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# An analysis of post-Snowden “civil society” intelligence accountability in the United States and United Kingdom

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## Abstract

Liberal regimes committed numerous human rights abuses during the "war on terror," including extrajudicial killings, renditions to secret detention centers, and mass surveillance. The 2013 Snowden revelations not only exposed a flawed oversight system that failed to effectively monitor the actions of intelligence services; they also highlighted the role that different actors within civil society had in bringing these abuses to the attention of the public despite official oversight bodies ignoring them. This chapter, based on over thirty interviews with journalists, activists, scholars, policymakers, and whistleblowers involved in the intelligence scandals, aims to examine the roles and strategies of journalists and activists in uncovering these issues and the transnational dynamics at play, especially with reference to the Snowden revelations.

## Introduction

At the turn of the twenty-first century, the discovery of a series of scandals demonstrated the weakness of intelligence oversight: extrajudicial killings, extraordinary renditions to black sites, and mass surveillance, just to name some. These revelations tell the stories not only of a weak oversight system that systematically fails to control the actions of the services but also of how different actors from “civil society” jumped in in the attempt of pursuing accountability for the acts that overseers had turned a blind eye on.

Drawing on more than three dozen interviews with not only journalists and activists but also policy makers, former security agents and whistleblowers involved in intelligence controversies, the specific objective of this chapter is to both sketch out the different groups and strategies followed within each of these two civil-society fields —journalism and activism— and use them to demonstrate the importance of field struggles, symbolic power or social capital in the understanding of the democratic control of intelligence agencies. To understand these strategies and their relative success, we look at the *structure* of the field (in other words, the transformations that explain how they looked like when the Snowden revelations came to being), and the consequences of these strategies. In turn, the intellectual purchase of the analysis of these three fields lies in what they tell us about two critical concepts for the social sciences: symbolic capital and social capital.

The first section of this chapter provides the theoretical and methodological framework of this research. Sections 2 and 3 provide an outline of post-Snowden journalism and activism (respectively), and each of these sections sketches a sociogenesis of the field, the strategies followed by the actors with the Snowden revelation, and the effect they had transforming these two fields. These two empirical chapters draw on data from organizations and universities from the United States and the United Kingdom.

## Theoretical and methodological framework

### An international political sociology of scandals

This chapter delves into a transnational scandal taking as case studies two countries: the US and the UK. However, it does not study these cases comparing and contrasting them (as, for instance, Comparative Politics would do); rather, it outlines a research strategy rooted in International Political Sociology (IPS). This is a trans-disciplinary strategy that aims to critically analyze the international as a specific object and reassess how it may be understood as a problem. Rather than seeking to unite different disciplines under a single umbrella, international political sociology focuses on transversal lines that cut across traditional planes of scholarship and seek to bring together various forms of knowledge to better understand the

multiple facets and circulations of power and authority.<sup>1</sup> IPS encourages engagement with longstanding questions about power relations and mechanisms of social change, as well as novel forms of heterogeneity, transformation, and struggles for power. In this sense, this chapter adopts an IPS approach moving beyond International Relations and Intelligence Studies to investigate these processes drawing on the literature and methods of sociology, anthropology, political science, communication studies and political economy. More specifically, it delves into the evolution of the two fields studied (journalism and activism) and into the strategies of actors by drawing on ethnographic methods, while it connects it to broader transformations imbricated in political economic shifts.

International political sociology also invites to destabilize traditional categories and classifications and to develop a more nuanced and complex understandings of the international.<sup>2</sup> For that reason, this chapter questions methodological nationalism by tracing the “vernacularization” of the Snowden scandal —demonstrating how it was at the same time a transnational phenomenon but also affected by national power struggles—, as well as it concludes questioning the very category that it departs from: that of “civil society”.<sup>3</sup>

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<sup>1</sup> Tugba Basaran et al., eds., *International Political Sociology: Transversal Lines* (London: Routledge, 2016), <https://doi.org/10.4324/9781315693293>.

<sup>2</sup> Ibid

<sup>3</sup> For this reason, I use throughout the paper the concept in quotation marks.

## De-essentializing “civil society” through field theory

The French sociologist, Pierre Bourdieu, advanced the concept of “field” to describe the social environments in which individuals or groups compete for power, resources, and status. Such fields are characterized by their own specific rules and practices and involve a struggle for power and position between members. Bourdieu also introduced the concept of “capital”, which refers to the various resources that individuals or groups can utilize to achieve their objectives or gain an advantage within a particular field. He identified four forms of capital: economic, social, cultural, and symbolic. Economic capital encompasses material resources such as money and property, while social capital refers to the networks of relationships and connections that an individual or group has. Cultural capital includes knowledge, education, and cultural experiences that can give an individual an advantage in certain fields. Symbolic capital refers to these three forms “when they are known according to the perception categories they impose, the symbolic strength relations tend to reproduce and reinforce the strength relations which constitute the structure of the social space”<sup>4</sup>. According to Bourdieu, these forms of capital are not fixed and can be converted, transformed, and invested to gain advantage within a particular field.

This framework is mobilized in two ways: first, it allows us to overcome normative or functionalist views of journalism and of activism. In field theory, the focus is on struggles between agents within social fields, rather than on the functionalist or normative aspects of social systems. Functionalist theories tend to view society as a system of interconnected parts that work together to maintain stability and social order. They often see social institutions as serving a specific function within society, and assume that they are operating efficiently and effectively. In contrast, Bourdieu's approach emphasizes the ways in which agents within a field compete and struggle for resources, and how the distribution of these resources shapes the field and the relationships within it. This emphasis on struggles and the distribution of resources allows us to better capture the complexities and conflicts that arise within social systems, giving us a more granular understanding of the field of journalism and activism. Struggles, not norms, shape the world.

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<sup>4</sup> Frédéric Lebaron, “Symbolic Capital,” in *Encyclopedia of Quality of Life and Well-Being Research*, ed. Alex C. Michalos (Dordrecht: Springer Netherlands, 2014), 6537–43, [https://doi.org/10.1007/978-94-007-0753-5\\_2961](https://doi.org/10.1007/978-94-007-0753-5_2961).

Second, because fields are not pre-defined, but rather emerge and take shape as agents interact and compete within them, they allow us to overcome established categories. The stakes of a field refer to the resources that are at stake within it, such as money, power, or cultural capital. These stakes give meaning and value to the actions of agents within the field, and shape the rules and norms that govern their behavior. In summary, Bourdieu's theory of fields helps us to understand that within the field of journalism, there are various sub-fields in which journalists compete for different resources. It also shows us that the concept of “civil society” does not represent a unified entity working towards a common goal, but rather a diverse group of actors engaged in struggles within different sub-fields. Therefore, we can conclude that “civil society” does not exist as a cohesive actor, nor as a holistic category.

## Journalism

“Good journalism should challenge people”. Carl Bernstein’s quote is perhaps one of the best-remembered line from the Watergate scandal. If we think about non-institutional efforts to render intelligence abuses accountable, the image of the investigative journalist is perhaps the image that comes to mind. From the scandals that triggered the Church, Pike and Rockefeller committees, inaugurated by an investigation of the New York Times, to the involvement of the Post and the Guardian in helping Edward Snowden in 2013, journalists have the capacity of pressuring public officials to investigate abuses and, occasionally, to undertake reforms.

While the relevance of the media is mentioned *en passant* in several publications, there is a surprising gap in the literature on intelligence studies on this topic. Only two publications delve in detail into the role of media in intelligence oversight: Caparini’s book on the topic <sup>5</sup> and Hillebrand’s journal article in *Intelligence and National Security* <sup>6</sup>; beyond this, most references to the issue are oblique.<sup>7</sup> If we look at the discipline of International Relations more

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<sup>5</sup> Marina Caparini, *Media in Security And Governance: The Role of the News Media in Security Oversight And Accountability*: 8 (Baden-Baden, 2004).

<sup>6</sup> Claudia Hillebrand, “The Role of News Media in Intelligence Oversight,” *Intelligence and National Security* 27, no. 5 (October 1, 2012): 689–706, <https://doi.org/10.1080/02684527.2012.708521>.

<sup>7</sup> Jonathan Moran, “The Role of the Security Services in Democratization: An Analysis of South Korea’s Agency for National Security Planning,” *Intelligence and National Security* 13, no. 4 (December 1, 1998): 8, <https://doi.org/10.1080/02684529808432503>; Geoffrey R. Weller, “Political Scrutiny and Control of

broadly, we find recent publications on the matter, such as Ochoa's et al.<sup>8</sup> While these studies of the press are nuanced enough to avoid essentializing in a normative way (i.e., reducing it to what it *should* be), they do fall short on other ends. Particularly, it fails to grasp the differing logics within the field of journalism, which have different stakes and dynamics.

If we want to answer rigorously to the question of “how do media render accountable the actions of intelligence services”, we must be attentive to the different sub-fields of journalism. In other words, what are the transformations, stakes, and struggles around resources in each of them. At the most basic level, we should distinguish between at least three sub-fields of the media: investigative journalism, general reporting, and opinion pieces. Even if these three forms of journalism can be found together in the most influential newspapers like the New York Times, the Washington Post, the Guardian or Le Monde, each of them has very different origins that can be traced through a sociogenesis.

## Investigative journalism

The American investigative tradition spans back to the first decade of the twentieth century, when muckrakers became celebrities exposing the crimes of magnates, politicians and other actors of an incipient industrial society.<sup>9</sup> While these early investigative journalists were initially able to influence progressive reformers, their relevance declined from the 1920s. It was not until the 1970s that the Pentagon Papers, Watergate and other scandals inaugurated a new “Golden Age” of investigative reporting. Journalists were democratic heroes, portrayed

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Scandinavia's Security and Intelligence Services,” *International Journal of Intelligence and CounterIntelligence* 13, no. 2 (April 1, 2000): 185, <https://doi.org/10.1080/08850600050129709>; H. Born, Loch K. Johnson, and I. Leigh, *Who's Watching the Spies? Establishing Intelligence Service Accountability*, 1st ed (Washington, DC: Potomac Books, 2005); Richard J. Aldrich, “Global Intelligence Co-Operation versus Accountability: New Facets to an Old Problem,” *Intelligence and National Security* 24, no. 1 (February 2009): 35, <https://doi.org/10.1080/02684520902756812>; Peter Gill, “Evaluating Intelligence Oversight Committees: The UK Intelligence and Security Committee and the ‘War on Terror,’” *Intelligence and National Security* 22, no. 1 (February 1, 2007): 31, <https://doi.org/10.1080/02684520701200756>.

<sup>8</sup> Christopher Smith Ochoa, Frank Gadinger, and Taylan Yildiz, “Surveillance under Dispute: Conceptualising Narrative Legitimation Politics,” *European Journal of International Security* 6, no. 2 (May 2021): 210–32, <https://doi.org/10.1017/eis.2020.23>.

<sup>9</sup> The earliest examples of proto-investigative journalism in the US can be traced to the late 17th century; however, this remained embryonic and marginal until the sociological conditions for it developed (mass circulation, the expansion of education and economic industrialisation) Mark Feldstein, “A Muckraking Model: Investigative Reporting Cycles in American History,” *Harvard International Journal of Press/Politics* 11, no. 2 (April 1, 2006): 107–9, <https://doi.org/10.1177/1081180X06286780>.

by Hollywood stars. However, with the optimism of the post-Cold War—which lowered political and economic turmoil—the public had less appetite for this type of reporting. In addition, since the expansion of internet advertisements, many local newspapers (which did much of the investigative heavy-lifting of the country) had to close down or slash their budgets, often closing their expensive investigative teams.<sup>10</sup> In addition, by the time Edward Snowden became concerned with the increasing capabilities of the NSA, Julian Assange and his team were attempting to reinvent journalism with what they called “citizen journalism”: the practice of releasing thousands of documents to the public, without curating, spinning or pacing them in the fashion that investigative reporters had done until then.

All this to say that it was not obvious, by any means, that Edward Snowden would recur to four investigative reporters to help him blow the whistle. One of the reasons he chose Glenn Greenwald was because he had participated in online forums discussing US intelligence abuses for some years.<sup>11</sup> In addition, Snowden trusted the autonomy of Laura Poitras, Glenn Greenwald, Barton Gellman, and Ewen MacAskill, that had broken important stories in the Guardian and the Washington Post.<sup>12</sup> However sclerotic investigative journalism was, Snowden had seen the way in which every US administration had delegitimized previous whistleblowers, not only pressing charges under the Espionage Act of 1917 but also leaking personal details to make them look like selfish, mentally unstable traitors. Therefore, he required the prestige of these media outlets to legitimize the authenticity and the relevance of those documents.

Here it is worth investigating the relation between the capacity to legitimize this story and the symbolic capital of these news outlets. In the work of Pierre Bourdieu, the concept of prestige is closely tied to that of “symbolic capital”. According to Bourdieu, prestige is a form of capital that is based on social recognition and respect, and it is often linked to one's status and position within a particular social field. Symbolic capital refers to the cultural and symbolic resources that individuals or groups possess, such as education, knowledge, and cultural practices. These resources can be converted into other forms of capital, including economic and social capital,

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<sup>10</sup> Julia Cage

<sup>11</sup> Crawford Kilian, “Why Edward Snowden Chose Glenn Greenwald,” The Tyee (The Tyee, May 30, 2014), <https://thetyee.ca/Books/2014/05/30/No-Place-to-Hide/>.

<sup>12</sup> Some of the reasons why he did not choose the New York Times, perhaps the most obvious choice, was that they had held on a wiretapping investigation for more than a year from 2004 to 2005, and the WMD stories fed by the Bush administration to justify the invasion of Iraq in 2003.



and can be used to enhance one's prestige within a particular field. In studying the role of symbolic capital in prestigious newspapers like the New York Times or Washington Post, it is important to consider how the symbolic resources, such as education, knowledge, and cultural practices, possessed by those who dominate high society contribute to their social recognition and respect. These symbolic resources can be seen as the "enchanted, mystified, and complicitous perception" that defines snobbishness and serves as a marker of prestige. The distribution of symbolic capital within these prestigious newspapers is likely to be closely tied to the distribution of other forms of capital, such as economic and social capital, and may serve to reproduce existing social hierarchies and power dynamics. The social value, or prestige, of these newspapers and the individuals who work for them is not simply a product of their perceived status, but is also influenced by the objective realities of their symbolic capital and the positions it affords them within the social field. In addition to the role of symbolic capital in shaping the prestige of prestigious newspapers like the New York Times and Washington Post, it is important to consider how these outlets can legitimize actors, such as whistleblowers, in a way that smaller or online news outlets cannot. The symbolic capital possessed by these outlets, including their reputation, credibility, and influence, can serve to lend credibility and legitimacy to the actors they cover and the information they provide. This is particularly true when it comes to issues of national or international significance, where the weight of the outlet's reputation can help to bring attention and validation to the actor's actions and message. By contrast, smaller or online news outlets may not have the same level of symbolic capital and may not be able to provide the same level of legitimacy to the actors they cover. This can limit the impact and reach of these actors, particularly if they are attempting to bring attention to important issues or expose wrongdoing.

Unlike Julian Assange, Edward Snowden's habitus did not push him towards seeking to overthrow any system, but rather to reform and protect the United States, the country to which he had pledged allegiance as a former member of the military. Because of this and his concerns about potentially inadvertently disclosing classified information to U.S. enemies, Snowden chose to carefully handle all documents and only release them to journalist Glenn Greenwald. He also made a conscious decision to avoid releasing documents that could put U.S. personnel in danger.

Not only that: he trusted the capacity of these outlets to keep a story alive. These incentives were proven useful: the story spurred by far more controversy than all the Wikileaks stories

together. Investigative journalists tend to be experts in building the agenda: setting the topics discussed in different media forms, such as TV talks or op-eds, and pressuring policy makers to take action.<sup>13</sup> In comparison to citizen journalism, traditional investigative journalism such as that of Poitras, Greenwald, Gellman, and MacAskill amplified the gravity of the revelations. An incredible amount of work is done behind the racks: spinning the story in a specific way, controlling the timeframe to keep the story alive as long as possible and using informal networks of other journalists and politicians; strategies that Wikileaks would have hardly wanted or been able to follow.

In this sense, it is important to bear in mind what is at stake in the sub-field of investigative reporting: unlike the managers of general reporting, investigative journalists—who tend to be better paid—are motivated mainly by the prestige of covering these stories, which can later materialize in awards such as the Pulitzer<sup>14</sup> (beyond the belief in their ideas<sup>15</sup>). To put it in sociological terms, what explains both the power of this sub-field (i.e., the legitimacy to build the agenda) and the strategies followed by different actors (i.e., the struggles between investigative reporters) is symbolic capital.

If we want to account for the struggles that happened within investigative journalists, we must remember that this sub-field is organized around prestige, and, for that reason, there is a strong sense of competition. While it would be impossible to demonstrate empirically, it is likely that one of the reasons why Wikileaks did not follow the same track is because—even with their temporary relation with the New York Times—they did not give, as Snowden did, the exclusivity to an important medium. For that reason, no outlet was particularly invested in many of their stories.

However, this logic of competition sometimes entails problems. In a personal interview, Barton Gellman, Pulitzer award-winning journalist known for his role in the Snowden revelations, shared his recollection of the media climate after the story broke.

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<sup>13</sup> David L. Protess et al., *The Journalism of Outrage: Investigative Reporting and Agenda Building in America* (New York, 1991); Gerry Lanosga and Jason Martin, “Journalists, Sources, and Policy Outcomes: Insights from Three-plus Decades of Investigative Reporting Contest Entries,” *Journalism* 19, no. 12 (December 1, 2018): 1686, <https://doi.org/10.1177/1464884916683555>.

<sup>14</sup> Gerry Lanosga, “The Power of the Prize: How an Emerging Prize Culture Helped Shape Journalistic Practice and Professionalism, 1917–1960,” *Journalism* 16, no. 7 (October 1, 2015): 953–67, <https://doi.org/10.1177/1464884914550972>.

<sup>15</sup> cf. Pierre Bourdieu, *L'intérêt au désintéressement* (Raisons d'agir, 2022).

You had the problem of our competitors. And the competitors of The Washington Post couldn't match the story because you really needed to have the documents and there was no path for that so that a limited number of choices for how they could advance the story. One way to advance the story is to find sources who will tell you very skeptical things about the story and who will leak information about Snowden personally or will claim that internal investigations are not finding evidence for this or *there are lots of ways that you can undermine this story because you have cooperative sources in the government whose job is to dampen the impact.*<sup>16</sup>

A naive reading of the struggles within investigative reporting would reduce this to investigative reporters vs. a particular administration or organization; or, at best, the struggles between two media, where one has been mistakenly manipulated by an administration (for instance, through the feeding of false information)<sup>17</sup>. This would miss the fact that these struggles, in this case the attempt to delegitimize Snowden through unpublished pieces of information, mostly respond to logics of competition within the field. In addition to this, investigative journalists face an increasing “selective crackdown on leaking”: the fact that the administration does not prosecute the frequent leaks spined by government officials but do so when whistleblowers denounce wrongdoings.<sup>18</sup> In every single interview among the dozen I had with investigative reporters, they all described an increasing pressure from every administration—local or national—to limit their capacity to report.<sup>19</sup>

Lastly, let us turn to the structural factors that benefited the success of the Snowden Revelations. In his study of investigative journalism cycles, Mark Feldstein emphasizes the

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<sup>16</sup> Bernardino Leon-Reyes, Interview with Barton Gellman (US), March 23, 2022.

<sup>17</sup> In the end, “[Reporters] also must depend on the constant cooperation of official sources- more often politicians and bureaucrats than whistleblowers to obtain government records and quotes for their stories.”

<sup>18</sup> Jack Shafer, “Edward Snowden and the Selective Targeting of Leaks,” *Reuters News*, June 12, 2013, <http://global.factiva.com/redir/default.aspx?P=sa&an=LBA0000020130612e96c000q6&cat=a&ep=ASE>.

<sup>19</sup> This is one of the reasons why news like Snowden must be broke by large organisations such as the Guardian or the Washington Post: because they have the legal teams to protect their sources and journalists. See, for instance, the sections on legal counsel: Barton Gellman, *Dark Mirror: Edward Snowden and the American Surveillance State* (New York: Penguin Press, 2020).

importance of not only the “supply” of stories<sup>20</sup> (through, for instance, technological change), but also the “demand” for them: having not only a good story, but also “an aroused public hungry for exposés in times of turmoil”.<sup>21</sup>

<Figure 1 here>

Snowden came forward in 2013, at a time when the 2008 economic (and later political) crisis was not only affecting millions of citizens, but also affecting disproportionately middle and working classes.<sup>22</sup> The political turmoil that stemmed from this economic context, coupled with the War on Terror on minimum levels of support<sup>23</sup> since 9/11, fostered a receptive public hungry for—and angry about—a story like this one.

The transnational effects of the Snowden revelation were twofold: first, the most obvious is that it kept the salience of the topic in the Anglo-American world and in Europe, triggering important reforms. Chief among them was the implementation of the EU GDPR, which before Snowden had no media salience, in turn allowing interest groups to influence the piece of legislation in Brussels. In contrast,

when the Snowden revelations pushed the fourth estate to pay more attention to privacy and surveillance issues, the attitude of legislators towards the preferences of advocates and corporations reversed. The GDPR offers a valuable lesson to the under-resourced activists fighting organized corporate interests in many causes: bringing media attention to a debate can give activist advocates power to fight back.<sup>24</sup>

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<sup>20</sup> In regards to the supply, the most important constraint that investigative journalists face is that of prosecution of sources or even journalists themselves. However, because of space constraints, this chapter does not develop this constraint. For the chilling effects derived from governmental pressure on sources after Snowden, see Paul Lashmar, “No More Sources?: The Impact of Snowden’s Revelations on Journalists and Their Confidential Sources,” *Journalism Practice* 11, no. 6 (July 3, 2017): 665–88, <https://doi.org/10.1080/17512786.2016.1179587>.

<sup>21</sup> Feldstein, “A Muckraking Model,” 113.

<sup>22</sup> Jesse Bricker et al., “Changes in U.S. Family Finances from 2010 to 2013: Evidence from the Survey of Consumer Finances,” 2014, 41.

<sup>23</sup> Hannah Hartig and Carroll Doherty, “Two Decades Later, the Enduring Legacy of 9/11,” *Pew Research Center - U.S. Politics & Policy* (blog), September 2, 2021, <https://www.pewresearch.org/politics/2021/09/02/two-decades-later-the-enduring-legacy-of-9-11/>.

<sup>24</sup> Agustín Rossi, “How the Snowden Revelations Saved the EU General Data Protection Regulation,” *The International Spectator* 53, no. 4 (October 2, 2018): 95–111, <https://doi.org/10.1080/03932729.2018.1532705>.

However, a less studied effect of these revelations in relation to the investigative cycles that Feldstein proposed is that Snowden might have opened a new cycle, especially through the stimulation for new forms of transnational collaborative journalism that he initiated. As Landert and Miscione argue, in the past years

new, even bigger leaks were revealed. Referred to by The Guardian as “the biggest data leak in history” [...], the Panama Papers include 11.5 million files and a total of 2.6 terabytes of information. [...] The identity of the whistle-blower has not been revealed so far, but it seems clear that Snowden’s mode of leaking data served as an example.<sup>25</sup>

In other words, the agenda—setting strategies followed by the investigative journalists that broke the Snowden revelations benefited structurally from a context of unrest, and they kept the issue salient triggering reforms in the US, UK and in their European partners<sup>26</sup>, and inaugurated a new cycle of investigative journalism.

## General news

When Snowden broke, one of the characteristics of the NSA was the secrecy that surrounded the agency. In personal interviews, many journalists that covered the story expressed how puzzled they were to find out about the agency, such as a veteran journalist who at the time worked for AP:

“So, when Snowden broke, I barely knew how NSA worked. I covered the CIA. I covered all the other intel agencies. I had covered the White House and the Pentagon, and I covered the House and Senate intelligence committees. [...] However, I barely understood NSA and all of a sudden—*boom!*—all of a sudden it lands on me.”<sup>27</sup>

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<sup>25</sup> Daniela Landert and Gianluca Miscione, “Narrating the Stories of Leaked Data: The Changing Role of Journalists after Wikileaks and Snowden,” *Discourse, Context & Media* 19 (October 2017): 13–21, <https://doi.org/10.1016/j.dcm.2017.02.002>.

<sup>26</sup> However, there are different ways to assess the success of these reforms. See Félix Tréguer, “Intelligence Reform and the Snowden Paradox: The Case of France,” *Media and Communication* 5, no. 1 (March 22, 2017): 17–28, <https://doi.org/10.17645/mac.v5i1.821>.

<sup>27</sup> Bernardino Leon-Reyes, Interview with former senior journalist, Associated Press (US), November 1, 2021.

This explains, in part, the capacity at the time of the Government of controlling the stories, since most journalists barely knew anything about the topic.

However, even more important to understand is the way in which many news outlets responded to the Guardian and Washington Post's story reproducing many of the official arguments (except for the New York Times), one has to understand previous cleavages in the sub-field. As former investigative reporter, turned scholar of journalism, Paul Lashmar explains:

“So when it comes to The Guardian, why did The Mail and other newspapers attack it? Well, one of the one of the suppositions that can be made, if you might read the editors of those newspapers minds, was that they were getting their own back of the phone hacking because The Guardian had led the attack on phone hacking by Nick Davis and had caused huge, huge problems for News International, resulted in closure in custody, probably millions, if not a billion pounds of damages through the Murdoch empire. [...] And when The Guardian did that, it made some very, very bad enemies. And I think that was part of the motivation on the attacks on The Guardian.”<sup>28</sup>

In short, while the constraints that investigative journalists face usually have more to do with judiciary pressures and efforts to delegitimize their sources, in the case of general reporting, the Snowden coverage suffered from journalists that resorted to official statements and explanations that covered their knowledge gaps, and from previous cleavages that were used by rivals to attack the Guardian.

In conclusion, at the time of the leaks, there was a lack of understanding about the agency among journalists, which may have allowed the government to control the narrative. In addition, some news outlets reproduced official explanations and arguments in their coverage, possibly due to knowledge gaps about the NSA. There were also tensions between certain news outlets, as the Guardian had previously led the charge against phone hacking by News International, leading to tensions with the Murdoch empire, something that. The interaction between the need to provide a quick explanation of the revelations and these previous cleavages in the field of journalism explains the (negative) way in which it was covered.

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<sup>28</sup> Bernardino Leon-Reyes, Interview with Paul Lashmar (UK), January 26, 2021.

## Opinion pieces

As observed by sociologist Robert Park almost a hundred years ago, when we refer to the “power of the press” what we usually refer to is not that of the reporter, but that of the editorial.<sup>29</sup> Newspaper opinion pieces are essential to political reforms, since they

have the power to set the dominant political agenda, as elaborated over weeks, months and years, in editorials, columns and other forms of pro-active, opinionated journalism, amounting to extended narratives of unity and division, success and failure, rise and fall. In this capacity the institutions of the press take the lead in establishing the dominant interpretative frameworks within which ongoing political events are made sense of.<sup>30</sup>

In fact, the power of opinion pieces not only sets the agenda of elite policy makers; we also have evidence about the fact that it influences the views of readers.<sup>31</sup> In terms of who makes up the writers of op-eds (contributions from figures that are not affiliated to the newspaper), while these vary country to country, in the Anglo-American world they are mostly elite pundits<sup>32</sup>, relatively close to government officials and business magnates. Since contributors are not beat reporters, the resource at stake is different: mostly, influence. This explains the interest and strategies of these authors, who in the cases of the US and the UK worked to discredit Snowden much more than other forms of journalism.

Take for instance the case of the New York Times: while its journalists covered the story in a rigorous way, not only amplifying the Guardian or the Post’s documents but also digging out the technical details, its pundits attacked Snowden. David Brooks, one of the New York Times best-known commentators, assessed Snowden’s action in the following way: “He betrayed

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<sup>29</sup> Robert E. Park, “The Natural History of the Newspaper,” *American Journal of Sociology* 29, no. 3 (1923): 273–89.

<sup>30</sup> Brian McNair, “JOURNALISM AND DEMOCRACY: An Evaluation of the Political Public Sphere,” n.d., 30.

<sup>31</sup> Alexander Coppock, Emily Ekins, and David Kirby, “The Long-Lasting Effects of Newspaper Op-Eds on Public Opinion,” *Quarterly Journal of Political Science* 13, no. 1 (March 29, 2018): 59–87, <https://doi.org/10.1561/100.00016112>.

<sup>32</sup> Karin Wahl-jorgensen, “Playground of the Pundits or Voice of the People? Comparing British and Danish Opinion Pages,” *Journalism Studies* 5, no. 1 (February 2004): 59–70, <https://doi.org/10.1080/1461670032000174747>.

honesty and integrity, the foundation of all cooperative activity”, “He betrayed his friends”, “He betrayed his employers”, “He betrayed the privacy of us all”, “He betrayed the Constitution”.<sup>33</sup> He went as far as affirming that “He betrayed the cause of open government”.

Not only this; Brooks also described him as someone who lived “a life unshaped by the mediating institutions of “civil society”” which for him explained why he “unilaterally leak[ed] secret NSA documents, Snowden has betrayed all of these things.”<sup>34</sup> As we have seen in this section, this description goes beyond opinion, as it is *factually* wrong.<sup>35</sup> Snowden did not leak those documents to the internet without mediating institutions; he recovered the tradition of recurring to traditional investigative journalists.

The case of the New York Times is interesting because it highlights the differences between sub-fields of journalists, especially between investigative journalists and opinion contributors. A revision of the most influential outlets shows similar efforts of delegitimation: the Wall Street Journal<sup>36</sup>, Bloomberg<sup>37</sup>, the New Yorker<sup>38</sup> Chicago Tribune<sup>39</sup> and CNN<sup>40</sup>. Even the Washington Post published op-eds that watered down the relevance of their own investigation.<sup>41</sup> Far from anecdotal, the academic literature show that this was the dominant trend in opinion pieces in both the US and the UK:

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<sup>33</sup> David Brooks, “The Solitary Leaker,” *The New York Times*, June 11, 2013, sec. Opinion, <https://www.nytimes.com/2013/06/11/opinion/brooks-the-solitary-leaker.html>.

<sup>34</sup> Brooks.

<sup>35</sup> Conservative op-ed contributors have a significant record ignoring evidence. See: Shaun W. Elsasser and Riley E. Dunlap, “Leading Voices in the Denier Choir: Conservative Columnists’ Dismissal of Global Warming and Denigration of Climate Science,” *American Behavioral Scientist* 57, no. 6 (June 1, 2013): 754–76, <https://doi.org/10.1177/0002764212469800>.

<sup>36</sup> Michael B. Mukasey, “Leaking Secrets Empowers Terrorists,” *WSJ*, June 9, 2013, <http://online.wsj.com/article/SB10001424127887324634304578535492421480524.html>.

<sup>37</sup> Ratnesar Romesh, “The Unbearable Narcissism of Edward Snowden,” *Bloomberg.Com*, November 1, 2013, <https://www.bloomberg.com/news/articles/2013-11-01/the-unbearable-narcissism-of-edward-snowden>.

<sup>38</sup> Jeffrey Toobin, “Edward Snowden Is No Hero,” *The New Yorker*, 2013, <https://www.newyorker.com/news/daily-comment/edward-snowden-is-no-hero>.

<sup>39</sup> Alex Lyda, “Edward Snowden Is More Narcissist than Patriot,” *chicagotribune.com*, 2014, <https://www.chicagotribune.com/opinion/commentary/ct-snowden-cia-citizenfour-oscar-korea-perspec-1225-jm-20141223-story.html>.

<sup>40</sup> By Douglas Rushkoff CNN Special to, “Opinion: Edward Snowden Is a Hero,” CNN, accessed April 11, 2021, <https://www.cnn.com/2013/06/10/opinion/rushkoff-snowden-hero/index.html>.

<sup>41</sup> Richard Cohen, “Richard Cohen: NSA Is Doing What Google Does,” *Washington Post*, June 10, 2013, sec. Opinions, [https://www.washingtonpost.com/opinions/richard-cohen-nsa-is-doing-what-google-does/2013/06/10/fe969612-d1f7-11e2-8cbe-1bcbec06f8f8\\_story.html](https://www.washingtonpost.com/opinions/richard-cohen-nsa-is-doing-what-google-does/2013/06/10/fe969612-d1f7-11e2-8cbe-1bcbec06f8f8_story.html) In a later op-ed, Cohen retracted from some of the positions he defended in his piece.



In our newspaper sample, the most frequently expressed view was that surveillance should be increased or is acceptable/necessary (present in 9% of stories). Sources expressing this view suggested that surveillance is crucial to national security, and particularly important to strengthen in the light of terrorist threat. For example, Colonel Tim Collins (a former SAS officer), justified practices of surveillance with reference to the threat from “Islamic fundamentalists”.<sup>42</sup>

As they show, opinion sections in newspapers mainly worked as a vehicle of surveillance normalization. In conclusion, each sub-field of journalism had its own structure, incentives and resources at stake, which explains the differing strategies and positions taken during the Snowden revelations.

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<sup>42</sup> Karin Wahl-Jorgensen, Lucy Bennett, and Gregory Taylor, “The Normalization of Surveillance and the Invisibility of Digital Citizenship: Media Debates After the Snowden Revelations,” *International Journal of Communication* 11, no. 0 (February 14, 2017): 9.

## Activism

Mapping the structure and the recent transformations of the field of activism is somehow a more complicated task, due to the difficulty to delineate its limits. At least, it encompasses non-governmental organizations, unions, churches, foundations and translocal voluntary membership associations; in other words, what usually comes to mind when we think of “civil society”. However, if we want to understand this field at the time of the Snowden revelations and the strategies it followed, it is essential to account for the radical transformations it has suffered in the past decades: what sociologist Theda Skocpol calls the “shift from membership to management”. As she argues, until the 1960s members of associations “could strengthen their ties to friends, neighbors, and family members in the local community and at the same express values and an identity shared by large numbers of other people they never met personally”<sup>43</sup>. The backbone of activism was the involvement of everyday members, whose identity and circles were shaped by their participations.

Since the development of what we could loosely refer to as neoliberalism, these bonds broke, being replaced: “professionally run advocacy groups and nonprofit institutions now dominate “civil society”, as people seek influence and community through a very new mix of largely memberless voluntary organizations”.<sup>44</sup> Skocpol’s argument goes in line with Robert Putnam’s essay *Bowling Alone*, which argues that social capital has been in the decline in the past years with the loss of spaces of socialization<sup>45</sup> —something that can also be observed in the “cartelization” of political parties<sup>46</sup> or the collapse of unions<sup>47</sup>. It is in this context, where anti-surveillance organizations look more and more like interest groups than grassroots organizations, that Snowden breaks.

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<sup>43</sup> Theda Skocpol, *Diminished Democracy: From Membership to Management in American Civic Life*, The Julian J. Rothbaum Distinguished Lecture Series, v. 8 (Norman: University of Oklahoma Press, 2003), 78.

<sup>44</sup> Skocpol, 127.

<sup>45</sup> Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000).

<sup>46</sup> Peter Mair, *Ruling the Void: The Hollowing of Western Democracy* (Place of publication not identified: Verso, 2013).

<sup>47</sup> Jorge Tamames, *For the People Left Populism in Spain and the US* (London: Lawrence & Wishart, 2020), 93.

However, this does not entail that social capital has lost importance in the field of activism. On the contrary, what we can observe is a transformation of the structure of this capital which could be described as a shift from quantity to quality; or, in other words, the bonds between thousands of members to that of actors that play a role in the field of power. Here, what becomes essential to study is the interaction between the two fields studied in this chapter (journalism and activism), and their embeddedness in the field of politics.

The importance of social capital is encapsulated in this interview with a chief of communications of the Electronic Frontier Foundation, who had previously worked as a senior staffer for a US senior politician in Washington D. C.:

It is all about *building relationships*. It's being able to know the people who are your key sources, or the reporters covering your beats and have a familiar relationship with them as a reporter. I would call up elected officials and their staffs sometimes just to, you know, make idle conversation. When I was just starting as a reporter in my first job, I was a city hall reporter. I'd go to city hall every day. I would listen to the planning directors, terrible jokes. I would you to know, it's not a matter of being disingenuous. But you have to be familiar if people are going to entrust you with information as a journalist. Right? Yeah, it has. You have to be somebody that they know and trust. Emails, texts, you know, phone calls, it just a constant touch, you know, so that when I did come asking for information, I was certainly not a stranger. I was somebody that they felt they liked and respected.<sup>48</sup>

The interviewee emphasizes the need for familiarity and trust in order for sources to entrust a journalist with information through a consistent and ongoing effort to maintain contact and build relationships. What is however unique of this interviewee is the fact that his description highlights how these three groups are mutually dependent of each other. Journalists have an incentive to rely on politicians and activists as sources of information and stories because these groups often have insider knowledge or even exclusives on various issues that can provide valuable insights and context for journalists. In turn, politicians have an interest in cultivating these relations to have the possibility of having their issues and work covered by the media

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<sup>48</sup> Bernardino Leon-Reyes, Interview with Senior Manager, Media, EFF (US), December 21, 2022.

and, if possible, space in the form of written or broadcasted interviews (which does not only shape public opinion but especially gives them visibility and electoral gains). In the same vein, activists have an incentive to rely on journalists to amplify their messages and bring attention to the causes they are advocating for because media coverage can reach a larger audience and raise awareness about the issues they care about (what we referred to before as agenda setting power). In turn, journalists have an incentive to provide a platform for activists to later be able to rely on their knowledge preparing stories or having the exclusive on a story:

I felt like as a former reporter, it was easier for me in some ways to call up an editor at the Sacramento Bee and say, hey, we've got this great story we want to offer you an exclusive. Give it to you under embargo. You know, you'll have it a couple of days before we actually file a lawsuit so you can do your interviews and do your research and be ready to drop the story the day that we filed the lawsuit. And that's a very effective strategy because then when the Sacramento Bee suddenly has this story, all of the TV stations in Sacramento want the story to for their 5:00 newscast. *It is understanding and, you know, cultivating those relationships.*<sup>49</sup>

It is in the context of this transformation of social capital, from large networks to the field of power or, at the very least, elite circles, that this paper traces two shifts in anti-Surveillance activism: the shift from campaigns to strategic litigation and the consolidation of the think tank paradigm.

Before me move on, it is important to insist in the fact that this is not a decision that activist organizations took at a certain moment of history; rather, it is the consequence of the accumulation of decades of sociological change, with factors as diverse as the use of television and the growth of the internet but also urban transformations such as the rise of suburbanization.<sup>50</sup> It is in this new context, where the decline of membership-based organizations, such as political parties, labor unions, and other civic groups, has contributed to a shift towards a more managerial style of governance<sup>51</sup>, where anti-surveillance activist groups have to find new strategies (such as those described above), and where essentially non-

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<sup>49</sup> Ibid

<sup>50</sup> Putnam, *Bowling Alone*.

<sup>51</sup> Skocpol, *Diminished Democracy*.

participatory organizations that derive their influence in the symbolic power of their “technical knowledge” find their moment to consolidate as extremely important actors.

## NGOs: from campaigns to lobbying and strategic litigation

The decline of traditional membership-based organizations has had a profound impact on the way that activist groups operate and the strategies they choose to pursue. In the past, these organizations were often able to rely on mass mobilization, such as protests and demonstrations, to exert pressure on decision-makers and raise awareness about their causes. However, in the current context of declining social capital and a shift towards a more managerial style of governance, these tactics may be less available than they once were, as it is extremely hard to mobilize people when you only have *subscribers*.

As a result, activist groups have had to find new ways to make their voices heard and achieve their goals. Some have turned to social media and other online platforms to reach a wider audience and mobilize support for their causes. Others have focused on more targeted advocacy efforts, working behind the scenes to influence policy decisions and build coalitions with like-minded organizations through strategies like open letters<sup>52</sup>. These strategies of working with policy-makers and pressuring them with letters might prove useful in certain issues, but national security and surveillance does not seem to be one of them. As Patrick G. Eddington (former CIA whistleblower that went through Congress to reveal internal wrongdoings) explained in a personal interview with me,

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<sup>52</sup> Consider for instance the followin letters, directed to constituents in the US and to MPs in the UK (respectively): Cindy Cohn, “An Open Letter to Our Community On Congress’s Vote to Extend NSA Spying From EFF Executive Director Cindy Cohn,” Electronic Frontier Foundation, January 18, 2018, <https://www.eff.org/deeplinks/2018/01/open-letter-our-community-congresss-vote-extend-nsa-spying-eff-executive-director>; “Don’t Spy on Us | Investigatory Powers Bill: How to Make It Fit-for-Purpose,” Don’t Spy on Us, accessed January 1, 2023, <https://www.dontspyonus.org.uk/blog/2016/02/26/investigatory-powers-bill-how-to-make-it-fit-for-purpose/>.

the ACLU and a few other large groups that took an extremely conventional approach to dealing with these issues, which was to get meetings with Hill staff, which was to write letters to committee members and all the rest of that and try to get opportunities to testify and so on and so forth. And the underlying assumption, of course, is if you go through that exercise, that somehow, you're going to get the outcome, that you're looking for something close to it. But when you ignore the fact that these that these committees are basically organizationally captured, functionally organizationally captured by the very agencies and departments that they were supposed to be overseeing, then the entire premise that you're operating on is invalidated.<sup>53</sup>

While we must take some distance from the statement, since we might understand the antipathy of a former whistleblower towards the institution that he considers betrayed him, it is true that many former agents work as staffers in the committees responsible of overseeing the services. It therefore seems difficult to imagine this strategy as effective.

The story in the United Kingdom is similar. There, the most important initiative that reacted to Snowden and the subsequent *Investigatory Powers Act* was the “Don’t Spy on Us” coalition, which brought together organizations such as Privacy International, Liberty, Big Brother Watch or Reporters Without Borders. However, the strategy was not one of protest and direct confrontation: as in the US case, the repertoire of strategies ranged from lobbying MPs to open letters. When the coalition realized that neither the Conservative government nor Labour, the opposition, would support these proposed amendments, they resorted to a letter signed by over 200 senior lawyers that opposed the piece of legislation.<sup>54</sup> This repertoire shows the shift towards strategies that resemble more that of interest groups than 1960s-1970s activism.

Further, the other card that most post-Snowden anti-surveillance organization played was that of strategic litigation. The main reason behind this was that with Snowden’s documents, these

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<sup>53</sup> Bernardino Leon-Reyes, Interview with former whistleblower, CIA (US), November 17, 2022.

<sup>54</sup> “Don’t Spy on Us | Our Campaign,” Don’t Spy on Us, accessed September 10, 2022, <https://www.dontspyonus.org.uk/our-campaign>.

organizations had for the first time in decades something they had craved for: evidence. As a former senior manager in Privacy International who at the time was involved in these struggles, “because of him, we were able to shift gears and get into litigation. We finally had the data”.<sup>55</sup> While they did strike significant victories in the UK (not so much in the US), many activists felt like it was not enough. The same senior manager told us the following: “moving in to post Snowden litigation was the biggest mistake strategically we could have made *for continuing to bring the public with us*”. While we have to take this statement with a pinch of salt, there is probably truth to the fact that, retrospectively, these campaigns were not attentive enough to keeping a grassroots movement alive behind them.

This can probably be explained by, on top of the sociological changes that led to a diminishment of social capital mentioned above, to a transformation in the habitus of activists, as they have become less inclined to rely on traditional forms of mass mobilization. As one interviewee noted,

We very rarely have in-person protests because *that is not who we are as a group*. We are primarily digital rights activists who are followed by others who share our values. Additionally, the work we do is often specialized and may not lend itself to protesting in a physical space.<sup>56</sup>

In this sense, while the constraints and difficulty of mobilizing people for an in-place protest are real, there is another layer of complexity derived from this new activist habitus, more skeptical of even attempting it.

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<sup>55</sup> Emma McCluskey and Bernardino Leon-Reyes, Interview with Former Senior Manager, Privacy International (UK), May 20, 2021.

<sup>56</sup> Bernardino Leon-Reyes, Interview with Senior Manager, Strategy, EFF (US), November 29, 2022.

Finally, it is important to keep in mind the interactions between fields. Here, we should bear in mind what we could call “the spillover effects” from one field to another. Due to the struggles analyzed in the previous section on the media, in the UK the press cleavages translated into a loss of support of anti-surveillance campaigns by most media outlets because of their rivalry with the Guardian. This hypothesis is confirmed in several interviews:

Prior to the Snowden incident in 2013, the media, including The Sun, were fascinated by and wrote extensively about our work. However, when Snowden happened, the media, including those who had previously supported us, turned against us because The Guardian had the exclusive story, and it was seen as an “American outing our boys”<sup>57</sup>.

Here, we can observe how the struggles in British media ended up with a narrative of protecting and legitimizing GCHQ (“our boys”) in order to use it as a weapon against the Guardian by its competitors, instead of the trend that many activists feel they had been seeing before.

All in all, the decline of traditional membership-based organizations has left activist groups struggling to find effective ways to make their voices heard and achieve their goals. Despite attempts to utilize social media and targeted advocacy efforts, as well as resorting to strategic litigation using evidence from sources like Edward Snowden, these tactics have proven largely futile in bringing about any real change in the realm of national security and surveillance. In fact, activist groups have faced significant challenges in mobilizing mass support and in successfully influencing policy decisions through methods such as open letters and lobbying. In desperation, some have even returned to more traditional tactics like protests and demonstrations, but it remains uncertain whether these strategies will be any more effective in the current political climate. Overall, it seems that the decline of traditional membership-based organizations has severely hampered the ability of activist groups to make a meaningful impact on issues related to national security and surveillance.

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<sup>57</sup> McCluskey and Leon-Reyes, Interview with Former Senior Manager, Privacy International (UK).



## The raise of the “think tank paradigm”

Concomitant to the shift from participative to managerial activism, another player came to town in the business of pressuring for policy reforms: think tanks. While the exact extent of their influence seems difficult to estimate,<sup>58</sup> there is little doubt they have become important players in the policy process. While the commonsensical narrative about these centers is that they were co-constitutive of the conservative revolution of the 1980s that culminated with the victory of Ronald Reagan, it was in fact a trend inaugurated by the Carter administration. During his mandate, Democrats increasingly replaced the reliance on grassroots movements towards that of think tanks that embraced the principles of neoclassical economics (especially in the cases of the Brookings Institution and the RAND Corporation), a process that explains the shift in center-left parties from the principle of equality to that of efficiency.<sup>59</sup> What remains true of the usual narrative of the emergence of think tanks is that in the 1970s an incipient conservative revolution coupled with the involvement in politics of business multiplied the budgets of conservative think tanks, whose capacity accounts for part of the success in the expansion of those ideas among the Anglo-American policymakers at both sides of the Atlantic. In this sense, the United Kingdom experienced too a similar process, with the Center for Policy Studies’ influence over Margaret Thatcher’s policies and public discourses,<sup>60</sup> and a myriad of think tanks in the raise of New Labour in the 1990s.<sup>61</sup>

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<sup>58</sup> Richard Higgott and Diane Stone, “The Limits of Influence: Foreign Policy Think Tanks in Britain and the USA,” *Review of International Studies* 20, no. 1 (January 1994): 15–34, <https://doi.org/10.1017/S0260210500117760>; Murray Weidenbaum, “Measuring the Influence of Think Tanks,” *Society* 47, no. 2 (March 2010): 134–37, <https://doi.org/10.1007/s12115-009-9292-8>; “Old World, New World: The Evolution and Influence of Foreign Affairs Think-Tanks,” 2022, 19.

<sup>59</sup> Elizabeth Popp Berman, *Thinking like an Economist: How Efficiency Replaced Equality in U.S. Public Policy* (Princeton, 2022), 180.

<sup>60</sup> Neil Rollings, “Cracks in the Post-War Keynesian Settlement? The Role of Organised Business in Britain in the Rise of Neoliberalism Before Margaret Thatcher,” *Twentieth Century British History* 24, no. 4 (December 1, 2013): 637–59, <https://doi.org/10.1093/tcbh/hwt005>; Vivien A. Schmidt and Mark Thatcher, “Why Are Neoliberal Ideas so Resilient in Europe’s Political Economy?,” *Critical Policy Studies* 8, no. 3 (July 3, 2014): 340–47, <https://doi.org/10.1080/19460171.2014.926826>.

<sup>61</sup> Philip Schlesinger, “Creativity and the Experts: New Labour, Think Tanks, and the Policy Process,” *The International Journal of Press/Politics* 14, no. 1 (January 1, 2009): 3–20, <https://doi.org/10.1177/1940161208328898>; Stephen J. Ball and Sonia Exley, “Making Policy with ‘Good Ideas’: Policy Networks and the ‘intellectuals’ of New Labour,” *Journal of Education Policy* 25, no. 2 (2010): 151–69, <https://doi.org/10.1080/02680930903486125>; Hartwig Pautz, “New Labour in Government: Think-Tanks and Social Policy Reform, 1997–2001,” *British Politics* 6 (June 1, 2011): 187–209, <https://doi.org/10.1057/bp.2011.9>.

In a context where think tanks have an enormous influence not only over policymakers but generally over the intellectual and political elite (i.e., journalists, pundits, businesspeople, scholars), most of them served as a vehicle of delegitimation of Edward Snowden. This influence can be explained by their capacity to influence the opinion through the frequent publication of op-eds opinions.<sup>62</sup> Think tanks are not like universities or other kind of research centers; they obtain that influence through aggressive campaigns. As Berry explains,

Virtually all think tanks employ media specialists whose job is to put journalists in touch with the research staff and to gain publicity for studies when they are published. The media staffers pitch stories to journalists much the same way public relations specialists do, but think tanks have considerably more credibility than public relations firms because their *raison d'être* is policy expertise. This credibility, along with aggressive marketing, has given think tanks considerable success in gaining media attention.<sup>63</sup>

Think tanks can also wield significant influence through this social capital, or the networks they build with journalists, policy makers, and interest groups. These networks can be used to promote the ideas and research produced by the think tank, giving them a platform to shape the public discourse on a particular issue. This was evident in the aftermath of the Snowden leaks, as think tanks with strong connections to government agencies and policy makers were able to get their perspectives on the controversy featured prominently in the media.

Waging this influence, most think tanks not only echoed the official “traitor” attack (like the Brookings Institution<sup>64</sup> did); the Rand Corporation<sup>65</sup> went as far as saying in 2013 that Snowden “got everything wrong” and in 2020 argued against pardoning him on the basis that

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<sup>62</sup> David M. Ricci, *The Transformation of American Politics: The New Washington and the Rise of Think Tanks* (New Haven, 1993), 164.

<sup>63</sup> Jeffrey M. Berry and Clyde Wilcox, *The Interest Group Society* (New York: Routledge, 2018).

<sup>64</sup> Paul R. Pillar, “Snowden’s Treason,” *Brookings* (blog), November 30, 1AD, <https://www.brookings.edu/opinions/snowdens-treason/>.

<sup>65</sup> Andrew Liepman, “What Did Edward Snowden Get Wrong? Everything,” August 12, 2013, <https://www.rand.org/blog/2013/08/what-did-edward-snowden-get-wrong-everything.html>; Sina Beaghley and Marek N. Posard, “A Snowden Pardon Could Have a Snowball Effect on Protecting National Security Secrets,” September 4, 2020, <https://www.rand.org/blog/2020/09/a-snowden-pardon-could-have-a-snowball-effect-on-protecting.html>.

it would endanger official secrets. We find similar arguments in the Council on Foreign Relations<sup>66</sup> and in the Center for Strategic and International Studies<sup>67</sup>, that insist not only on the “danger” of the revelations, but also accuse Snowden of endangering diplomacy or even “escalating the cyber war with China”. Here, we find a trend that Denham and Garnett already observed in many think tanks in the survey they conducted in the late 1990s: think tanks “act as political shields, making the public more willing to accept policies which might be badly received if they were first mooted by a government spokesman”<sup>68</sup>.

This response from think tanks was not surprising, given that many of these organizations have close ties to the government and receive funding from government sources. This funding can create a bias in the research and analysis produced by these think tanks, as they may be more likely to promote the interests of their funders.

In addition, think tanks can wage their powers in ways beyond mere networks:

In Washington, think tanks with the most political influence are those that score legislation and rate legislators. If a conservative organization threatens to score against a bill and anyone who votes for it will be called out to their primary voter base in the next election, it becomes an existential threat to the politician's career.<sup>69</sup>

This threat of scoring was not insignificant, as many politicians are highly sensitive to their ratings and scores from think tanks and other interest groups. These ratings and scores can be used by voters to evaluate a politician's record and can play a significant role in primary and general elections. As such, the threat of a negative score from a think tank with significant influence was an existential threat to the careers of many politicians.

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<sup>66</sup> “Extraditing Edward Snowden,” Council on Foreign Relations, accessed September 12, 2022, <https://www.cfr.org/interview/extraditing-edward-snowden>.

<sup>67</sup> “How Edward Snowden Escalated Cyber War With China,” accessed September 12, 2022, <https://www.csis.org/news/how-edward-snowden-escalated-cyber-war-china>.

<sup>68</sup> Andrew Denham and Mark Garnett, “The Nature and Impact of Think Tanks in Contemporary Britain,” *Contemporary British History* 10, no. 1 (March 1996): 57, <https://doi.org/10.1080/13619469608581367>.

<sup>69</sup> Leon-Reyes, Interview with Senior Manager, Media, EFF (US).

In conclusion, think tanks have become influential players in the policy process and public discourse on various issues. They have the ability to shape public opinion through their media campaigns and connections with policy makers, journalists, and interest groups. In the case of Edward Snowden and the revelations he made about government surveillance, think tanks played a significant role in delegitimizing his actions and perpetuating the narrative that he was a traitor. Many think tanks with connections to government agencies and policy makers were able to get their perspectives featured prominently in the media and influenced the public's understanding of the controversy. More so than most activist organizations. Once our societies move in the direction of a more managerial civil society, traditional organizations have everything to lose vis-à-vis think tanks, since they end up playing by their rules.

## Conclusion

In this chapter, we applied an International Political Sociology perspective to explore the role of journalism and activism in ensuring accountability for intelligence agencies in democratic societies, with a particular focus on the Snowden revelations. We examined the distinctions between investigative journalism, general reporting, and opinion pieces, and traced the transformation of activism towards tactics such as lobbying and strategic litigation. We also identified the emergence of think tanks as significant players in politics. Our analysis suggests that there is not such a thing as “civil society”, if we mean by it a holistic category. At most, it can only refer to a social universe where a myriad of actors struggle between them in different fights, structured around different resources.

To better understand these forms of accountability, it is necessary to consider the social and symbolic capital at play. Our analysis also highlights the importance of understanding the stakes and logics underlying the work of different actors within journalism and activism. It is clear that these sub-fields are not comprised of a homogenous group, but rather different actors with their own specific goals and motivations. The transformation of activism and the rise of think tanks demonstrate the need to constantly reassess and adapt our understanding of the landscape in which accountability efforts are situated. Overall, the findings of this chapter paint a somewhat pessimistic picture for the future of accountability of intelligence agencies.



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Figures

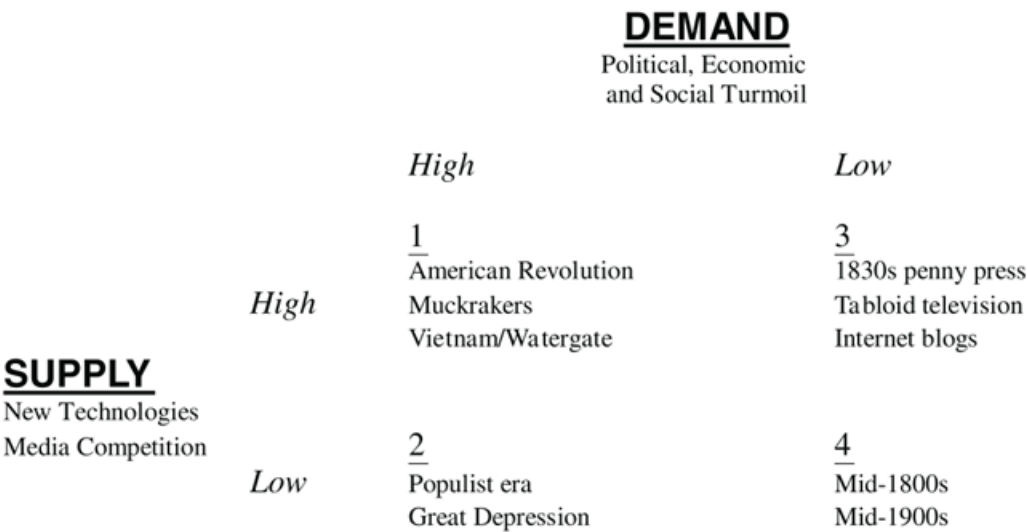


Figure 1: Feldstein’s (2006) Investigative Reporting Cycles