

# News Communication and State Secrets

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**Abstract:** Investigative journalism strives to reveal hidden, secret information. On its way, it sometimes crosses the road of the secret services; which leads us to ask ourselves the following question: What is the relationship between these two professions which - ultimately work - on the same subject: information?

It is well known that the diversity of the journalistic offer is very problematic. The explosion of private media has become embedded in this manifest desire of readers to read another form of information that is more aggressive and critical, or even that it can penetrate state secrets and expose manipulations and hidden decisions of certain governments or statesmen.

In this research report, we will see the linked and complex relationships between the journalism professions and state secrets who struggle to keep certain hidden information from the general public.

We will also analyze in this report the power of the secret services and their application in certain countries to better understand the relations and the limits which link these two different sectors of activity and professions.

**Keywords:** News communication, State secrets, United States of America, England, India.

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## 1. INTRODUCTION

Communication brings out the necessity of existence. News is about the disclosure of daily happenings and events that arise within different surroundings. Everyday story appears in various fields ranging from personal to those of national importance. The communication of such news varies. Some are always very sensitive, and the state machinery their ways and criteria to manage them. They determine what is relevant for communication to the general public and what should not. Different rules, guidelines, and regulations are stipulated on how news communication is done, when and by whom. The media is regulated since unethical and improper news communications can compromise foreign treaties and affairs, which are essential for any country's growth and development. To put into perspective this subject matter, this research will generally look at news communication and state secrets; highlighting their relationship, history of state secrets, and its impacts on News Communication. Moreover, discussing the role of courts and comparing three countries using this topic will provide an in-depth analysis of the study.

### **Relationship between Information and State Secret**

Due to increased concerns of national security compromise by revelation and display of secret information, various efforts by the legal protection agencies to address the problem are in place. Although it has raised questions on its effect on the freedom and liberty of information, government agencies have come up with various measures and strategies to tame the situation (Sagar & Rahul 160). Different countries have adopted their ways of protecting their secrecy. Although improvement in technology can aid much in retrieving of information, the hefty fines and penalties assigned to such crimes are very high. News that is conveyed by leading media houses in different countries is the ones that have been authorized by the relevant state agencies (Aldrich et al. 1010). Instances of litigation and court battles have been on the rise due to the reporting information that is not verified. States have set out their frameworks and techniques to counter news communication and to ensure everything is within the underlaid principles of cohesion and integration within the country's boundaries.

### **State Secrets and Its Application in Different Countries**

Governments have their secrets that they keep to themselves. Such secrets cannot be communicated easily by newsrooms without proper authorization. State secrets refer to sensitive information that is concealed and confidential to various government agencies and bodies.

#### **United States of America**

In the USA, state secret describes classified information, which leads to state secret privilege. To protect government information further, the government came up with this privilege. It was to ensure that even in courts of law, the head of the executive department can decline to provide evidence (Bigo et al. 36). It came about as a common law to protect confidential information and data that would be detrimental to the country's security and foreign relations if revealed. When State Secret Privilege (SSP) is under invocation, the government submits an affidavit stating that the disclosure of such evidence. It would bring adverse effects to the country in terms of security and other bilateral talks and asks the court to ignore the suit on the stated reason (Lidberg et al., 200). Usually, it is a tool to deny media houses and journalists access to various government documents and witnesses.

Therefore, they have identified courts as the only way to avoid disruptions. Any information that is communicated to the public by different media houses must be given the go-ahead by the courts to do so (Sweeney & Steve 20). Only court can allow them to access various government databases to retrieve and access the information. State secret is vital in the USA in protecting the country, although it undermines democracy. It puts into question the independence of the government bodies with the authority of reviewing, evaluating, and making an independent judgment on their findings (Posetti & Julie 150). SSP holds into captivity the judiciary but looking at the essence of keeping states activities secrets it is vital.

#### **England**

Legal experts and political pundits attribute state secrets to political philosophy. Secrets are usually undemocratic and cannot be avoided by states in this hostile world. According to Max Weber, secrecy aids in bureaucratic governance, and many democratic governments have been forced to keep the secrets (Bigo et al. 38). State secrets began in England before progressing to other countries. The disclosure of information or any data relating to the government in England is highly protected. The official secret act of England dates back between 1911 and 1989 and provides the primary and overall legal protection against the revelation of government's data and information. The first section of the act relates the offense to sabotaging, spying, and other crimes and activities related to the government (Aldrich et al. 1008). The laws state the repercussions of such actions by those in the employees of the intelligence services and for journalists and other media houses which reveal such information to the public (Posetti & Julie 167). The Attorney-general in England is bestowed with the authority to determine prosecution of someone under the official secrets acts or not. Sagar & Rahul (164) points out that they have indicated the maximum penalty for such offenses is two way. The first way is two-year imprisonment and the second one unlimited fine. The last sentence can be both. Adherence to such laws does not require the signing of such laws, but the overall government's rules and regulations warn everyone against disclosure of such information.

The origin of this law was passed in England after increased cases of spying by people outside the country. Such a situation left the country open to attacks from enemies, and there was a need to come up with decisions to address the problem (Lidberg et al. 212). International relations and friendship were under threat, and there was a need for measures to curb information leakages and spread from unauthorized sources. In England, any disclosure must be supported by the absolute authority to do so. Sweeney & Steve (37) depict that when a media house or journalists reveal some information, criteria are set by the government to ensure that the culprits get a fair hearing with full proof. They carry out "damage tests", which require the government to confirm that the information displayed was damaging and hurt the operations of the country. The role as well rests with the Attorney General who must confirm whether it is damaging (Bigo et al. 40). There are other laws such as Public Records Laws, which provide that various parties access the government records after a twenty-year closure era. The members can also request for information, but exemptions apply for the information that they feel is risky to be given to people.

#### **India**

In India, all people follow state secrets to the latter. Its acts date back to 1923 and even passing, inspecting or approaching prohibited sites is highly punishable. They believe that helping an enemy is through official codes, planning, and sketching (Sagar & Rahul, 171). Their punishment ranges between three years and life imprisonment. Prosecution conducts of such cases even if giving out the information was not intentional. The law has bestowed people to deal with

state secrets as only those in powers and lines of authority. Journalists can help in the investigation of various crimes, but revealing of such information must get authorization from the court (Posetti & Julie 143). If the magistrate finds out that there is danger in revealing out the data, then he or she revokes the journalist's authority to air the news.

When a case is in court, there is an exemption of the public from attending the session since some vital and sensitive information might be under discussion in the course of proceedings. If a media house is liable for an offense relating to information everyone linked with control and management of operations of the company; from top to low management are answerable (Aldrich et al. 1012). Over the years, different reforms have been derived to ensure that national security enhancement. The improvements have made countries secure, and citizens can as well continue with their daily operations without any problem.

### **Critical Issues of Implementation of News Communication and State Secrets**

There are pivotal issues that different countries should put in place as long as communication and state secrets are concerned. The first is agencies attitude. To ensure that every country maintains its name on the global map, the implementation of strategies should derive support from the political class. It ensures that enough resources are availed to control various issues (Lidberg et al., 214). Although the governments are always keen, information that promotes economic development improves standards of living and enhances proper and better governance is supposed to be supported. Albeit they might be undermining the security of the respective countries, comparison of the benefits is vital (Bigo et al., 52). The benefits that outweigh each other, the government should support them. Secondly, government capacity is also essential.

Every government aim should be to foster the progress of their citizens. People of integrity and trustworthy should be put in such agencies to ensure that they are fair to their own country since some can be friends with the enemy, thus revealing the secrets, which can leave the country in challenging situations (Sagar & Rahul 200). Cooperation between the journalists and the state is vital. Journalists and media houses should realize that the country belongs to them as well. Therefore, they should not always be in a hurry to disclose information, which is sensitive before making an inquiry on the same. They must recognize that if the country succumbs to their enemies due to the disclosure of information, they will also not be spared, but suffer as well (Posetti & Julie 170). The overall essence of state secrets is to make the state governable through ensuring tranquility and peace all the time. Journalists should always be at the frontline to ensure that the country is on the safer side.

### **Impacts of State Secrets on News Communication**

If a journalist works well and reports a case that is against any country's laws that protect state secrecy, then the journalist will be arrested and taken to court. Sweeney & Steve (60) say that the impact of this decision is that it diminishes professional journalism to gutter-press production. If a reporter writes about a grapevine going around the streets, it requires that what written should be conversant with the originality and development of the story (Lidberg et al. 222). For instance, in America, Andrew Gilligan aired a story that involved official privacy using the contacts that were forbidden by the state. He had access to secret government information from their documentaries, and he had in his mind other people who had access to the same up his story (Aldrich et al. 1015). If he had gone ahead to firm the story on seeking evidence, he would face prosecution.

National security agency programs become hard for those without the knowledge to know whether the revelations, made by them truly serve the objectives of maintaining national security (Bigo et al., 60). The general public themselves are not aware of whether to support the programs. Different scholars have argued that it is not enough to deprive the journalist's right to communicate various issues since it is only legitimate to do so. Instead, the state secrecy must be promoting national security as stipulated (Sagar & Rahul 218). Problems of judicial reviews, media watchdogs, and the impact of whistleblowers in ensuring checks and balances in the government are not enhanced.

Media plays a huge role in combating any misuse and plunder of public resource. With these state secrets, people in authority can jeopardize their positions and steal under the umbrella of such secrets. It does not only shift the focus of the secrets but also, continues to ruin the economy of countries further (Posetti & Julie 300). Through communication of various issues by media ensures that wrongdoings are disclosed thus, helping in prosecution and arrest of those guilty. It helps to promote the country integrity towards the usage of public resources, confidence, and commitment of citizens towards their country and ensuring government money is used for the right purposes.

Usually, failure by the government to give the journalists' freedom to air various issues is not fair. Even though their main aim is to combat evil activities from enemies, terrorism over the years has increased so much (Bigo et al. 54). It cast doubts on whether avoiding terrorism rests with only observing the state secrets and undermining the journalist role. Different scholars have pointed out that several institutional developments should be developed to monitor the situation of the country's security. They have also questioned the court's impartiality in making cost vs. benefit calculations on disclosure that should be given to journalists (Lidberg et al., 228). Since the role of journalists is to inform the public on various matters of national importance, the courts should help in enhancing transparency. It can do so by requiring that intelligence officers explain why the revelation of secret programs would ruin the national security.

### **Responsibility of News Communication and State Secrets**

Arguments and concerns have come up about who is responsible for state secrets. The debate has been going on whether it is the government or the media house. Different scholars gave had their view regarding the same issues. For instance, Schoenfeld traces the history of media houses and the government to disclosures of classified information (Sweeney & Steve 90). He argues that the New York Times should face prosecution for disclosing National Security's Agency controversial tracking of transactions relating to Swift and Wiretapping without warrants. According to Sagar & Rahul (20), the question that arose was: is it the responsibility of the press to keep Governments secrets? The public has the right to know from the government that they elected into office, but when the media publishes some information for the public to know it renders them into problems. Government has maintained that the press should follow their instructions, whereas there are many negative issues within the government circles. Scholars have refuted the claims of the government since it has opened them an avenue of breeding corruption in the country (Lidberg et al. 234). The media feels that it is their role and responsibility to highlight such issues that affect citizens. On the other hand, the government has it that there are state secrets that need observation.

Journalists traditionally were cautious on the content that they published. They used to discuss with the government on what to publish to ensure there was no damage caused. Over the years, there has been the radicalization of journalists to the point that they do not consider any decisions on whether to publish any information or not (Bigo et al. 62). Although they are not responsible to the public, they need to bring news to remain relevant in the field. Issues of what happens behind these state secrets need to disclosure to the public (Sagar & Rahul 280). Some news by the government can be inconsequential and others are seriously damaging.

Both the press and the government should uphold the responsibility of state secrets and communications. They both matter to the development and growth of any country, and they should be willing to accommodate each other where necessary. According to Lidberg et al. (278), it means that the government should allow the media to air issues of unaccountability and economic crimes happening behind state secrets. In addition, the media should not disclose any information without clarification and authorization from those in authority. It will promote ethical dealings between the government and the media.

### **Courts on: News Communication and State Secrets**

Governments have solace from the courts whenever the media wants to disclose vital information to the general public. There are various factors that courts consider to determine whether public interest disclosure outweighs that of not communicating (Bigo et al. 64). The elements provide guidelines for analysis and illustrate the theoretical grounds that guide the courts in determining such cases. The court first considers the seriousness of the alleged offense. Second, the extent to which the disclosure will prevent the continuation of the alleged offense. Third, whether the media house had reasonable grounds to believe that the exposure was of national interest story (Aldrich et al. 1022). Fourth, whether the media house followed stipulated laws and regulations. Fifth, is the risk that would be created by the disclosure. Lastly, there are the existing circumstances that justify the declaration. Through that the court can rule on who is wrong between the governments and the media house.

In conclusion, state secrets and news communication complement each other. They are both critical in their perspective. Therefore, none should override another. Citizens and the general public need information on what is going on behind state secrets. Moreover, the state secrets should be protected to ensure national security. Courts should portray impartiality in their rulings and should not favor the government. It facilitates the confidence and trust of the independent bodies.

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