Intelligence Communities and the Media—The Case of the Danish Spymaster Lars Findsen

Ardavan M. Khoshnood

The relationship between the media and the intelligence community globally is vividly portraited in the book *Spinning Intelligence: Why Intelligence Needs the Media, why the Media Needs Intelligence*. At the beginning of their book, editors Professor Robert Dover and Professor Michael S. Goodman (2009) state that the relationship between "intelligence agencies, governments and the media" is "fluid, contradictory and occasionally supportive." The British Broadcasting Service's collaboration with the British Intelligence Service in disseminating anti-Soviet propaganda is one of many examples illuminating this complex relationship (Jenks, 2006). Media is often used by intelligence agencies to spread propaganda and information but is also used as an important source of open information. Although not all journalists are spies, intelligence officers often work undercover as journalists, allowing them to ask questions and be "noisy" without giving rise to suspicions (Braden, 1977). Indeed, media is also in need of intelligence agencies, for protection, but also for "leaks" from intelligence agencies which gives media material for reporting and discussions.

Many books and articles address the relationship between intelligence communities and the media. What has emerged is a complicated and complex relationship influenced by several different factors. While both have many similarities like collecting information and working with sensitive intelligence, they have two very different objectives. While the media in democratic countries seeks to expose information and contribute to public knowledge about different matters, intelligence communities globally strive to keep their intelligence, their *modus operandi*, and their intentions a secret. At the same time, reporters and journalists are highly vital to the intelligence community. In 1996, for instance, the Select Committee on Intelligence of the United States Senate had a briefing with respect to the Central Intelligence Agency's (CIA) use of journalists and the clergy in its operations (Select Committee on Intelligence of the United States Senate, 1996). One of the individuals questioned at the briefing, then CIA director John M. Deutch, stated: "I, like all of my predecessors for the last 19 years, have arrived at the conclusion that the Agency should not be prohibited from considering the use of American journalists or clergy in exceptional circumstances" (Select Committee on Intelligence of the United States Senate, 1996).

While the relationship between the media and intelligence communities in democracies is at least to some degree established and based on mu-

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tual respect, valuing the media's desire for openness and the intelligence communities need for privacy and secrecy, challenging conflicts do occur. One such conflict is currently on display in one of the world's most free and democratic countries—Denmark. During the writing of this paper in January 2022, the former head of the Danish Military Intelligence, Lars Findsen, remains in Danish police custody accused of leaking information to the media. Since this incident, Danish media has published several troublesome reports about the country's intelligence community. The Danish Security and Intelligence Service, at the same time, is trying to censor Danish media from publishing more news deemed to be of harm for Denmark's national security by the intelligence organization.

Intelligence Organizations and Media

Although it was during the 1960s the media (newspapers, radio as well as television) began to significantly cover various intelligence matters, it is believed that already during the Second World War, the media had showed interest in exposing intelligence communities and state secrecies (Moran, 2011). Although this relationship is highly important, it is not without complications.

One aspect in the media-intelligence relationship is how media is used by the intelligence community as a target of manipulation—that is, how intelligence organizations deliberately forward information to the media for disclosure and publication. This information may be false or true. What characterizes them, however, are the intentions of the intelligence organization, which are to manipulate the media for, in the eyes of the intelligence organization, a superior purpose (Bakir, 2017). For this objective, intelligence organizations either "leak" information to media, or use journalists and reporters connected to the intelligence community or even in secret employed by them (Magen, 2015). It is important to point out, however, that the use of the media by an intelligence organization is not always about manipulating the media. Using the media may be one way for the intelligence agency to show openness and transparency. The fact that most intelligence organizations today have a media department or a media liaison should be understood not only as a mean to show openness, but also for intelligence organizations to have access to the media. The intelligence communities' contact with media, and how transparent they are, is thus highly calculated (Teirila, 2016). Shpiro (2001), for example, in discussing German intelligence, the *Bundesnachrichtendienst* (BND), describes their relationship with the media as "defensive openness," meaning that "a limited amount of openness is maintained toward the media in order to influence media content."

The other aspect of the media-intelligence relationship, is media's role as a watchdog, thus investigating and reporting on the state and not least, its intelligence community (Bakir, 2017; Teirila, 2016). While the intelligence

community tries to maintain control over the media, neither confirming or denying events; they also regularly try to censor the media (Bakir, 2017; Moran, 2011). In Israel, for instance, the Israeli Military Censorship (IMC) has extensive legal powers to not only shut down media, but also order materials in the media to be deleted. All Israeli media are also obligated to submit material discussing matters related to national security to the IMC before publication (Shpiro, 2001). This is, of course, much different in more democratic states. In countries like Norway, Denmark, and Sweden, for example, there are no such laws. The freedom of press is very strong in these countries. The media-intelligence relationship is thus highly related to the form of government.

While being a watchdog is one of media's democratic obligations (Shpiro, 2001), it is not without risk. In 1984, two terrorists were killed by Israeli security personnel after they had initially been arrested. A newspaper later revealed this atrocity, and that a secret inquiry was ongoing. For reporting this, the newspaper was shut down for several days (Magen, 2015). In Germany, the BND has through the years tried to stop publication of several articles and books for being critical to them (Shpiro, 2001). In the U.S., different administrations have taken tough positions towards "leaks" to the media with respect to intelligence and security matters (Hillebrand, 2012). During the 1990s, for instance, the CIA tried to humiliate and destroy the credibility of a journalist for revealing that the CIA, in cooperation with the Contras, had been bringing cocaine into the U.S. (Bakir, 2017). Media outlets, as well as individual journalists, risk being labelled "enemy of the state" when reporting on the intelligence community. Media's important role in overseeing the intelligence community is though clearly shown in an article by Loch K. Johnson (2014). He examined 10 intelligence failures and scandals in the U.S. and showed that high media coverage of an event also contributed to high oversight by Congress. Even though this important role of the media is acknowledged, most examples of collusions between the media and intelligence communities are from before the 1990s. This current piece adds to the current knowledge of the media-intelligence relationship with an example from Denmark in 2022.

The Danish Intelligence Community

There are currently two major national intelligence organizations active in Denmark, the Danish Security and Intelligence Service (*Politiets Efterretningstjeneste* (PET)) and the Danish Defence Intelligence Service (*Forsvarets Efterretningstjeneste* (FE)).

Prior to the Second World War, the Danish Security Police (SIPO) was established as part of the Danish Police. SIPO was dissolved in 1947 and replaced by the Intelligence Department of the National Police Chief (REA), which had been established in 1945. Six years later, in 1951, the PET was established (PET, 2022a). The main objective of the PET is to counter and prevent "threats to freedom, democracy and

security in Danish society." The three main threats to the Danish national security, according to PET, are terrorism, political extremism, and espionage. Several different institutions conduct supervision and oversight of PET, among them the Ministry of Justice, the Parliament, and the Danish Intelligence Oversight Board (TET) (PET, 2022b). As of June 1, 2015, the head of the PET is Finn Borch Andersen.

During the Second World War there were two intelligence divisions in the Danish Military: the Intelligence Section of the General Staff, which was established in 1911, and the Intelligence Section of the Naval Staff. In 1950, these two sections were combined, creating the Intelligence Department. In 1967, the FE was established (West, 2008, 2015). The FE is Denmark's military intelligence and security, as well as its foreign intelligence organization. It is divided into six departments, and its main objective is to "prevent and counter threats against Denmark and Danish interests" (FE, 2022a). The Danish signal intelligence as well as cyber security and cyber operations, are also part of the FE (2002b). The oversight of FE is foremost conducted by the TET, but just like PET, several other institutions also share oversight responsibilities for the FE. The current head of the FE is Svend Larsen.

The Case of Lars Findsen

Lars Findsen, born in 1964, was the head of the PET between 2002 and 2007 before relocating to the Ministry of Defence. In 2015, he was appointed to the head of the FE, a position he held until August 2020 when he was suspended. The Danish Intelligence Oversight Board claimed that the FE had not only had withheld vital information from the board, but also provided them with incorrect information (TET, 2020). In December 2021, a commission that investigated the criticism forwarded by the TET acquitted both the FE as well as Findsen (Krog, 2021).

On December 9, 2021, the PET issued a press release stating that four members of the Danish intelligence community had been arrested the day before for leaking information. The press release stated: "They have been charged with violation of Section 109(1) of the Danish Criminal Code by having imparted highly classified information from PET and DDIS" (PET, 2021). DDIS is the acronym for the Danish Defence Intelligence Service, which is the same as the FE.

The four arrestees were later detained and their identities, according to Danish law, withheld from the public. On January 10, 2022, the court allowed the names to be published, and one of arrestees was Lars Findsen (Ryrsö et al., 2022). The media reported that Findsen had been under surveillance for a long time before being arrested (Fastrup et al., 2022). Exactly what Findsen is accused of is unknown, but he is being detained for violating §109 of the Danish Criminal Code, which states that an individual who discloses information related to "secret negotiations, deliberations or resolutions of the state or its rights in relation to foreign states, or which has reference to substantial

economic interests of a public nature in relation to foreign countries" can be imprisoned for 12 years (Legislation Online, 2005). The law is thus about leaking information and not espionage, and the last time the law was used to convict someone was in 1980.

How, then, did the head of the FE, Lars Findsen, find himself in this chaos? Danish media, which has reported extensively on the matter, has revealed that the PET started to investigate Findsen and other members of the Danish intelligence community after the media reported on several highly sensitive and secret matters related to national security. It was after the criticism of the TET that the media started their investigation, and very soon, article after article was published revealing top secret information. During the summer of 2020, several news reports were published stating that some of the criticism was about the collaboration between the FE and the National Security Agency (NSA) of the U.S., with respect to the NSA's use of Danish fibre cables to spy on different subjects and individuals (Fastrup et al., 2020). In September 2020, the Danish newspaper *Berlingske* exposed details about the top-secret collaboration between the FE and the NSA (Bjørnager et al., 2020). Although all this had certainly cause frustration among the Danish intelligence community, the revelations continued. In March 2021, Ekstrabladet revealed that the FE had warned the Danish Government that children of ISIS-terrorists from Denmark, who are being held in captivity in Syria, could be kidnapped and trained by ISIS to conduct terrorism in their European countries (Khaja et al., 2021). In May 2021, the Danish Broadcasting Corporation reported that FE had collaborated with the NSA to spy on, among others, then German chancellor Angela Merkel (Fastrup et al., 2021).

All the above revelations made the Danish intelligence community highly uneasy. A massive investigation was conducted, and the head of the FE, Lars Findsen, was arrested and detained. He remains in custody awaiting prosecution. While the ordeal could have ended here, the Danish intelligence community, the PET and the FE, turned to the media. In a meeting with high officials from the Danish Broadcasting Corporation, Berlingske as well as JP/Politikens Hus, the FE, and the PET informed them that both journalists as well as their editors would be arrested and face up to 12 years imprisonment, if they disclosed any further information that threatened national security (Fastrup et al., 2022).

Discussion

The case of Lars Findsen and the threat to media by the intelligence community for not exposing what is deemed to be top-secret information of vital interest for the notion of national security, creates several problems that must be addressed.

Once again, the intelligence community and media go *tete-a-tete* in one of the world's foremost democracies. As far as we know, no reporter or editor of any media publications have been arrested in Denmark. They have, howev-

er, as explained above, been threatened with legal consequences and thus been censored. Danish media has reported that at least one article has been withdrawn by the Danish Broadcasting Corporation (Fastrup et al., 2022). Just like during the Cold War and prior decades, the intelligence communities' strongest tool in order to control the information flow is the law. There are, however, some disturbing questions which arise from this Danish case. Should it always be illegal in democracies to publish and disclose secret or top-secret intelligence and information related to the intelligence community? Does this apply to all kind of intelligence and information? What if the information is related to radical measures like torture or extra judicial killings? And if there is a consensus that reporters should be gagged with reference to matters related to national security, should they always remain silent, no matter what? Even though many papers have been written on the media-intelligence relationship over the years, many questions remain to be answered or at least discussed.

Focusing on the Danish intelligence community, the case of Lars Findsen is, to say the least, quite humiliating for Denmark. Its foremost spymaster has been arrested and detailed for months. Either Lars Findsen is a scapegoat and being used by the intelligence community to set an example, or Findsen—as one of the main intelligence and security figures of the country—has been leaking information and intelligence to media, thus contributing to destabilize and demoralize the Danish intelligence community. Whichever of the two options are true, one thing is for sure—Denmark's reputation among the world's intelligence communities has been seriously harmed. Can Denmark be trusted with vital information? Can collaborations with Danish intelligence proceed without new revelations—like the U.S. spying on Angela Merkel? And what consequences will Danish foreign and security policy face if these revelations continue?

Even though I have more questions than answers in my short discussion, there is one thing I am very sure about—in the current instable security atmosphere we are witnessing globally, this will be one of many times we witness a countries' intelligence community in open conflict with the media. The main questions, though, are how these conflicts will affect our transparency, openness, and democracy, and how these events will be exploited by authoritarian regimes.

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