Covert Disclosures: Unauthorised leaking, public officials and the public

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Keywords
disclosures, unauthorised, covert, public, leaking, officials

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Abstract

This paper highlights the role of unofficial sources - unauthorized “leakers” - in the public sector and their contribution to investigative journalism and to a lesser extent to routine news production. Unauthorized sources don’t enjoy the ease of access to journalists, the economic resources, the human resources, nor the legitimacy conferred on official sources. Interviews conducted with journalists and sources show that at times these barriers have been overcome through the establishment of relationships of trust based on the confidentiality of the identity of the source and through careful cross-checking by journalists of information supplied by leakers.

Keywords: bureaucracies; confidential information; investigative reporting; unauthorized leaks
Introduction

While it is well recognized that journalists use information discretely supplied by official sources, there are other sources who are prepared to release information to journalists that is confidential and unauthorized. The focus of this paper is on this latter group, and particularly those leakers in the public sector, who leak information to the media in the public interest and who for the most part lack positions of high status and power. The marshalling of such sources is intrinsic to certain kinds of journalistic practice but to date there has been little written on the sociology of such sources, the forces within institutions contributing to the production of these disclosures, or the way in which the stories generated from such encounters have ramifications for the institutional and political culture. This paper discusses how the use of such sources has been a function both of investigative journalism in feature writing and to a lesser extent used in routine news production. It outlines some strategies used by these sources to access the media and for journalists to access such sources within bureaucracies. This involves the establishment and maintenance of relationships between sources and journalists, issues of confidentiality, and from the source’s point of view whether they are satisfied with the journalists’ use of the released confidential information and whether the publicity generated meets their overall objectives. These may include the development, the altering or even the abandonment of public policy initiatives, the disclosure of unnecessary government secrecy, and the deviance of power holders in the context of power abuse.

In contrast to the unauthorized leaker, the relative freedom of the official leaker is illustrated in the following press account of leaking by Bill Hayden, former leader of the Australian Labor Party and Governor General. Hayden was:
a confidential source when it suited him, as are most politicians, to the media’s delight and benefit - Hayden could be ruthless in carpeting others who did the same. One of his former departmental heads, who would nervously go through the papers every working morning with Hayden, recalled the day a leaked Department of Foreign Affairs document was published. ‘Don’t worry, I leaked it myself’, Hayden told him (McGregor 1998: 13).

As an official confidential source Hayden had access to a wide range of key confidential information from his department as well as routine access on a daily basis to the media, not only personally but also through his media advisors. In Bourdieu’s terms Hayden had both symbolic and social capital. He had geographic accessibility; journalists knew where he was and how he could be contacted. His was a work culture of information control and disclosure and he could leak to the media as he saw fit. Nonetheless even for him leaking entailed some level of potential penalty and political risk (Tiffen personal communication 2005).

By contrast, journalists don’t know the geographic location of sources in bureaucracies prepared to disclose unofficial information. Unauthorized sources, for their part, lack easy access to journalists; they are not usually part of their social networks, they lack social capital. They are not skilled in handling the media and usually have little understanding of how the media works. They also lack cultural capital, that is, the legitimacy, authority and credibility that is invested in a high-ranking politician. Such leakers lack access to the range of information of such a politician. He or she operates within a work culture of the routine secrecy of information and if caught leaking he may well expect demotion or dismissal from his or her employment or legal penalties. For these reasons disclosures from leakers in the mid-level of bureaucracy are intermittent in contrast to the steady rate of information disclosure from all other official sources. Yet such leakers are key
information holders in their specialty and as Peter Young, a former defence correspondent for the Ten television network and *The Australian* newspaper, said in an interview for this study, “the best information comes from the middle ranks” for there he finds people “who are the most realistic, the most idealistic, the most committed, and the most impatient with the system” (Young, *personal communication*).

This paper considers the dynamics of covert disclosures of unauthorized information by leakers rather than the overt disclosures by whistleblowers. For the whistleblower, going public is a solitary experience with the media spotlight falling on both himself and the issue. His legitimate case could be dismissed as a matter being pushed by one who is emotional or self-serving. Leakers working work alone or in concert with others, and with their disclosures negotiated through their journalistic intermediary, trust the media spotlight will fall only on the issue. In this context whistleblowers are disadvantaged, for in going public with organizational deviance senior managers in bureaucracies now know where their opposition is coming from and they can isolate the whistleblowers by discrediting them, not giving them access to any further information and suspending them from work (leaker *personal communication*).

It is the role of this type of non-official confidential source that has been both under-researched and under-theorized. The researcher can interview journalists on their use of such sources and gain invaluable information but a fuller understanding will only come from interviewing unauthorized unofficial confidential sources. This presents research difficulties of a significant nature. Leaking is a clandestine activity that demands of journalists the non-disclosure of the identity of the leaker. Journalists
will not disclose the identity of their unauthorized sources to researchers so anyone researching in this area must have some way of accessing these people. They may be found through the researcher having used unauthorized leakers in the course of doing journalistic work, through approaching sources whose identity has become public or through social, family or workplace networks. Once the sources have been located they have to be willing to be interviewed. The focus of this paper is on an understanding of leaking in relation to the institutional structures of journalism, government and politics.

Definitions

Any discussion of sources has to first deal with the definitional problem. There is no word to distinguish unauthorized, unofficial leak from the sanctioned one (Tiffen 1989: 97; Foreman 1999: 123). Broadly speaking leakers are defined as those who disclose unauthorized information to the press, that has not been processed by official channels and there is an undertaking by the journalist that the identity of the source will not be revealed (Sigal 1973: 184; Bok 1982: 216-218; Ericson 1989: 135; Tiffen 1989: 96-97; Thompson 1995: 144). But the word ‘leak’ has even more elasticity. It is also used to mean information from an informant or dissident but also from someone with political power using the media to their advantage (Tiffen 1989: 97; Jaworski et al 2004). Academics and journalists who have written in this area do not make a clear distinction between authorized and unauthorized leakers. Complicating the definitional difficulty is that:

The same leak can fall into both categories – depending on where you are coming from: for example, the Opposition gets hold of a secret document and secretly gives it to one journalist to launder it. That is the double leak, both a leak from the government, and then a leak from the Opposition (Grattan 1998: 41).
Regardless of where the information originates it will be judged for its newsworthiness and credibility (Schlesinger 1990: 70) and will usually come from people with access to such information, such as politicians or key information holders in bureaucracies or the corporate sphere. It can also come from pressure groups, professional lobbyists, or non-governmental organizations. For those who are leakers or informants within bureaucracies, their information will usually come from large government departments where information containment is difficult.

One further definitional problem is that research for this paper indicates that there can at times be a fine line distinguishing unauthorized leaking from other forms of dissent. An unauthorized leaker is one who has decided to disclose confidential information but not reveal his identity. If his leaked information leads to a parliamentary inquiry and his identity is revealed, his position is not unlike that of a whistleblower and he can suffer retribution in the workplace for his disclosures.

**Impact of leaks**

Some define the different kinds of leaks by their impact on government and argue that there “are two types of leak: those favoured by the executive branch, and those infuriating to it” (Downing 1986: 157). Those leaks that are infuriating to the government can have effects on public policy (Hess 1984: 78; Tiffen 1989: 97) and governance (Sigal 1986: 37; Bennett and Lawrence 1995: 28; Kuhn 2000: 11) and be explosive in their impact (Tiffen 1989: 98). They can provoke continuing media attention on an issue that leads to it becoming a scandal (Thompson 1995: 144), and they reveal “the second of face of power” usually disguised in the routine political process (Molotch and Lester 1974: 111). In Western democracies, the media, open as they are to dissenting viewpoints are so “unpredictable and contrary in their choice of
…sources that they have become a key arena for competitive ideological struggle” (McNair 1998: 160). On the one hand the democratic process is enhanced by citizens having otherwise inaccessible information on political, social and economic issues (Schultz 1998: 23). On the other hand leaks are episodic and often occur for reasons unconnected to the public interest (Hess 1984: 92). A crusading zeal for the public interest may hold a large appeal for those intent on making a decisive political impact (Schultz 1998: 225), but little appeal for journalists whose only interest is using the leak to write a good story (Edgar 1979: 93; Tiffen 1989: 100).

**The role of leaking in the sociology of the media**

Journalists, particularly investigative journalists, who use unauthorized disclosures from leakers highlight tensions between media practice and the theoretical work developed by sociologists of the media. Journalists interviewed for this study all used such sources. Media theorists Gaye Tuchman and Stuart Hall and his colleagues ignored them. Richard Ericson did discuss their disclosures but in terms of the threat they posed to organizations. Herbert Gans was aware of the need for a sociology of sources and argued “researchers should determine what groups create or become sources, and with what agendas; what interests they pursue in seeking access to the news and in refusing it. Parallel studies should be made of groups that cannot get into the news, and why this is so” (Gans 1979: 360 n3). In a similar vein Philip Schlesinger advocated an analysis of the strategies used by sources in relation the media. This would involve interviewing a number of these sources but he was aware of the difficulties this posed, as access to journalists’ unauthorized sources was an area of journalistic practice bounded by secrecy (Schlesinger 1990: 72).
Of these commentators Stuart Hall was the most uncompromising. He and his colleagues argued that the media tended “to reproduce symbolically the existing structure of power in society’s institutional order”. This meant that “the likelihood that those in powerful and high-status positions in society who offered opinions about controversial topics would have their definitions accepted, because such spokesmen are understood to have access to more specialised information on particular topics than the majority of the population” (Hall et al 1978: 58). The media in its turn was overly dependent on these official sources for the provision of newsworthy material. These official sources he called “primary definers”. Journalists, as “secondary definers” were left in a position of “structured subordination” to the powerful and had little option other than to rely on their opinions. While Hall mentioned the role of other sources, such as trade unionists, whom he called “counter definers”, they were never in a position to alter the interpretation of events presented by primary definers (Schlesinger 1990: 66). This rigid model of the power of those controlling the media agenda had its challengers. Schlesinger argued

there was no space to account for occasions on which the media may take the initiative in the definitional process by challenging the primary definers and forcing them to respond – as, for instance, in investigative journalism dealing with scandals inside the state apparatus, or when leaks by dissident figures force undesired and unintended official responses, or when accidents occur and official figures are caught on the hop (Schlesinger 1990: 67).

David Miller questioned the assumption that government would always be unified and speak with one voice. There would be times when officials would have dissenting opinions and use the media for the expression of this dissent (Miller 1993).
Richard Ericson used both qualitative and quantitative studies to demonstrate that news was “negotiated in a more complex and varied way between journalists and diverse sources” than Hall’s study allowed (Ericson 1996: 4). Ericson’s interest was in the dispersal of official information through official channels to journalists, a relationship based on negotiation, trust and reciprocity. His focus was not on unauthorized sources, who released information that would cast the organization in a poor light. Ericson was no champion of investigative journalism and its discomfiting disclosures but when questioned he admitted, “I would say in general that everyday routine news discourse is not very investigative at all. At the same time there are news organizations that will put considerable resources into investigating things and often certain information may be made public and they do a good job in forcing some kind of legislative change” (Ericson personal communication 1999).

**Scholarly approaches to leaks**

Stuart Hall and Richard Ericson were interested in the everyday phenomenon of the routine production of news and not in its aberrant variation, investigative journalism that gave unofficial sources a platform to present unauthorized information in the public interest. Unauthorized confidential sources, in spite of inexperience of lack of professionalism in handling the media, have worked to a variety of goals and been successful. One leaker observed that its value lies in opening a space in the public sphere for greater scrutiny of public policy. “I’ve seen things going up to government receive far more rigorous examination in times when leaks are more prevalent than when they are not. The leaks to a certain extent bring honesty into the system in that the bureaucrats point of view can be challenged and challenged quite severely”. Some leakers want to drive a wedge between the executive and the parliament by setting a
doubt in the mind of politicians that they are not being well briefed by senior officers of their departments through the omission or cover-up of information. Some want to get information via the media into the public arena so as to expose government policy to wider community debate. Others are interested in setting in train some form of parliamentary inquiry into government malfeasance. For yet others it is to achieve more substantial social or political reform than an official inquiry can achieve.

Sources likely to leak are those located within organizations undergoing change or controversy (Gans 1979: 119; Tiffen 1989: 98; Perry 1998: 106). A reliable source can provide the impetus for an investigative story or add vital information to investigations in progress (Weir and Noyes 1983: 318; Weinberg 1996: 66-87). Once a story is underway new leakers, with more evidence, may come forward because they “sense that the walls are crumbling” (Abrams et al 1999; Parloff 1998: 102). They don’t have to do the work of attracting a journalist in the story, because it has already been done, and the information they provide will most likely be used. Such leaks can lead to the issue becoming a scandal (Thompson 1995: 144) and those being investigated making efforts to minimize the impact of the story (Thompson 1995: 145). Damage control by politicians and bureaucrats can include straight denials, as used by the Thatcher government when it was leaked that plans were underfoot to minimize welfare expenditure (Cockerell, Hennessy and Walker 1984: 130) or the “lies, half-truths and strategic omissions” used by the Johnson administration in the Vietnam War (Gitlin 1980: 74). Where a government is faced with a leaking campaign it can instigate an official inquiry to control the leaks and reshape the disclosures so they conform in some way to the official version of the facts (Ericson 1989: 226). Another approach is to minimize the chances of confidential information
being leaked at all. This can be done by restricting access to information to small groups (Sigal 1973: 184), routine threats of dismissal for those caught leaking and in Australia, the threats of fines or imprisonment under the *Crimes Act* 1914 (Cth) or the various secrecy provisions of Acts pertaining to government departments.

Commentators balance warnings on the use of leaked information with careful evaluations of the benefits for journalists. There is a suspicion that such sources use journalists for their own ends (Summers 1980: 16), in order to get “a certain ‘spin’ on a story, to get heightened exposure for it, and perhaps to make the journalist somewhat obligated to the leaker” (Grattan 1998: 42). Even where the source can support their claims with official documentation the journalist may not know the context of the information, a fact that can cast the whole story in a different light (Epstein 1967: 13; Abrams *et al* 1999). In addition news judgment can be unduly swayed by leaked documents awarding them greater importance than they deserve (Summers 1980: 163; Tiffen 1989: 121). Epstein suggests, “the important question is not whether journalists are deviously manipulated by their sources, but whether they can exert any real control over disclosures wrenched from contexts to which they do not have access or with which they are not familiar” (Epstein 1967: 14). Despite the potential difficulties in using disclosures provided by confidential sources, the journalist-source relationship is one that can be mutually beneficial to both sides (Abrams *et al* 1999).

These include the fact that multiple sourcing by journalists is useful for checking facts (Tiffen 1989: 103) and the benefits to the leaker are the opportunities for input into policy formation (Tiffen 1989: 97). Schultz argues that in Australia “in the 1970s and
1980s leaked national security reports, police surveillance tapes, police surveillance tapes and confidential royal commission documents underpinned some of the most significant investigative reports” (Schultz 1998: 185). For one commentator such success was not enough, for the journalism of the muckraking tradition with its long term campaigns for social reform achieved more than the journalism based on unauthorized leaked information that only generated scandal and not lasting social change (Bowman 1984b: 35). For another the lament was that since the 1980s has meant there has fewer stories coming from bureaucracies. She argued “no newspaper is giving us a really penetrating eye into the public service and most are telling us little at all” (Grattan 1995: 7). The challenges have been the reticence of senior bureaucrats in speaking to the media and a corresponding need for journalists to be steeled in the art of accessing information. For this journalists need the resources, the expertise, and the will to get the inside story (Grattan 2005: 21), and a level of access that is facilitated by information from unauthorized sources.

For leaking to be successful a conjunction of events needs to take place. Crucial to the success of the leaking enterprise has been the historical moment (Schultz 1998; McKnight 1999). Important too has been the increased size of government, the larger number of reporters and the invention of the photocopier (Hess 1984: 91; Tiffen 1989: 98). There are also the particularities of the individual leaker; their knowledge base of how to leak, the care of documents, the timing of the release of information, political and media savvy, social competencies and credibility. As recipients of this information, journalists need the support of their organization, (Schultz 1998: 183; Grattan 1995: 7) particularly in regard to defamation or other reprisals from the powerful (Schultz 1998: 21). There are as well the particularities of the journalists
handling of the relationships with their unauthorized confidential sources. It is a relationship built over time on accretions of persistence and persuasion, honesty and empathy, confidentiality and credibility, scepticism and trust.

**Leaks and investigative reporting**

This study focuses on British-style parliamentary systems and the interviewees are Australian journalists and leakers in the federal bureaucracy. Seventeen journalists from the print media and television were interviewed and they were either specialist roundspeople or investigative journalists. Most interviewees agreed to a face-to-face interview. The interviews varied in duration, some were brief but most were between one to two hours. There were twenty leakers interviewed, and ten agreed to audiotaped interviews. The questions were open-ended and concerned the ethics of leaking, successful strategies for the discrete disclosure of unauthorized information and the nature of the relationship between the source and the journalist. The interviews were tape-recorded and the typed transcription returned to the interviewee. This allowed the subject to delete, alter or add material to the original interview, and submit the amended transcription for use in this article. The remaining sections of this paper are grouped around the themes that emerged during the extended interviews.

**Leakers and the production of investigative journalism**

Most investigative journalism stories are initiated by journalists by looking at areas that might have an interesting story in them, or hearing about an interesting issue or reading a brief press article that suggests a story that deserves a longer treatment. A small percentage are initiated by unauthorized leakers. Investigating the story is a time consuming procedure and such stories require confidential information. It is difficult to acquire, in contrast to the routine production of the news with its relative
ease of access to newsworthy information from government officials and politicians and with the information flow facilitated by public relations personnel, press conferences and press releases.

Television journalist, Matt Brown, said that the work of finding sources can be approached in different ways. It might commence with a reflection on a story idea that suggests what networks of power and influence might be connected to characters in the story and from there what sources can be connected to start an investigation. This might involve checking with colleagues in the office who may have covered the story before and still have contacts, searching through news clippings, checking listings in telephone directories, checking organizational staff lists and audit reports. Annual reports are particularly valuable as lists can be compiled of senior officers and decision-makers and by reviewing past annual reports checks can be made to see if any senior decision-makers have left or been demoted. They can be contacted and may be willing to speak to a journalist if the source judges that the journalist has a sound understanding of the organizational culture and the issue being investigated, and feels that if information is supplied that the journalist will know where it fits and what to do with it. They would be unwilling to co-operate when they still have a sense of loyalty to the organization and its goals and to fellow employees (Brown personal communication).

The advantages of using sources from the middle ranks of the public service

The disclosure last year of the identity of W. Mark Felt “Deep Throat” the FBI’s second highest ranking official and the Washington Post’s secret informant during the Watergate years focuses attention on an unusual unauthorized source (O’Connor
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This type of source is one not likely to be sought by journalists. He occupied a position too close to the top of an organization to enable his identity to be protected, and so is more vulnerable than a source in the middle ranks of an organization (Brown *personal communication*). Political editor for the Nine television network, Laurie Oakes was sceptical in general of the value of highly placed sources in providing confidential information. He said those at the top of an organization will still leak information to a journalist but their motives “are more like politicians. They are advancing the cause of their department over another or trying subvert something that they think the Minister is trying to do and they disagree with him – so they leak against their own minister to stop him trying to do something silly” (Oakes *personal communication*).

Chris Masters, a senior journalist with the television current affairs program *Four Corners*, argued that in his experience the most valuable sources of information for stories involving bureaucracies comes from people in the middle ranks of the public service as they occupy the engine room of the organization and “have custody of the
primary information” (Masters, personal communication). Valued is a source who occupies this position. Rebecca Latham a researcher for Four Corners added “It is better still if such a source is intelligent and calculating enough to have read the political landscape and decides that they can get away with [leaking] and have covered some of the basics in terms of potential outcomes and who is significantly empowered to give you material” (Latham, personal communication).

There are a number of types of unauthorized leaker. There are those with a newsworthy story that is in the public interest, with the story supported by official documents. There are those who can provide background information on organizational culture (Brown, personal communication) and there are reluctant sources who will confirm information already held by a journalist (Williams, personal communication). Providing background information is where most confidential sources are used for it allows the journalist to ask questions like “within your organization what are the rules about X, or within your Act, how does it apply most of the time” (Brown, personal communication). There are also the reliable sources who have been used previously by a journalist and who are useful for cross-checking facts (Masters, pers. comm.). Sources who are reluctant to volunteer information can be vital. Here the facts of the investigation are built up through repeated phone calls, the issuing of reassurances of confidentiality and the extraction and accumulation of fragments of information from many sources. Pamela Williams, a journalist with The Australian Financial Review, recalled her technique for gathering information from such sources.

Often they will only tell you the tiniest, tiniest detail and they won’t tell you anything else that they know. You ring them back later in the
day and you ask them a little more and maybe they’ll tell you one more tiny detail and then you ring them back the next day and the next day and the next day. And each time when you ring them back you’ve actually spoken to another one or two people who have told you a tiny bit (Williams personal communication).

Once journalists have gathered primary information from unauthorized sources they can approach senior managers to confirm or to deny data or to deploy strategies for eliciting further information from them. If they have documents they can ask a general question based on this information. The department may suspect a leak but not know the extent of it and may give away even more information than the source knows (leaker personal communication).

**Motives for leaking**

The reasons unauthorized confidential sources pass information to journalists is varied. While sources in the middle ranks of the public sector may be motivated by outrage at organizational deviance and leak information to journalists in the public interest others may leak information to further their private interests. Some instances are these self-serving initiatives are, the policy leak, where there is a desire to alter agreed departmental policy and people may start leaking material to journalists that will help their cause. The political leak, in the lead up to an election information is leaked to favour one political party or the other. Sometimes the leaker may have political aspirations and see this as way of currying favour within the party. The career move is aimed at discrediting a peer or supervisor in order to get that person's position. The goal is to make the superior's job difficult by selective leaks, which will discredit his work performance and put the department in a bad light. A departmental response to such a leaking program could be to move people out of the way. And getting even, in an organization where someone’s career has been ruined for whatever
reason, a person might retaliate by leaking documents damaging to the bureaucracy. It can also be a form of payback against a difficult employer or it might be payback for a project that has not eventuated.

Notwithstanding the fact that some leakers may have dishonourable motives for leaking Chris Masters, reflecting on the motives of his most reliable confidential sources, said that they are ethical people. “I know them well enough to be able to say that, with confidence. They’re not people who are on some energetic career path, where they’re trying to destroy their superiors and they are trying to make trouble. They tend to be very decent people” (Masters *personal communication*).

Group leaking suggests a wider problem than individual grievance. One leaker argued that organizational dysfunctionality produces low morale among staff and this can sometimes be a cause of leaking. This dysfunctionality was the provocation for one unauthorized source to leak information. He said he had seen concessions been given to those with wealth and influence.

Whereas ordinary people would not get that sort of access, so it all boiled down to how rich and powerful you were. And if you were rich and powerful than you got access to the higher echelons of the Department and on most occasions you would get a deal done…Somebody close to me in the office was already leaking things unknown to me and it was only after discussions with that person that I decided to start doing the same thing (leaker *personal communication*).

Within the bureaucracy the reaction to leaked information getting into the press can be quite mixed. It simultaneously creates a climate of suspicion, and a climate of people trying to find out who did it. This latter group would be pleased the issue has been brought into the public forum. They may want to contact the leaker to pass on
more information to the journalist concerned because they have even deeper information on the subject. They may believe that the stance taken by the government or the bureaucracy is wrong and has been so for quite a long time.

One journalist observed of unauthorized leakers that if they are organized they often derive safety from working in a group, with information being streamed through a designated spokesperson. In this way the journalist knows the identity of only one of the leakers. But this is not always a successful strategy as the security of the operation can be compromised by group involvement increasing the likelihood a number of people that someone might talk about it (leaker personal communication).

**Journalists assessing the motives of leakers**

Journalists have to assess the motives of leakers because if the unauthorized leaker is lying journalists can waste research time before the journalist discovers that he or she has been deceived. If the lie isn’t discovered a story could be constructed on misinformation and this damages the credibility of both the journalist and his media organization. For this reason some journalists regard sources who lie as their biggest problem, whereas for others it is the partiality of the information disclosed. One journalist noted that journalists have to be alert to the possibility that the source might have left out key information on purpose (Williams personal communication).

Another’s experience of using confidential sources is that while very few people lie, the greater danger is that people can be wrong on fact. Brian Toohey, political columnist with *The Sun-Herald*, was aware that all types of sources “will be pushing a line” but what was important was the accuracy of the information (Toohey personal communication). The protection for journalists lies in the scrupulous cross-checking
of information through consultation with many sources and gauging the reliability of informants.

**Trust and confidentiality**

All journalists interviewed regarded trust as their key tool of trade. Where a story has been developed by journalistic initiative, the relationship of trust can carefully nurtured during the course of the investigation. In addition in an industry dominated by deadlines, good working relationships of trust and confidentiality are an important resource for they allow journalists and sources “to save time and energy by taking each other’s accounts at face value” (Ericson 1989: 201). But at every level of practice journalists need disclosure of information from sources. One strategy is the offer of confidentiality along these lines “look I now know this, this and this”, to which the source might reply “Who told you that?” The journalist might respond, “I can’t tell you who told me because I’ve given other people commitments that no one will know if they have spoken. And those are the same commitments that I’m giving to you, but if you are able to help me no one will know that you have spoken to me” (Williams *personal communication*).

A source with a general suspicion of the media may inquire of a colleague whether a particular journalist is to be trusted. Once this assurance is given the source may be willing to co-operate. One unauthorized leaker recounted the story of a journalist who went to great lengths to maintain confidentiality, even when it was another journalist who was putting pressure on him to disclose the identity of the unauthorized leaker. One leaker knew when a high level of trust had been achieved between himself and a journalist when he could be consulted on an issue without having to support his case with documentary evidence. He had become a credible, reliable source. For Chris
Masters the development of trust between journalist and sources is a life long professional practice and useful for the cross-checking of facts for future stories.

More often it happens that over the years you have developed five, six, ten probably a lot more than that, really reliable sources …who have a reliable and sober position on things; they are experts in their field. And they come to trust you. And you have come to trust them. So you might over the years ring them up and check in with them and a new issue might emerge and you'll say ‘is there anything in that?’ So that probably accounts for thirty percent of what we do (Masters personal communication).

This suggests an ‘exchange relationship’ of the type explored by Paul Manning in his study of specialist reporters and their sources. It is an on-going relationship where the sources provide journalists with context, confirmation of information already held, and good copy and sources hope that journalists will write stories from the sources’ perspective. It is a relationship where both parties acknowledge certain rights and obligations (Manning 2001: 178).

Confidentiality is granted to unauthorized leakers to protect their identity, yet in Australia five journalists have gone to jail rather than disclose the identity of their sources (Senate Standing Committee on Legal and Constitutional Affairs, 1994) Questions are asked as to whether the journalist should have granted the commitment of confidentiality in the first instance and the information gathered through other means. The very real threat of prison means that the burden of risk taking in using unauthorized leakers sometimes falls more heavily on journalists than unauthorized leakers.

Leakers for their part are threatened by imprisonment for unauthorised disclosures under Section 70 of the Crimes Act 1914. To date no leakers have been dealt this fate.
Nonetheless there are risks and these usually involve threats to career prospects through demotion or loss of employment. The identity of the leaker may be disclosed during the course of a parliamentary inquiry or by accidental disclosure, for example when a document is passed to a journalist by fax machine. One source interviewed for this study remarked that the hallmark of trust between himself and a journalist was a willingness on the part of the journalist to discard the story if it was judged the source was in danger.

Jeff Gerth of *The New York Times* argued that some unauthorized leakers don’t understand the consequences of what they were doing or what might happen should the information released cause a scandal and an internal departmental investigation undertaken. Difficulties arise if the evidentiary trail leads directly to only one source. The best source understands that what they are doing is illegal and/or career threatening, accepts the risks and the need to minimize them by the due care in the handling of documents over to journalists (Abrams *et al* 1999). Also unpredictable is where an unauthorized source may need to sign a statutory declaration as to the accuracy of the information supplied to journalists, particularly if the information can’t be endorsed or reliably checked. This is needed in cases of defamation or other court action.

In this case the question arises as to whether their status is still that of a confidential source, for if they appear in court then their identity is revealed. Some sources have for this reason refused to sign statutory declarations so the production team will decide they have enough information to proceed with the story without the source. In current affairs television the number of people who know the identity of a source is
wider than the dual partnership of print journalist and source. Here it will be reporters, researchers, producers, executive producers and lawyers who will have had dealings with the source. The risk here is that the identity of the source may be compromised.

**Strategic and tactical action of unauthorized leakers**

Unauthorized leakers who bring some experience to the task express a preference for the print media as against television because of the risks of exposure. Another preference is for the use of experienced journalists as they are more likely to stick to the story and not expand beyond where it can reasonably be pushed (leaker *pers. comm.*). Denis Shanahan, political editor for *The Australian* newspaper, said that they would also expect of the experienced journalist that he or she would be alert to a potential story if in the course of conversation the leaker drops a fact or a lead and then waits to see if the journalist has discerned it (Shanahan *personal communication*). The more experienced journalist when armed with documents passed from a leaker will also be more proficient in coaxing further information from senior government officials.

One of the pitfalls in handing documents to journalists is that they can be traced. One leaker suggested that care should be taken in the photocopying of documents. The photocopying of sensitive documents should be done off-site, for example in a newsagency, or library and not in the department. The journalist will then re-photocopy the document and destroy the document received from the source. In this way a number of identifying features are removed from a leaked document (leaker *personal communication*).
A department may print one set of documents with a certain typographical error and another with a different typographical error. If ten copies are made, they’ll hand out five to one group and five to another and if it is reproduced anywhere they’ll know it is one of the five. Shanahan noted that he may be the recipient of a draft document, maybe several drafts and they’ll be able to pinpoint at what stage through the process you got your document from. So that if it starts at the bottom of the bureaucracy and works its way up, until it gets to a cabinet submission and you get it as a draft submission and it’s down three layers where changes have occurred and aren’t in the final document, they just count backwards until they work out at what level the leak has occurred (Shanahan personal communication).

Sources may also stipulate ways in which a journalist may disguise the source of sensitive information by not mentioning certain phrases, certain numbers or the detailed information disclosed in confidential meetings.

**Ethics**

Journalistic professional ethics encompasses not only the demands of confidentiality and the search for accuracy but also the demands of being a sympathetic ear when confidential information enters the public domain and negative repercussions have to be dealt with by a leaker and media novice. Such a person may have explored the issues of the relative illegality of leaking as against the full disclosure of identity of the whistleblower and believed that leaking was ethically acceptable as long as the public interest was served. Having arrived at that position they then may encounter another ethical problem. The leak may spark a departmental inquiry to find the identity of the unauthorized leaker and employees may be asked if they leaked confidential information. One person in this predicament rang the journalist involved for reassurance. The journalist, Quentin Dempster of ABC-TV, advised that if unless he was prepared to take the consequences he would have to deny it. He acknowledged
that it was a moral dilemma. Some people would calculate that denial was expedient in order to deal with a difficult situation for others the denial of the truth would be morally unacceptable (Dempster *personal communication*).

A greater ethical dilemma for unauthorized leakers is where a departmental investigation into leaking targets an innocent person and their chances of either promotion or continuity of employment are jeopardized. The unauthorized leaker then has to decide if he or she will come forward and be identified as the leaker.

**Bureaucratic response**

Ericson claimed that journalists look for sensational acts of organizational deviance, exposed on an individual-case basis, rather than on an understanding of the organizational process and structure that might help explain what they uncover. However, quite often people who leak material to the media have an understanding that the organization has been ‘captured’ by some particular pressure group or even by senior members of a department (Grabosky & Braithwaite 1986: 198). So although senior officers claim that leakers don’t understand the broader political context quite often the leaker has a clear understanding of the position of the department. Sometimes the leakers come from policy areas advising the senior level officers of the department. The senior level officers may have misused information and the leaker is attempting to correct this abuse.

No bureaucracy is comfortable with unauthorized disclosures. Ericson observed from the point of view of organizations that the greater the public knowledge “the greater the vulnerability of the organization, and the greater the need for more accounts to
achieve accountability” (Ericson 1989: 18), and with this in mind the best recourse is “to try to achieve compliance of employees and journalists through networks of trust and reciprocity” (Ericson 1989: 379). When this fails and it is believed that stronger measures are necessary the Federal Police may be called. Shanahan recalled such incidents and the investigations proceeded along these lines,

“You’ve cited a document in your story today. We’re investigating a theft of a document could you tell us where it came from?” You say “no”. They say, “can we come and interview you?” You say “yes sure, but I’ll tell you the same thing” And they come into your office, that is if they bother to come to your office, they come in and they say “well can you tell us where you got it from?” I say “no”. “Can you give us any documents?” I say “no”. Then they say, “thank you very much” and they leave.

On the other hand some leaks are pursued more thoroughly. Leaked cabinet documents from September 2003 caused embarrassment to the Liberal coalition government during the 2004 election campaign. After the election the Department of Prime Minister and Cabinet ordered an investigation by the Australian Federal Police. The source of the leak was judged to be the Department of Finance and Administration who called in two intelligence agencies, the Australian Security Intelligence Organization (ASIO) and the Defence Signals Directorate to comprehensively check the whole department for leaking activity. All together there were four high-level inquiries into the leak. This came at a high financial price to the department and no doubt a high level of intimidation to employees of the departmental section concerned (Dodson Sydney Morning Herald 22 February 2005: 13). More extreme reprisals have been where suspected leakers have been transferred or removed from their positions or in some cases departmental sections have been closed down.
Leakers achieving goals

Unauthorized leakers have a differential ability to use the media and this is particularly seen in those doing it for the first time. Most are uncertain about the outcomes and fear it could lead to the loss of their employment. In contrast to authorized leakers and particularly their professional media advisors, unauthorized leakers lack training in managing the news agenda and they are hampered by the insufficiency of published information available on how to leak material safely to the media. There is little in the way of research literature or “how to guides”. Of the guides, its borders are defined by a webpage on the television current affairs program Sunday program (Coulthardt), a chapter in Nicky Hager and Bob Burton’s book Secrets and Lies, and a booklet The Art of Anonymous Activism. People leaking information to the press for the first time are handicapped especially as success is generally tied to an understanding of how the media works and how the political system works and the timing of the release of documents. The inexperienced may want their spin on a story maintained, they may not like facts they think are important being questioned, and the story might lack the detail that the source wants, even though it is factually correct. This is a problem in television current affairs as material is reduced to fit a thirty or forty-five minute time slot. In the print media the logic by which stories are selected and their placement within a newspaper can seem arbitrary and anarchic to those unused to the newsroom.

Sydney Morning Herald journalist, Marian Wilkinson, said that an important leaked story maybe cut in half for space reasons to make way for an advertisement or a colour story. Or the story no matter how important could end up on page five and a mediocre story could end up on page one. She added that if the journalist is disliked
or is not respected by the editor or the editor-in-chief they can have the most brilliant leak and have it buried. On the other hand the leaker may have underestimated his story and be distressed to see it as the front-page lead and become alarmed and concerned about the repercussions. She said that there are a lot of other things that come into play besides the quality of the story or the value of the information (Wilkinson *personal communication*).

**Journalists achieving goals**

Journalists see their role as to tell a good story, get information into the public arena and to bring "public policy face to face with those that will be affected by it" (Williams *personal communication*) while pushing against constraints coming from a number of directions. These constraints come from the legal system not only by its laws but also by the cost and inefficiency of the system that administers the laws. The media itself has commercial imperatives that mean that information that is too disruptive and potentially litigious is less likely to be published or broadcast. Journalists for their part can develop a form of self-censorship, so that they “filter out all sorts of information that’s too complicated, too abstract, but also too litigious” (Masters *personal communication*). Governments - another force for constraint on journalists - will always try to disguise what they are up to and “the opposition will always exploit any information that they can get hold of, so it drives governments to control information, so journalists just keep wedging it open as much as they can. There will always be pressures to close it off under this system: maybe under any system” (Oakes *personal communication*). But *Sydney Morning Herald* journalist and academic, Wendy Bacon, cautioning against an optimistic appraisal of journalistic influence on public policy argued that it doesn’t influence it as much as it could because the culture of journalism is “largely in tune with the major consensus of
politicians about policy. So I would say the media certainly influence the game of politics but I think there is a potential there to influence policy as well. I don't think that potential is very often felt” (Bacon personal communication).

Conclusion
The establishment of a relationship of trust between an unauthorized source and a journalist facilitates the transfer of information on organizational malfeasance. It is a relationship based on the understanding that the information is accurate and that the identity of the source will not be betrayed. As organizational dissenters, leakers are in a more secure position than whistleblowers as long as their anonymity is preserved. They also may be more effective. The act of leaking keeps the focus on the corruption being exposed rather than on the motives of the leaker. The advantage is that there is less likelihood of being discredited, experiencing workplace harassment or loss of employment. Journalists for their part pay little attention to the motives of leakers; their interest is on the accuracy of the information presented and its organizational context.

What has been omitted from earlier scholarship on journalists’ sources has been the specific role that unofficial unauthorized leakers play in the process of news production. Journalists interviewed in this study argued that their most valuable information came from the middle ranks of the public sector. Such information is a balance to the news stream coming from official sources and provides a range of perspectives on key political and social issues (McChesney 2003: 299). Journalists argue for the value of their unauthorized sources for the negotiated release of information of public interest into the public sphere. Unauthorized leakers unbalance
'spin' and news management (Kuhn 2000:11), they are the unofficial auditors on the integrity of senior government officials and they quicken the pace of political life in a democracy. Governments and bureaucracies, often disputing the authority of journalists to define and defend the public interest, are reliant on networks of trust, corporate loyalty and the secrecy provisions of the Acts to accomplish the task of informational containment within the boundaries of their organizations.

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NOTE

The following journalists were interviewed: Wendy Bacon – journalist The Sydney Morning Herald and Associate Professor, School of Social Communications and Journalism, University of Technology, Sydney; Don Baker – former editor - The Sunday Telegraph; Matt Brown – former researcher - ‘Four Corners’ – ABC TV, currently reporter ‘7.30 Report’ ABC-TV; Ross Coulthart – journalist ‘Sunday’ – Channel 9; Quentin Dempster – journalist and presenter ‘Statewide’ ABC TV; Michelle Grattan – political columnist – The Age; Rebecca Latham – former producer – ‘Four Corners’ – ABC TV; Chris Masters – reporter – ‘Four Corners’ – ABC TV; Laurie Oakes – political editor – Channel 9 - columnist The Bulletin; David McKnight – journalist - The Sydney Morning Herald and Senior Lecturer, School of Social Communications and Journalism, University of Technology, Sydney; Denis Shanahan – political editor - The Australian; Mike Steketee – journalist -The Australian; Brian Toohey – journalist -The Sun Herald; Pamela Williams – associate editor and national correspondent, The Australian Financial Review; Marion Wilkinson – journalist -The Sydney Morning Herald Peter Young – formerly defence correspondent Channel 10 and The Australian …and confidential sources.

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