Facing threat of prosecution, Guardian editor testifies before UK parliament

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British officials are signalling that they may prosecute the *Guardian* over its decision to publish material on electronic spying on the population by UK and US intelligence agencies. Assistant Commissioner of the Metropolitan Police Cressida Dick has indicated that the police investigation into material taken from David Miranda, the partner of journalist Glenn Greenwald, might result in “some people” being found to have committed an offence.

Dick previously achieved notoriety by presiding over the operation that led to the police murder of innocent Brazilian national Jean Charles de Menezes on 22 July 2005. She refused to specify whether the “some people” included journalists such as Greenwald and others associated with the *Guardian* newspaper for publishing leaked material from former National Security Agency whistle-blower Edward Snowden. But the implications are clear.

Asked by Conservative MP Michael Ellis if the Met's investigation will deal with section 58(a) of the Terrorism Act—which involves eliciting, publishing or communicating information about members of the armed forces—Dick replied in the affirmative.

The specific charge being levelled against the *Guardian* now appears to be that it communicated the names of agents abroad to the *New York Times* with which it was collaborating on the Snowden material.

Dick was speaking alongside Met Police Commissioner Sir Bernard Hogan-Howe after an intensive questioning of *Guardian* editor Alan Rusbridger by the UK Parliament’s Commons Home Affairs Select Committee. This was only the latest and most grotesque example of the drive by Britain’s Conservative/ Liberal Democrat government, the security services, and the police to criminalise reporting on the mass surveillance programmes operated by the NSA and Britain’s General Communications Headquarters (GCHQ).

This has the support of the majority of the opposition Labour Party, as evidenced by the hostile questioning of Rusbridger by Ian Austin MP, who tried again and again to make the case for a prosecution.

Labour also provided the lowest point of a grotesque political charade, when committee chair Keith Vaz had the gall to ask Rusbridger, “Do you love this country?”

Rusbridger argued that the *Guardian* had come under concerted pressure and been intimidated in an attempt to stop it from publishing stories of huge public interest that have revealed the “staggering” scale of Britain's and America's secret surveillance programmes.

The pressure included “prior restraint, they include a senior Whitehall official coming to see me to say: ‘There has been enough debate now’. They include asking for the destruction of our disks. They include MPs calling for the police to prosecute the editor. So there are things that are inconceivable in the US. I feel that some of this activity has been designed to intimidate the *Guardian* .”

Vaz said earlier that the heads of the security service have “severely criticised” the *Guardian*, with all of them “clear you had damaged this country.” He then asserted that names of security officers have been taken around the world by the *Guardian*, so others can read these names. Last month, the heads of Britain's three intelligence agencies, MI5, GCHQ and MI6, gave evidence before parliament's Intelligence and Security Committee, during which they had accused the *Guardian* of aiding terrorists.

Rusbridger rejected both claims, noting that the *Guardian* had never used a single name and had not lost control of any names either.

Not to be outdone, Ellis asked if Rusbridger accepted

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that the files contain methods of trapping criminals and hackers and whether, had the *Guardian* had known about the Enigma code, it would have given that information to the Nazis.

Fellow Tory Mark Reckless asked Rusbridger whether he had communicated information contrary to the Terrorism Act. When Rusbridger said he had shared material with names with the *New York Times*, Reckless immediately asserted, “You have I think admitted a criminal offence there,” and asked whether Rusbridger thought he should be prosecuted.

"That depends on your view of a free press", Rusbridger replied, the irony of which appeared lost on Reckless.

The same theme was taken up first by Labour's Yasmin Qureshi who asked if the *Guardian*'s stories had put any security agents at risk, and then Ian Austin who asked why Rusbridger was better placed to judge what should be public than the heads of the security services.

You don't know what was transmitted, Austin added, claiming that David Miranda had a password on a piece of paper. Rusbridger pointed out that this was the password to one file, which was only an index of other files, and that the encryption of the other files has not been broken by GCHQ or the police, according to no less than the deputy national security adviser at the prime minister’s office at Number 10 Downing Street, Oliver Robbins.

Prior to Rusbridger’s appearance, the Reporters Committee for Freedom of the Press wrote a letter calling on parliament to reaffirm its commitment to the media freedom. Signatories included the Reporters Committee for Freedom of the Press, American Society of News Editors, Associated Press, The EW Scripps Company, The McClatchy Company, The New York Times Company, The New Yorker, Newspaper Association of America, ProPublica, The Seattle Times Company, Society of Professional Journalists, The Washington Post and the World Association of Newspapers and News Publishers.

Watergate journalist Carl Bernstein also wrote an open letter calling Rusbridger’s appearance before the committee “dangerously pernicious: an attempt by the highest UK authorities to shift the issue from government policies and excessive government secrecy in the United States and Great Britain to the conduct of the press.”

United Nations special rapporteur Ben Emmerson QC has announced that he will conduct an inquiry to establish whether the British parliament had been misled about the capabilities of GCHQ, and whether the current system of oversight and scrutiny was strong enough to meet UN standards.

The inquiry will make a series of recommendations to the UN general assembly next year.

Emmerson wrote in the *Guardian* Monday that Snowden had disclosed “issues at the very apex of public interest concerns,” which the media had a duty and right to publish stories about. “The astonishing suggestion that this sort of responsible journalism can somehow be equated with aiding and abetting terrorism needs to be scotched decisively,” he insisted. “It is the role of a free press to hold governments to account, and yet there have even been outrageous suggestions from some Conservative MPs that the Guardian should face a criminal investigation. It has been disheartening to see some tabloids giving prominence to this nonsense.”

Emmerson said that the heads of Britain’s security services, GCHQ's director, Sir Iain Lobban, the director of MI5, Andrew Parker, and MI6 chief Sir John Sawers, “must justify some of the claims they have made in public, because as matters stand, I have seen nothing in the Guardian articles which could be a risk to national security… There can be no doubt the revelations concern matters of international public interest.”

Despite such expressed concerns within official circles, the moves against the *Guardian* continue to gather pace. The dominant sections of the bourgeoisie in Britain seem set on a savage curtailing of press freedoms and of free speech, in order to defend the impoverishment of the majority of the population on behalf of the financial elite.

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