



Covert Activity: the *Washington Post*, Edward Snowden and the National Security Agency Epilogue

Late in the afternoon on Thursday, June 6, reporter Barton Gellman's contact in the Executive Branch called and said that his institution had decided not to approach *Washington Post* Executive Editor Martin Baron or the paper's publisher to request that the *Post* not name the nine Internet companies.¹ The contact said that the British *Guardian* newspaper also had the PRISM document and was planning to publish the story. Although he had suspected as much, it was the first confirmation Gellman had that the *Guardian* was working on the same story.

Even before the contact's phone call, Gellman and his editors had decided to name the companies. Gellman reasoned that if publication hurt the government's relationship with the companies, or hurt the companies themselves, that could only mean that voters or customers disapproved of what they were doing. Transparency, he believed, was essential to the workings of the political system and the marketplace for Internet services. Gellman concluded that the government's main concern was to prevent those checking forces from having their say. That was not only insufficient reason to withhold the names but a strong reason to publish them. He and his editors felt the public had the right to know.

Gellman and *Post* Investigations Editor Jeff Leen fast---tracked the story to beat the *Guardian*. At shortly after 5 pm, they posted "U.S., British intelligence mining data from nine U.S. Internet companies in broad secret program" to washingtonpost.com. The story included the names of the nine companies. It also included those PRISM slides they considered meaningful to the story and understandable to the average reader, and left out those they felt—after consulting high---ranking officials—might pose a national security risk. The *Guardian* posted its PRISM story—and, by coincidence, the same slides—nearly a half hour later. That evening, Gellman updated the story twice to include more statements from the Internet companies and new information from the Snowden documents to explain the apparent contradiction between the accounts of the companies and the NSA's PRISM program manager. The White House defended the program.

¹ Gellman would not name his contact or the department for which he worked.

On Sunday afternoon, June 9, the *Guardian* revealed the source's identity. He was Edward Snowden, a 29-year-old employee for defense contractor Booz Allen Hamilton and a high school dropout with a lifelong interest in computers. For four years, Snowden had worked for the National Security Agency through contractors. That day, Gellman held a real-time conversation with Snowden, still in his Hong Kong hotel room, and published a piece on the *Post's* website about his interactions with Verax.²

For the next year, Gellman continued going through the cache of documents that Snowden had given him, writing additional stories on the extent and reach of NSA's surveillance programs. The stories by the *Post*, *Guardian* and other news organizations sparked a national debate about the scope of the National Security Agency's programs and a possible abuse of power. Snowden was lauded as a hero in some circles and denounced as a traitor by others. US Representative Peter King (R-NY), chairman of the House of Representatives Subcommittee on Counterterrorism and Intelligence, called for punishing journalists who published leaks. Countries that had been the subject of NSA surveillance expressed outrage.

On Friday, June 14, 2013 federal prosecutors filed espionage and felony theft charges against Snowden. The US asked Hong Kong to detain him, but the Chinese government refused. On Sunday, June 23, 2013, Snowden left Hong Kong for Moscow, his final destination unknown. When he tried to change planes in Moscow, however, he found his US passport had been revoked. Snowden requested asylum from 20 countries; some declined, but most responded that they could not consider the request until he was at the border. That included Ecuador, the country that had allowed Wikileaks founder Julian Assange to take refuge in its London embassy.

But without a passport, Snowden could not leave Russia. So he remained in the Moscow airport transit area for over a month, awaiting disposition of his case. On July 31, 2013, Russia granted him asylum for a year (extended another year in July 2014.)

Gellman finally met Snowden in person in mid-December 2013, in Russia—the first reporter to see him there. Gellman interviewed him for nearly 14 hours over two days. Snowden told him, “For me, in terms of personal satisfaction, the mission's already accomplished. I already won. As soon as the journalists were able to work, everything I had been trying to do was validated.”³

² Barton Gellman, “Code Name ‘Verax,’” *Washington Post*, June 9, 2013. See: http://www.washingtonpost.com/world/national-security/code-name-verax-snowden-in-exchanges-with-postreporter-made-clear-he-knew-risks/2013/06/09/c9a25b54-d14c-11e2-9f1a-1a7cdee20287_story.html

³ Barton Gellman, “Edward Snowden, after months of NSA's revelations, says his mission's accomplished,” *Washington Post*, December 23, 2013. See: http://www.washingtonpost.com/world/national-security/edwardsnowden-after-months-of-nsa-revelations-says-his-missions-accomplished/2013/12/23/49fc36de-6c1c-11e3-a523fe73f0ff6b8d_story.html

In April 2014, the *Washington Post* won the Pulitzer Prize for Public Service, shared with the US branch of the *Guardian*, for its work on the documents Snowden provided about NSA operations. On the day the awards were announced, Gellman said:

This has been a hard, consequential story, which could have gone wrong in all kinds of ways. I'm thrilled at the recognition for the *Post*, and honestly I'm relieved that we didn't screw it up... We have been as careful as we could be to balance the public interests in self---government and self---defense. We consulted with the responsible officials on every story and held back operational details. But we were not prepared to withhold the secret policy decisions the government is making for us and the surveillance it's directing against us. The public gets to have a say on those things. Enabling that debate is exactly what a great news organization should be doing.⁴

In the meantime, the *Washington Post* had changed hands. On October 1, 2013, Amazon.com founder Jeffrey Bezos formally took ownership of the newspaper, ending 80 years of leadership by the Graham family. On taking over, Bezos left the editorial leadership of the paper in place.

⁴ Paul Farhi, "Washington Post wins Pulitzer for NSA spying revelations," *Washington Post*, April 15, 2014, p. A1. See: http://www.washingtonpost.com/politics/washington-post-wins-pulitzer-prize-for-public-service-shared-withguardian/2014/04/14/bc7c4cc6-c3fb-11e3-bcec-b71ee10e9bc3_story.html