacks on USS Cole in Aden in
2000 and the American Cultural Center in Calcutta in January 2001. While
all this was reported in the UK media, there was no governmental direction
to the UK security authorities to refocus on such terrorism. While co-
operation in monitoring this threat with their American colleagues was
continued by the British secret Agencies, they meanwhile suffered their share
of the post–Cold War illusory ‘peace dividend’ cuts. The direct threat to
British security did not re-emerge publicly to centre stage until after the UK
Government had committed to join reaction to the successful attacks on the
US homeland. The D-Notice Committee’s advisory role was rapidly drawn
into this ‘new’ security situation.

Afghanistan

In the immediate aftermath of ‘9/11’, there was entirely proper reporting in
the British media not just of that horrific event but also of the steps being
taken to investigate the background to it and of the nature of the Al Qaeda
network and threat. As it became clear that this was centred on Afghanistan
and that military action would be taken there by a coalition including
Britain, a less acceptable degree of informed speculation about undercover
operations and military preparations began to feature in the British Press.
By 25 September, this was becoming so close to what was intended, and
therefore of use to the terrorist intelligence gatherers, that the D-Notice
Secretary sent all editors advice to minimise such speculation, by both
journalists and retired military ‘experts’; GCHQ assessed subsequently that
such speculation then stopped almost entirely, albeit briefly.18

After the air strikes against perceived Taliban/Al Qaeda positions in early
October, speculation about Special Forces operations re-started. When the
D-Notice Secretary approached journalists about these then mostly wildly
inaccurate but nevertheless prescient stories, he was told (without, of course,
their identifying their sources precisely) that they came from two areas: from
those few ex-members of the undercover SAS (Special Air Service, the Army
Special Forces unit) who are regular (and not always unpaid) providers of
tales to selected journalists; and politically from ‘the other side of the road’,
in other words from within the prime minister’s office or from ‘across the
water’, that is Washington. Both these practices continued throughout the first phase of the Afghanistan campaign and into the second Iraq war, as did briefing against any senior person (e.g. the British Chief of Defence Staff, Admiral Boyce) who warned of anti-terrorist operations lasting many years. The leaks allegedly from the prime minister’s office usually coincided with days when some positive news for the British public was considered particularly desirable, or when Britain’s support for the USA needed emphasising; Government is of course entitled to consider that the political advantage of such unattributable briefing to the media outweighs the increased risk to troops on the ground, however unpopular that may be with the military.

By mid-October 2001, the Ministry of Defence had nevertheless become so concerned about amount of media speculation on covert Special Forces activity that it asked the D-Notice Secretary to give further proactive advice to editors. He had in fact already done so at a recent Society of Editors conference and was able to point out to officials that much of what was now in the Press was background Special Forces information already widely in the public domain and that generally the British media had avoided publishing the endangering specifics of which he had warned them. The Ministry therefore ultimately decided against threatening certain journalists/newspapers with injunctions or exclusion from briefings.19

In November, there was a UK ground force deployment, not revealed as being by Special Forces (marines of the Special Boat Service (SBS), the Naval special forces unit), to secure Bagram air base for the Coalition to use. Bagram was already teeming with international press and television crews, and almost immediately photographs appeared of identifiable marines in their green berets patrolling the base, also described in UK captions as Special Forces; this was contrary to standing D-Notice advice that photographs of undercover troops should not be published because it negated their future employment as such, and in some cases greatly increased the threat to their personal security from past and present terrorists. The Ministry of Defence therefore asked the D-Notice Secretary to intervene, but he declined, quoting recent D-Notice Committee advice that, if Special Forces were deployed overtly, they should themselves take precautions not to be recognisable as such to the media; in this case some additional non-Special Forces marines should have been deployed for these overt guarding roles. The D-Notice Secretary did however enquire who anyway had identified those at Bagram to the media as Special Forces. After swift investigation, disgruntled Ministry officials told him that ‘spin doctors heard about the deployment and acted off the record.’20
Also in November 2001, there was a successful SAS attack on a cave complex elsewhere in the country, in much greater force than their normal preferred small covert groups. There were four SAS casualties, who were immediately evacuated back to the military wing of a National Health Service hospital in the United Kingdom. Unfortunately neither the Ministry of Defence Press Office nor the D-Notice Secretary had been made aware of this before they returned, and a leak from within the hospital to a local stringer was immediately picked up by the local TV station, and thence widely by the national media. By then, it was not possible to do more than damage limitation on the detail both of the operation and of the casualties; the publicity caused grief to them and to their families, as well as increasing the possibility of retaliatory attacks on them by Al Qaeda sympathisers in the United Kingdom.²¹ Had there been forewarning, it would have been possible to give advice on how to publish the story of a highly gallant action, without also disclosing specific details of wounds and ranks that gave easy clues to identification by outsiders. Quite often either premature disclosure or unjustifiable secrecy, on the part of government, is the result of political or bureaucratic error rather than of deliberate misfeasance.

When publication of further details of that operation was considered by a tabloid newspaper, the Ministry of Defence took legal action to stop it (an independent TV channel had similar details, but had accepted the D-Notice Secretary’s advice not to disclose them – nor indeed did the tabloid disclose them). Although the injunction was dropped a few days later, the litigation greatly irritated the wider media, and the number of Special Forces articles and broadcasts increased, albeit almost entirely of material already widely in the public domain. The managing editor of one newspaper, a member of the D-Notice Committee, pointed out the Ministry/media relationship was ‘rapidly declining’. It was not improved a few days later when the prime minister’s official spokesman cautioned the media about reporting Special Forces matters; most defence and security journalists retorted that many such leaks had come from the spokesman’s area (although in this case, the D-Notice Secretary’s information was that most of the leaks about the casualties came from within the wider SAS community itself).²² Again from this case history comes the reminder to Government that threats of litigation against the media are usually counter-productive, unless on very strong ground.

The same month, there was further discussion within the D-Notice Committee about Special Forces identification, this time following the publication internationally of TV footage and photographs of Special Boat Service marines playing a leading role in preventing a mass breakout of
Taliban/Al Qaeda prisoners from the Mazar-i-Sharif fort. Because their intervention had been unplanned and rapidly reactive, their faces were only partially covered; the D-Notice Secretary advised the media that publication of close-ups should preferably be avoided, so that at least in their home country the chances of their being recognised were reduced.

This advice was generally accepted, but a later TV programme was, the D-Notice Secretary suggested, a little too unnecessarily revelatory. Independent TV News’ Editor-in-Chief (also its D-Notice Committee representative), while sympathetic about the personal security dangers, pointed out that the footage taken by a local Afghan cameraman had been syndicated to over 350 outlets around the world, that the producer had indeed rejected much of the close-up material as had previously been advised, that the marines knew they were being filmed (the Secretary suggested that, in the heat of the action, they could however have done little about that, other than shoot the cameraman!), that it had showed them ‘conducting themselves with exemplary courage and resourcefulness in a very dangerous situation in which they were clearly outnumbered’, and that ‘it was quite simply one of the most compelling and impressive sequences involving Allied forces in the entire Afghan war’ up to then.\(^{23}\) The D-Notice Secretary could not disagree with that, and concluded that, in such irreconcilable situations, intelligent debate at least keeps security considerations in the minds of programme makers for the future. The case does however illustrate the extent to which security is usually now not national but international, to which news travels round the world almost instantaneously, and to which governments are no longer able to impose unrealistic blocks on its dissemination.

At about this time, the Special Forces Public Information Policy, that no information would ever be issued on UK Special Forces (all of whom are covert) nor any comment made thereon, was coincidentally under review in the Ministry of Defence, as a result of previous D-Notice Committee media members’ concerns about the policy’s relevance to modern global conditions. That the Special Forces had such high interest for, and visibility in, most of the media did have one advantage: it drew Press attention away pro tem from other secret intelligence and security organisations (the Security and Secret Intelligence Services, and Government Communications HQ), which, while increasing the tempo of their existing work, were also now rapidly restructuring and slowly expanding in re-orientation to the Islamist extremist threat.

Although the director of UK Special Forces was unhappy about the men’s media prominence, they and their activities were, in the dark post-9/11 days, politically and editorially the only incontrovertibly ‘good news’.
In due course, ground operations in Afghanistan were joined by conventional forces, visible to all. The latter’s visual aspects and activities were in little need of much D-Notice protection from disclosure, other than of certain plans and equipment (e.g. the counter-measures to terrorist Improvised Explosive Devices). Indeed both the American and the British authorities welcomed the publicity with which editors were only too happy to fill their hungry columns and air time. The most unwelcome situation, to all concerned, as shown in every campaign from the Boer War to the Falklands conflict to modern Iraq and Afghanistan, is one in which there are too many correspondents in theatre with too little to write about, but with editors at home demanding a constant high quantity of reportage.24

Iraq 2

About eight months before significant British forces began to deploy to the Gulf in January 2003, it was apparent to those journalists specialising in defence and security matters, from their informal contacts amongst middle-ranking and senior officers and officials in several Departments, that war was a high probability. Their political correspondent colleagues were also being copiously if rather differently briefed by political sources in Whitehall, Westminster and Washington. Because the D-Notice System stays deliberately well away from Politics and has no role in commenting on any institutional psychosis, it had little to do with this intense political activity; but its Secretary had a ringside seat. The common military message throughout was that the war itself would not be a great problem (other than the outside possibility of some low level chemical capability in Iraq which might be used against UK and US forces), but that the aftermath was not being anywhere near adequately discussed in Washington or by the civil Departments in UK; there was concern therefore that the military would be left ‘to sort out the mess’.

There was a widespread and strongly held (and demonstrated) public view in the United Kingdom that the invasion of Iraq was wrong, in principle, in timing, and in its impact on relations between moderate Islam and the West and on Christian communities in Muslim countries. Nevertheless, most normally sceptical British editors were tending to listen more closely to their political than to their defence experts, because of the highly political and legalistic nature of the run-up to deployment, as presented by a Government whose priority was to remain close to the US Administration. This is one reason why, unusually, some military matters were so little challenged in the
British media or in Parliament, for example the uncorrected suggestion that Iraqi missiles had strategic range and could be launched within 45 minutes. Similarly, editors (and many other normally sceptical people too) believed what they were being briefed about Iraqi weapons of mass destruction, even though it was known to many middle-rankers, official and media, that there was insufficient recent intelligence to support their definitely still existing.

Meanwhile, the role of the D-Notice Secretary was merely to assist in briefing those journalists selected by their organisation to stand by for deployment as war correspondents, well before they departed. Most were not specialists in defence or security, and very few themselves had any military experience, even as Reservists. Briefings were provided either individually or en bloc at bigger institutions such as the BBC. The advice concentrated on the unfamiliar areas of potential sensitivity likely to be encountered both before and during the high intensity phase. It soon became apparent that most of the correspondents would be embedded in UK and US units of the three Armed Forces and would therefore have a close personal interest in not disclosing endangering information, as well as being liable to de facto local control of what they saw and reported. It was also clear that those who were not embedded would face problems of access and movement, and danger to their own personal security, on a fast-moving battlefield with a dense concentration of high-lethality modern weaponry.

As the start of the invasion approached, the frequency of media requests for advice and of official requests for assistance increased. In March 2003 the D-Notice Secretary was asked for advice by a Sunday broadsheet (Bright, Vulliamy, & Beaumont, 2003) on a story about a then unnamed GCHQ employee indirectly leaking information from a highly classified American document. In this, NSA allegedly asked its British counterpart for assistance in secretly intercepting the communications of six ‘swing’ nations on the UN Security Council, whose support was needed by US and British Governments in pre-invasion Resolutions. The D-Notice Secretary’s advice, accepted by the media, was that the story was in the public interest and did not in itself endanger lives or operations, but that details of GCHQ’s organisation, methods, security targets and personnel should not be disclosed. Although the GCHQ employee was subsequently charged under the Official Secrets Act, at the trial the prosecution almost immediately withdrew its case; there were governmental concerns about what else might be disclosed, and about how the accused would be viewed by a probably sympathetic jury, media and public.
There was also once again a spate of mostly spurious Special Forces stories, for example in early March that there were already more than 500 SAS and SBS operating covertly inside Iraq (there were at the time none, nor were there that many of them in the whole British Army/Navy). Another editor agreed post-hoc that the story that the SBS were already penetrating up the Euphrates River, if it had been as true as it soon might be, would have been of great interest to Iraqi forces there.26 There were other D-Notice discussions with journalists about articles on new weapon system capabilities, and about speculation on likely axes of advance and on amphibious landings. Advice was invariably accepted, and although speculation did not completely stop, it was of a very general nature.

Once the invasion started, its rapidity and success (and the embedding) ensured fewer further security queries. Where there was friction, it was between the international media and the Coalition briefers over access and information. Afterwards, when the lessons learned were discussed by the D-Notice Committee, comments included that, had the fighting lasted longer, there might have been dissatisfaction with the constraints of embedding; while it had provided plenty of dramatic footage and column inches, journalists had not seen enough of the impact on ordinary Iraqis, even in their vicinity (something about which the Coalition was not too concerned). The initial lack of a strategic overview had been largely corrected at briefing centres in theatre, London and Washington, but the Media side felt these centres had still been well behind what was being seen televisually live from the Front in real time. They were also concerned at the Coalition treatment of journalists and camera crews who had not been embedded, in particular those who had attempted to report from inside Iraq. One aspect over which there had been few disclosure problems latterly was UK Special Forces; they had operated covertly and in small teams. Also, unusually, MoD had accepted that, when the D-Notice Secretary knew something to be untrue, he could so inform the media (MoD itself continued to adhere to its unswerving policy of never commenting on SF matters). Overall, there had been no serious breaches of operational security by the British media.27

ETERNAL CONFLICTS OF PUBLIC INTEREST

The small proportion above of examples of D-Notice advice provided to the media during the immediate post-9/11 years (which exclude all done on
behalf of the secret intelligence and security services) are the modern part of a continuum since 1912. Many of the fundamentals remain of the conflict between the freedom of the media to report (and comment) to the public, and the responsibility of the Government to keep certain matters secret pro tem in order to protect the public. There are, however, many practical differences to those early days, and even to the more recent decades of the Cold War. As always, changes have been driven by new technologies, both in those available to the governmental machine, even more so to those now possessed by the media, and even more differently in those owned by the public, which gives citizens direct access to enormous amounts of international information without reliance on either government or traditional media. It also enables members of the public to ‘report’ events directly to many others. Even where this information is no more accurate and unbiased than news being reported by the traditional media and governments, it is largely beyond the control of either.

And yet in some ways, all this is just a speeded-up extension of what has happened at least since the mid-19th century, when the railways, telegraph, undersea cables, cameras and wider education started to globalise communication, and to enable individuals to exchange information in and from many parts of the world almost simultaneously. Although, battlefields and terrorist activity can now be reported in real time, as can disclosure of sensitive matters revealed in one country to discomfit another, the systems of censorship, including self-censorship as advised by the D-Notice System, have adapted from the Pre-WWI speeds and methodologies, through the Cold War to the current global security situation.

The D-Notice Secretary comparatively now has even less scope to intervene pre-emptively in particular cases. There is however still a need to limit the damage that certain disclosures, in the traditional and the new media, could do for example to measures being taken to protect the public against terrorism. What happens in the United Kingdom is just one part of an international campaign (not ‘war’), but the United Kingdom must play its part, in its own way. As it is impossible to pre-empt every disclosure, the D-Notice Secretary now has more to do in spreading awareness amongst the media of what is likely to be harmful, so that, with or without specific advice on a particular story, an adequate degree of intelligent self-censorship takes place. The D-Notice Committee also continues to provide the only regular interface where senior officials and senior media representatives regularly eyeball each other, and discuss the difficult practical issues that the current national and international security circumstances throw up.
HOW MUCH SECRECY IS NECESSARY?

In the same way that in the 1911/12 security situation the UK government felt able to introduce measures which would have been unacceptable previously, so since ‘9/11’ have governments around the world taken significant additional powers claimed as necessary to combat international terrorism. The Media side of the D-Notice Committee has reflected the uneasiness about this trend felt more widely by those they represent. This has been on top of longer-running debates within the Committee, for example over information about UK Special Forces, where other countries’ equivalents and media have different ‘rules’; and over the grey area between criminal activity (a police responsibility not covered by the Notices), and the police/secret Agencies co-operation on security and intelligence matters; and over whether matters already published in the media of other countries may ipso facto therefore be repeated by the British media; and over what defines ‘the public domain’ in the modern international hi-tech environment.

How much secrecy is necessary in a modern democratic State, possessed of shrewd and comparatively well-educated citizens, at our stage of political evolution? What is the irreducible core of official secrets necessary to protect national security? Is there sufficient independent judgement of where politicians and officials, grappling obsessedly for example with terrorism, choose to draw the line? Where is the dividing line between justifiable whistle-blowing by insiders and disclosures which damage the institutions and operations which are combating threats to security? In the heat of international conflict, is embarrassing ever the same as damaging? Do any tales of past secret activities belong, as part of their personal life story, to those who carried them out, or (in the United Kingdom) entirely to ‘Crown’ copyright, or partly to the wider public in whose name they were carried out? Are ‘Crown’ interest, Government interest and the public interest ever the same thing?

These and many others are not just philosophical questions, but regular practical considerations to those in officialdom and the media who deal with national security matters, and therefore also to the D-Notice Secretary and Committee. Events too tend to have an oxytocic practical effect on policy, and thence on new legislation. The nature of any legislation depends, of course, not just on how it is written by governments and their lawyers but also on how subsequently it is used or abused. Successive Official Secrets Acts in the United Kingdom have not always been invoked wisely, but, considering the quantity of national security activity since 1911, their use in litigation has not so far been continuously oppressive. Their more insidious
effect has been on the minds of many in public service, encouraging them to believe that the authorities require almost all their work, however mundane and undamaging, to be kept from the rude gaze of the public. In the media perception, this has contributed to the ‘clenched buttocks’ school of public information policy, habitual to many UK Government Departments.

This and the more recent confusion of factual governmental information (formerly the province of Civil Service information officers) and interpretive Government information (formerly the province more clearly of Ministers, and now called ‘spin’) have contributed to a currently poor relationship between the media and the governmental machine (Phillis, 2004). There are media reasons too, including the primacy of television (albeit recently weakened by other electronic audio-visual media), with its inherently somewhat superficial, presentational and confrontational handling of political news. Governmental attitudes to the secrecy/openness balance have certainly been coloured by sometimes justified perceptions of media poor behaviour.

Judgements about how much secrecy and regulation are required and are tolerable in a mature democracy, in what specific areas they should be focussed, and for how long they should be maintained, also have to be looked at in the wider context of constitutional checks and balances. If Parliament is relatively supine in the face of the Executive, the Public looks more to the Judiciary and to the Media for the intuitively desired checks on Power. If all are relatively submissive to the Executive, it is Events which in the end bring retribution.

What has happened since 2003 contains many more knowns than any other variation in the Rumsfeld lexicon. This is not just hindsight; in strategic terms, as many sources are now revealing, everything that has happened and is happening in the Middle East and in Afghanistan/Pakistan was predicted by those experienced in those regions affected and in nation-building, but was largely ‘disbelieved’ for reasons of short-term political expediency. The disregarded wise existed in government departments on both sides of the Atlantic, in the regions concerned, in NGOs, and amongst the UK and international media and military. The swamp in which international terrorists and unstable and threatening political leaderships thrive will take many years even partially to drain.

With this in mind, and as the case histories above show, there will indeed continue for many years to be certain information that democratic governments need to conceal from national adversaries, and therefore from their own public. Even after the drawdown from large-scale military operations in Afghanistan, the protection of secret intelligence and security
work against terrorism will continue to require at least as much protection. But governments have to remember certain eternal truths. If the public detects that some matters are being concealed for reasons not genuinely of security but of political/institutional embarrassment, this in itself weakens security; secrecy becomes discredited, and media and public go to extremes to uncover further suspected cover-ups, sometimes thereby unwittingly publishing endangering information.

Above all, greater governmental openness about what is not secret encourages greater secrecy about what cannot yet be open. In the United Kingdom, as with the unbroken secrecy over Bletchley Park and its outstations during and after WWII on interception and decryption of German cyphers, and in the 1970s/1980s over the Chevaline UK nuclear missile enhancements, the best security has been when no insider has talked about something outside his/her own security circle. This best practice security entails both convincing those concerned of the need for the secrecy and limiting the secrecy only to essential and very specific matters.

The frequent political/official attitude that almost everything about some policy, operation or organisation is secret, no matter how mundane, is seen by those who directly or indirectly work for the Government as untrue, unrealistic and unnecessary. Contempt for blanket non-disclosure then leads to misjudgements and leaks about those aspects that really should be kept secret. Some leaks are inadvertent, but most leaks of sensitive information come either from those at the top for ‘political’ reasons, or from those lower down for principled, pecuniary or personal reasons; what they have in common is that they come from insiders. And, of course, once there is one leak, it is human nature to use everything in the armoury to find/encourage others. Whereas there is nothing so un-newsworthy as transparency.

NOTES


14. Humpty Dumpty in Lewis Carroll’s (1871, Chap. 6).


19. Ibid.

20. Ibid.

21. Ibid.

22. Ibid.

23. Ibid.

24. Ibid.


REFERENCES


Carroll, L. (1871). *Through the looking glass* (Chap. VI).


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