

CHAPTER ONE

Message Sent

From: Frank Koza, Def Chief of Staff (Regional Targets)

CIV/NSA

Importance: HIGH

Top Secret//COMINT//X1

All,

As you've likely heard by now, the Agency is mounting a surge particularly directed at the UN Security Council (UNSC) members... for insight as to how membership is reacting to the on-going debate RE: Iraq.

It began in the wee hours of the morning at the National Security Agency's National Security Operations Center not all that far from Washington, D.C., where Frank Koza, chief of the Regional Targets group, sat composing a highly secret message. Aside from the usual Intelspeak, his message was straightforward and to the point. It was addressed to his counterparts at the Government Communications Headquarters (GCHQ) in Cheltenham, England.

Koza's e-mail was very much in keeping with the business of NSA, an enterprise little understood by most of the American public, who are much more familiar with the CIA and the FBI, often in the news for questionable management and various commissions and omissions and, less often, for jobs well done. It is the NSA that seems the most obscure,

most mysterious of the intelligence agencies.

By design, the NSA remains in the shadows, hidden behind a wall of security in Maryland. Its work is beyond top secret, beyond imagination. A city unto itself, it excludes the outside world and likely could survive comfortably if the rest of civilization vanished in the blink of an eye. It is unbuggable and impenetrable. It stores more secret information than all other hush-hush data collectors combined. Its technical capabilities are mind-boggling and imply that private international communication, by whatever means, is not private at all.

Koza's addressee is similarly not as well known worldwide as its more glamorous sister agencies, MI5 and MI6, popularized by British fiction. GCHQ is infinitely more secret, with far greater resources than its intelligence siblings. To those knowledgeable about intelligence matters, GCHQ has an impressive significance by virtue of inheritance. Its predecessor was the historic Government Codes and Cypher School at Bletchley Park, where the British broke the infamous German Enigma code during World War II. Now, five thousand staff on the GCHQ payroll speak and listen in 107 different languages every hour of every day. This morning, thousands of miles from Koza's desk, one of them, Katharine Gun, would be reading in English.

Coincidentally, this same day, January 31, 2003, the British foreign secretary, Jack Straw, announced the selection of GCHQ veteran David Pepper to replace Sir Francis Richards as director of the agency. Pepper, with an impressive intelligence background, would assume his new position in April, just in time to inherit the Koza problem.

Also on this same day, then U.S. national security adviser Condoleezza Rice would attend a highly secret and decidedly bizarre meeting in the Oval Office with President George W. Bush and Prime Minister Tony Blair, where the topic of conversation would have much to do with what was now taking place at the NSA.

More than one reliable source concludes that the message from Koza was Rice's inspiration. However, a former NSA officer puts his money on Vice President Dick Cheney, for whom desired ends and means for getting there are sometimes considered to be in conflict with the law. The view of unnamed U.S. intelligence officers suggests a team inspiration from Rice and Donald Rumsfeld, along with George Tenet, then CIA chief, and USAF Gen. Michael Hayden, then NSA chief.

Seen as directly complicit in the January 31 fiasco, Hayden has been alleged in the past to be somewhat careless about complying with various laws governing surveillance of individuals. It is true that the four-star general has fiercely disputed such allegations. He has described the NSA's lawyers as being careful about ensuring the lawfulness of the agency's actions "out of a heartfelt, principled view that NSA operations had to be consistent with bedrock legal protections."¹ And, later, that "Everything that the agency has done has been lawful."²

That seems not to have been the case on January 31, 2003.

Hayden, who has spoken so definitively in defending NSA's compliance with the law, has spoken with equal conviction about other aspects of the secrecy business. One statement in particular, uniquely related to this story, seems especially disconcerting: "I'm not too uncomfortable with a society that makes its bogeymen secrecy and power... making secrecy and power the bogeymen of political culture, that's not a bad society."³

In the end, Frank Koza's message sent from the agency headed by Hayden was all about secrecy and power, about using illegal means to gain power over a small group of suddenly important individuals and nations.

This very day a bogeyman, a monstrous American bogeyman, was about to saunter into Katharine Gun's office and fire up her computer screen. The question was, what to do with him?

CHAPTER TWO

Message Received

At the time, it seemed to me that if people knew how desperate Bush and Blair were to have a legitimate reason to go to war, our eyes would be opened... people would see that their intention was not to disarm Saddam, but in fact to go to war.

—KATHARINE GUN, April 2005

“It was quite cold that Friday morning of January 31 when I woke up about nine o’clock beside Bulent, still sleeping. At GCHQ we had flexible hours, and my workday usually began at about ten o’clock and ended after six, so sleeping until nine was not unusual. Our bedroom was light and bright with natural wood floors and white walls, with cream-colored curtains. It was a cheerful place to begin the day, even on a cold winter morning — not like the rest of the house, a dreary place with small windows. I got up, pulled on jeans and a T-shirt and layered on a jumper because I might want to walk home after work and it would be cold. I always dressed casually for work; most people at GCHQ did.

“Bulent drove me to work in our old, beat-up red Rover Metro. We had a cuddle and kiss before he dropped me off outside the gates of GCHQ. I waved good-bye and he drove off to work at the café. Inside, I bought a coffee and

a cinnamon roll at the shop and settled down to work. It was all so normal, so ordinary. There was nothing to suggest that this day would change my life.

“I went to my desk, finished the last of my coffee, and opened my e-mail. And there it was.

“I could not believe what was on the screen, and I had to read it several times. I felt quite excited — no, more shocked than anything else. And it suddenly became clear to me that this message was so significant that perhaps it could be used to bring a stop to the rush for military action against Iraq. My thoughts were racing, really bizarre thoughts for me. I had never intended to do anything like that which I was now contemplating. I certainly had not been looking around for information to leak. The thought honestly had never occurred to me. But now, the fact that I was a recipient of Koza’s request, made me feel as if I had moved into a different sphere, as if my life had suddenly taken on new and unfamiliar dimensions. I was, in this new place, privy to the internal workings, the most secret workings of top government — workings that seemed so very wrong.”

On Katharine’s screen was a blatant invitation to a conspiracy. The United States was mounting an illegal intelligence operation against the UN Security Council member nations — and their representatives — that would cast the deciding vote on a resolution for war against Iraq. At the moment, the undecided were resisting U.S. pressure for an “aye” on launching a preemptive strike.

The purpose of the operation was explained — to collect “the whole gamut of information that could give U.S. policy makers an edge in obtaining results favorable to U.S. goals.” Clearly, the principal goal was war. Sooner rather than later. Called for was listening in on not only office communications, but also “domestic,” private conversations.

Britain was asked to join “a surge effort against UNSC members Angola, Cameroon, Chile, Bulgaria, and Guinea,” with special attention on Pakistan. Other UN delegations

not sitting on the Security Council at the moment were also good targets because they could “contribute related perspectives, insights, whatever.” The message, sent by the NSA’s Frank Koza, recognized that “we can’t afford to ignore this possible source.”

As for timing, Koza wrote, “this effort will probably peak (at least for this specific focus) in the middle of next week, following the SecState’s presentation to the UNSC.” It was important to know how the “swing voters” reacted to Colin Powell’s Weapons of Mass Destruction pitch to the Security Council and, it seems, to collect secrets that could manipulate those reactions, ensuring that they would be “favorable to U.S. goals.”

“I sat there, mesmerized, appalled by the fact that the public rhetoric of George Bush and Tony Blair, especially Tony Blair at that time, led us to believe that all efforts were being directed toward securing a diplomatic resolution to the matter of Iraq, not toward an inevitable war. They talked of other options: Saddam Hussein being forced to give up his WMD, or having to leave Iraq. It seemed so hypocritical that they were saying this on the one hand in public, and behind everyone’s back, they were desperately trying to seek a yes-vote to the second resolution to justify a war that they obviously wanted. They were willing to use any means to get what they wanted.

“It seemed to me, as I sat there thinking, that if people knew what really was going on, they would understand that the intent all along was war, not disarmament. I asked myself: How could anybody even hope for a chance of resolving the issue peacefully when the motives of the U.S. administration were so apparent, so blatant? Besides, I didn’t think that the job of the intelligence services was to manipulate, to politicize intelligence. I don’t believe you should tailor intelligence to a political agenda. I was angry — angry about their trying to manipulate the vote in the Security Council.

“I knew there were others like me at GCHQ who were worried about this rush to war, who had serious questions in mind.”

By a strange coincidence, a memorandum had been circulated to staff exactly one week earlier. It read, “I know from the questions you have asked... that some of you have concerns about the legal or ethical basis of war against Iraq — if and when it happens — and GCHQ’s part in it.” “Well,” assured the senior officer responsible for the memorandum, “there is no question of any member of GCHQ being asked to do anything — at this or any other time — which is not lawful.”

It is likely that the author of the memorandum to staff believed what he wrote so convincingly. Further, he assured, “British troops do not go into action unless the Attorney General has advised the Prime Minister that their action is lawful.” The directive also quoted the prime minister’s remarks from two weeks earlier, when he promised he would never commit British troops to a war he thought was “wrong or unnecessary.” Besides, the government “has shown its commitment to trying to resolve this difficult situation by agreement with the international community, through the United Nations.”

Through the United Nations. By doing what the Koza message asked? Creating a false coalition? Would the United Kingdom join the United States in this apparent hypocrisy?

That night, after work, Katharine did not take the bus but instead walked several miles into town through the dark and the cold, wanting to be alone with her thoughts. One in particular, she says, “was already running around in my head, that this was explosive stuff.” She reached the café shaking with a combination of cold and rattled nerves, pulled off her heavy sweater, and folded into a chair to watch her husband finish his chores before closing. Nothing was said, not a word about the Koza message. He could not know, not at this point. It was a matter she would have to decide

for herself, unless, of course, she had already decided. She thinks, perhaps, she had.

“To be honest, I must admit that the decision to leak the e-mail was instantly in my mind as soon as I read it, not finally made, but certainly in my mind. It was there because of the nature of the message and the impact on me.

“At the time, all I could think about was that I knew they were trying really hard to legitimize an invasion, and they were willing to use this new intelligence to coerce, perhaps blackmail delegates, so they could tell the world they had achieved a consensus for war. I felt so strongly, and I knew there was so much public anxiety and anger about a preemptive strike, about rushing into war, that I didn’t really think about my own personal circumstances at that stage.”

It is along about here in Katharine’s story that her critics howl. What did she think NSA and GCHQ were doing? Knitting sweaters for poor children in third world countries? She was in the spy business, for God’s sake, they will say. And what was afoot in the business at the moment was a spy operation. Surreptitiously, clandestinely collecting information. The United States and United Kingdom were simply trying to acquire information about the positions of the various target countries. Nothing new — in fact, so old hat as to be boring. So what, they ask, was her problem about a bit of high-stakes eavesdropping at the United Nations?

“Yes, it was eavesdropping,” Katharine agrees, “and that’s what I did for a living.” But what she did in the normal course of her work was something quite different, as she sees it, from what GCHQ was being asked to do by the NSA. “This request was far more than attempting to collect information on negotiating patterns, on likely responses to draft proposals.” It was how the information was to be used. Here Katharine and her colleagues were being asked to help manipulate those patterns and responses, to legalize what otherwise might well be an illegal war. Much later, in the spring of 2005, what was going on was described to the

public as tailoring intelligence to fit policy.²

“You’re being asked to participate in an illegal process with the ultimate aim of achieving an invasion in violation of international law,” Katharine says. An illegal process with the imprimatur of a bogeyman on the loose.

Ultimately, Katharine believed that if the Koza message was released to the public, people would see clearly that, despite official government pronouncements about seeking diplomatic resolution to the Iraq problem, behind-the-scenes unofficial government was in pursuit of quite a different solution. And that solution would allow the United States and United Kingdom governments to claim that a unified United Nations believed Iraq was in contravention of Security Council resolutions and was an imminent threat to world peace. War, then, would be both legal and necessary.

Timing was a significant issue:

“We were all aware that Hans Blix and the WMD inspectors had not yet had a chance to complete their work. From the beginning it had been estimated that it would take them at least six months once in place to provide any kind of realistic assessment. They had been there about three months when Koza’s message arrived. This was troubling, I would guess, for a lot of us.”