

**University of Strathclyde  
Department of Geography and Sociology**

**Activist Intelligence and Covert Corporate Strategy**  
– an Analysis of Corporate Spying on Critical Activists

by  
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**A thesis presented in fulfilment of the requirements for the degree of  
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## **Abstract**

This thesis is about intelligence and activism. It addresses the ways corporations seek to manage, manipulate and undermine their critics in NGOs and civil society. Specifically, it is about how big business infiltrates activist groups. The study investigates the informal dimension of information gathering often shrouded behind the politics and practices of reputation management, an issue rarely considered in academic literature or mainstream media.

This thesis brings together a set of case studies examining corporate spying. The availability of documented sources in each of the case studies – an important selection criterion – enabled the analysis to go beyond the publicly known version of the various stories. Each example has been systematically unravelled to map the different aspects of the spying process. Detailing chronology, actors and strategy, each case was analysed as an actual intelligence operation, creating a new body of knowledge. The findings confirm that corporate intelligence gathering facilitates pro-active measures, which can result in covert strategies to frustrate and undermine public protest.

This research should be understood in the context of globalisation and neoliberalism, with the marketisation of intelligence as a specific aspect of privatisation. The increasingly blurred boundaries between public and private in secret work represent a potential danger to democracy. The importance of the issues at stake, the understanding the policies of large corporations in their pursuit of profit and their efforts to avoid public debate and silence critics, calls for a more active role for social scientists.

To address the blind spots in investigating corporate spying, this thesis introduces a new topic best described as *activist intelligence*. This field of research focuses on intelligence gathering, the methods used and the people professionally involved. It also includes the processing of the information gathered and the subsequent strategic planning by corporations to make use of it: the *covert corporate strategies*.

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**For Felipe Rodriquez - Svensson**

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## **Introduction**

### **The Waste Paper man**

The first time I encountered a case of corporate spying was in 1994, when I was involved in exposing a spy called Paul Oosterbeek. At the time, I was working with buro Jansen & Janssen monitoring police and intelligence. Founded in 1984, the buro supported the activist movement of the 1980s. Although these roots were not forgotten, buro Jansen & Janssen has since developed a broader perspective on monitoring and intervening in debates on issues like repression and privacy. The shift of focus included an increasing interest in private intelligence agencies; the book *Battling Big Business, countering greenwash, infiltration and other forms of corporate bullying* (2002a) was my last project with the buro.

The case of the Waste Paper man is exemplary. It shows how an individual infiltrating activist groups can work for longer periods of time collecting information in several different ways. It also illustrates how the gathered information processed into 'intelligence products' is used by clients to undermine activist groups. The case reveals how the intelligence can end up in the hands of the press and is used to incriminate activist groups, which can be to the advantage of prosecuting authorities or intelligence services.

Oosterbeek was active in groups I worked with, and had tried to get involved in a network of activists investigating intelligence related topics in the Netherlands. Although several people did not really trust him, plans to screen Oosterbeek's background took years to materialise. Only when several campaigners compared experiences was it discovered that he used a variety of cover stories to hide his true identity. It emerged that this spy had created quite a network of information sources, and had worked for several activist organisations and NGOs. Going by the name of Marcel Paul Knotter, he posed as a volunteer and managed to stay uncovered for more than

seven years. He promoted his computer skills – rare in the late 1980s and the early 1990s – and offered to install software and set up computer databases. He would handle the input of contact addresses, new subscribers and possible sponsors into the IT system, and also assisted with archiving work. To explain his background Oosterbeek claimed to be engaged in investigating large corporations and their involvement in apartheid, child labour or other human rights violations – tailoring the details of his cover to the needs of his audience. Meanwhile, he took advantage of his position to collect the groups’ discarded paperwork, pretending he would sell it to a pulp mill and donate the proceeds to a charity project of choice. At the moment of his exposure, no less than 30 organisations, ranging from small activist groups to big church-affiliated research foundations like Pax Christi, knew Oosterbeek as their ‘Waste Paper man.’ In fact, Oosterbeek delivered the boxes of faxed originals, rejected photocopies and printouts to the offices of ABC, a small security consultancy owned by Peter Siebelt. There, behind a high wall and a sharp-pronged iron fence and under guard of security cameras, the data were processed. Every sheet was carefully combed for bits of information, from financial data to the details of internal strategy discussions. The networks between organisations and personnel overlap were mapped, and the special interests of groups’ individual members scrutinised. ABC thus compiled numerous files on activists and nongovernmental organisations (NGOs), supplementing them with information available from public sources such as magazines, annual reports and other records filed with the Chambers of Commerce (the Dutch equivalent of the UK Companies House). (Lubbers, 1994a; 1994b; 1995a; 2002a)

What we had discovered was a new, cleaner, form of *garbology* – which is detective slang for a particularly dirty kind of research. Activists and advocacy groups in the Netherlands knew their waste paper was being gathered, but not what it was being ‘recycled’ into: intelligence files for companies those groups were criticising. Little did they realise how interesting their paperwork could be to the companies they campaigned against, to the tabloids, and occasionally even to the police, public prosecutor and the secret service.

Siebelt maintained good contacts with The Dutch daily the *Telegraaf*, a newspaper with a reputation for mudslinging and activist-bashing. Through the years, the paper frequently published articles based on internal documents that could be traced back to the Waste Paper man (for instance: De Haas & Koolhoven, 1993a; 1993b; Koolhoven, 1996; 1997; de Haas & Sanders, 1997a; 1997b). In one case, an article randomly linking alleged networks of progressive organisations to terrorism served as the sole piece of evidence to start a criminal investigation. The paper claimed to know that the Dutch secret service BVD identified this network as potentially terrorist. (De Haas & Koolhoven, 1993b) Based on a small quote in the *Telegraaf* article, free-lance journalist Hans Krikke ended up as the main suspect of two bomb attacks aimed against authorities responsible for the disputed Dutch asylum policy. According to the police, Krikke ‘doesn’t rule out the practice of bomb attacks.’ The police conveniently left out the rest of the quotation: ‘in times of severe oppression, like World War II’ – which qualifies the statement somewhat. Krikke and his colleague were arrested, their offices raided, and it took months before the case was dismissed. The two received almost \$100,000 in compensation, but their non-profit company did not survive the suspicion. (Lubbers, 1996; 1997; 2002a)

The Waste Paper episode also demonstrates how inside information can give companies a strategic advantage. Used at the right moment, it can be an effective weapon. The formula industry, for instance, had acquired some internal correspondence of Wemos, a Dutch group monitoring pharmaceutical companies and the marketing of infant formula products in the Third World. In 1994, Wemos tried to convince the baby formula industry that it was not targeting specific companies. Dutch formula maker Nutricia (now Numico) produced a letter Wemos had sent to its partners in the Nestlé boycott campaign. The request for examples of companies circumventing the WHO code that restricts advertising infant formula in Third World countries was an example that proved otherwise in the eyes of the industry. Wemos had been a long time client of the Waste Paper man. (Lubbers, 2002b)

Companies do not necessarily acknowledge that they have inside information on their critics explicitly. Using the information to anticipate future actions can be advantageous

enough. In 1990, the Clean Clothes Campaign started a protest action against the use of child labour by clothing chain C&A. Customers were encouraged to ask shop assistants where their clothes had been manufactured. No sooner had the campaign begun than C&A came out with printed answer sheets, and a booklet explaining the company's CSR policy. Until then, C&A had been known as a closed, family-run company that never even published annual reports – and did not do so until 2005. (van der Hoff, 2006; NDH, 2006) Its rapid response to the Clean Clothes Campaign was remarkable. In fact, Oosterbeek had joined the Clean Clothes Campaign as a regular volunteer just when the organisation prepared the protest. Oosterbeek's inside information permitted C&A to anticipate and facilitate the rapid response. (Lubbers, op. cit.)

The exposure of the Waste Paper man revealed that there is a market for informal information about activists. This thesis analyses the kinds of information involved in this market, how it is collected and who exactly is doing the work. This research aims to unravel the intelligence gathering, and its relation to the subsequent strategising, as will be detailed in the research problem and research questions below.



## **Chapter 1**

### **Analysing Corporate Spying on Critical Activists**

This thesis is about intelligence and activism. It addresses how corporations seek to manage, manipulate and undermine their critics in civil society. Specifically, it is about how big business infiltrates NGOs and activist groups.<sup>1</sup> The study investigates the informal dimension of information gathering often shrouded behind the politics and practices of reputation management, an issue rarely considered in academic literature or mainstream media.

The aim is to claim visibility and recognition for activists' experiences of spying and infiltration, and to promote *activist intelligence and covert corporate strategy* as an area of legitimate and important academic inquiry. In order to reach these goals a set of detailed well-sourced case studies seems an indispensable first step. The availability of documents as primary sources in each of the cases allowed the research to go beyond the publicly known version of the various stories. The documents include surveillance reports and intelligence assessments, court transcripts of private investigators evidence, and internal strategy plans prepared by specialist consultants for large corporations targeted by boycott campaigns. Each example has been systematically analysed as an actual intelligence operation to map different aspects of the spying process. The findings confirm that corporate intelligence gathering facilitates pro-active measures, which can result in covert strategy to frustrate and contain public protest. Corporate countermeasures are closely related to mainstream business policy to pursue power, on a continuum with public relations (PR) and lobbying.

#### **Today**

Research into *activist intelligence and covert corporate strategy* is almost by definition historical, for the simple reason that ongoing operations are hardly ever exposed. Cases of corporate spying are typically covered by a cloak of secrecy. Source material is hard to get and difficult to access. The passing of time sometimes makes routes of discovery

slightly easier, with political and personal sensibilities losing their significance little by little. Most of the case studies researched for this thesis would not have been revealed but for the persistent investigations of activists targeted by corporations, through complicated and enduring court cases, and with the help of dedicated investigative journalists and their whistleblowers.

This work can, however, be described as a ‘history of the present.’ My concern is both archival and analytical. As the field of study is new, there is a need for well-sourced case studies to describe and outline the matters at stake. However, as Garland (2000: 2) put it, the history proposed is ‘not motivated by a historical concern to understand the past, but by a critical concern to come to terms with the present.’ The point is to use the history to rethink the present. But the practices of *activist intelligence and covert corporate strategy* need to be described and mapped first, to understand how this field is currently constituted and situated between other fields of study.

However, the fact that most of the case studies in this thesis took place several years ago, and some in the 1970s, does not mean the subject is out of date – on the contrary.

The following story started to unfold in the summer of 2009 during the finalising of this thesis, and perfectly fits the collection of case studies presented here. It involves a consultancy headed by a former intelligence agent, hiring a computer specialist to hack into Greenpeace computers. It also involves some of the biggest French companies, including Électricité de France, the world’s largest operator of nuclear power plants.

An investigating judge discovered the case almost by accident, in the wake of a doping scandal at the Tour de France in 2006. (Jolly, 2009) A special cyber crime unit of the French Interior Ministry traced a computer specialist who had hacked the network of the French anti-doping agency. He had managed to steal the lab results of Floyd Landis, the American cyclist stripped of his victory after testing positive for elevated levels of testosterone. (The confidential documents subsequently appeared in the media, and the lab reported the theft.)

Delving deeper, the French authorities also discovered a lot of information on environmental groups at the hacker’s computer. This included a copy of the hard drive of a former Greenpeace campaign director.<sup>2</sup>

The computer specialist had been contracted by Kargus Consultants, a corporate intelligence company in Paris. He was to collect strategic intelligence on anti-nuclear campaigners for Électricité de France. The French electricity company had acquired British Energy in 2008 that plans to build the next generation of UK nuclear power stations. In addition to information on Greenpeace, Électricité de France obtained data on environmental organisations in Spain, Belgium and Britain. (ibid.)

The head of private intelligence agency Kargus told the *Sunday Times* the hacking had been necessary in order to find out about illegal plans by protesters to stage sit-ins at nuclear sites in Europe. (Campbell & Gourlay, 2009) Électricité de France also defended its need to keep an eye on activist groups, but tried to dissociate itself from the hacking. ‘We have a duty to be vigilant,’ the company’s security director said in an interview with *Le Monde*. ‘It’s important to know, for example, if this or that group is in the radical extreme or if it is above board. But we have no need to pay hackers to find out!’ (Mamou, 2009) Yet confidential court documents reveal that Électricité de France gained access to internal files such as campaign plans and Greenpeace UK e-mail correspondence. (Campbell & Gourlay, op. cit.) Denial in the face of exposure is a typical response, featuring in most of the case studies as well.

The two security employees of Électricité de France who had been dealing with Kargus have been placed under formal investigation. Like most of the corporate security employees in the case studies, both had had a previous career in the police and the military. Although the head of Kargus Consultant is a former French intelligence agent as well, and Électricité de France is 85 percent owned by the French government, there has been no evidence to date to suggest that the authorities were aware of or involved in the hacking. In the UK, the English intelligence agency MI5 denied sharing information about Greenpeace with Kargus Consultants. (Campbell & Gourlay, op. cit.)

This example points at the grey area between public and private security, one of the issues discussed in this thesis. Électricité de France is a strategically important company but apparently the state does not offer enough security. The company turns to a private intelligence agency and gets involved in corporate spying and the hacking of computers of environmental activists.

The case is still unfolding, in France as well as in the UK. In due course, it might be possible to answer the many questions this unanticipated discovery brought up. Was Kargus the only private intelligence agency hired? Have other environmental groups been targeted too? Which methods have been used to collect information other than hacking computers? Just open sources? Surveillance maybe, or infiltration? The major question – which might remain unanswered because the case was exposed at a relatively early stage – is the most intriguing: what did EDF intend to do with the gathered intelligence about potential nuclear protest?

To address the blind spots in investigating corporate spying I will outline a specific field of research best described as *activist intelligence*, focused on the gathering of information, the methods used and the people professionally involved. It also includes the processing of the gathered information into intelligence, and the subsequent strategic planning by corporations to make use of it: the *covert corporate strategy*. Furthermore, this research should be understood in the context of the marketisation of intelligence, where public officers enter the private sector, and continue to undertake secret work. As a shift from public to private intelligence, this is an aspect of privatisation and the increasing power of transnational companies.

### **Context**

Corporations have felt growing pressure from their critics over the last few decades. In an effort to manage the adverse publicity their environmental, labour and consumer records so often invite, many giant corporations looked for new strategies to counter the activities of their opponents. Two developments that characterise the current time frame are of great importance here. Today, brand identity and corporate image are often key to a corporation's value, over and above its actual products or services. The more companies shift toward being all about brand identity, the more vulnerable they are to attacks on this image. At the same time, corporations are becoming less and less restricted by national laws or unilateral treaties. In some cases they are more powerful than governments, and must expect to be held to account in the same way. (Klein, 2000a) Consumers are demanding sustainability, accountability and transparency.

Losing control in the media arena as a result of activist pressure has become a public relations nightmare for the modern multinational. The industry learned that lesson the hard way. Shell's lost battle over Brent Spar in 1995 and the human rights situation in Nigeria haunts the oil company to the present day. These cases have become landmarks in the field of corporate responsibility. Likewise, Monsanto became famous for its gross underestimation of European resistance against the introduction of genetically engineered products. Accordingly, reputation management now includes the gradual embrace of mostly voluntary and non-binding corporate social responsibility (CSR) guidelines. This embrace is often predicated on the idea that repositioning the corporation via PR, changing identity, would be a sufficient solution and often masks unwillingness to establish a more substantive corporate accountability regime. Doane (2005a: 23) identified 'brandishing CSR as the friendly face of capitalism', as a corporate strategy that gained popularity since the WTO protests in Seattle in 1999 and subsequent civil society mobilisations against corporate power. 'The problem with assuming that companies can do well while also doing good is that markets do not really work that way.' (ibid.) Companies will not invest in social behaviour without compelling financial incentives. Perhaps more significant is the strategic calculation that if business aims to deliver better social and environmental outcomes governments would not regulate. Apart from that, minimising the impacts of big business is not enough. Doane (2005a, 2005b) dismisses CSR altogether as simply PR strategy.

The power of spin cannot easily protect big business's growing vulnerability. PR departments struggle to deal with today's complicated stakeholder demands. Companies under fire are in need of other strategy to counter their critics. They attempt to influence political processes by means of a variety of tactics. It is useful to conceive of these as public and open on the one hand and as secretive and covert on the other. The former encompass marketing communications, CSR and public relations (PR) including maintaining stakeholder relations with for instance investors, employees or specific communities. The latter includes lobbying, regulation and covert activities. The past two decades witnessed the development of a wide range of such strategies and tactics. In the edited collection *Battling Big Business, countering greenwash, infiltration and other*

*forms of corporate bullying* (2002a), I first explored this field. The book discusses overt strategy such as PR, greenwash and sponsorship. It shows that dialogues and partnerships with NGOs are often used to separate more moderate organisations from their more radical counterparts, in an attempt to undermine cooperation and solidarity. The book also explores the more covert tactics, such as hiring specialised PR consultants to fight activists on all fronts, corporate lobbying behind the scenes, the use of libel laws to silence critics (including scholars) and think tanks influencing decision making processes in both the USA and the European Union. Additionally, *Battling Big Business* contains a section on *Undercover Operations*, examining spying and infiltration as a strategy to undermine the work of activist groups.

It was not until I had finished editing the book that I realised that this classification was slightly inaccurate. Corporate spying and infiltration should not be considered as *just* another set of counterstrategies, grouped alongside greenwash or lobbying. Corporate spying and infiltration *can* be used as such, but there is more to it. Spying also involves the gathering of intelligence that *precedes* the development of corporate counterstrategy. Or – vice versa – a corporation does not spy on its critics just to know what is going on, it does so to be prepared and to defend itself. The connection between surveillance and the gathering of intelligence on the one hand, and subsequent corporate strategy on the other, is crucial. This connection constitutes the point of departure for this thesis.

Essentially, in *Battling Big Business* I explored the *broad range* of possible corporate counterstrategy. This research, however, is a more strictly focussed, *in-depth* investigation into intelligence gathering on activist groups and the covert strategy that corporations use to undermine criticism. The underlying question is how such counterstrategies function in safeguarding the interests of large corporations in the context of a globalising world. Consequently, research into this aspect of corporate power needs to be situated within the wider context of globalisation, governance and democracy.

## **Research Problem**

This study investigates the informal dimension of information gathering often hidden behind the practices of reputation – and issues management. First and foremost, a company needs to know what is coming its way. Therefore, nowadays business intelligence has gone beyond details about the world economy, overseas wars and news about the competition. It must now include an assessment of the risks of becoming the target of campaigners, boycotters or net activists. Publicly available information is not sufficient for this task. Informal data, however obtained, is invaluable. Desirable information is not limited to concrete action scenarios but can be as broad (and vague) as long-term strategy discussions, impressions of the mood inside a campaigning group, connections between organisations, networking possibilities, funding details – and so on. It is this indispensable informal information about activists, NGOs and other stakeholders, their ideas and plans that I propose to call *activist intelligence*. This topic includes the many ways to get this kind of information, while this thesis focuses on secret operations. Intelligence refers to the product of the analysis of gathered information, and also to the process of evaluation – sometimes called assessment. (Gill & Pythian, 2006: 82-102; Shulsky & Schmitt, 2002: 41-74) The intelligence about activists, NGOs and other stakeholders, their ideas and plans thus gathered, provides the basic material for the development of *covert corporate strategy*.

## **Research Questions**

The research questions for this thesis could be summarised as: *what is activist intelligence*, and *what is corporate counterstrategy*? The goal is not merely to develop a definition, but rather to explore the field, using the selected case studies, to understand how *activist intelligence and corporate covert strategy* function in safeguarding or advancing the interests of corporations in the context of a globalising world. More specifically, this research aims to answer the following five questions.

1. How do TNCs gather intelligence about their critics, and what kind of information do they seek?

2. What are the covert strategies that TNCs use to undermine criticism or activist groups?
3. How does corporate spying relate to corporate social responsibility and issues management?
4. What is the power context in which *activist intelligence* is produced?
5. How should a researcher go about investigating *covert corporate strategy*?

To address these questions this thesis seeks to place the phenomena of corporate surveillance and infiltration in a historical, social and political context.

### **Thesis Overview**

First, a literature overview surveys the issue *covert corporate strategy* to see how it relates to the privatisation of intelligence functions and other aspects of globalisation and neoliberalism. The chapter offers an exploration of the tensions between public, private and secret in terms of civil society, activism and the corporate response. It relates this to corporate power and the pursuit of profit, and creates a theoretical framework to capture the history and practice presented. More specifically, the under-researched aspect of secrecy connects the detailed micro-level case studies to more generalisable concerns such as the legitimacy of the state and the license to operate of TNCs in a globalised world. The methods chapter opens with an exploration of philosophical issues, arguing that personal commitment supports rather than hampers social research. The second section seeks to explain the selection of case studies. The general lack of awareness and acknowledged expertise surrounding corporate spying on activists place an extraordinary premium on evidence and data. Accordingly, a set of detailed examples is required. Discussing the dynamic process of discovery and verification derives some reflection in the context of analysing secret documents. The final section explains the conceptual framework used to analyse the case studies.

Modern corporations promote and defend their core interests and many modern states seem to be responsive to the demands of business. The history chapter explains that this phenomenon dates back to the early days of mass industrialisation. As the historical



examples from the USA and the UK will show, propaganda efforts have always been closely related to *covert corporate strategy*. Of course, the targets of corporate strategy have changed, and the use of armed force has diminished, but there is a similarity between the strategy and tactics used then and now. At the end of the 19<sup>th</sup> century, the United States saw agencies like the notorious Pinkerton's provide armed guards and strike breakers to deal with social unrest. They intervened where the state failed to ensure the protection of business, or closely cooperated with local authorities that did not have enough capacity to deal with insubordinate work forces. Later, during the Depression and the New Deal reforms in the 1920s and 1930s, employers hired PR professionals to defend the need for violent confrontations and covert operations, such as espionage and infiltration. In the UK, the government as well as organisations of employers had learned to appreciate the value of propaganda and internal surveillance during the First World War. They continued to use such practices to manage perceived revolutionary outbreaks in the early 1920s. The Economic League is here described as an example of projects set up by British industrialists to defend corporate interests, and its activities continue until the present day.

There has been a steady increase in the blurring of the boundaries between public and private intelligence since. The various case studies explore different aspects of the research terrain. The roots of *activist intelligence and covert corporate strategy* in the age of the modern multinational corporation can be traced back to the late 1970s. Rafael Pagan developed strategy for Nestlé and Shell to counter the boycotts targeted at those companies. The aim was to influence public debate and to undermine broad coalitions of campaigning groups. The analyses are based on extensive internal strategy reports (Shell) and an insider assessment of the boycott (Nestlé). Fast food firm McDonald's hired at least seven spies to find out who was behind the leaflet *What's wrong with McDonald's?* The company sued the campaigners, and two of them went to court to defend the leaflet in what is now known as the McLibel Trial. The court transcripts reveal many interesting details on the infiltration, and the procuring of information about the small activist group. The case study also allows an analysis of the scale of infiltration affecting the group, and examines collaboration between McDonald's security, the hired

detectives and Special Branch. The third case study outlines the practices of a freelance spy working for Hakluyt & Company, a London business intelligence bureau founded by members of MI6 and SIS (the British foreign secret service) and several oil companies. Their freelance spy was uncovered after the Swiss group he infiltrated became suspicious. Documents retrieved from his office indicated he also worked for German state intelligence agencies. The variety of jobs undertaken by this freelance spy provides a practical illustration of the blurring boundaries between public and private, and the scale and scope of this practice in inherently secret work. The fourth case study focuses on cybersurveillance and profiles three agencies specialised in online monitoring of activists and other critical groups. One of the examples reconstructs how Monsanto's internet consultants created virtual personalities to attack the authors of a GM-critical research paper in *Nature*. The examples offer a sobering riposte to uncritical celebrations of new media and its democratic potential in new media theory. The fifth and last case study analyses how British Aerospace (BAe) hired a small private intelligence agency to spy on the Campaign Against Arms Trade (CAAT). The agency was owned by Evelyn le Chêne, and placed six to eight agents in CAAT over a period of time. A considerable amount of printed reports to BAe allows an analysis of the methods of intelligence gathering, as well as the strategy suggested by Evelyn le Chêne to undermine the activist groups involved. Furthermore, Le Chêne's long time links with the world of covert action and propaganda sets corporate strategy against activism and resistance in a wider perspective. Her secret work can be understood in an ideological context, as a cold-war type of activity, the ring-fencing of mainstream politics away from the politics of the left.

Together this collection of case studies lays the groundwork for further research into *activist intelligence and covert corporate strategy*. The concluding chapter outlines the essence of corporate counterstrategy as a means to set the agenda, to undermine the public debate, and as attempts toward engineering consent. It shows how secrecy is the binding element in Gill's conceptual framework to analyse intelligence, linking the other elements: surveillance, power, knowledge, and resistance. Amongst other things, secrecy

hampers research into *activist intelligence*. Exposure of *covert corporate strategy* can be an alternative route of discovery, as well as a form of resistance to secrecy.

The effort to identify the topic of *activist intelligence and corporate covert strategy* must be understood as a proposal for a specific field of research. At the same time, this work seeks to be a contribution towards a better understanding of large corporations in their exercise of power.



## Chapter 2

### Power, Intelligence and Secrecy

#### *Literature review*

*As activist intelligence and covert corporate strategy* is a new field of research, literature focussing on the issue specifically is scarce. As a consequence, the overview presented in this chapter maps the search for relevant thoughts in related literature. The chapter is divided into three sections. The first focuses on transnational corporations (TNCs) and the movement for social justice and the second on information wars and the outsourcing of intelligence, while the third aims at bringing the first two together zooming in on intelligence and covert action and trying to outline the field of *activist intelligence*.

This research examines covert strategy aimed at the critics of large corporations. To start with the spotlight is on the key actors in the context of the current time frame: TNCs and the movement for global justice. The first issue tackled is corporate power in the era of neoliberalism trying to understand the essence of globalisation. Is it possible to localise the power of TNCs? And what does their power consist of? The other players in the field examined here are the networks that make up the movement for global justice. What is the importance of NGOs in the modern era? This section also reviews the literature on social protest and its repression.

The second part of this chapter explores the increasing importance of information in power relations, and subsequent so called information wars. The waves of privatisation that constitute the era of globalisation include the marketisation of information gathering and intelligence operation. Although *activist intelligence and covert corporate strategy* take place at this very cross road, the various approaches to private intelligence seem to evade the topic. Instead, the literature focuses on the outsourcing of intelligence since 9/11, and the role of private investigators in corporate espionage.

The last part of this chapter slowly works towards a definition of *activist intelligence and covert corporate strategy*. It looks at the struggle for a definition of ‘intelligence’ within the world of intelligence studies and among its practitioners. It discovers that the inclusion of ‘strategy’ and ‘covert action’ in that definition is cloaked by a perceived need for secrecy. Likewise, the subject of strategies against critics is largely avoided in open discussion about the corporate world. An exploration of the field of public relations (PR) shows that so called issues management (IM) is closely related to *activist intelligence*. The chapter ends with a first outline of the field of research locating it in the context of the engineering of consent.

## **2.1 Transnational Corporations and the Movement for Social Justice.**

In the past few decades the social protest against corporate misbehaviour – the movement for social justice – has grown out of networks and groups that hold transnational organisations responsible for the detrimental effects of their activities on the environment and human rights. Because of their successful campaigns and actions, some groups are now the targets of *covert corporate strategy*. These strategies are aspects of corporate power aimed at safeguarding the interests of transnational corporations (TNCs). Therefore, research into such strategy needs to be situated within a wider context, which includes issues of democracy, governance and globalisation. The next parts of this section explore power and agency of TNCs. The last part surveys the global justice movement and its intimate connection with the rise of the internet. It also reviews literature on social protest and repression.

### **2.1.1 Capitalist globalisation**

What makes transnational corporations powerful? To answer this question it is essential to address the concept of TNCs and the issue of globalisation.

Capitalist globalisation is pushed by an alliance between the world’s largest corporations and most powerful governments. This alliance is backed by the power of money, and its defining project, according to Korten (2001: 4), is to integrate the world’s national

economies into a single, borderless global economy in which TNCs are free to move goods and money anywhere in the world that affords an opportunity for profit, without governmental interference.

In the name of increased efficiency the alliance seeks to privatise public services and assets and strengthen safeguards for investors and private property. In the eyes of its proponents, corporate globalisation is the result of inevitable and irreversible historical forces driving a powerful engine of technological innovation and economic growth that is strengthening human freedom, spreading democracy, and creating the wealth needed to end poverty and save the environment. (ibid)

So-called free-market – or rather unregulated – capitalism is based on greed; it maintains that the market turns unrestrained greed into socially optimal outcomes and wealth for everybody. To explain the failings of unregulated capitalism, Korten pointed to the irony of what he called ‘corporate libertarians’ paying homage to Adam Smith and his work *The Wealth of Nations*. (1776) Smith favoured the market economy but would have vigorously opposed most of their claims and policy positions. For example, corporate libertarians oppose any restraint on corporate size or power.

Smith, on the other hand, opposed any form of economic concentration on the ground that it distorts the market’s natural ability to establish a price that provides a fair return on land, labour, and capital; to produce a satisfactory outcome for both buyers and sellers; and to optimally allocate society’s resources. (Korten, 1996: 74)

Smith’s theory of market economics specifies a number of basic conditions needed for a market to set prices efficiently in the public interest. The greater the deviation from these conditions, the less socially efficient the market system becomes. Most basic is the condition that markets must be competitive.

In the real world of unregulated markets, successful players get larger and, in many instances, use the resulting economic power to drive or buy out weaker players to gain control of even larger shares of the market. The larger and more collusive individual market players become, the more difficult it is for

newcomers and small independent firms to survive, the more monopolistic and less competitive the market becomes, and the more political power the biggest firms can wield to demand concessions from governments that allow them to externalise even more of their costs to the community. (Korten, 1996: 75-76)

For a market to allocate efficiently, the full costs of each product must be born by the producer and be included in the selling price. Economists call it cost internalisation. Unregulated market capitalism, however, favours externalising costs pointing to the private cost savings for consumers while ignoring the social and environmental consequences for the broader society. Externalising some part of a product's cost to others not a party to the transaction, Korten argued, is a form of subsidy that encourages excessive production and use of the product at the expense of others.

When, for example, a forest products corporation is allowed to clear-cut government lands at giveaway prices, it lowers the cost of timber products, thus encouraging their wasteful use and discouraging their recycling. While profitable for the company and a bargain for consumers, the public is forced, without its consent, to bear a host of costs relating to water shed destruction, loss of natural habitat and recreational areas, global warming, and diminished future timber production. (ibid.: 76)

In order to be internationally competitive, unregulated free market capitalism urges nations and communities to increase market distorting subsidies such as resource giveaways, low wage labour, lax environmental regulation, and tax breaks. As a result of the externalisation of costs the public costs become private gains. Ultimately, unregulated market capitalism is aimed at corporate profits – at the cost of anything else. The larger the corporation and the 'freer' the market, the greater the corporation's ability to force others to bear its costs and thereby subsidise its profits. Some economists call this 'economies of scale,' Korten (ibid.) argued, others call it theft. Korten's production forest example points at the destructive consequences of unregulated capitalism for the environment worldwide. This was recently illustrated by the Climate Summit in Copenhagen where the leaders of the world failed to agree on a treaty to stop climate change. (BBC, 2009)



The idea that the ultimate goal of corporate globalism is to create one borderless economy without governmental interference is widely contested. As will be discussed in further detail below, the governments of the rich countries of the North have been and are playing an active role in facilitating optimal conditions for globalising companies. (Sassen: 1996; 2006) International financial institutions like the World Bank and the International Monetary Fund (IMF) are composed of representatives of member countries who act under the instructions of the governments of these countries. (Sklair, 2001: 2) Likewise, the World Trade Organisation is responsible for free trade zones, export conditions and import restrictions that generally favour TNCs and the economies of the richest countries.

The fact that nation states as well as rivalries between them continue to exist is one of the main arguments against the idea of globalised capitalism. Van der Pijl points at the fact that the transnationalisation of a capitalist class is premised on this liberal, originally Anglophone heartland. Its ability to overcome and dispossess rival state classes appears to be faltering. This requires, Van der Pijl (2010: 42) argues, ‘a methodology for studying global political economy as a combined process of productive and foreign relations (rather than in terms of economic basis and political superstructure).’ Robinson (2010: 69) takes it one step further emphasising that competition and conflict among capitals is endemic to the system, but that such competition takes on new forms in the age of globalisation - not necessarily expressed as national rivalry. Although he accepts the existence of a transnational capitalistic class (TCC) that established itself as a class group without a national identity and in competition with nationally-based capitals, the TCC is not internally unified or free of conflict. It does not always consistently acts as a coherent political actor.

There is conflict between national and transnational fractions of capital. Moreover, rivalry and competition are fierce among transnational conglomerations that turn to numerous institutional channels, including multiple national states, to pursue their interests. (ibid.)

As a consequence, the interests of the state and of capital are not necessarily the same. The so-called ‘New Imperialism’ theorists take this as a starting point. Harvey (2003),

for instance, argues that though capital is economic and globalised, states are political and pursue a self-interested territorial logic. His theory starts with the notion that

the fundamental point is to see the territorial and the capitalist logic of power as distinct from each other. [...] The relation between these two logics should be seen, therefore, as problematic and often contradictory [...] rather than as functional or one-sided. (Harvey, 2003: 29–30, cited in Robinson, *ibid.*: 70)

Imperialism would be at the heart of this analysis of capitalism starting with the – dialectical – intersection of these two distinctive but intertwined logics of power. (*ibid.*)

Nevertheless, it seems fair to conclude that unbridled capitalist globalism, or global capitalism, is leading to several interrelated crises. Sklair (2001, 2002) identified two of them: the class polarisation crisis and the crisis of ecological unsustainability. The way TNCs handle environmental problems demonstrates that the transnational capitalist class puts its own interests first, ‘it has managed to defend itself, prosper and organise to assure its future’ (Sklair 2002: 296), while disregarding disastrous consequences for the environment. Many of the components of the ecological crisis are created by the inherent culture-ideology of consumerism, and according to Sklair ‘it is not likely that any system predicated on it [consumerism] will be able to resolve this crisis.’ (*ibid.*: 301)

Meanwhile, the reallocation of capital and the means of production have effectively crushed the power and influence of labour unions in the rich countries, while the conditions in low-wage countries tend to favour the interests of TNCs.

The tremendous productive powers of the transnational corporations inextricably bound up with the ceaseless quest of those who own and control them for maximum profits guarantees at best the persistence and at worst the intensification of the class polarization crisis on a global scale. (*ibid.*)

The ongoing wars in for instance Iraq and Afghanistan indicate that capitalist globalisation is ultimately – still – based on and related to an ideology of imperialism. The major impact of those wars and the inherent threat of future wars (Iran) identify a third effect of unbridled capitalism, the crisis of war. While Sklair seems to omit the

crisis of democracy in his listing, he does make the issue of democracy central to the practice and the prospects of social movements against capitalism.

The rule of law, freedom of association and expression, feely contested elections, transparency in public affairs, as minimum conditions and however imperfectly sustained, are necessary in the long run for mass-market-based global consumerist capitalism as they are for any viable socialist alternatives. (ibid.: 300)

This works in two ways. First, social movements have to be democratic in their own practices in order to be taken seriously in the long term. Second, holding those in power to democratic account on every issue on every single occasion does force changes, however small these shifts might be. (ibid.) This could be a first step in countering the crisis in democracy, and this research intends to contribute to this process.

### **2.1.2 TNCs and power**

To understand why corporations are so powerful, and which part of their power is under investigating here, first it is important to emphasise that the concept of power is essentially contested. As Lukes (2005: 477) argued, power is intimately linked to the notion of ‘interest’, how ‘interests’ are to be understood is certainly no less controversial than how ‘power’ is to be understood. Accordingly, how we conceive of power makes a difference to how we think and act in general, and especially in political contexts. (Guzzini, 2005: 497) As a consequence, to find a proper definition of power is very difficult. (Waltz, 1983, and Gilpin, 19981, both cited in Lukes, ibid.) Extending Locke’s definition, ‘having power is being able to make or to receive any change, or to resist it’ power, according to Lukes (ibid: 478), is a potentiality that may never be actualised. However, it would be too easy to equate power with success in decision-making. Such a success can give evidence of exercising power, just as counting power resources can be a clue, but essentially ‘power is a capacity, and neither the exercise nor the vehicle of that capacity.’ (ibid: 479) The right question to ask, when researching power is ‘to what

extent, in what ways and by what mechanisms do powerful agents influence others' conceptions of their own interests?' (ibid: 492)

Discussed in this research are large corporations at the Fortune 500 scale, active at a global level. Their transnational nature is key, as was discussed above and will be explained in further detail below with Sklair's theory on globalisation. More specifically, the focus is on those transnational corporations criticised for their environmental, labour or consumer records (see chapter 1). Although in recent years stakeholders have succeeded in pointing at the negative effects of corporate activities in unregulated market capitalism, most corporations ultimately orient their business goals towards their shareholders. The covert strategies designed to undermine critics are a specific exercise of corporate power aimed – ultimately – at the pursuit of profit, as will be detailed below. Additionally, this research suggests that the significance of private intelligence agencies is often overlooked. Just as the emergence of private military companies (PMCs) has expanded their power to shape shared understandings of security (Leander, 2005: 803), private intelligence agencies have considerable power to shape the agenda of what is considered as a risk for companies under fire. Leander argues that PMCs shape security understandings of key actors and hence their interests and preferences. A similar concept of power based on Lukes' third dimension and Beck's risk theory is discussed in section 2.1.5 suggesting that private intelligence agencies hired by companies under fire aim to influence the public agenda and try to determine what is considered to be a risk for society. The case studies will locate power relations in the field-specific dispositions (at the level of agency, see section 2.1.4) in order to illustrate how the *epistemic* power (Leander: 805) of private intelligence agencies affects discourses on risk and security,

Yet, power is also an impersonal or structural phenomenon. Intersubjectively shared understandings of the world, discourses, specific social practices sediment as social 'structures' and systematically empower and dis-empower actors. More fundamentally, these discourses and practices define relevant actors, their identities and hence their interests. This insight is at the heart of 'constructivism' where a (or the) key aim is to 'de-naturalise' discourses: unveil their systematic

bias, expose the (Foucauldian) power-knowledge nexus and open up new avenues for emancipatory thinking, keeping political processes open. (Leander, 2005: 811)

The evolving social practices in the field of activist intelligence provide an analysis of a specific part in the field of the shifted location of this power, from the public/state to the private/market as will be detailed in section 2.2. Security and intelligence privatisation can be situated within broader transformations in the relationship between public and private power and authority, which is more complicated than a simple transfer of public functions to private actors. Security privatisation is a dual process of state disassembly and (global) reassembly. Private actors interact with the state to such a degree that it is often difficult to determine where the public ends and the private begins. The cases in this research illustrate the emergence of what Abrahamsen and Williams - inspired by Sassen (2006) - call *global security assemblages*: ‘settings where a range of different global and local, public and private security agents and normativities interact, cooperate and compete to produce new institutions, practices, and forms of security governance.’ (Abrahamsen & Williams, 2009: 3) This emergence consists of three interrelated aspects, all discussed in this chapter: ‘neoliberal economics and conceptions of “networked governance”, in public policy and security provision; shifting norms or “mentalities” of security; and the commodification of security and the increasing salience of risk-based security thinking and technology.’ (ibid)

### **2.1.3 Globalisation and neo-liberalism**

The demands of the global economy require TNCs to be political in a more systematic sense than previously. More specifically, Sklair (1998: 286) warns, ‘TNCs do work, quite deliberately and often rather covertly, as political actors.’ While in this context Sklair was referring particularly to lobbying, the case studies in this thesis offer evidence of a variety of *covert corporate strategy* that informs business’ political activity. Sklair identified a transnational capitalist class, led by the TNCs and composed by four overlapping groups: TNC executives and their local affiliates; globalising bureaucrats;

globalising politicians and professionals; and consumerist elites (merchants and media). These groups function as a network; personnel are often interchangeable and key individuals can belong to more than one fraction, while exchanging roles is an accepted routine as well. (ibid.: 284) Sklair worries about their (non-)accountability:

[The political activities of TNCs and their allies] raise serious doubts about how well our democracies are working with respect to everyday economic issues, such as global trade and investment, the environment and the health and safety of workers and citizens in general. (ibid.: 287)

Attempts to develop universal codes of conduct to prohibit malpractices have come to very little. Engagement with regulatory agencies remains a core task for corporate managers, and Sklair observed that TNCs often have direct access to those at the highest levels of formal political and administrative power. This capitalist class has one key message to convey: ‘the globalising agenda of contemporary capitalism by the TNCs and their allies is inevitable and, eventually, in the best interest of us all.’ (ibid.: 286; also see Korten, 1996; 2001; Bakan, 2004)

On the one hand, TNCs engage with regulatory agencies on a daily basis and have access to those in power positions at the highest level. On the other hand, because of the *alleged* inability of governments to halt ‘progress,’ globalisation is widely perceived as beyond human control. Herman’s definition of globalisation acknowledges these two essential aspects, the economical and the ideological:

Globalisation is both an active process of corporate expansion across borders [...] and an ideology, whose function is to reduce any resistance to the process by making it seem both highly beneficent and unstoppable. (Herman, 1999)

The acceleration of efforts to project a simplified subjectivity is complicating the quest for answers. ‘For the large corporation, image-making is the glue of choice to bind disparate activities and motivations.’ (O’Neill, 2003: 679) The problem O’Neill identified is that

the consequent neglect of exposing the detail of the modern corporation leads to a continuation of a simplistic typecast of the large corporation as an all-powerful

entity whose actions are unable to be effectively challenged by the various interest groups. (ibid.)

There is an urgent need to represent the corporation in ways that do invite contestation. My research, detailing covert actions and corporate strategies, aims at filling – at least a part of – this void, providing the details of what is taking place behind the scenes.

Understanding that globalisation *does* have its vulnerabilities will encourage support for a larger oppositional movement. Starr emphasises the importance of recognising globalisation as an ongoing development. She notes that

[u]nderstanding globalisation as a process accounts for its incompleteness while acknowledging its dangers. Concern with these dangers is less capitulation to the neoliberal ‘inevitability’ narrative than a recognition that globalising economic processes increasingly infringe upon nationalities and localities in a colonial fashion, with devastating effects. (Starr, 2001: 7)

Globalisation, she says, comes with the political discourse of neoliberalism, which became hegemonic in the 1980s. Globalisation from the point of view of transnational corporations means the worldwide organisation of trade, investment, production and consumption; while neoliberalism, as Starr summarises it, is an ideology that recommends deregulation, privatisation, and the dismantling of the social contract. Corporate ideology continues to promise the end of poverty and the emergence of democracy, while many corporate policies undermine social welfare, workers’ rights, and citizens’ and national sovereignty:

Neoliberalism advertises the market as a space of freedom, promises that free markets will do best at supporting the productivist social contract and procuring the maximum goods for consumption. ‘Consumer choice’ replaces citizenship as the pre-eminent right. (ibid.: 16-17)

Collectively, corporations have succeeded in defining the corporate good as the public good (although not everybody will be convinced that this is true). Together this makes research on corporate ‘legitimacy’ and ‘delegitimation’ substantively important. (ibid.: 42) The difference between the contemporary period and European colonialism of the past, Starr argues, is that corporations are no longer responsible to nations. ‘They have

advanced from being agents of the sovereign to being sovereign agents accountable to no political entity.’ (ibid.: 23) Corporate hegemony and the loss of space for independent state authority present a historically unique moment in capitalist development, Starr concludes, one that may present a significant shift in the relations of production. (ibid.: 27)

However, the shrinking capacity of the state to regulate corporations cannot be explained simply by the fact that firms now operate in a global rather than in a national economy. Sassen emphasises that the state itself has been a key agent in the implementation of global processes, responding to claims made by global capital:

The new geography of global economic processes, the strategic territories for economic globalisation, have to be defined in terms of both the practices of corporate actors, including the requisite infrastructure, and the work of the state in producing or legitimating new legal regimes. (Sassen, 1996: 25)

Deregulation is not merely a loss of control by the state, rather ‘national legal systems remain as the major, or crucial instantiation through which guarantees of contract and property rights are enforced.’ (ibid.: 25-26) To understand the nation state as simply losing significance reduces what is happening to a function of the global-national duality: what one wins, the other loses.

Globalisation should not be seen as beyond human control. Privatisation is implemented by large TNCs and administered by modern nation states complying with the demands of business, in their ultimate pursuit of profit.

#### **2.1.4 Power and agency**

Locating the power of TNCs is not an easy task because of its distributed nature, specifically in the age of globalisation. The agency is less concentrated at a specific place, or in a particular group or class of people with fixed positions.

Wedel (1998a; 1998b) introduced the terms ‘flex groups’ and ‘flex power’ to describe the nature and activity of those advisors who played a key role in privatising much of



Russia's infrastructure and natural resources. More recently, she analysed the behaviour of a limited group of neoconservatives and their access to power in Washington.

The essence of these groups is that the same collection of people interacts in multiple roles, both inside and outside government, and keeps resurfacing in different incarnations and configurations to achieve their goals over time. (Wedel, 2004b)

She emphasises their skill at both relaxing the government's rules of accountability and businesses' codes of competition, and at conflating state and private interests.

The concept of flex power is built on the ideas of sociologist C. Wright Mills (1956). He described the triangle of power in the United States created by business, the military and the political establishment, and how it limited the authority of elected officials. His work *The Power Elite* shows how – half a century ago – increasing centralisation and concentration of US capitalism led to a new breed of corporate executives committed to industry-wide concerns. (ibid.: 122-123) Top-managers have since replaced the owner of the corporation in business politics. As Galbraith argued (1979: xvii): '[t]he decisive power in modern industrial society is exercised not by capital but by organisation, not by the capitalist but by the industrial bureaucrat.' In 1984, in the early days of what is now known as globalisation, Useem identified a politicised faction within the leadership of a number of major corporations in the United States and the United Kingdom, which he called the 'inner circle'. Also building on Mills, Useem details how in our time 'a leadership cadre has emerged whose powers extend far beyond the individual firm, whose responsibilities are those of managing no less than the broadest political affairs of the entire big-business community.' He describes it as 'a distinct, semi-autonomous network, one that transcends company, regional, sectoral and other politically divisive fault lines within the corporate community.' This politically dominant segment of the corporate community assumes a leading role 'at the forefront of business outreach to government, non-profit organisations, and the public defence of the free enterprise system.' (Useem, 1984: 3) The 'inner circle' is formed by an interlocking network of directorates, which functions as a communications network that discourages the specific and fosters the general. (ibid.: 55) Like the networks in the early days of capitalism

linking men that had gone to the same public schools, Useem's 'inner circle' often have an upper class background and share similar education and personal wealth; a common sense of identity and culture prevails. The people that make up the 'inner circle', however, are not necessarily all powerful themselves, but in general they are more prepared to act than other individuals or groups of corporate managers and directors. (ibid.: 63) At the forefront of business political outreach are positions that involve giving advice to the government. Equally important are involvement in universities, mass media and non-profit organisations. In the United States, the impact of financial support for political parties and their candidates should not be forgotten. (ibid.: 76) But, ultimately, 'the specific body that one joins is less important than its strategic location for contact with highest circles of government.' (ibid.: 95) Formulating his ideas on *The Rise of the Network Society*, Castells (1996) takes this line of thinking one-step further. In the long run, it does not really matter exactly who is in power because the distribution of political roles becomes widespread and rotating. There are no longer stable power elites; instead, there are 'elites from power,' Castells (2008: 321) argues: 'elites formed during their usually brief power tenure, in which they take advantage of their privileged political position to gain a more permanent access to material resources and social connection.' As Useem said, the people in the 'inner circle' do not need to be powerful themselves, and it may not really matter exactly which board or commission they are seated on. What matters is the proximity to power.

The 'inner circle' as Useem described it in 1984 has changed under the influence of shifts in politics and globalisation. In her study of US neoconservatives Wedel emphasises that the movement toward privatising government work 'has created more opportunities for coordinated groups of individuals to take over public policy agendas in pursuit of their own interests.' (Wedel, 2004b) The neoconservative flex power differs from other influential individuals passing through the revolving-door, serving serially in government and the private sector. The difference shows in their political goal, which is increasing their influence. The neoconservative flex players do all sorts of work in lobbying, think tanks, media, advocacy and other non-governmental organisations.

But in doing so, they are continually working to further the shared agenda *of the group*. Individually or as a group, they operate on both sides of the door at the same time; in some cases, they may even dissolve the door.

(op. cit., emphasis in the original)

They are in fact a living example of why labels such as ‘conflict of interests’ no longer suffice. As a Washington analyst sympathetic to the neoconservatives’ aims told Wedel: ‘There is no conflict of interest, because they define the interest.’ The problem with flex groups, Wedel concludes, is that they are ultimately unaccountable to the public:

A flex group can use the ambiguity of its members’ roles to its advantage, making their activities difficult to define, let alone monitor. In this lies the potential for corruption or abuse of power. Yet our system of government today is providing increasing opportunities for such groups to arise. (ibid.)

In security governance the network concept is, as yet, under-theorised. The relationships between state agencies and those ‘beyond the state’ in the corporate and community sector are a particularly important issue for research. (Gill, 2009: 87) Johnston emphasises the need to analyse the functioning of security networks, to map the nodes and analyse the dynamics. There is a tendency, he says, amongst those writing about both domestic and transnational commercial security to take this for granted. It is necessary to go beyond ‘what we know about the operation of the “old-boys” network (linking public police and private security) and the “old-spies” network (linking state and commercial security services).’ (Johnston, 2007: 21)

By examining relationships among formal and informal institutions, organisations and individuals, [social network analysis] is ideally suited to map mixes of organisational forms, the changing, overlapping and multiple roles that actors within them may play and the ambiguities surrounding them. (Wedel, 2004a: 220)

In the context of this research such network analyses would have to focus on the field of ‘grey intelligence’ as will be discussed below, more specifically on intelligence agents going private to work for corporate clients.

### 2.1.5 Power and influence

How is the power of these flex groups defined? It is not defined by their specific position, but by their proximity to power. Their political aim is increasing their influence, as Wedel states, but influence on what? Essentially it is their influence on decision-making.

To understand influence on decision-making, Lukes (1974) developed the three dimensional model of power. In the one-dimensional view, influence is exercised in formal institutions and measured by the outcomes of decisions. In the two-dimensional view, the influence is the power made explicit in agenda setting. The mobilisation of bias can be measured in the extent of informal influence such as inducement, persuasion, manipulation, authority, coercion and direct force. Lukes' third level of power includes the many ways in which potential issues are kept out of politics, whether through the operation of social forces and institutional practices, or through individual decisions. Keeping issues off the agenda, writes Lukes,

can occur in the absence of actual, observable conflict, which may have been successfully averted – though there remains here an implicit reference to potential conflict. This potential, however, may never in fact be actualised. What one may have here is a *latent conflict*, which consists in a contradiction between the interests of those exercising power and the *real interests* of those they exclude. (ibid.: 24-25, emphasis in the original)

To prevent people from having grievances by shaping their perceptions in such a way that they accept their role in the existing order of things is 'the supreme and most insidious exercise of power.' (ibid.) Lukes discusses this in a general way, suggesting people accept their role because they cannot imagine alternatives, or they see it as natural or unchangeable. (ibid.: 24) Of course, the intelligence aspects of such power strategies are difficult to investigate, because they are hard to identify in the first place. Moreover, it is almost impossible to measure their effect.

In his work on the risk society, Beck explores the issues of agenda setting in a manner that is more pertinent to the subject of this thesis. The issues are, Beck argues, who gets to decide, and on the basis of which legally defined norms of liability and proof, what counts as a 'risk', who counts as the 'responsible party' and who therefore, is to pay if the worst comes to the worst? An important aspect of corporate PR is the promotion of the policies of rational and responsible leaders versus the short-term goals of 'emotional' protesters. Directors of multinational corporations, politicians and governments tend to consider conflicts over risks – such as protests against oil drillings, child labour or genetically modified food – as 'single-issues'-affairs. In weighing environmental costs against economic growth, they consider themselves to be the ones to see the bigger picture and to reach a 'rational' view. (Beck, 2005: 105-106)

This research will examine several specific aspects of the connection between risk and power, in order to, as Beck put it, 'get some indication how changes in the power relation of definition [...] can influence the political dynamic of risk conflicts.' (ibid.: 106) The gathering of intelligence about campaigning groups is an indicator of what the corporation employing the investigators considers as a risk, and how the corporation interprets the balances of power. Subsequent *covert corporate strategy* can be understood as attempts to remain in the position to define what is best for the society as a whole.

#### **2.1.6 The movement for global justice**

The social movement that came of age in the 1990s grew out of networks of groups that hold TNCs responsible for the negative impacts of their policies on the environment and human rights. As a result of increasingly successful campaigns and joint actions, the groups involved have to deal with corporate responses. Corporations try to reshape the public debate, for instance by powering up their PR, by introducing policies of corporate social responsibility or by setting up a dialogue with their critics. (Lubbers, 2002a) As this research shows, corporations may also use covert strategy to try and diminish the

success of activist groups. The following section explores the basic characteristics of the movement.

The people and groups promoting ideas of a fair global society have been labelled the ‘anti-globalisation movement’ – but rather than being anti-global, this movement represents essential elements of globalisation itself. It is better to speak of the alter globalisation movement, the network of movements arguing that ‘another world is possible’ – or the movement for global justice.

More and more, activist groups take on some of the roles previously filled by unions, politicians and governments. According to Winter and Steger, they are becoming ‘a countervailing power’ (a concept defined by Galbraith (1980) in 1952 as a check that activates itself whenever one of society’s institutions grows too powerful), against the rising importance of corporations.

The growth of the movement for global justice in the late 1990s – and more specifically its visibility in the media and to a broader public – coincided with the increasing availability of the internet. (Downing, 1989; Meikle, 2000; Broad & Heckscher, 2003; de Jong, Shaw & Stammers, 2005) The networks of groups grew extensively using the multitude of opportunities the internet offered. Suddenly connections between the rich Western world and the poor South were much easier to establish and contacts simpler to maintain. It helped mobilisation for summit protest and days of action, and all the practical connections needed to bring a lot of people together. The political movement that grew out of diverse campaigns, from fighting Nike to confronting Third World debt, clearly has a common cause. As Klein (2000b) put it: ‘They share a belief that the disparate problems with which they are wrestling all derive from global deregulation, an agenda that is concentrating power and wealth into fewer and fewer hands.’ This movement, with its hubs and spokes and hotlinks, reflects the tools it uses. Klein compared the large gatherings in 1999 and 2000 with the digital network, saying: ‘What emerged on the streets of Seattle and Washington was an activist model that mirrors the organic, decentralised, interlinked pathways of the internet – the internet come to life.’ (ibid.)

The movement for global justice is a networked multitude of groups and people. Many activists focus their attention and energies on particular issues and causes without considering how this fits within a broader context of meaning. Rather than trying to find an issue, identity, or ideology that joined so many different players, it makes sense to think that the openness of the network itself is a defining quality. Such networks can give voice to member organisations without necessarily producing collective action frames of the sort generally associated with the growth of movements. (Bennet, 2003: 154-155) As an active practitioner, anthropologist Juris studied the concrete practises through which activist networks are constituted. He understands contemporary activist networks as fluid processes, not rigid structures ‘shaped by ongoing interactions with the new digital technologies that generate them.’ (Juris, 2008: 5) Juris encountered a complex web of overlapping political spaces, not only in Barcelona where he started his research, but at the transnational level as well. He was impressed with the time and energy devoted to the development of democratic procedures within the various groups. He explores the increasing confluence among network technologies, organisational forms, and political norms, mediated by concrete network practises and micro political struggles. ‘Activists are thus not only responding to growing poverty, inequality, and environmental devastation; they are also generating social laboratories for the production of alternative democratic values, discourses, and practices.’ (ibid.: 2-3) It is not so much the internet, but the network structures established through it, that shape the coherence of communication content. However, others fear the ideological and identity thinning that comes with open networks, member equality and minimised bureaucracy. Analysing the experiences of a variety of groups (such as the anti-Microsoft network, Global Exchange and ATTAC), Bennet (2003: 155-156) concludes that

the degrees of ideological discourse and identity framing in a network are inversely related to the number and diversity of groups in the network; the churn, or turnover of links; the equality communication access established by hub sites in the network; and the degree to which network traffic involves campaigns.

Smith (2008: 18), though, worries that many people involved in local activities do not even attempt to understand how their struggles relate to a much broader, global effort to create a world order that is conducive to the practice of democracy and human rights.

Likewise, Olesen (2004: 49) argues that globalisation does not necessarily lead to transnational mobilisation. ‘The missing link between globalisation and transnational mobilisation is a process of social construction that seeks to link the local, the national and the global.’

Now that economic globalisation has become a more pervasive force, people need to understand that global processes increasingly shape their local experiences. In a similar way, the corporate strategies aimed against activists are considered isolated incidents too often, or even a reasonable response ‘under the circumstances’ by a targeted company. These strategies are a largely unknown aspect of the ways corporations seek to maintain their power. Smith aims to find a more coherent vision of a democratic global order that can compete more effectively with the neoliberal one, by exploring some of the relations between social change advocates and global institutional processes. (op. cit.: 5) This research investigates a particular part of those relations by mapping the covert operations corporations undertake. Understanding *activist intelligence* as an aspect of neoliberalism and sharing that information is crucial in the effort to empower the activists involved. Moreover, mapping these undercurrents of power invokes critical questions about the legitimacy of both the state and the transnational corporation in the age of globalisation.

### **2.1.7 Repression of social protest**

Covert strategy to undermine the movement for social justice could be seen as a form of repression. This section explores contemporary studies on social protest in order to find literature on countering corporate critics, and concepts that could help to understand this phenomenon. Because of the importance of the internet for the movement, the same questions are explored for the virtual environment.



Recent research focuses on a wide variety of aspects concerning the rise and fall of movements, for instance on culture, identity or fragmentation. (see Guidry, Kennedy & Zald, 2000; Goodwin & Jasper, 2004) Most of this research is developed to explain the emergence and development of movements rather than their outcomes. Therefore, Kolb (2007) set out to develop a theory explaining a movement's impact and success. Like most others, however, he fails to properly address factors that might undermine a movement.

The growth of social movement activity in the last decades, especially the global justice movement, created conditions for a new direction in social movement scholarship, which prioritises the relevance of such work to the movements themselves. (Bevington & Dixon, 2005) The approach does not categorically reject earlier theoretical perspectives, but instead seeks to glean what is most useful for movements from earlier works. It also entails a dynamic engagement with the research and theorising already being done by movement participants. (ibid.; also see Wieviorka, 2005) An exponent of this the growing convergence of movement-relevant scholarship in the US is the journal *Social Movement Studies*. The magazine's main focus is on the movement, analysed from within. A summary of the Australian anti-capitalist movement of 2000 and 2001 as seen through the eyes of its activists, for instance, concludes with some considerations as to the strengths and weaknesses of the movement. (Bramble & Minns, 2005) Another example consists of papers seeking to explain that the core strategies and tactics of the mainstream animal rights movement in the USA, the UK and Australia are overwhelmingly non-violent (Munro, 2005), while those who carry out small-scale acts of sabotage (*ecotage*) are often engaged in relatively conventional political activity as well. (Plows, Wall & Doherty, 2004) Another forum of interest is the network of Sociologists without Borders, founded in 2001 in Spain and in 2002 in the US. Work exploring the position of the activist-academic while investigating the movement includes Shukaitis, Graeber & Biddle (2007), and Juris discussed above. However, so far, none of them offer specific concepts to use here. Contemporary debates on surveillance studies (Lyon, 2007b; Hier & Greenberg, 2007) include the issue of resistance, but mainly focus on opposition against CCTV systems, privacy and data

collection. (Lyon 2007a) While surveillance studies offer interesting points of view for the issues discussed in this thesis, surveillance is just one – however important – constituent part of intelligence (Gill, 2009), and more specifically *activist intelligence*. Of importance for my research are the debates that take into account the influence of repression, observing that types of movement vary depending on the forces used against them. (Kitschelt, 1986; McAdam, McCarthy and Zald, 1996; Meyer, Whittier & Robnett, 2002) However, the research into the effects of a social movement brought together by Flam (1994) focuses on the state, on political responses, for instance the use of force versus democratic experiments, but not on corporate counterstrategy. Meyer (2002: 13) also emphasises the role and nature of the state and the content of public policy in defining both urgency and possibility for movements. ‘Activists choose issues, tactics, and allies, but not in the circumstances they please. [...] They do what they think they can do. Claims are defined not only by what activists want but also what they think is possible.’

To say, in line with Tilly (1985), that a social movement is what it does, as much as why it does it, seems too simple. The collective identity of any dissident group is in constant and dynamic interaction and redefinition in relation to mass culture and the state. This position can encompass a notion of counter work and sabotage useful for my research. When, as Meyer (op. cit.) writes, public policy is both a measure of movement success and a component in political opportunity, then covert strategy to counter a movement’s success and to limit political opportunities should be taken into account as well. In this context it might be useful to take up Weber’s suggestion that ‘we always need to be aware of what did not happen, paths not taken, unrealised possibilities, if we are to grasp the contingent origins of the social phenomena we seek to understand.’ (Moodie, 2002: 63-64)

*Activist intelligence* could be understood in the context of the ‘political opportunity structure,’ as ‘consistent – but not necessarily formal, permanent, or national – signals to social or political actors which either encourage or discourage them to use their internal resources to form social movements.’ (Tarrow, 1996: 54)

The implicit danger of this model of political opportunity, however, is in the number of dimensions considered. Instead, Della Porta suggested an in-depth analysis of a single contextual variable. This is considered to allow a better understanding of the interactions between social movements and their environment. She proposed research on protest policing because it ‘addresses a variable which has *a most direct impact on social movements.*’ (Della Porta, 1996: 63, emphasis in the original) The political discourse on protest and policing is of major importance, as the question ‘how to police protest’ is directly connected to the discourse on public order. ‘Whether a protest action is defined as a “citizen’s right” or a “disturbance of the public order” has a vital effect on the legitimation of the different actors.’ (ibid.: 65) Or, as Bourdieu (1984: 481) put it ‘[t]he fate of groups is bound up with the words that designate them ... [but] the order of words never exactly reproduces the order of things.’

Unfortunately though, Della Porta’s view remains restricted to the dichotomy of the state versus social movements; like many others social movement researchers she tends to underestimate the other players in the field. Also, her centre of attention is on the visible, the public site of repression, and her aim to trace evolutionary trends is focussed on one single actor: the police. As this research specifically addresses covert action, the focus is on the *secret* site of repression from a broader perspective. In the field of dirty tricks, undercover police are not the only force involved in policing social movements. Other actors that can be identified are state intelligence services tasked with the protection of the state and the safeguarding of democracy, and multinational corporations defending their own interests against critics, by using PR strategy and issues management and sometimes private intelligence agencies.

A model for understanding the ‘policing’ of social movements, or rather the field of creating or closing down political opportunities for activists as above defined by Tarrow (1996) takes into account the various different actors involved. And it goes beyond the obvious dichotomies as used by Della Porta (1995: 66), such as ‘repressive versus tolerant,’ or ‘lawful and dirty.’ The categories Marx (Gary, not Karl) defined for research into undercover policing are more useful, because they apply to all actors identified above – regardless of the status of their employment. Marx distinguishes

repressive actions according to their specific aims: the creation of an unfavourable image, disinformation, restricting a movement's resources and limiting its facilities, derecruitment of activists, destroying leaders, fuelling internal conflicts, encouraging conflicts between groups, and sabotaging particular action. (Marx, 1979: 96; for more research into covert activities of the American police and the FBI, see Marx, 1987; 1989; 1995) The concluding chapter evaluates the evidence in the case studies along these categories.

With the rise of the movement so intertwined with the possibilities of the internet, it is useful to explore the possibilities of counterwork in the digital world as well.

The internet does not only facilitate the building of networks between people, it has also changed content radically. The ability to act on information flows and on media messages became an essential tool for fostering the political agenda, as Castells (2001: 160) emphasised. Online connections between otherwise isolated activities and initiatives paint a broader picture of resistance and strengthened the motivation of those involved. The facilities to publish background information outside the regular channels proved a powerful tool, both for reaching larger audiences and providing sources for mainstream media. (ibid.; also see Pickerill 2002; 2006)

Castells developed his ideas on the information age and the networked society in a trilogy written in the mid-1990s. (Castells, 1996; 1997; 1998) Since these ideas have been adopted in political circles, Castells' work has been crucial for the acknowledgment of the grown importance of NGOs and activist groups. Giddens compared his work on the informational revolution with Weber's work on the capitalist industrial society. (Giddens, 1996) Castells' work has influenced much recent social science and invoked a lot of criticism and discussion. (Stalder, 2006; van Dijk, 1999) In short, Castells argues, the various movements (ethnicity, environmentalism, feminism, etc.) are subjects of the information age plunging into crisis the traditional organisations of civil society like the labour movement and political parties. (Van Dijk, op. cit.) The nation-state lost its sovereignty in four key areas: domestic economic policy, international policy making, the military, and the media. For instance, problems that can not be addressed effectively on a national basis gave rise to a host of new actors in

international policy making, NGOs such as Greenpeace, *Médicins sans Frontières* and Amnesty International for instance. (Stalder, op. cit.: 111-112)

The simultaneous and interconnected rise of the movement for global justice and of the internet urged Castells to a more explicit analysis in *The Internet Galaxy*. (2001) The title refers to McLuhan's *Gutenberg Galaxy* (1962) to describe the complex social changes that resulted from the development of the movable printing press; apparently Castells thinks the internet is just as important today.

Acknowledging the growing influence of social movements and NGOs, Castells (2001: 160) noticed that they 'have become much more adept at acting on people's minds around the globe by intervening [...] in the system of communication and representation where categories are formed, and models of behaviour are constituted.'

Castells strongly promotes the idea of a global information and communication space that is as open as possible to its diverse participants, such as governments, international organisations, business firms, and NGOs. He tends to idealise the internet for its 'extraordinary potential for the expression of citizen rights, and for the communication of human values.' (ibid.: 164; also see Coombs, 1998) Arguably, Castells' analysis has so far proved too optimistic, for instance in his judgement of the possibilities of the internet in the constant struggle for freedom. People's control of this public agora indeed still is a fundamental issue – increasingly so since legislation such as the American the Homeland Security Act of 2002 and similar laws were put in place all over the world after the attacks of 9/11. But state repression and control are not the only enemies of democratisation via the internet, as Castells implied. His claim that the internet contributes to democratisation 'by relatively levelling the ground of symbolic manipulation' (ibid.), does not consider the use of the internet by corporations. To disregard the aspects of corporate 'symbolic manipulation' on the internet signifies a major gap, not just in Castells' thinking. Most of those who believe in what could be called the brave new informational world had overlooked this vital facet of *The Internet Galaxy*. Chapter 8, on cybersurveillance, examines how corporations use the internet to undermine their critics.

The fact that Castells was indeed convinced that the total freedom on the internet needs to be limited, is another aspect that seems to have slipped from the public consciousness. In the context of the opening up of a global information and communication space, he says, ‘from the point of view of a specific government or organisation, an information strategy will be needed to further its own interests and values within the rules of the game.’ (ibid.: 161) Here, quite at odds with his strong endorsement of the free flow of information, Castells uncritically accepted the supposed need for ‘public diplomacy aimed at societies, and not just at governments’ as ‘essential for a national security strategy.’ (ibid.: 160) What exactly this is supposed to mean does not become clear; Castells leaves us with nothing but a vague hint that such an information strategy essentially differs from propaganda or public relations. ‘It is the actual capacity to intervene in the process of mental representation underlying public opinion and collective political behaviour.’ (ibid.: 161-162)

Ultimately this line of thinking places Castells in the tradition of the early 20<sup>th</sup> century elitist conservatives like Walter Lippmann and Harold D. Lasswell. They advocated the manipulation of public opinion, as will be discussed below, because they considered citizens to be quite irrational and ‘often poor judges of their own interests.’ (Lasswell, 1934; in Robins, Webster & Pickering, 1987: 6)

The issue of undermining corporate critics is in desperate need for more attention. Research on new social movements would benefit from including this aspect in the analysis of power relations, while the movement for social justice could benefit from a certain level of (increased) security awareness and resistance against intelligence and covert strategy.

## **2.2 Information Wars and Grey Intelligence**

The second part of this chapter explores the increasing importance of information in power relations, and subsequent so called information wars. The market of information gathering and intelligence operations is thriving, resulting in private intelligence networks hiring former spies and analysts from the ranks of government, captured as

*grey intelligence*. However, literature on private intelligence seems to ignore the topic of intelligence gathering and subsequent covert action. Instead, since 9/11, the spotlight is on the outsourcing of intelligence and the role of private investigators in corporate espionage.

### **2.2.1 Information wars**

Those who have power also have capital and vice versa. (Marx & Engels, 1848) This section examines the crucial value of information in the contemporary economy, and more specifically for corporate intelligence.

Among the first to identify the growing importance of information as a new form of capital were Alvin and Heidi Toffler. In their book *Power Shift* (1990), the Tofflers<sup>3</sup> argued that the very nature of power was changing. Throughout history, power has often shifted from one group to another; however, in the 1990s, the *dominant form* of power was changing. During the Industrial Revolution, power shifted from nobility acting primarily through violence to industrialists and financiers acting through wealth. Of course, the nobility used wealth just as the industrial elite used violence (as is further detailed in chapter 4), but the dominant form of power shifted from violence to wealth. A next wave of shifting power is taking place with wealth being overtaken by knowledge. Even without agreeing to the theory of information as the most important form of capital, the relevance of the Tofflers' ideas is evident. For management today whether in the financial world or public bureaucracy, in retail trade or production companies, information is an important asset. They need information on clients, competitors, consumers, workers, regulators and others. They need information for market research, product adaptation, marketing, control of the production process, restructuring of the organisation, avoiding economic espionage or internal fraud. In what the Tofflers named *The Third Wave* (1980), they saw the rise of a new branch completely dedicated to the collection and selling of information (marketing bureaus,

head hunters, scientific and other research bureaus). Information as such has economic value. The information society also changes the nature of military conflict. As Cronin and Crawford (1999: 64) précised, the Tofflers anticipated ‘the growing significance of economic warfare as, in some instances, a replacement for, and in others, a complement to, conventional forms of international aggression.’ Instead of arms stockpiling and force augmentation, the focus today has shifted to the management of intangible assets such as know-how, techno-economic intelligence and foresight. (Of course, this was written before the Gulf war, the Balkan conflicts, and before 9/11, the war in Afghanistan and the invasion of Iraq.) In this framework the exploitation of intelligence becomes a multiplier of power. In 1990, they predicted that ‘as the stakes rise in global trading rivalries, intelligence rivalries will heat up in parallel.’ (Toffler, 1990: 313) Consequently, the Tofflers concluded that ‘the development of strategic intelligence capability, both offensive and defensive, will be a sine qua non of successful organisation, military and market, in the next millennium.’ (Cronin & Crawford, op. cit.) It is in this context that the Tofflers speak of information-wars. They predicted growing ‘total info wars’ within and between the public and the private sector about the access to data and the possibility of connecting disparate databases. The informatisation of our society is not just about social and economic changes, but also about a major power-shift. The financialisation of society in the past two decades is built on this shift, and substantiates the increased importance of information. He (or she) who controls and regulates information will be able to consolidate his political, commercial and/or organisational position. (Toffler, op. cit.: 129) Amongst other things this would – and this is of specific interest for this research – invoke a growing fusion between the public and the private sector in intelligence. ‘The line between public and private espionage will continue to blur.’ (ibid.: 312) As multinational corporations proliferate, many grow their own private intelligence networks – ‘para-CIAs’ – as the Tofflers called them. Because these business firms hire former spies and analysts from the ranks of government, the informal links with government intelligence increase. ‘Such incestuous relationships will multiply as a consequence of the restructuring of world business now taking place, which is leading to complex cross-national business alliances.’ (ibid.: 313)



This shift in power, from public to private, can be seen as an aspect of globalisation and the changing position of transnational companies (TNCs) in the world, and constitutes the setting against which the case studies in this research should be understood.

### **2.2.2 Grey intelligence**

As the Tofflers predicted, multinational corporations grow their own private intelligence networks hiring former spies and analysts from the ranks of government. It is this complex network of formal state and private structures and processes that would benefit from network analysis, as was mentioned above.

In order to stimulate research into these phenomena, Dutch scholar Hoogenboom (2006: 373) introduced the concept of *grey intelligence*:

‘Grey’ here refers to the blurred boundaries between public and private spheres, and to the increasing importance of private, ‘informal’ initiatives and provisions in the gathering, circulation and distribution of intelligence.

Hoogenboom built on his earlier concept of ‘grey policing’ (1994), developed to analyse the field of the legal use of coercion no longer exclusively in the hands of state authorities. The state monopoly is replaced by an informal information market with a wide variety of private entrepreneurs. Their primary aim is loss prevention: the gathering of intelligence is supposed to minimise damage for the client company. Most of this intelligence, Hoogenboom (2006: 381) claims, is obtained through open sources. ‘However, both historical and contemporary case studies suggest that private intelligence also includes covert operations normally associated with public intelligence agencies.’

As was mentioned above, the Tofflers also pointed at business espionage as a growing force, in addition to the more legitimate ways of gathering information. Meanwhile, the changing position of the TNC in the globalising world and the growing reputation risks increases the corporate demand for intelligence. However, it would be too easy to read such developments in an instrumental way only. In order to move beyond the dominant academic focus of policy by proxy, O’Reilly and Ellison re-introduce the concept of

‘high policing.’ The concept originates in the French Absolutist state, and for Brodeur (1983) it involves the promotion of state authority. But O’Reilly and Ellison (2006: 641) detach it from its roots in the public domain and instead propose ‘a more complex relationship of obfuscation whereby both public and private high policing actors cross-permeate and coalesce in the pursuit of symbiotic state and corporate objectives.’ They use high policing to reflect the ‘more complex contemporary security field in which dominant interests within corporate power structures, as well as in state ones, are protected.’ (Johnston, 2007: 15, f.n.18)

Hoogenboom’s concept of ‘grey intelligence’ advocates interdisciplinary research integrating the developments of the private security industry, intelligence and the influence of technology on all aspects of policing. (Hoogenboom 2004b: 22-23) This research is devoted to a sub-category of *grey intelligence*, the intelligence operations aimed at activists and other critics of large corporations. This includes the gathering of information and the subsequent covert actions aimed at those groups. By introducing the sub-category *activist intelligence*, I will attempt to map some of the grey territory between corporate risk analyses and de-monopolised political intelligence work. Yet, intelligence should never be studied as an isolated activity. (Gill: 2009: 83) It is an integral part of government, or rather governance, and it has a ‘peculiarly intimate relation to political power.’ (Cawthra & Luckham, 2003: 305) ‘Much of the study of intelligence concerns the relationship between power and knowledge, or rather’ Scott and Jackson (2004a: 150) point out, ‘the relationship between certain kinds of power and certain kinds of knowledge.’ Dover (2007: 19-20) also emphasises the power-issue when posing the question of whether corporate intelligence can be included in general definitions of intelligence activity:

The central question within intelligence studies should not be merely the production of knowledge, but the power context in which it is produced, and what the information is used for. [The criteria would be] the structural advantage of the knowledge producer over the surveyed, and the ends to which the intelligence product has been used.

Corporate control of intelligence (to be understood as a specific form of knowledge) serves as a guiding tool for action, to shape a response to public protest, or to prepare lobbying strategies, for instance. Ultimately, intelligence is used as a tool of power to develop counterstrategy, often in the field of covert action. Or, in Toffler's words, knowledge is used as an instrument of power.

### **2.2.3 Outsourcing intelligence**

Though knowledge has indeed gained in importance, and the security industry is growing, few scholars have elaborated on Toffler's info-war concept. Only recently, since the American invasion in Iraq, has the outsourcing of government duties on intelligence become a public issue. This section explores the literature on outsourcing intelligence, seeking concepts of use for this research.

O'Harrow (2005: 6) describes the government's turn to surveillance after the 9/11 attacks as 'almost reflexive.' Officials everywhere sought out private companies. 'Swept away by patriotic fervour, information technology specialists flung open giant computer systems across the country to help law enforcement and intelligence agencies search for clues.' Investigative journalist Scahill (2007) analysed companies such as Blackwater subcontracted to undertake these essential tasks. Even fewer authors focus on the outsourcing of intelligence. Shorrock, author of *Spies for Hire* is a notable exception. He cites John Humphrey, a former CIA officer working for a major intelligence contractor who claimed that outsourcing of intelligence is 'out of control.' The employment of contractors in Iraq 'caused a "paradigm shift" in the relationship between government and the private sector,' Humphrey said. (Shorrock, 2008: 1) 'By 2006, according to the Office of the Director of National Intelligence, 70 percent [...] of the intelligence budget was spent on contracts.' (ibid.: 13)

Although 9/11 accelerated the process, the contracting out to private organisations started earlier. After the fall of the Berlin Wall and the end of the Cold War the

intelligence community in the United States suffered major cuts. The privatisation revolution started during the Reagan administration but reached full fruition during the Clinton years. Shorrock's research convincingly shows that the great leap in defence outsourcing in the late 1990s occurred largely as a result of Clinton's policy, George W. Bush 'simply took it to the next level.' (ibid.: 81) Contrary to what is generally thought, the neoconservatives did not instigate the policies of privatisation, but they *are* responsible for fully exploiting this trend. (ibid.: 72-73)

Shorrock's book is an impressive up-to-date encyclopaedia of the classified business of intelligence, focusing on the contracts between intelligence and the private sector, and the accompanying revolving door system.

By fusing their politics with business, these former officials have brought moneymaking into the highest reaches of national security and created a new class of capitalist policy-makers the likes of which have never been seen before. (ibid.: 28)

The consequences of the developments are difficult to comprehend, and again raise issues about legitimacy of the state and accountability of the companies involved.

Shorrock's accounts of former intelligence officials accepting lucrative jobs serve as useful examples of Wedel's flex groups and flex power. Shorrock's investigations deal with intelligence work formerly done *by* the government and *for* the government, now outsourced to private companies. This research, however, focuses on those former intelligence officials now hired by private companies to do intelligence work defending private interests or undermining public interest NGOs. This network consists of specialised consultants with TNCs as their clients, and former officials specifically hired to deal with the risks and manage the issues for a company under fire. As Wedel concluded, they see no conflict of interest, because the flex group defines the interest.

#### **2.2.4 Corporate espionage**

Another aspect of the info-war that the Tofflers predicted is the rise in business intelligence and corporate espionage. There are many handbooks on the topic with

seductive titles such as *Sticky Fingers, managing the global risk of economic espionage* (Fink, 2002) or *The Art of the Advantage, 36 strategies to seize the competitive edge*. (Krippendorff, 2003) However, most deal with gathering information on competitors rather than other opponents. Which part of the literature could be of help to frame research on *covert corporate strategy*?

Some of these books deliver ‘rules of war’ for modern business. First, develop across-the-board policies to protect your core information assets, and then build intelligence-gathering strategies that will seek out competitor information. (ibid.; Harding, 2006) Often marketing strategy begins with customer- and competitive intelligence, but there is little research on how competitive intelligence is actually generated by and for a company. Even the more specific publications on strategic intelligence only deal with business intelligence and knowledge management. (Liebowitz, 2006; Choo, 2002) Other types of book, such as Penenberg and Barry (2000) or Mitnick and Simon (2002) offer a look inside the world of spies, their technologies and their activities. But the main focus remains on economic espionage.

The academic literature is similarly underdeveloped on this issue. One of the few articles dealing with aspects of corporate intelligence is a research report by Gill and Hart. (1999) They examined private investigators, focussing on the sorts of services they provide to industry and commerce, and the legal context in which they operate. Although private investigators are crucial in informing, supporting and enforcing corporate security policy, their role had not been subject to detailed and sustained scrutiny until recently. This blind spot is all the more strange, Gill and Hart argued, because these private policies often have a greater and more immediate impact on their members’ lives than any system of state law. The authors consider private investigators ‘as a form of secret police within private justice systems defined by companies.’ (op. cit.: 245-246)

Covert action is a facet of intelligence work that is almost entirely ignored. Hulnick (2001: 531) was surprised to see that one of the most controversial parts of governmental intelligence work translated so easily into the private sector. Unfortunately, none of his many examples is dedicated to corporations targeting their

critics. However, the tactics used in confrontations between corporations do overlap with the kinds of corporate strategy and activity of interest in this research. For example, Oracle Corporation found out that competitor Microsoft funded three separate advocacy organisations acting like independent groups fighting the antitrust suit against the latter. The private investigative firm hired by Oracle, Investigative Group International, tried to bribe cleaning workers at one of the groups to sell information. The firm was also accused of trying to steal trash – ‘dumpster diving’ or ‘garbology’ as it is called in intelligence parlance. Another example of the use of front groups is provided by the giant American Airlines (AA) in its fight against Legend Air, a niche carrier that wanted to start flights from a small airport in Dallas, Texas. AA sued the federal government and Legend, and also mounted a covert campaign by secretly funding a ‘concerned citizens’ group to oppose the start-up. (ibid.: 539-540) Hulnick divides covert action in the private sector into two main categories. The first is the use of disinformation to discredit a competitor or adversary. The second involves what might be called covert action, ranging from deception to sabotage; occasionally referred to as ‘dirty tricks.’ Such classification might be of use, when analysing *activist intelligence*.

As a strategic communication tool, disinformation has long been utilised by the military, in counterintelligence, foreign policy and war. Business too, it is suggested, could use disinformation as defensive or offensive company strategy. ‘The use of outbound disinformation can be helpful in trying to strategically outflank a competitor. However, incoming disinformation can be damaging if not detected or guarded against.’ (Dishman & Nitse, 1999: 27) Exploring the role of strategic intelligence in achieving and pre-empting surprise in the commercial marketplace, Cronin and Crawford also found growing similarities between the military and the business world. Enemy surveillance and competitive intelligence have become a fact of life. In the world of business, the authors identify the 1980s as the watershed years in terms of information technology.

Globalisation forced companies to develop more sophisticated intelligence gathering capability at home and abroad to cope with the changed scope and speed of business. At the same time, companies scaled up their strategic

investments in information technology in the hope of achieving a competitive edge over their rivals. (Cronin & Crawford, 1999: 59)

Cronin and Crawford provide examples focussed on trade, lobbying, mergers and competition. Although critical stakeholders, NGOs and other parts movement for global justice are not included in their analysis, their conclusions implicate the use of covert operations to deal with opponents.

Developing foreknowledge of an opponent's (or potential opponent's) intentions and thinking may, the authors advise, be a wiser course of action than direct confrontation.

Whether the opponent is a foreign military power, a group of internal dissidents, an ideological opponent, or a competitor in the global market place, the challenge to minimise, if not neutralise, the threat of strategic surprise through effective intelligence and counter-intelligence management systems is the same. (ibid.: 61)

### **2.3 Towards an Outline of Activist Intelligence and Covert Corporate Strategy**

The last section of this chapter explores the role of covert action in intelligence theory, and in business literature on PR and crisis management. Drawing on the first two parts of this chapter, the final section sketches a first outline of *activist intelligence and covert corporate strategy* as a field of research.

The field of intelligence studies struggles with issues of secrecy and tends to operate in an epistemological vacuum. Whether or not to include counter activities – the so called *covert actions* – in the definition of intelligence is subject to discussion. The reluctance to include these activities reflects the refusal to acknowledge the existence of these policies and practises in the corporate world.

Theory on public relations (PR) that goes beyond media relations may help to map the use of covert methods, deception and dirty tricks by some large corporations. Literature on how corporations deal with critics is hidden in a specific section of PR, benignly called 'issues management' (IM) Although it tactically avoids specifying how intelligence on 'issues' is gathered and avoids detailing proposed pro-active policies,

issues managements as a field is as close as one can get to the secret manoeuvres investigated here. The chapter ends with an exploration of the issue of secrecy, the engineering of consent and a first outline of the field of research.

### **2.3.1 Defining intelligence**

The field of intelligence studies should be expected to offer a level of insight into the theory of intelligence, and the subsequent problematic position of covert action. But this is not necessarily so.

The historical events of the last two decades have severely changed the landscape for intelligence services, while simultaneously reinforcing their indulgence in navel-gazing. After the Fall of the Berlin Wall and the end of the Cold War, the intelligence services had to re-invent themselves and adapt to the new balances of power. After the first Gulf War of 1991, the literature mirrors retrospective searches for the ethics of the work of secret agents. (Perry, 1995; Pekel, 1998) After 9/11 and the subsequent war on Iraq discussions within intelligence studies, in academic journals as well as in the mainstream media, focused on the internal functioning of the various intelligence services, their operational and analysing powers. (Hersh, 2003)

Prior to 9/11, intelligence as a field of study was largely ignored by mainstream social science (Gill, 2008: 210; also see Sims, 2008) but it has developed rapidly in recent years. (Scott & Jackson, 2004a; 2004b) Researchers located in longer-established disciplines such as politics, history, IR and criminology now focus on the field of intelligence. However, compared with the history of intelligence services, memoirs of agents and journalistic accounts, the development of theory is still relatively neglected as this section shows. (Gill, *ibid.*; also see Andrew, 2004),

Intelligence studies is a relatively young field of academic inquiry looking for a workable research philosophy while trying to tackle issues of secrecy. Even the CIA still



struggles to develop a concise notion of ‘intelligence.’ (Warner, 2002) Terrorism-expert Laqueur (1985: 8) concluded that ‘[...] all attempts to develop ambitious theories of intelligence have failed.’ Kahn, one of the most eminent scholars in the field according to Scott and Jackson (2004a: 141), also laments that none of the definitions that he has seen actually work.

There are many reasons why the intelligence world has considerable difficulties defining itself and its work. More than in other disciplines, people in the field are disinclined to cooperate because as secret agents they are disciplined to share information on a strict ‘need-to-know’ basis. Practitioners are reluctant to define their work, and to talk about secret activities. Much of the literature originates from people working *within* intelligence and is often focussed on the failure of the secret agencies and the subsequent need for reform – specifically the American literature. (Phythian, 2008: 67) In this context, Gill points to the essential difference between theories *of* intelligence and theories *for* intelligence. There are similarities between what intelligence scholars and some practitioners do, but the two have different roles. ‘As outsiders, our theories of how intelligence ‘works’ will be drawn from a range of psychological, economic, anthropological, organisational, political science and social theories.’ (Gill, op. cit.: 212) Likewise, the development of *activist intelligence and covert corporate strategy* will need a multidisciplinary approach.

Looking for a definition, Shulsky and Schmitt limit themselves to the traditional scope of intelligence – connected to state and government. Building on the work of CIA’s senior analyst Kent (1946) and Laqueur (1985), their definition of intelligence can be summarised as: the information and activities relevant to the national security concerns of governments. Intelligence for them consists of three different elements: 1) *information* of all kinds, whether in raw or processed form; 2) the *organisation*, working secretly; 3) the *activity*: the collection and analysis of intelligence information as well as ‘activities undertaken to counter the intelligence activities of adversaries.’ (Shulsky & Schmitt, 2001: 1-2)

Gill, a political scientist without an intelligence background, started from a definition recently provided by Clark (2006, cited in Gill, op. cit.: 213-214): ‘Intelligence, then, is

a process, focused externally and using information from all available sources, that is designed to reduce the level of uncertainty for a decision maker.’

The absence of a reference to secrecy and the rather unfocused use of ‘uncertainty’ inspired Gill to the following improved definition of intelligence: ‘mainly secret activities – targeting, collection, analysis, dissemination and action – intended to enhance security and/or maintain power relative to competitors by forewarning of threats and opportunities.’ (Gill, *op. cit.*: 214) Although Gill’s definition is not limited to the traditional concern with international relations between states – ‘competitors’ covering a wide range of potential adversaries – it is maybe a little weak on other fronts. Firstly, the definition refers to the process and seems to omit the organisation, the people involved in intelligence, although of course it could easily be adapted by the addition of ‘organisations which conduct [...]’ to his definition as cited above.

Secondly, the term ‘competitors’ seems to imply a certain proportionality in power. Or rather, it fails to address the power context in which intelligence is produced. (Dover, 2007: 19-20) And thirdly, at first sight, Gill is unclear on intelligence as political action. However, Gill (*op. cit.*: 215) holds the position that a fuller understanding of intelligence activities is obtained if the integral connection with action is acknowledged. ‘It does not make sense to omit action from the definition.’ Even information collection can be regarded by the targets as a form of action. If the collection is by human means it can be impossible to determine where collection ends and some form of (covert) action begins. Further, Gill states, ‘the crucial relationship between professional and political decision makers can only be explored fully by examining how intelligence competes with ideology, values and prejudices in explaining the action.’ (*ibid.*) From here it is a small step to including the power context in the definition.

### **2.3.2 Covert action in intelligence studies**

‘Scholars have frequently ignored covert action in their analyses of intelligence.’ (Scott & Jackson, 2004a: 142; also see Schlesinger, 1977; Rositzke, 1977) The literature that

*does* address covert action should help to understand *covert corporate strategy* targeting activists.

Whether or not to include counter activities – the so called *covert actions* – in the definition of intelligence is subject to discussion. This is caused by both the shady nature of the activities, as well as by the organisational responsibility for them. Covert action, according to Shulsky and Schmitt, is a middle ground between diplomacy such as secret support to a friendly nation, and activities shading off into guerrilla, ‘low intensity’ warfare or counterinsurgency. (ibid.: 97) And the discussion about covert action is not limited to the question of definition. The underlying issue is whether or not to assign covert actions to the same organisations that collect and analyse intelligence information. Shulsky and Schmidt think that this is not a good idea. Although the officers involved would be perfectly capable of fulfilling the various tasks, the combination jeopardises the objectivity of the analysts. Moreover, agents could get too involved in a case and, as a result, be tempted to act upon intelligence information. (ibid.: 96)

Other than Shulsky and Schmitt, CIA historian Warner does insist on including covert actions in the definition. His summary of the literature resulted in a short definition: ‘Intelligence is secret, state activity to understand or influence foreign entities’ (Warner, 2002) Perhaps due to his CIA and foreign affairs background, Warner seems to omit the field of domestic security. Not including the intelligence agencies’ activities at home against presumed ‘enemies of the state’ is problematic. Covert actions conducted by the FBI or the Secret Service are a recurring issue in the USA, since the Church Commission investigated complaints about spying and countering politically active citizens in the 1970s. The Report of the Church Commission extensively documented how American intelligence agencies tended to expand the scope of their activities, and how operations based on ‘vague standards’ could soon involve ‘unsavoury and vicious tactics.’ (Church Commission, 1976: 4-5) The Commission revealed that ‘[t]oo many people have been spied upon by too many Government agencies and too much information has been collected.’ (ibid.: 5) As a result of these critical reports, the US Congress and the President increased controls, requiring explicit authorisations at the

highest levels over intelligence operations. This expansion of intelligence activity was part of a response to the emergence of the new social movements of the 1960s and the 1970s, while the exposure of COINTELPRO (short for Counterintelligence Program) or 'the war at home' can be contributed to the research of critical investigative journalists. (Gelbspan, 1999; Glick, 1999, Churchill & Vander Wall, 2001; also see Donner, 1990)

Covert action operations have largely disappeared from the public view since the large CIA operations in the 1980s in Afghanistan and Central America. Since the end of 2005 mainstream news media have been reporting on numerous CIA activities against alleged members of Al-Qaeda and others that were perceived as a threat to American interests worldwide. Once again, Daugherty writes in an overview of the role of covert action, an American president had turned to covert action to carry through programs intended to remain hidden. 'Yet, as always, legitimate disputes over the appropriateness and legality of covert action programs are complicated by a lack of knowledge about covert action in general and its role in supporting American foreign policy.' (Daugherty, 2007: 279; also see Chinen, 2009)

Scott is one of the few scholars who tried a different focus on intelligence studies, treating secrecy, rather than knowledge, as an organising theme. (Scott: 2004: 322) Unfortunately, he restricts his thoughts to clandestine diplomacy and the Anglo-Saxon foreign policy. The debate about covert action is hampered by secrecy, Scott (ibid.: 328) states. (also see Halperin et al, 1976; Halperin & Stone, 1974) What we know about covert action comes in the same ways that we learn about other intelligence activities – through authorised and unauthorised disclosure: memoirs, journalism, defectors, archives, whistle-blowers and judicial investigation. While Scott (ibid.: 326) warns that 'the veracity and integrity of these sources may differ,' the questions about the agendas and intentions of those who provide us with information about covert action are the same. Vice versa, to exclude covert action from discussion about intelligence and intelligence services Scott argues, 'raises questions about the political agendas of those seeking to delineate and circumscribe the focus of enquiry.' (ibid.: 323)

Covert actions have often been controversial in the past. One of the better known was the bombing, by French intelligence agents, of the Rainbow Warrior in 1985.

Greenpeace had harboured the ship in New Zealand to use it in protests against French atomic weapons tests in the South Pacific. The Portuguese-Dutch photographer Fernando Pereira was 'inadvertently' killed in the explosion. (Greenpeace, 2005a; 2005b) Including or supporting the use of violence in covert action greatly increases the risk of casualties as a result. Covert action is frequently illegal under the laws of the country in which it is taking place, as well as contrary to the international principle of non-intervention.

In the eyes of intelligence agencies, covert actions against 'enemies of the state' are acceptable – and sanctioned by the responsible authorities. But who counts as an enemy of the state? Or, as Beck put it, who gets to decide what counts as a risk?

In 2001, the FBI listed 'anarchist and extremist socialist groups' such as the Workers' World Party, Reclaim the Streets and Carnival Against Capitalism as a 'potential threat to the United States.' (Freeh, 2001) Reclaim the Streets is actually more a tactic than a movement or an organisation; it holds street parties, daytime raves in the middle of busy intersections aimed at temporarily reclaiming public space. In a statement made on 10 May 2001, the director of the FBI filed these carnivalesque groups under *The Domestic Threat*, right below a section called *The International Terrorist Situation* featuring Osama bin Laden and individuals affiliated with Al-Qaeda. The fact that dancing in the street was perceived as a terrorist threat in the eyes of the FBI can only be explained by the aftershock of the protests in Seattle in 1999, where, according to the FBI, 'anarchists, operating individually and in groups, caused much of the damage.' (ibid.) After the attacks on the World Trade Centre and the Pentagon four months after the FBI statement, the lack of proportion between the two 'threats' is all the more clear.

More recently the American Civil Liberties Union started collecting evidence of extensive government spying on peaceful activists labelling them as terrorists. The Homeland Security Act, as is the case with other post 9/11 legislation, offers United State police and intelligence agencies wide authority to spy on citizens. ACLU has also been fighting against the National Security Agency's warrantless monitoring of American's communications. (ACLU, 2008) New FBI guidelines (scheduled implementation: December 2008) are – according to an editorial in the *New York Times*

(2008) – ‘a chilling invitation to spy on law-abiding Americans based on their ethnic background or political activity.’

These are just a few examples of abuse of power characteristic of undercover work, both in labelling and in action. The examples do not only relate to Beck’s relations of definition. They also shows that activists who believe that another world is possible, may – at a given moment in time – be perceived as enemies of the state, even without any threat of violence. The lines between lawful dissent and political violence and its advocacy may become ‘conveniently blurred for those in positions of power.’ (O’Reilly & Ellison, 2006: 650) The tendency to confuse the two is, in Brodeur’s opinion, ‘an insuperable feature of policing political activities.’ (Brodeur, 1983: 511-512) The concept of subversion is suitably amorphous and facilitates the self-serving agendas of those in power, O’Reilly and Ellison (2006: 650) state, adding that the perception that subversion is synonymous with left-wing dissent in liberal capitalist states has ensured continuity, both in the public realm as in the private, corporate sphere. The FBI example confirms that the American state strongly identifies with the capitalist system. Which brings us back to Wedel’s flex groups who – alternating working for the government or business – experience no conflict of interest in their pursuit of power.

Secrecy is an important factor in cultivating a closed office culture. The perceived need to protect state secrets and national security has generated large-scale intelligence organisations in modern states. The internal security required to protect such organisations from infiltration as well as betrayal creates problems that are common in other public or private bureaucracies as well. Internal security often prevents the flow of vital information. (Wilensky, 1967; also see Dorsen & Gilles, 1974) A culture of secrecy can lead to another danger typical of intelligence agencies: they develop into a closed society with few links to the real world. ‘They create their own moral and legal codes, codes quite different from those of the nation whose interests they defend. Such intelligence morality may justify all sorts of illegal or, at best, questionable activities.’ (Tefft, 1980: 341; also see Hersh, 2003)

Additionally, agencies that deal with intelligence gathering and the prevention of crime or subversion have an inherent tendency to expand:

[Their] role can be defined in such a way as to create an appetite that can never be satiated. Unlike the crisis-response model, the response here comes because a crisis is anticipated, or at least can be conceived of. This ability to imagine future threats calls forth action. The emphasis is put on offensive action. (Marx, 1979: 112)

The ambiguity of concepts like subversion and conspiracy, and the fact that one can never be certain that an investigation has discovered all the relevant information, adds to the problem that it will be unclear when the goal of such action has been achieved. Referring to the policing of protest in the United States in the 1960s and 1970s, Marx argues: ‘Those charged with such open-ended tasks may find it in their interest to cast the widest possible net and to operate as indiscriminate intelligence gatherers.’ (ibid.: 112) This can have far-reaching consequences. Government programmes for social movement intervention can take on a life of their own. Initiated to deal with events that most members of a society would define as a crisis or a serious threat, it can become a vehicle for career advancement and organisational perpetuation and growth. As a result, Marx warns, ‘[t]he management and even creation of deviance, rather than its elimination, can become central.’ (ibid.: 114) Identifying threats is the business of intelligence agencies; agencies promote the idea that they can prevent threats from crystallising into something more concrete. Gill and Pythian (2006: 15) warn that intelligence agencies ‘at times exaggerated the reality of threats in order to secure their own continued existence.’

While subversion prevention offers possibilities for intelligence agents to expand their domain, the privatised market for security services today is governed by profit. The inherent possibility of creating more work by identifying more threats, risks and vulnerabilities has to be taken into account too.

### **2.3.3 Covert action in the private sector**

Various authors on covert action in the private sector emphasise the lack of documented case studies. The information available is derived primarily from anecdotal articles in

press reporting or ‘fairly thin material in business literature.’ (Hulnick, 2001: 532) Why is there is so little original and reliable source material?

The answer is surely related to the fact that firms try very hard to hide covert action. Cases are sometimes buried in court records or settled in ways that keep the information private. Companies will, of course, deny any involvement in covert action ‘and, unless court action is taken, the victims are understandably reluctant to discuss such issues as well, since they can be made to look foolish or insecure.’ (ibid.: 533) This can affect how investors or consumers look at the company. Yet, Hulnick concludes, ‘there is enough information available to demonstrate that covert action is a factor in modern business intelligence.’ (ibid.)

Gill & Hart offer a more thorough analysis of why business tries to hide surveillance and covert action. Secrecy is rooted in the legitimacy of these practices. Their line of reasoning is valuable in understanding the essence of this research. Some 80% of private investigators are retired or former public police officers, and many claim this to be ‘their main selling points.’ (Gill & Hart, 1999: 248-249) The most common tasks private investigators are asked to do vary from claims investigations for insurance companies, to employee vetting, fraud and theft, debt collection and ‘due diligence’ enquiries. And last but not least, ‘to a lesser extent corporate intelligence gathering and counter-espionage activities.’ (ibid.: 251)

Focussing on intelligence gathering and counter-espionage, Gill & Hart conclude, that private investigators are ‘a form of secret police within private justice systems defined by companies.’ (ibid.: 245) These systems of private justice are significant, as they involve corporate strategy to keep practices from public scrutiny. In most countries law enforcement and the legitimate use of force is delegated to public bodies like the police, while private property owners have the right to defend their property within reasonable boundaries. (ibid.: 257; also see Reiss, 1987: 20) Where the state theoretically derives its legitimacy from democratic accountability, private companies develop systems for maintaining their own definition of ‘internal order.’ This can be seen in the concept of ‘private peace’: ‘private authorities can be authorised, at the discretion of the state, to define separate private spaces so long as they are not in conflict with the public peace.’



(Shearing & Stenning, 1987: 11; also see Reis, 1987: 25) Ultimately, of course, those private spaces are accountable to public law. However, the danger of private justice systems lies in the facilitation of discretionary power for its enforcement agents greater than their equivalents' in the public system. This may lead to undesirable actions because private agents' actions are justified 'in terms of management rather than legal authority.' (Reiss, *op. cit.*: 27) And this makes it highly unlikely for any private company to be able to 'justify' certain actions publicly. Gill & Hart think this effect is bound to be exacerbated if any unconventional or 'dodgy' enforcement solution is exposed. The authors use the McLibel trial and the exposure of private investigators having infiltrated activists' meetings as an illustration of this tendency. (see chapter 6 for a detailed and original analysis of this case)

The maintenance of private peace may require actions that could be illegal rather than merely 'suspect.' This would heighten the stakes significantly:

By definition, state law then effectively constitutes a legitimate threat to illegitimate forms of private peace and illegal covert actions must be conducted in absolute secrecy to avoid discovery. This is the domain in which some private investigators may choose to specialise and that which, because of its covert nature, is the most difficult to monitor and control.' (Gill & Hart, 1999: 258)

This line of reasoning leads to the question of how one can police the unseen. The authors' research reveals that the only parties likely to be privy to the specific methods discussed here are individual private investigators, perhaps others working in the contracted investigation agency and the agency's clients or their designated representatives. 'Given the often covert nature of their work, how can any system of regulatory control ensure that the law and ethical standards are respected and observed?' (*ibid.*: 259) As a possible solution they suggest some form of licensing, including a law clearly defining the responsibilities for clients and a clear mechanism for dealing with complaints. This issue of transparency is strongly related to the right to freedom of expression. In his plea for universal rights to communicate, Hamelink (1994: 303) emphasises that freedom of expression implies the right to express opinions without the interference by public but also by private parties.

Conventional human rights thinking mainly focuses on the vertical state-citizen relation. This ignores the possibility that concentration of power in the hands of individuals can be as threatening as state power. Whenever citizens pursue different economic interests, individual rights will be under serious threat. (ibid.)

The surveillance of people hampers their free participation in communication. The collection and storing of personal data is a threat to what Hamelink (2000: 132) calls their information security. 'In a decent society citizens know who collects what information, where, how and to what purpose about them.' Information security also means that others cannot gather information about people without their consent. However, the age of the internet has changed all that, while 9/11 has intensified surveillance even more. (see Ball & Webster, 2003; Haggerty & Ericson, 2006; Hier & Greenberg, 2007) Data-mining, digital surveillance and the trading of personal information are part of everyday life in a highly organised, bureaucratic, market-driven, modern society.

Within this kind of society the interests of political and economic elites will collide with constitutional rights. In this confrontation legal and technical means provide some relief, but ultimately they are only measures of damage control.' (Hamelink, op. cit.: 136)

As data collection increasingly becomes the property of private corporations, the players operate outside of the sphere of public accountability. Hamelink argues it would constitute good governance if societies were to define the data they collect as a common resource. Apart from a guarantee to know who collects data and what is being done with them, this would have to involve the establishment of an information equilibrium between data holders and data subjects. To compensate for the 'gross indecency' of companies collecting whatever data they deem necessary about an individual, this person gets access to details about the corporation. (ibid.: 137) Hamelink discusses issues of data collection, surveillance and privacy in general. His social-ethical question of what kind of society we want is crucial, and even more pressing when discussing the issue of corporate spying on critics.

At least part of the difficulty in deciding what is appropriate is ideological. Gill & Hart (op cit: 245) wonder ‘how much of what has traditionally been viewed as the state’s responsibility can be transferred to organisations who are governed by profit.’ And how much has already been transferred? Without proper research and a larger collection of case studies, these questions are almost impossible to properly analyse. They are nonetheless important questions that raise far-reaching issues about democracy, governance, human rights and the ability of civil society to influence decision making in the 21st century.

### **2.3.4 PR and the engineering of consent**

Another component of the private circuits of power and communication that have been markedly under-researched is public relations (PR). As PR is central to corporate policy processes and to governance, it is an important part of contemporary democracy. As this section will show, it is an essential tool for TNCs to warrant their powerful position in society.

‘PR is much more important than just media spin. It is the very lifeblood of the global capitalist system.’ (Miller & Dinan, 2003: 195) To understand PR and promotion as ‘all the activities which corporations engage in to exert influence’ (ibid.: 194) is specifically important when researching corporations, pressure groups and others engaging in political activities in pursuit of their interests – as in this thesis. In this definition PR embraces: ‘marketing communications, media relations, lobbying, regulatory affairs, investor relations, community relations, corporate social responsibility and citizens initiatives.’ (ibid.: 195) These can also be seen as part of the political activities of corporations, as Sklair (1998) defined them – discussed above.

PR is closely intertwined with the interests of global capital. It has grown as a direct result of the neoliberal reforms of the past two decades, and acts when and wherever corporate interests are threatened. Miller and Dinan’s definition does not seem to differ much from the description of the underlying purpose of corporate PR techniques in authoritative contemporary PR textbooks:

[Corporate] PR is a means by which businesses seek to improve their ability to do business. Effective public relations smoothes and enhances a company's operations and eases and increases its sales. It enables a business to better anticipate and adapt to societal demands and trends. It is the means by which business improve their operating environments. (Baskin, Aronoff & Lattimore, 1997: 416-417)

However, there is one vital difference, which is a central problem, essential for this research. Miller and Dinan emphasise the fact that the term 'public relations' is misleading, because much of PR is hidden from the public. 'Defending the reputation and interests of TNCs is the core mission of corporate PR, and this activity often takes place beyond the gaze of the media.' (Miller & Dinan, op. cit.: 212)

The growth of corporate-led globalisation has prompted the fine-tuning of corporate communication and its more widespread use with the aim of influencing international politics in favour of corporations. And this has had far reaching consequences:

An essential characteristic of corporate PR – or corporate propaganda, as it used to be called – is that it is concealed. It is not surprising therefore, that there is so little awareness of it. [...] The less the ultimate intent or goal of a corporation coincides with that of the targets of its particular PR strategy, the more both intent and source of the PR activities will be obscured. (Richter, 2001: 146)

In this context, it is all the more important to remember, 'public relations is also the art of camouflage and deception.' (Kunczik, 1990: 1) Starting from a political definition of PR, taking it beyond media relations, this research maps the use of covert methods, deception and dirty tricks by large corporations in their defence against critics and exercise of power. This approach links media and communication studies with political science and sociology, and should help to understand how PR relates to corporate intelligence gathering and the use of covert counterstrategy.

Corporations have always played a large role in influencing the definition of the public good; this goes back to the beginning of modern times. Chapter 4 discusses how the ruling classes in the USA and the UK have tried to repress resistance and criticism since the start of industrialisation. This resulted in the birth of PR, or 'propaganda' as it was

called back then. After the Second World War the term was no longer widely used because of its association with Nazism, wartime militarism, and misinformation. However, Miller and Dinan hold on to 'propaganda' because unlike 'spin' or 'public relations', propaganda includes manipulation. Also, the term connotes the form of structurally organised power invested in the process more accurately. (also see Simpson, 1994)

The modern democratic state is – necessarily and inescapably – the propagandist state, Lippmann wrote in his book *Public Opinion* in 1922. (Robins, Webster & Pickering, 1987: 7) He feared a revolution was taking place, infinitely more significant than any shifting of economic power, '[m]ass opinion has acquired mounting power in this century.' For Lippmann this development was 'a dangerous master of decisions when the stakes are life and death.'(1922)<sup>4</sup> That is why, in his vision, the 'free market' of ideas and debate should be gradually replaced by large scale orchestration of public opinion. Bernays developed the idea of manipulating people in an essay called *The Engineering of Consent* (1947) and later in a book of the same title (1955). Chomsky and Herman took it further in the book that has become a standard work, *Manufacturing consent, the political economy of the mass media*. (1988)

Worried about the erosion of the critical and democratic functions of the public sphere, Carey pointed at the crucial role of public relations in these processes, or rather the role of propaganda as he too preferred to call it. Corporations faced with potential threats from the public in general and from organised labour in particular, learned the value of propaganda as an effective weapon for managing critics, governments and public opinion. One of most significant propaganda achievements of the 20<sup>th</sup> century is 'the success of business propaganda in persuading us, for so long, that we are free from propaganda.' (Carey, 1995: 21) Carey rejected the tradition of managing public opinion within democracies like the United States and his own country, Australia. His work focussed on analysing programmes and strategy designed to take the 'risk' out of democracy. He traced how this 'risk' had been constructed out of a perceived challenge to business interests and 'how business interests are not sold to the public overtly as sectional interests protecting their wealth but instead are linked to national interests.'

These interests together, he said, are represented by emotive words as *freedom, freedom of the individual, free enterprise and the free market.* (ibid.: 2)

Galbraith issued similar warnings against linguistic manipulation more recently. He is specifically worried about the disappearance of the name ‘capitalism’ and the use of the expression ‘the market system’ instead. Economics and larger economic and political systems cultivate their own version of truth. ‘This has no necessary relation to reality,’ he explains, ‘what it is convenient to believe is greatly preferred.’ (Galbraith, 2004: 2)

Reference to a market system is without meaning, erroneous, bland, benign. It emerged from the desire for protection from the unsavoury experience of capitalist power and, as noted, the legacy of Marx, Engels and their devout and exceptionally articulate disciples. No individual firm, no individual capitalist, is now thought to have power; that the market is subject to skilled and comprehensive management is unmentioned even in most economic teaching. Here is the fraud. (ibid.: 11)

Implicitly, Galbraith criticised the neoliberal ‘inevitability’ narrative, just as Starr (2001) did – as discussed above – and pointed at the fact that globalisation does indeed have agents, with TNCs as political actors – just as Sklair (1998) stated.

To summarise, this often-quoted observation sketches the background for the research in this thesis:

The twentieth century has been characterised by three developments of great political importance: the growth of democracy, the growth of corporate power, and the growth of corporate propaganda as means of protecting corporate power against democracy. (Carey, originally 1978; 1995: 18)

This research identifies *covert corporate strategy* as an active component of business policy in the pursuit of profit. Understanding how this specific set of strategies works should add to the awareness of it and will, hopefully, also facilitate resistance against it.

### **2.3.5 Issues management**

PR is closely intertwined with the interests of global capital, as the previous section showed. If PR can also be seen as the political activities of corporations, it must include strategy against their critics. Issues management (IM) is the generic category where such counter strategy is sometimes addressed. This section explores how the topic is avoided by many corporations and by scholars in the field as well.

IM is a specific subcategory of PR. W. Howard Chase coined the term in 1977. An influential consultant since the 1950's (he died in 2003), Chase recommended a new kind of corporate communication response to the critics of business activities who were gaining influence in the 1960s and 1970s. His *Issues Management Council* uses a very broad characterisation: 'Think of an issue as a gap between your actions and stakeholder expectations. Issues management is the process used to close that gap.' (Crane, 1977) Agreeing on a more detailed definition of this form of corporate communication and strategy is difficult. Heath (1997) devotes a lengthy chapter to the definitional question, assessing twenty years of available literature, starting in the late 1970s. Miller remarks of the lack of consensus that:

Issues management isn't quite public relations. Neither is it government relations, nor public affairs, nor lobbying, nor crisis management, nor futurism, nor strategic planning. It embraces all of these disciplines and maybe a few more. (Miller, 1987 in Heath, 1997: 12)

Baskin, Aronoff and Lattimore see PR and IM as clearly connected. They argue that both grow out of the same reality and recognition of the necessity for corporations to defend themselves – presently against 'protest groups who gain public support by striking public chords.'

To avoid unpleasant surprises, organisations should scan, monitor and track external forces. [...] These forces should be analysed in terms of their effects on an organisations image, profit and ability to act. Based on that analysis, an organisation's policy must be developed, strategy planned, and action implemented. (Baskin, Aronoff & Lattimore, 1997: 80)

But what that ‘action’ implies is not discussed in any further detail. While acknowledging the importance of IM, many experts on PR do not elaborate on how information on activists, their ideas and surroundings should be gathered, how it should be assessed and which – if any – action taken. Given the emphasis on ‘proactive, constructive problem solving’ as preferable to ‘combat’ – the lack of scholarly attention to the information gathering phase is remarkable. This thesis tries to address this blind spot and to add a necessary corrective to analyses of PR and IM that underplay the conflictual nature of such activity.

Grunig discusses 34 in-depth case studies of PR during conflicts with activist groups. Only two sentences in his chapter address the collection of information:

The most frequent direct response to activist pressure was to gather intelligence. Hiring clipping services, contacting leaders of the activist group informally, querying reporters who covered the conflict, and even picking the brains of researchers involved in this study were commonplace. (Grunig, 1992: 519)

Grunig agrees nonetheless that ‘piggyback questions and counting clips’ are ‘inadequate for program planning, proactive communication, and issues management.’ Measures to deal with the clashes between corporations and activists require a continuous program of evaluation. (ibid.: 528) Again, what those measures should entail is not specified.

Heath explains that issues monitoring should track the coalescence of individuals and unorganised publics into organised activists, progressing through five interdependent stages: strain, mobilisation, confrontation, negotiation, and issue resolution (though not all issues or groups progress through every stage). ‘The value of any model is its ability to provide insight into how and where organisations [i.e. corporations] can constructively intervene to reduce the strain that motivates activism.’ (Heath, 1997: 165) This clearly relates to Lukes’ third face of power, the ways in which potential issues are kept out of politics. Issues monitors need to be alert and discover activists before they become visible to large numbers of people and before they become visible in the media. Outreach efforts by corporations may solve problems early in what Heath and others define as ‘the mobilisation phase.’ (ibid.: 171) However, Heath does not attend to the implications of his analyses.



Other guides, addressing how to manage activists and outside pressure, such as Deegan (2001) suffer similar shortcomings. Winter & Steger (1998: 7) presented theirs as the first ever ‘effective tool to detect, appraise and deal strategically with emerging activist concerns.’ However, the strategy ‘to aim for the early identification of potential or budding issues in order to avoid confrontation crisis later on’ and ‘to systematically scan the business and social environment for danger signals’ (ibid.: 30) does not include any details on *how* to do such a thing.

The various authors elide the question of intelligence gathering as such. While emphasising the importance to corporations of proactively managing public opinion at formative stages, they do not elaborate on corresponding *covert corporate strategy*.

Private corporations under fire deal with matters that might raise wide discussion and scrutiny, in secret. Such secrecy might be a logical outcome of IM from the corporate point of view, however the polite and even studied silence about this in advanced industrial societies is disconcerting.

A similar lack of insight hampers the evaluation of the efficacy of IM. Some experts claim that IM must be focused on the central task of helping the company – and must be integrated in strategic management. In an early effort to identify its key functions, Fleming reasons that IM involves three activities: ‘issue identification, corporate pro-action, and the inclusion of public affairs issues in established decision making processes and managerial functions.’ (1980: 35) Others believe that despite the need to support business activities, it is better to separate the intelligence operators and the strategic decision makers. Renfro (1993: 89) for instance argues that ‘issues management is an intelligence function that does not get involved in the ‘operations side’ unless specifically directed to do so.’ To build his argument, Renfro refers to the Church Commission investigations in the 1970s into complaints about excessive spying, arguing for IM as ‘an intelligence operation focused on a place that cannot be observed directly, except that the ‘place’ is not some hostile country but the future.’ (op. cit.: 63) His definition of IM bears great similarity to those of intelligence discussed earlier in this chapter:

With the focus on the intelligence aspects, issues management consists of at least four, interlocked stages: (1) scanning for emerging issues, (2) researching, analysing, and forecasting the issues, (3) prioritising the many issues identified by the scanning and research stages, and (4) developing strategies and issue operation (or action) plans. (ibid.: 64)

Both history and common sense, Renfro argues, teach us that an IM department ‘should have no standing authorisation to do anything about the issues on which it is keeping the books.’ (ibid.: 63) Of course, he adds, the division between research and priority setting is a bit of a chicken-and-egg paradox. On the one hand, not every single newly identified issue can be researched, and on the other no priority-setting is possible without any investigation. These interlocking stages need to evolve together. (ibid.: 64)

Renfro is one of the few authors to mention the intelligence character of IM. Nevertheless, other scholars also sustain the idea that it is sound business policy to collect intelligence on social issues and to develop strategies to deal with them.

Research conducted by the Harvard CSR Initiative (sponsored by the Coca-Cola Company, ChevronTexaco and General Motors amongst others) explicitly connect corporate social responsibility activities to intelligence, arguing that stakeholder relations are essential to keep tabs on the development of potential issues. The danger for corporations in *not* partnering with social actors lies in the potential ‘issue evolution.’ An event in the social environment of the corporation perceived as a ‘social risk’ may initially be ‘picked up’ as an issue to be addressed by the CSR department. (Kytte & Ruggie, 2005: 12) However, as that social risk continues to gain attention within civil society, public policy and media outlets over time, the core business operation is affected and the issue might need the attention of senior managers. And this is where CSR meets *activist intelligence and covert corporate strategy*.

Many global companies have found that multi-stakeholder initiatives are particularly cost-effective tool for generating strategic intelligence [on social issues] ...information generated by a CSR program can form a key aspect of the knowledge base for creating an effective countermeasure to social risk. (ibid.: 11)

That CSR is a means for corporations to track social issues is a point that has been made for years by NGOs (Bendell, 2000; Heap, 2000) and some academics (van Tulder & van der Zwart, 2003). Others have warned of the dangers of dialogues with corporations, insisting that fear of reputation damage was the main driver for such contacts. (Bruno & Karlner, 2003) Rather than implying a change towards socially responsible behaviour, dialogue and partnership projects seek to divide & rule: co-opting groups willing to engage with TNCs in order to separate them from their more radical counterparts. (Rowell, 1996, 2002b; Beder, 1997, 2006; Lubbers, 2002a; Dinan & Miller, 2007)

In itself, CSR can be understood as a modern variety of propaganda. Research evaluating the disappointing degree of institutional reform designed to empower stakeholders substantiate this point of view. Gray reviewed thirty years of social accounting, reporting and auditing, and wondered: 'what (if anything) have we learnt?' (Gray, 2001: 9) At best, the current auditing practices is a 'waste of time and money,' or worse, 'a deliberate attempt to mislead society.' (ibid.: 13) With Gray (ibid.: 11), Owen, Swift & Hunt (2001: 279) argued that accountability should 'hurt' - the hurt being the disclosure of information that a firm may wish to be kept hidden. Others, like the Jus Semper Global Alliance, think that a legally binding international CSR standard with teeth to bite corporations that misbehave will never be realised, unless civil society acts forcefully. The weapon of choice would be consumer power, because the risk of consumer boycotts makes compliance an indispensable business tool to remain competitive and protect shareholder value. (de Regil, 2004: 18)

The problem is, that markets do not really work like that way. (Doane, 2005a: 23) CSR is too often considered to be an adjunct of the marketing department, more of an exercise in PR than a serious attempt to achieve social change. Moreover, since as much is invested in advertising CSR work as in the work itself, there is a real risk that the value of social reporting and other CSR initiatives is judged in terms of what they are seen to communicate rather than in what they actually transform. (Jupp, 2002: 20)

Owen (2005) undertook a critical assessment of a dozen 'leading edge' reporting initiatives chosen from the short-list for the 2003 *ACCA UK Sustainability Reporting Awards Scheme*. He found that whilst the corporate lobby apparently advocated a

commitment to accountability, their claims were very much pitched at the level of rhetoric. Recent research from St Andrews University confirms that attempts by multinationals to talk up their social and environmental responsibility are so threadbare and misleading that they are preventing progress towards a sustainable future. (Gray & Bebbington, 2008) Disclosure practices have not become what advocates of social reporting had hoped for. The information is ‘often disclosed strategically and in a manner designed to cast the firm in a favourable light, rather than show a complete picture of the firm’s social performance.’ (Hess & Dunfee, 2007: 8) Most, if not all, CSR can be dismissed as simply PR strategy. (Doane, 2005a; 2005b)

That a few researchers have now recognised the importance of the connection between corporate social policies and intelligence gathering is significant for more than one reason. It supports the evaluation of CSR and broadens the understanding of issue management, because it connects the open and the more covert parts of public relations. Furthermore, it helps to overcome the reluctance to talk about *activist intelligence and covert corporate strategy*. In short, it puts these secret manoeuvres on the agenda.

### **2.3.6 Towards an outline of the field of activist intelligence**

This final section of chapter 2 explores how, on the more general level of governance, secrecy (including knowledge control) is a decisive element in gaining and maintaining power in a society. And, more specifically, corporate issues management seems strongly related to the *covert corporate strategy* investigated in this research.

Secrecy can give corporations powerful economic and political advantages over their rivals, and over other interest groups. ‘[Corporate] secrecy is a source of power not only in relationship with the government but in terms of power in society.’ (Nadel, 1975: 22) Secrecy enables multinational corporations ‘to hide illegal or highly dubious business practices.’ (Tefft, 1980: 339) Likewise, governmental secrecy enables political leaders to cover up abuse of position and the violation of laws. Secrecy, knowledge and power are essential elements in the corporate pursuit of their interests as defined in Sklair’s

capitalist class and Useems' 'inner circle'. In general, secrecy prevents accountability and democratic scrutiny.

'Subject to no outside evaluation, these secret decision makers may make policies that are based on wrong or distorted information. They may ignore alternatives that might prove to be more effective.' (op. cit.: 340) Secrecy in governance (or executive secrecy, as Tefft calls it) makes constructive criticism by knowledgeable outsiders impossible.

And it is exactly this power that is increasingly challenged by campaigning groups around the world. They confront TNCs and international governmental organisations because of the effects of their operations, the lack of transparency and the secretive and unaccountable decision making. The global justice movement

is concerned with the world: omnipresence of corporate rule, the rampages of financial markets, ecological destruction, maldistribution of wealth and power, international institutions constantly overstepping their power mandates and lack of international democracy. (George, 2001, cited in Bennet, 2003: 163)

The dynamics of governmental secrecy demonstrate that intelligence units at both local and national level 'operate to predict, control and manipulate their environment.' (Tefft, op. cit.: 10)

The success of government in maintaining the loyalty of its citizens as well as eliciting their support for its programs and policies rests, to a large degree, on social trust. The spread of deception throughout societal institutions by imitation of or in retaliation for government secrecy promotes the kind of citizen cynicism that undermines the normal political process. (Tefft, *ibid.*: 341, also see Bok, 1978: 189-190)

The case studies in this research will show whether this conclusion can be extended to the dynamics of private and corporate secrecy, summarised more accurately as secrecy in governance.

This research focuses on the hidden triangle formed by TNCs, private intelligence firms and state intelligence agencies, and the power this network has to influence the public agenda and policy. Private firms both provide and analyse intelligence. They are hired in to assess threats and risks and suggest what to do about them. The private firms provide

a significant share of the information that forms the basis of decisions on whether or not something is a security concern. This applies to the private military companies contracted by the US government operating in for instance Iraq or Afghanistan, the influence of which on foreign policy is increasing. (Leander, 2005: 813) It places the firms in a position where they are directly involved in producing these discourses and – possibly – it is in itself a way of creating threats and security concerns that might not previously have existed. (Bigo, 2000: 171-204)

‘When private firms gather, select and analyse intelligence, they are producing security understandings in the most concrete and tangible way possible.’ Leander emphasises that this is an important component of the power of private military companies that is usually overlooked.

The exact extent of this power is however not easy to establish, since it is most probable that public and private agencies collaborate in the process. Hence, it varies with the actual independent capacity of PMCs to define categories and routine practices in intelligence analysis, which tends to be case specific. (Leander, op. cit.: 814)

A similar point can be made about private intelligence agencies working for TNCs. ‘The private firm decides what is told (and what is left out). It provides the foundation of - indeed, given the standard procedures, it mobilises – the decisions to be taken.’ (ibid)

Researching power, as was explained at the beginning of this chapter, implies asking ‘to what extent, in what ways and by what mechanisms do powerful agents influence others’ conceptions of their own interests?’ (Lukes, 2005: 492) This thesis can be understood as research into specific aspects of the engineering of consent, as will be detailed below. More specifically, it looks at companies under fire and the hired intelligence agencies and their power to shape the agenda of what is considered as a risk for society.

Richter is one of the few scholars to have studied how corporations deal with activist campaigns. (Richter, 1991; 1998; 2001) She analysed corporate PR strategy and attended issues management industry seminars, analysed leaked documents, and drew upon the accounts of activists. As pointed out above, she argued that the less the ultimate

goal of a corporation coincides with that of the targets of its particular PR strategy, the more the PR activities will be obscured. Richter (2001: 146) proposes abandoning the term *issues management* in favour of *engineering of consent*. Such strategy, typically concealed, usually has three, sometimes overlapping, components:

- intelligence gathering and an assessment of the socio-political climate in which the particular company is operating;
- attempts to manipulate public debates in a direction favourable to the company;
- and
- attempts to exclude what the industry perceives as diverging or antagonistic voices from the public debate. (Richter, 1998: 5)

Richter's model provides essential elements to outline the field of *activist intelligence and covert corporate strategy*. This outline will be elaborated in further detail in the conclusions to this thesis, in chapter 10.





## **Chapter 3**

### **Commitment & Dealing with Dirty Data**

#### ***On ethics and methods***

How do we decide what story we want to tell with our research? This chapter intends to explore a number of philosophical issues related to this thesis and research conducted from a ‘committed’ standpoint. The first section explains how my experiences as an activist inspired my academic work. The second section details the selection of case studies. Research on corporate spying is relatively underdeveloped, and the secrecy that surrounds it results in a general lack of awareness. At the very least a set of detailed cases is required. The third section examines issues involving the use of secret information in terms of discovery and verification by drawing on the work of Marx (1984) on ‘hidden and dirty data.’ Interpretation is a dynamic process, interrelated with verification – as in any other field of investigative research. However, the concept of meaning requires some reflection in the context of analysing secret documents. The final section explains the conceptual framework used to analyse the case studies. The desire to introduce *activist intelligence and covert corporate strategy* as a topic of research implies the need to locate it in the realm of IR and intelligence studies – while approaching it in a multidisciplinary context.

#### **3.1 Ethics of Commitment**

All research conducted at the University of Strathclyde must comply with the university code of conduct. In this section I will discuss questions of ethics, objectivity, and my responsibility towards the privacy and well being of my research subjects. I will consider these questions guided by Van der Velden who introduced me to the *ethics of commitment*. (Critchley, 2007, cited in Van der Velden, 2009: 14-17) Of course, everyone is normatively committed; however, I think it is important to recognise it, by

making explicit how I locate my work and how I position myself as a researcher. Van der Velden adds a string of questions to outline commitment; questions not normally considered questions of research ethics:

How do we decide what story we want to tell with our research? How do we consider our relationship with our research subjects? What is the relationship between research ethics and research methods? What is the nature of our objectives? (Van der Velden, *ibid.*: 17)

My position as a researcher is determined by my involvement with my research subject, as will be detailed below. As an activist investigator with buro Jansen & Janssen, I gained extensive practice in analysing how the authorities deal with their critics. Exposing cases of surveillance and infiltration, attempts to recruit informers and other forms of espionage, have always been an essential part of my work. Ultimately, exposure of secret operations is one of the ways to challenge (illegitimate) exercises of power. Approaching the subject in an academic context, I expect to broaden and deepen my knowledge.

### **3.1.1 Commitment and research**

Universities are sites of both domination and contestation. (Giroux, 1983, cited in Stavrianakis, 2006: 149) As a consequence, research is by definition a political activity. ‘What academics choose to research (and what they put on their teaching syllabi) is intimately related to their worldviews and value systems.’ (Stavrianakis, 2006: 150) ‘All knowledge of cultural reality... is always knowledge from particular points of view.’ (Weber, 1949, cited in *ibid*) Although, as Stavrianakis (*ibid*) argued ‘there is no view from nowhere’ – today only research that challenges the mainstream is thought to be political. However, political and social interests are not ‘add-ons’ to an otherwise transcendental science that is inherently indifferent to society, Harding (1991: 145) stated: ‘scientific beliefs, practices, institutions, histories, and problematics are constituted in and through contemporary political and social projects, and have always been.’ Most academic research is shaped by institutional conventions and funding

practices. These conditions lead to research that tends to serve the dominant administrative and commercial interests best. For instance, Simpson (1994) argued that the structure and growth of mass communication research as an academic discipline in the United States was powerfully shaped by military and intelligence input in the 1950's. The relationship was of specific importance for the development of the U.S. national security's psychological warfare programs. Another graphic illustration of the consequences of such constitutions for the discipline of International Relations (IR) is provided by Herring. (2006:105) British IR academics, he argues 'produce very little primarily empirical work which documents the record of the British state in creating human misery abroad' (such as hunger and illness through sanctions or repression by taxpayer/subsidised arms sales). In addition, they engage in very little research exposing the (self-)deceptions deployed by the British state to deny its responsibility for such human misery. (ibid.: 111) Thomas and Wilkin (2004), for instance, assessed a broad range of British and American IR publications between 1998 and 2003 and concluded that the coverage of the South was dominated by analyses which framed the South as a problem for, and a threat to, the North. Meanwhile, the work of exposing and challenging oppressive aspects of British foreign policy has been carried out predominantly by non-academics (such as John Pilger, Mark Curtis and Mark Thomas). (Herring, op. cit.: 105) An institution of the elite, Herring concluded, it tends not to occur to academia to challenge that elite. The work needs to be done, nevertheless. But by whom? There is a substantial amount of progressive IR scholarship in US and British universities, just as elsewhere. Herring argues for a collective approach of activist scholars to find ways of coping with the pressures of academic funding and rating requirements. His basic principles for academics to flourish as activist scholars primarily engage with the risk of being accused of sacrificing scholarly standards to politics. An important means of upholding scholarly standards, is making one's activist values and their political implications explicit, Herring argued. (ibid.: 112)

The discussion about the presumed tension between mainstream research and activist scholarship goes back to the late 1960s when American sociology reached a paradigm crisis. Existing structural functionalist theory, with its emphasis on consensus and

system integration, could not easily accommodate evidence concerning the growing power of corporations, political malfeasance, or, at that time, the war in Vietnam, in short, issues that pointed to conflict in society. Lehman and Young (1974, cited in Lee, 1993: 150) proposed 'conflict methodology' instead, and suggested sociologists work alongside for instance radical lawyers to provide various forms of advocacy. Lawsuits and freedom of information legislation could be used to secure data about the operations of large bureaucratic agencies and corporations. Ideally, the imbalances in the provision of information favouring powerful organisations would be overcome. In addition, sociologists would need to be involved in the development of radical strategies for community organisation and mobilisation. Ever since, conflict methodologists (or radical researchers as they were called in the 1990s) were feared to be biased, while presumed to be convinced that 'powerful organisations have a malign influence on society.' (Lundman & McFarlane, 1976, cited in Lee, 1993: 152)

Like the American Political Science Association Caucus for a New Political Science, founded in the 1960s and still active today, I reject the notion that the study of politics can be objective in the sense of being politically neutral. The claim of neutrality is actually the partisan defence of the status quo against democratic challenge. (cited in Herring, *ibid.*: 113; also see: Barrow, 2008) In his plea for militant ethnography Juris took this one step further, denouncing the 'intellectual bias' of the position of the outside observer construing the world as a spectacle:

The tendency to position oneself at a distance and treat social life as an object to decode rather than entering the flow and rhythm of ongoing social interaction hinders our ability to understand social practice. (Juris, 2008: 20)

Addressing the issue of the relationship between ethnography and political action, Juris argued that the two are complementary: 'it is possible to produce ethnographic accounts that are rigorous *and* useful for activists.' (*ibid.*: 19)

Likewise, Stavrianakis (*op. cit.*: 154) tried to make a subtle distinction, fruitful to fully comprehend activist scholarship. Although 'activist academics explicitly acknowledge that there are competing forces within society and seek to ally themselves with those challenging oppression', she emphasised that scholarship is a different social activity

from campaigning. ‘While both are politically situated and motivated, the primary aim of campaigning is to generate change, while the primary aim of scholarship is to generate truth (which can only ever be situated and partial).’ (ibid.:152) The implications of this position are applicable to my research as well. The research is not conducted for campaigners per se, and the research agenda is not defined by what is campaignable. And yet, this research does have implications for campaigning although it might not be directly relevant. Hopefully, eventually, the findings add to an increased awareness of the risks of infiltration amongst the targeted groups and other critics of TNCs. Furthermore, this thesis discusses issues as raised within the Swedish Resistance Studies Network, aimed at understanding resistance and social change as it seeks to answer ‘in what ways the structures of the power relations [influence] the articulations and effects of resistance?’ (Vinthagen & Lilja, 2007: 18; also see: [resistancestudies.org](http://resistancestudies.org)) But ultimately my research addresses wider issues of a more general concern. In this thesis, I intend to situate *activist intelligence and covert corporate strategies* within a framework of theory on globalisation, (corporate) power and engineering consent. Essentially, my thesis attempts to discover and identify certain patterns of prevailing power relations within society, including the construction of knowledge, and to challenge these relations. (Harding, 1995: 120) Following insights of feminist standpoint theory<sup>5</sup>, this research is motivated by the experiences of people who have been left out of the production of knowledge.

Harding (1986) and Hartsock (1983) argue that knowledge produced from the point of view of subordinated groups may offer stronger objectivity due to the increased motivation for them to understand the views or perspectives of those in positions of power. (Naples, 2007)

Approaching the research process from the point of view of ‘strong objectivity’ implies an interest in producing knowledge for use as well as for revealing the relations of power that are hidden in traditional knowledge production processes.

Strong objectivity acknowledges that the production of power is a political process and that greater attention paid to the context and social location of

knowledge producers will contribute to a more ethical and transparent result.

(ibid.)

My research starts from the perspective of groups critical of large corporations involved in political resistance. By showing how some corporations attempt to control and undermine their opponents, I intend to create a more objective account of the world – as such this research can be understood as a case of what Harding calls strong objectivity.

My commitment, as explained below, originates from my work with buro Jansen & Janssen, and more specifically from my involvement in supporting groups that were infiltrated by either the state or private spies hired by corporations. In an academic context this could be understood as ‘advocacy’ aimed at empowering a marginalised and oppressed constituency by making them visible and audible. (see section 3.1.2)

Exposing those stories was part of the Jansen & Janssen work, challenging the power of the responsible authorities. My commitment nourished my need-to-know, and inspired my quest for a wider and deeper understanding of what was behind the stories I encountered. This research is a result of that quest. To summarise, the choice of the topic of research was inspired by my commitment, and my involvement provided access to much of the source material (as will be detailed below). But this pre-trajectory does not automatically put this research in the realm of ‘politicised’ or ‘critical scholarship.’ Although *I* may be driven by political commitment and identify with broader struggles for social change, my research as such is not.

The methodology applied in this research was not specifically innovative or otherwise challenging the mainstream – on the contrary it was a solid approach of analysing a huge amount of detailed data and interpreting them in their specific context. The approach included interviews, cross-referencing and triangulation when and where possible, and extended to requests under the Freedom of Information Act to unearth additional source material. As with any scholarship, my research involves generating truth, as much truth as can be uncovered, and freedom of thought in trying to uncover it. (Herring, op. cit.: 112) As explained in chapter 1, the body of this research is made up by well-documented case studies of corporate intelligence gathering and strategising. The source material permits a detailed description of the research field from a wide variety of

perspectives. Furthermore, the micro-level case studies allow causal analyses of macro tendencies in the social order. (Harding, 1991: 149) The analyses point at more generalisable concerns such as the engineering of consent and other issues of power in the network society and the age of globalisation. Additionally, the literature overview points at serious gaps in the knowledge about the issues researched. The fact that various disciplines considered fail to address the issue, confirms Herring's observation that (British) academics are reluctant to engage in challenging the constitutions of power at home,<sup>6</sup> and substantiates the need for further research.

### **3.1.2 Advocacy and trust**

A chapter on ethics and methods requires some account of how experience can stand as evidence, and whose experiences count and why. This is especially so on a terrain where, as Code (2006: 51) puts it, 'credibility is unevenly distributed and testimony often discounted or denigrated on the basis of whose it is.'

Buro Jansen & Janssen investigated the ways in which social movements were curtailed and undermined, by supporting people and groups that had involuntary involvements with police, intelligence agencies or their corporate counterparts, and by exposing their stories. Effectively this work is a matter of translating experiences: representing someone or some group in order to counter patterns of silencing or discounting. (ibid.: 165) In an academic context, as was argued above, this constituted a practice of what Code defined as 'advocacy,' a useful method in any situation where 'hierarchical divisions of epistemic power and privilege structure the constitutive relations.' (ibid.: 184) It also fits the notion of standpoint theory and strong objectivity (Harding 1991; 1995)

Buro Jansen & Janssen was rooted in the same network of movements it sought to support, which gained the trust that was a pre-condition for groups to share their experiences. Likewise, this background facilitated access to most of the research material underpinning the case studies in this research, while the years of experience provided the required knowledge to comprehend both the specifics of the situations and

the corresponding documents. In hindsight, much of what could be called the fieldwork for this research was accomplished during the Jansen & Janssen period. At the time, I was not an academic, so there was no need to think about the choice to be either ‘just politically engaged’ or ‘also collaborative’ as there was no divide between ‘researcher’ and ‘object of research’. (Juris, op. cit.: 20) For the same reason, my position can not be defined as a (covert) participant observer either. Likewise, I do not see the people I worked with as a research population. The people involved in the investigated cases have an active role or rather, a set of roles. They are the targets of the intelligence operation, objects of research as well as investigators of what has happened to their group; they sometimes are a source of evidence as well as a reference to check information for the researcher – they are key informants of this research. Furthermore, the fact that I was not a member of the groups investigated implied a position as a relative outsider and fostered a critical distance.

Advocacy demands a relation of trust, and in this context my position requires some further exploration. As explained above, our background in similar or overlapping circles of activism vouched for buro Jansen & Janssen when it came to reaching out to people and groups that had been spied upon. However, our strategy of exposing cases of infiltration was not always seen as being in the best interests of the people involved.

A group that has experienced infiltration often wants to return to business-as-usual sooner rather than later. Dealing with surveillance and infiltration is not part of their core activities, it is often regarded as a waste of time and contrary to the aims of the group. It can also be uncomfortable, even painful, as it involves profound breaches of trust.

Feelings of discomfort and disturbance at the personal level are matched with fears that the effects of exposure are counterproductive for the group at the organisational level. To have their experiences with spying and infiltration published, could position them as careless or sloppy with security; it could keep possible allies or whistleblowers from sharing crucial information. For similar reasons, groups often refrain from taking legal action. Of course, in the absence of a legal framework the option to file a complaint or to report a crime is rare. The remote chance of success fuels the reluctance to allocate money and energy in moves regarded as counterproductive for the organisation.



Materialising here is a clear conflict of interest that sometimes hindered cooperation in investigations. Whilst groups had understandable reasons not to go public, Jansen & Janssen's aim was sometimes regarded as yet another disturbance. In order to help a group understand what had taken place, what it meant, and to advise them how to prevent it from happening again, required an in-depth investigation of each case of infiltration. Exposing well-documented cases seemed consistent as a next step. I conceived such activity as part of a wider struggle against the repression of critical voices, necessary to a vibrant democracy. Instead of acknowledging the existence of conflicting interests, the problems between an activist group and buro Jansen & Janssen were sometimes dealt with as irritations on the personal level, or – worse – as differences in political views.

During my time with buro Jansen & Janssen, I have also worked as a consultant for NGOs to raise security awareness. The work involved screening organisations on a wide variety of levels ranging from their door policy to personnel management and recruitment policies, using methods such as in-depth interviews covering different parts of the organisation. However, the plans subsequently developed to raise security awareness within these groups, proved to be difficult to implement. Openness is for many activist groups and NGOs a highly respected principle. In relation to the need for new members (see the Introduction and chapter 2), openness and inclusivity often form an essential condition for survival. Measures of caution are often experienced as superfluous secrecy or as counter-productively creating paranoia. Raising security awareness was a goal difficult to achieve for buro Jansen & Janssen as it contradicted with the other interests of the groups involved.

Reflecting on these problems in the context of my research, I have learned to understand them as affected by issues of trust. (Nevejan, 2007: 123) In any project that requires cooperation, it is important to acknowledge that everybody involved has different skills and qualities, and therefore different responsibilities. Too often, differences of opinion are either not taken seriously, or sacrificed for the greater good. Likewise, different interests or preferences for specific strategies can be understood as deviations from the 'right political line.' Acknowledging differences in political views, strategies and

conflicts of interest is a prerequisite for building trust, which is crucial to the fieldwork in this research – as in any other. These understandings also represent essential elements of the ‘ethics of commitment’ as they are not only an effort to analyse ‘the nature of our objectives,’ but also ‘to consider our relationship with our research subjects.’ (Van der Velden, *op. cit.*: 17)

In a broader context, these experiences show that infiltration as a strategy to undermine corporate critics has damaging effects regardless of the sensitivity of the information gathered. Essentially, the fear of being publicly associated with infiltration is harmful in itself. At the personal level people are hurt, while at the organisational level the work of the groups is disturbed. The focus on the possible damage of exposure keeps people from making a serious assessment of the actual damage of an information gathering operation. Moreover, the perception of publicity as counter-productive leads to a form of self-censorship. The reluctance to expose detailed findings implies abandoning the opportunity – waiving the rights – to hold corporations accountable for their practices of abusing power. The fact that few political organisations who have been victim of infiltration are willing to take official action which might disclose the extent of the operation, is confirmed by Brodeur of the University of Montreal who studied the policing of political activities (and introduced the concept of ‘high policing,’ discussed in chapter 2). From 1979 to 1981, he was involved in the Keable inquiry into police wrongdoing in Québec, and he concluded that for political groups revelations about the extent of infiltration are ‘liable to drastically reduce their credibility in the eyes of other movements and their membership.’ (Brodeur, 1983: 510) Ironically, he argues, this makes the victims partner in secrecy with police, politicians, the courts and the press. (*ibid.*) The police, well aware of this reluctance to expose experiences, deliberately spread rumours of infiltration to destabilise political groups. Additionally, appendix 7 analyses how infiltrators play on trust and use the open character of groups to enter activist circles.

The issues that arise regarding the exposure of cases of infiltration illustrate the chilling effects of covert corporate strategy. The fear of being associated with espionage keeps the groups involved from addressing the issue in a public debate. This dilemma indicates

a need for evidence-based research, and a contextualisation of the research problem at a theoretical level. Substantiation is essential on the road towards comprehending the meaning and the effects of infiltration and espionage. Furthermore, in order to understand the significance and the implications of the research problem, corporate spying needs to be understood in the broader context of corporate strategy. Research in the academic context allows issues to be addressed at that level.

### **3.2 The Case Studies**

For this thesis I have brought together several examples of corporate infiltration of and covert strategies directed against activist groups. In this section, I will explain my selection and discuss the encountered limits.

The five case studies make up the substance of the evidence base of this thesis. The selection of these specific case studies relates to my intentions with this PhD project to claim recognition for activists' experiences of spying and infiltration, and to introduce *activist intelligence and covert corporate strategies* as an academic topic of research. In order to reach these goals a set of detailed examples seems an indispensable first step.

The case selection was determined by the following criteria: the availability of source material, coverage of the full spectrum of the research field, additional cases already researched, and my own – previous – involvement in investigating some of the cases. The selection was limited by lack of choice that comes with the specific field of research and the natural restraints instigated by the framework of a PhD project.

Essentially this research is a data-driven qualitative inquiry based on documented evidence, (Hammersley, 2008; 1993; Hall & Hall, 2004), closely related to investigative reporting. (Northmore, 1996) The primary sources include internal corporate strategy reports, an academic assessment of a corporation dealing with critics, surveillance reports and witness statements used as evidence in legal action, spy files documenting surveillance and infiltration as well as covert strategy proposals.

The main criterion for the selection of case studies for this project was the availability of original source material. Evidently, any review of cases needs to be well referenced and

well documented. Given the nature of my thesis, reliable substantiation is particularly important to underline the relevance of this topic. However, original source material on spying and covert action is not easily accessible – on the contrary, intelligence operations necessarily take place in secret, under cover. Data on such operations are confidential by nature, prepared for the client’s ‘eyes-only.’ Often this information only surfaces through leaks, whistleblowers, or coincidence, and through vigorous research by investigative reporters, activists, or academics – as will be detailed in the last section of this chapter. These circumstances also suggest that there was no such thing as a wide collection of available, documented cases to choose from.

The involvement of buro Jansen & Janssen in earlier phases of research into some of the cases detailed below extended access to secret documents that are not in the public domain. The McSpy case, the Jobbing Spy case and the Threat Response case – are all based on detailed spy files. Essentially, the research for this thesis could not have been accomplished without the data that the initial involvement provided.

The access was not a self-evident outcome of the cooperation between buro Jansen & Janssen and the targeted groups. People who had been spied upon were understandably reluctant to share the files that represented severe breaches of trust and privacy. In all three cases, the material was provided for research purpose only, and not for publication. Consequently, the files have not been included as an appendix.

To accomplish the aspiration to outline the full spectrum of the research terrain, each of the five case studies sheds light on a specific part of the issue. The following section introduces the case studies, and describes the primary and secondary sources each one is built on.

### **3.2.1 Case study 1 – Rafael Pagan**

The first case study describes the roots of *covert corporate strategy* in the early 1980s. It analyses two examples of the work of Rafael Pagan who was hired by Nestlé and Shell respectively to deal with worldwide boycotts against the companies.

The first example is based on an extensive academic assessment of how Nestlé dealt with boycotts addressing the marketing of infant formula in the developing world, carried out by Professor S. Prakash Sethi (1994). The book was published after the dust had settled, but the research had started before the end of the boycott was agreed. Sethi had managed to win Pagan's trust, and gained access to most of Nestlé's confidential strategy documents and internal communication. Long hours of interview with Pagan (20 hours spread over 12 months), with his strategy staff and with Nestlé's top management added an extraordinary level of insight to the source documents. My attempt to get direct access to the source material failed. It was a long time since the project was completed; most of Sethi's notes, earlier drafts, and interview materials had been destroyed. Because it was a controversial project, all the interviews were done on a confidential basis with the understanding that these materials would not be released without the consent of the people interviewed, Sethi explained in an email on 16 November 2006. Moreover, most of the people involved in Pagan's company and its successors, have either retired or died.

Arguably, Sethi's book could be considered a secondary source, but there are convincing reasons to treat it as a primary source as well. Sethi was hired by Pagan as 'an advisor.' (Smith & Katzin, 1987), while he was conducting his research into the Nestlé case. He was also named as the 'project manager' for the 'university strategy' in the detailed plan Pagan developed for Shell – the second example in this case study. This effectively made Prof. Sethi a member of Pagan's team, and accordingly his assessment also a primary source.<sup>7</sup>

The primary source in the second example is an extensive plan for Shell to deal with the anti apartheid boycott, called the *Neptune Strategy*. (Pagan, 1986) The confidential report was leaked to the press in 1986, and a stencilled copy of the 256 page document reached buro Jansen & Janssen. Since Shell acknowledged the origins of the document and Pagan as its author, it proved to be a suitable primary source for this research.

Primary and secondary sources to profile the work of Pagan, his strategy, staff and the companies involved consisted of scholarly articles authored by Pagan and others about the Nestlé boycott. To profile the Nestlé boycott and the exposure of the Neptune

Strategy, a variety of sources have been used, such as books and press articles, campaign brochures and PR newsletters, as well as correspondence between Pagan and Church authorities. A Dutch television documentary showed interviews with Pagan and Shell staff, with a spy who had acted as a journalist, and representatives of targeted activist groups.

### **3.2.2 Case study 2 – McSpy**

The second case study examines the consequences of hiring two separate private investigation agencies to spy on a small group of campaigners, as McDonald's did in the case of London Greenpeace (not related to Greenpeace International). It also explores the cooperation between those private investigators, the company that hired them, and Special Branch.

The primary sources for the McSpy case study consist of the court transcripts of the McLibel Trial. The infiltration of London Greenpeace was disclosed during the legal proceedings filed by McDonald's over the contents of a pamphlet produced by the group. Apart from the four identified private agents called to give evidence, the court also questioned the McDonald's staff responsible for the investigation. The court transcripts provide a record of the hearings in the courtroom as registered by the stenographers. Additionally used as primary sources are the notes made by the private investigators at the time of the infiltration, which was six years before they were heard in court. Although made available as evidence in the court, the notes are not in the public domain as such; Helen Steel allowed me to review them. However, important parts of the notes have been quoted during the cross-examinations, and subsequently these parts can be found in the court transcripts. When quoting from the notes, I referred to the Court Transcripts where possible. If not, I used the copies of the notes, identified by author and date of the meeting reported

Interviews with the defendants Helen Steel and Dave Morris who were part of London Greenpeace at the time provided a valuable data seam. Primary and secondary sources to verify the court documents and the infiltration operation include a taped interview with

one of the private agencies who gave evidence for the defendants, a documentary about the McLibel case, books and press articles about the trial and journal articles featuring the McLibel trial as an example of PR backlash.

### **3.2.3 Case study 3 – Cybersurveillance**

Cybersurveillance is covered by the third case study, focussing on the consequences of online monitoring. This includes the opportunities for propaganda and sabotage on the internet. The chapter profiles three different online intelligence agencies who had been involved in covert activities on the internet, targeting critics of large companies, and were subsequently exposed.

Primary sources involve a PowerPoint presentation that leaked to the press. The presentation proposed a strategy for the electronics industry to deal with groups campaigning for regulations on toxic waste, and recommended a specific online intelligence agency. The sources used to profile the agency and its efforts to deny the story included a protracted email exchange with the founding director of the agency, and several articles, lectures and interviews about online monitoring by the agency founder and by his staff. Secondary sources were articles about the exposure, online interviews with representatives of several of the targeted groups, and Greenpeace visitor statistics indicating the monitoring of its website.

Another example examines a cyber sleuth agency. A *BusinessWeek* article exposed the services with a real-life account of ‘rooting out online perpetrators,’ provided by the manager of the online intelligence agency. Primary sources used to profile the agency and its efforts to deny the story included an interview by email with the spokesperson for the company and her superior, interviews with the author of the *BusinessWeek* article and three other journalists who had written about the exposure and the denial. The website was still online the moment the spokesperson denied it had ever existed. Technical artefacts, such as a screen grab of the content of website offering the cyber sleuth services, the URL of the website, and the changes in the links announcing the services, are part of the data corpus.

Primary and secondary sources to outline the backgrounds of the operation revealed in the *BusinessWeek* article included several court memoranda, scholarly articles, and reports of civil rights groups on the case. To profile the company that took over the cyber sleuth services after the exposure, only secondary sources such as media reports were used, as the company did not answer repeated requests for an interview.

The third and last profile in the cybersurveillance case study explains how Monsanto and its online PR-company manipulated online discussions and attacked critics of genetically engineered maize. The companies had created online identities exclusively for this purpose. As far as is known, this was the first time that the use of (fake) electronic personae had been convincingly proved.

This part of the case study is based on the investigative research of Matthews (2002, 2003) and Rowell (2002, 2003). In order to use their research as a primary source, the technical investigation into the 'true identities' behind the screen names has been repeated and verified. The source material includes registration details on servers, domain names and IP numbers, as well as the headers and content of the postings of the fake identities. The profile of the online PR company and the Monsanto internet specialists is based on both primary and secondary sources such as presentations and articles about online interventions by the staff involved as well as media coverage (newspaper articles and online publications) about the company and its work. The denial of involvement in manipulating online discussions is sourced by two letters to the editor (to the *Guardian* and the *New Scientist*) by the director of the firm, and a *Newsnight* interview by its PR manager, and three columns on the subject by George Monbiot in the *Guardian*.

The website providing the stage for the promotion of genetic engineering in general and the online covert strategy in particular is profiled by the autobiographical information its founder provides online, and technical data linking the website to the PR company. The involvement of the American Enterprise Institute (AEI) in the main lobby campaign launched at this website is documented by an annual report of the AEI, while one of its staff members identifies himself as a co-founder of the website project.



### **3.2.4 Case study 4 – Jobbing Spy**

The fourth case study, the Jobbing Spy, illustrates the methods of the modern mole as well as the blurring boundaries between the formally divided worlds of state intelligence agencies and their private counterparts.

The case is primarily based on research by an activist group in Switzerland, *Revolutionäre Aufbau*. They exposed a member of their group as an infiltrator and a spy. Acting on looming suspicions they found out that his house contained an archive of intelligence files. The documents indicated this individual called Manfred Schlickerrieder, worked as a freelance spy for state intelligence agencies, as well as for corporate clients. The Aufbau group published reports of their research on the internet, illustrated by a selection of the intelligence files.

The primary source for this case study is a set of the discovered documents on a CDrom (the ethics of using these data will be discussed below). A two-day meeting with two of the Aufbau researchers, to exchange information and experiences (including participation in a public panel discussion in Germany just weeks after the exposure), provided many insider details. The Aufbau group also provided reports of their research, not all of which had been published. It included, for instance, the rough recordings (90 minutes) of an interview with a business journalist who had investigated the corporate assignments of the freelance spy. Further primary sources consisted of interviews with members of some of the targeted groups, such as Greenpeace Germany and various Dutch groups to verify the documents, to find additional source material, and to add a perspective on the work of the spy.

An expert on intelligence services in Germany, interviewed by email and by telephone, had his contacts within the agencies verify the authenticity of the files.

Profiling the private company who paid for the corporate assignments, Hakluyt & Co, was done using the Lexis Nexis database of printed media, in-depth google search sessions and other publicly available sources such as Companies House in the UK. The denial of involvement of spying - by this company and by its clients BP and Shell - was based on primary and secondary sources, phone calls with the press contacts of the

companies, and the accounts of the Aufbau group and the journalists who first reported the exposure.

### **3.2.5 Case study 5 – Threat Response**

The fifth case study, Threat Response, examines how intelligence gathered via surveillance and infiltration can be used to develop strategy to undermine the campaigns of the targeted group.

The case is based on two separate investigations into the same private intelligence operation, five years apart, on both sides of the Channel. A set of files provided to the *Sunday Times* by a whistle blower and disclosed in that paper in 2003 confirmed the outcomes of an investigation by Jansen & Janssen exposing a spy who had infiltrated activist networks in several countries on the Continent in 1998.

The primary sources for this case consist of a set of spy files detailing the activities of the Campaign Against the Arms Trade (CAAT) and advising on how to counter the work of peace groups. Research by David Connett and Michael Gillard of the *Sunday Times* revealed that the reports were drawn up by Evelyn le Chêne, the owner of a private intelligence agency, and paid for by British Aerospace.

The spy files revealed that Adrian Franks, the spy exposed in 1998 was indeed selling *activist intelligence* to companies. In fact, the agency owned by Evelyn le Chêne, was the parent company of his Normandy affair. Moreover, Evelyn le Chêne and Adrian Franks were related not just through business – they are mother and son as well.

The Jansen & Janssen research into Adrian Franks was instigated by two separate anonymous letters implicating him in foul play. Open sources such as the French public registry offices, telephone directories, and the French equivalent of the Companies House confirmed the personal details given in one of the letters. Interviews with a range of people in activist groups who had worked with the suspect in 1997 and 1998 corroborated the allegations about apparent lies about his activities in the second anonymous letter. Less conventional methods of discovery included a visit to his house in Normandy, and a staged meeting to confront him with the findings.

The research into the spy files conducted by the *Sunday Times* provided a first source, it included some confidential details about the origins of the files discussed in the section on credibility of sources below. The CAAT Steering Committee reports are primary sources detailing the internal investigation into the contents of the spy files and allegations of members of the group acting as a spy. A complaint filed with the UK Information Commissioner confirmed the passing on of information to Evelyn le Chêne. Ciaran O'Reilly, a peace activist, provided a reconstruction of the work of one of the other infiltrators undermining a non-violent peace group in Liverpool. The impact of the exposure of the spy files was documented by interviews with members of the CAAT and its Steering Committee, further coverage of the exposure in the media and discussions about it in online forums.

The profile of Evelyn le Chêne and her company is based on primary sources such as her own books, lectures and articles, and autobiographical information provided in those publications.

The issue of trust as discussed above is convincingly illustrated by my experiences in London. My contacts at CAAT had reluctantly accepted my access to the whistleblower's spy files through the *Sunday Times*. The assurance that the outcomes of the research would be of practical use for CAAT had convinced them. In return for their trust CAAT was given the opportunity to review the outcomes before they were published. A first analysis of the infiltration based on the intelligence reports, specified what kind of activist information was apparently of interest for the spies and for the company. The next phase was to link these findings to the opportunities they provided for the company to counter CAAT's work and activities.

The fact that my contacts at CAAT were 'impressed' supported the belief in the additional value of my analyses in cases like this, interpreting cases of infiltration as an intelligence operation. My specific Jansen & Janssen knowledge provided perspectives that had not yet been taken into account by the organisation involved. The Threat Response case study builds on this earlier research. (Lubbers & Van der Schans, 2004)

### 3.2.6 Limits

By mapping various cases of *covert corporate strategy*, both in the past and present, at several locations in Europe and the US and in real life as well as on the internet, this research details at least some of the different ways activist groups are infiltrated, undermined and contained.

The choice of case studies was influenced by the novelty of the research terrain and the desire to cover large parts of the field of interest; just two or three examples would not have been enough. On the other hand, five cases – extensive both in description and analysis – proved to be a maximum within the available PhD framework. Cases like this are incredibly time-consuming and although several stories have come to light in the recent years, to initiate more research was – unfortunately – beyond the scope of the project. (see Taylor & Lewis, 2009; Temps Present, 2008; Webster, 2008; Ridgeway, 2008; Schlosser, 2008)

Not included for similar reasons are cases that have been sufficiently investigated and extensively documented by other investigative journalists, researchers, activists and academics. To substantiate the need for significant examples on corporate counterstrategy, this body of research needs to be understood and situated in the tradition of existing work on related issues. (Stauber & Rampton, 1995, 1998, 2001, 2003, 2004, 2006; Helvarg, 1994; Rowell, 1996, 2003; Beder, 1997; Dinan & Miller, 2008; Hager & Burton, 1999; Committee on Interior and Insular Affairs, 1992, O'Donnell, 2002)

Finally, there are some other limits maintained for practical reasons. The covert strategy discussed here are among the strategies used in the rich countries of the Western world. Whether they are applied elsewhere in the world is beyond the current focus. (For work on corporate strategy that include corporate use of armed force, torture, rape, kidnap or even murder, see Swanson, 2002; Drohan, 2003; Martens & Schürkes, 2004; redflags.info, 2008) That said, the intelligence gathered from groups in Europe and Northern America, may include information about people involved in resistance against TNCs in the South. Such details may have serious consequences in countries where people get killed for taking part in opposition. This can be illustrated by a recently

exposed example of Nestlé infiltrating the Swiss chapter of Attac in 2003-2004. One of the activities of the group is supporting people in Colombia in their struggle against Nestlé. (Losa & Ceppi, 2008) Early in 2005, a union man was brutally murdered in Colombia, he was tortured and stabbed 40 times. Luciano Enrique Romero was killed shortly after he filed a wrongful termination lawsuit against Nestlé. His widow recently joined a law suit against Nestlé in the US; the company is charged with acting in complicity with the paramilitary. (Bussey, 2006) A court case could reveal whether there are connections between the infiltration in Switzerland and the murder in Colombia.

### **3.3 Hidden and Dirty Data**

Writing about intelligence agencies and their covert operations needs to be accountable and verifiable, an obvious demand for most research, but more complicated to establish in relation to the issues at stake here. The source material is – almost by definition – hard to access, maybe secret, and often difficult to comprehend. There is a general lack of research in this field (chapter 2), and accordingly there is a lack of literature on the specific methodological questions around the gathering and processing of secret information. This section addresses issues involving the discovery and the use of ‘hidden and dirty data’ as source material in this work.<sup>8</sup>

#### **3.3.1 Dirty data defined**

Unfortunately, as a result of the general lack of research in this field, most literature fails to provide methodological apparatus needed for analysing secret data. Even the recent *Handbook of Intelligence Studies* (Johnson, 2009) does not deal with the specific problems of approaching intelligence reports on surveillance and observation as research data. Addressing the dirty data discovery problem in qualitative scholarship, Shulman examines several forms of surveillance exclusively as unobtrusive measures to gather data. The literature puts examination of secrets and lies in the context of the researcher’s need to deal with potentially deceptive behaviour of informants. (Scheppelle, in Shulman, (1994: 219) Likewise, literature approaching secrets and the use of ‘front

organisations' in a more theoretical way, also fails to identify means to access dirty data. (Rourke, 1961; Tefft, 1980; Bok, 1982) Shulman concludes that '[a]ppraisals of non-academics' investigative methods are conspicuously absent, particularly of their social scientific utility for accessing dirty data.' (Schulman, op. cit.: 215)

One of the few scholars to have written sociologically about the use of secret information is Gary T. Marx, presently professor emeritus at the Massachusetts Institute of Technology. Building on his substantive investigations on topics like agent provocateurs, undercover work and muckraking, Marx puts 'hidden and dirty data' at the far end of the continuum of types of data, as opposed to information that is publicly available, unprotected and open data. His assessment of the dirty data problem does indeed relate to key issues at stake in this form of research. He defines *dirty data* as 'information which is kept secret and whose revelation would be discrediting or costly in terms of various types of sanctioning.' (Marx, 1984: 79) Most – if not all – of the source material used in the underlying research fits this description.

### **3.3.2 Hiding data**

There are many barriers to data collecting, even when the information sought is not particularly secret. To summarise a few of the difficulties commonly encountered in investigative research: concern for privacy; suspicion of – or reticence towards outsiders asking questions; a lack of reciprocity in the researcher-researched relationship; a desire to keep information from rivals or competitors; and a wish to put forward one's best face or group image. (Marx, op. cit.: 81; also see Douglas, 1976) Discovery is more difficult, however, when data are in some way *hidden and dirty*. Organisations attempt to protect their information. The variety of strategic actions designed to mislead and to limit what can be discovered, are notoriously used by intelligence agencies, but Marx thinks they are available for any organisation with information to hide:

Organisations may attempt to limit the damage from accidental or coincidental discoveries by diffusing and hiding responsibility, by having 'need to know' rules (even for those who are highly trusted), by compartmentalising activities,

by using code names and a cell organisational structure, by delegating dirty work in a non-traceable way, by having mechanisms which insulate higher status persons from traceable ‘contamination,’ by eliminating witnesses, and by having contingency cover-up plans. Paper shredders and refuse burned under guard are means of thwarting garbage detectives. (Marx: op. cit.: 94)

The companies I investigated had taken such measures. They were revealed when their secret operations were exposed, as the case studies will show.

As discussed in chapter 2, the interest in maintaining secrecy may be much stronger when illegal or immoral actions are involved and the costs of public disclosure high.

Marx adds a crucial observation:

We may be dealing with people who are specialists at maintaining secrecy and deception. They may be part of organisations that routinely mislead or obscure. The issue can go beyond the withholding of information to offering what, in the intelligence trade, is called ‘misinformation’ and ‘disinformation.’ (op. cit.: 81)

Both PR people and intelligence agents can be considered ‘specialists at maintaining secrecy and deception,’ and I indeed encountered efforts to mislead and obscure as will be detailed in the concluding chapter.

### **3.3.3 Discovery of dirty data**

The measures taken to keep data hidden complicate discovery. For Marx, the ability to uncover hidden information in modern societies depends on a variety of complex organisational, technological, and legislative processes. Social scientists need to adapt such processes to their own purposes. Hidden information is yielded up in four broad ways, which Lee, in his 1993 overview of Marx’ work, summarised as a. unwitting disclosure, or deception; b. enforced disclosure, or legal documents; c. volunteered disclosure, or whistleblowers; d. uncontrolled contingencies, or by accident. In the next part of this section, I will discuss the gathering of dirty data for this research project, using the typology developed by Marx.

For this research I have not used deception as a method to gather information. However, I have handled information obtained via deception by others as will be explained below. Chapter 7 is based on the files discovered in the office of someone who was subsequently exposed as a spy, and thus contains secondary analyses of dirty data. Moreover, because the field of *activist intelligence and covert corporate strategy* may sometimes need unconventional research tactics, it is important to discuss the issue.

The use of deception can be problematic for social scientists for a variety of reasons. The discussion about deception goes back to the mid-1970s, when Douglas (1976) criticised fellow sociologists for failing to study the powerful and approaching the social order as homogeneous and co-operative. In his conflict methodology, invasive probing was a necessary response to pervasive secrecy, lies, and hypocrisy in society. Others doubted that social researchers would have the right qualifications to do the probing for the concealed forms of secret abuse. (Bok, 1982: 247-248) Marx was specifically worried about deception as a method to uncover dirty data. It involves 'important ethical issues such as lying, invasions of privacy, manipulation, and involving subjects without their consent.' Or, as Marx put it:

In getting at the dirt, one may get dirty oneself. Seeking data on illegal actions may draw the researcher into illegal activities, and he or she may face temptations not usually considered in graduate methodology classes. (Marx, op. cit.: 97)

At this point the techniques of investigate research overlap with the practice of investigative journalism. A well-known example of the use of 'deceptive' methods, is that of the German journalist Gunter Wallraff (1985a; 1985b, 1987) who exposed the horrific working conditions of migrant workers in German industry in the early-1980s and the misleading and deceitful practices of German's leading tabloid *Bild*. In order to expose those practices, he went undercover and lived the life of a migrant worker and a tabloid reporter respectively. He had to do the trade and be part of it, in order to expose social abuse.

Unconventional methods, sometimes involving deception, are tactics of the last resort: 'an astounding amount can be discovered through intelligence, knowing where to look



and what to look for, diligence, and the cultivation of sources.’ (Marx, op. cit.: 108) And of course, data discovery with unconventional methods need to be questioned with respect to their validity and general application.

The use of deceptive methods should be restricted to a narrow range of issues, for example fake voter registration or discrimination in housing, employment, or law enforcement. In such cases the researcher may present him or herself as a client, patient, stooge, or ally, to see if the expected behaviour is, or appears to be, forthcoming. For reasons of resources and ethics, Marx says, there are limits. The researcher should not ‘take this to a point where actual damage is done, or the law is violated, as with unnecessary surgery, actually paying a bribe, or purchasing contraband.’ (ibid.: 98)

However, Marx is prepared to stretch the rules when it comes to dealing with cases of surveillance, infiltration and other covert operations and summons sociologists to go further and be more imaginative:

[P]erhaps different standards with respect to deception, privacy, informed consent, and avoiding harm to research subjects ought to apply when the subjects themselves are engaged in deceitful, coercive, and illegal activities, and/or where one is dealing with an institution which is publicly accountable. (ibid.: 108)

In the absence of a clear and agreed upon moral framework, Marx proposes a kind of reverse golden rule: ‘persons who violate the public trust are appropriate subjects for investigative tactics that would otherwise be inappropriate.’ (ibid.: 108, f.n. 25) The remaining question of course is, as Marx stresses, who is to decide, and by what decision criteria is it appropriate to conclude that a research subject may be deceived?

The great Catch-22 comes with the (large?) number of cases for which it is not possible to know beforehand that violations are occurring. To exempt such persons from deceptive tactics until probable cause appears makes it unlikely that the wrongdoing will be discovered. (ibid.)

The weakness of this rule is in its character, its disposition of an eye for an eye. Infiltration and spying essentially involve issues of trust and betrayal. The public interest would be a better justification for the use of unconventional methods of discovery.

Sometimes exposure of secret information is necessary to raise issues of importance that threaten democracy.

The German freelance spy in chapter 7 was uncovered as an infiltrator because he was no longer trusted in his private and his public life. Strong suspicions by other members of the Aufbau group justified an investigation into his activities which proved their suspicions were correct. One of the members of the informal investigation group had access to his office, discovered the spy files, and took them.

As explained above, the discovery and initial verification of the secret documents happened before my involvement in this case. The situation however seems to apply to the rules Marx set, and the conditions and circumstances that would justify unconventional methods of discovery in an investigation.

Social research is powerfully configured by structures of inequality in society, as was discussed in the first section of this chapter. Most academic research is shaped by institutional conventions and funding practices. These conditions lead to research that tend to serve the dominant administrative and commercial interests best. For instance, Simpson (1994) argued that the structure and growth of mass communication research as an academic discipline in the United States was powerfully shaped by military and intelligence input in the 1950's. The relationship was of specific importance for the development of the U.S. national security's psychological warfare programs.

These constraints imply that critical research is confronted with situations in which powerful groups and organisations deliberately withhold or distort information that would serve the wider public interest (Lee, 1993: 150; also see Young, 1971) Ideally, the imbalances in the provision of information, favouring powerful organisations, can be overcome by using lawsuits and freedom of information legislation. However, private investigators operate in the absence of a legal frame work and specialise in secrecy. Occasionally less conventional methods are required to secure data about the covert operations of large bureaucratic agencies and corporations.

### **3.3.4 Verification of hidden and dirty data**

Research on corporate spying is comparatively unexplored, as the literature overview showed. As a result of the general lack of research into this field there is relatively little literature on the specific methodological questions around the intelligence operations and secret documents. The secrecy that – almost naturally – surrounds infiltration and covert action complicates and thwarts research into it, and places an extraordinary premium on evidence and data. Writing about intelligence agencies and their covert operations needs to be accountable and verifiable, an obvious demand for most research, but is more complicated to establish for the issues at stake here.

To evaluate source material of qualitative inquiry in documentary investigative research, Scott (1990: 6) developed a simple but effective checklist which includes authenticity, credibility, representativeness and meaning. Of course, Scott says, these criteria are interdependent – and during the actual assessment, there is no simple scoring for each point on the list. The assessment criteria become a part of the professional expertise of the researcher and are applied in more subtle and informed ways. (ibid.: 35) In practice, verification and interpretation are dynamically related in an ongoing process.

### **3.3.5 Credibility and authenticity**

The credibility of documentary evidence requires some special attention, specifically in the context of this research. The content of a text, a surveillance report for instance, may not be what it seems. An important issue is the interests that the author may have in the content of the text, and the extent to which he or she seeks practical advantage that might involve deceiving the readers. Discussing the assessment of documentary evidence in the broadest possible way, Scott (ibid.: 23) warns that ‘many official documents are based on a political interest in presenting one view rather than another, in transforming propaganda into apparently sincere ‘information’ or in justifying a particular choice of action.’ Whether primary or secondary source, intelligence reports are hardly ever ‘free from error and distortion,’ as Scott (ibid.: 6) requires. The intelligence report or the spy note is by definition an assignment, a commissioned document. An intelligence report is a subjective interpretation of what the agent has

observed, possibly influenced by factors as far apart as his or her personal opinions, the – often subconscious – desire to please the client, boredom with the assignment or the opposite – an urge to convince of the continuing importance of the mission. Effects like these can occur in the surveillance reports delivered by the actual ‘agents of observation’ or higher in the hierarchy, in the intelligence analyses and reviews from the agency for the client. (de Valk, 2005) Chapter 4 includes examples of spy reports falsified or exaggerated in order to maintain or increase client dependence on the agency, and the actual provocation of discontent or strikes to drum up the trade. (cited in: *Harvard Law Review*, 1939: 801-802) Likewise, the authenticity of court documents such as the transcripts of hearings (as used in the McSpy case), does not need to be questioned for it is a genuine document and its origin is unquestionable. However, the quoted witnesses do not necessarily speak the truth.

A possible source of hidden and dirty data is ‘whistle-blowing’ An obvious difficulty with this as a data source is that it is the whistle-blower who usually determines what information is made available and on what terms. (Lee, 1993: 156) Whistle-blowers may have widely varying motivations. Sometimes the information comes from highly idealistic persons shocked by the day-to-day operation of their organisation or employers. The motive might be personal. People are not always equally rewarded, and some are likely to be angered over salary or promotion. (Marx, 1984: 88-89)

Great care must be taken with respect to validity. The personal motives of the whistle-blower can lead to distortions, exaggerations, and outright falsification. Are the data what they appear to be?

Marx’ last warning is most significant for this project: ‘The researcher must be especially careful when the whistle-blower’s account supports the researcher’s own ideological stance toward the organisation or issue in question.’ (ibid.: 100) The surveillance reports in the Threat Response case originated from a whistle-blower. To protect his or her identity the *Sunday Times* declined to disclose any personal details. All I know is that it was someone who was approached by the *Sunday Times* on an issue unrelated to the surveillance of activists. Apparently, at some point in the past, this

person had had access to either the printed reports, or the computer system where the files were stored. The fact that this person was sitting on this material, but had not taken any initiative to expose it until in contact with the *Sunday Times*, convinced me the whistle-blower had no pressing political agenda with the material. The imposed access restrictions– the information was exclusively for the *Sunday Times* – confirmed this conclusion (and impeded my work on the practical level). The whistle-blower’s material certainly supported my ideological stance toward the organisation, but the material was originally not given to me and was not meant to be seen by me.

The validity of the information was relatively easy to check, because the discovery consisted of an impressive amount of printed surveillance reports. The files were subsequently verified by people from CAAT that had been spied upon; the details were so accurate that falsification could be dismissed.

### **3.3.6 Representativeness**

This section seeks to answer obvious questions about representativeness and the dimensions of the issues at stake. Partly, this is a chicken and egg paradox. Does *activist intelligence* seem to be a niche topic because of the limited amount of known cases? Or does this overview represent the tip of the iceberg with more cases beneath the surface – if only we searched? This question is impossible to answer, because – to put it very simply – you do not know what you do not know. However, as was mentioned above, in the period working on this thesis, various complex cases came to light, revealing for instance the existence of an agency specialised in spying on activists. Further research into the political economy of this specific branch of business should substantiate the assumption that there is more to discover.

A judgement about the representativeness of particular collections of documents is equally difficult to reach. In general a researcher should have some idea of the number and types of relevant documents that might have been produced in the first place (Scott, 1990: 27) – but data on spying are not always easy to obtain. It is hard to say if the evidence is typical of its kind and, if not, to find out whether the extent of its atypicality

is known. (ibid.: 6) There are no public catalogues of the archives of intelligence services or of private spying agencies. The Freedom of Information Act does not apply; one can only rely on the cases that do reach the public sphere.

### **3.3.7 Interpretation and meaning**

Interpretation is dynamically related with verification. Likewise, the four criteria authenticity, credibility, representativeness and meaning are to be used interdependently. However, Scott's reflections on 'meaning' are specifically useful for the analysis of intelligence reports. The interpretation of a text, he says, depends on the understanding of the author's situation and intentions. The researcher must seek to discover as much as possible about the conditions under which a text was produced. 'Textual analysis involves mediation between the frames of reference of the researcher and those who produced the text.' (ibid.: 31) Barthes takes interpretation one step further and argues that the message of the text is embodied not in the individual words and phrases but in the system of 'rules' that structures the text as a whole. 'Discovering these rules – in semiotics, the science of signs – can help to decode the underlying, hidden meaning that is carried by the text,' Scott explains (ibid.: 31-32)

Although this thesis does not include poststructuralist textual analyses in the sense used by followers of Barthes or Foucault, secret documents must be studied as socially situated products. As Scott says, the meaning of a text cannot be separated from the question of its production and its effects. (ibid.: 34)

The process of interpreting the meaning of the evidence was different from case to case. Basically, in each case, I have tried to read the disclosed documents and research data as an element of the underlying intelligence operation. This may sound an obvious thing to do, but it is not as evident as it seems, as these two examples illustrate.

The evidence in the first case study, the *Neptune Strategy* composed by Rafael Pagan, was the most complete and straight-forward example of *activist intelligence* and *covert corporate strategy*. The verification, as explained before, involved the checking of the authenticity of the strategy by researching how the exposure was received at the time.

Interpreting the *Neptune Strategy* meant analysing the plan it implied, the goal of the report and the tactics suggested. Interpretation of the exposure and the reaction of targeted people served as an indication of the success of the applied strategy. In the Nestlé case the main body of source material was the assessment Prof. Prakash Sethi made of the company response to the boycott. The fact that Nestlé hired Pagan to do this job instigated an analysis aimed at recognising elements of covert corporate strategy similar to those prepared for Shell. Sethi's assessment is a critical evaluation of how the company refused to accept its social responsibility. However, the focus of the book is not always clear as it also describes how Pagan had to manoeuvre between the company's hierarchy and critical campaigners. The effort to differentiate the assessment of the company's policy to deal with the boycott from the intelligence operation behind it was complicated even more by the problematic involvement of Sethi as a paid advisor to Pagan at the time.

In the McSpy case, chapter 6, the infiltration of London Greenpeace was disclosed in court during the McLibel trial. It transpired that the company hired private investigators, allegedly to find out who was responsible for the disputed leaflet. The interpretation of the evidence involves the analysis of the hiring of private investigators as part of a larger intelligence operation. The source material allows a reconstruction of how McDonald's' surveillance was organised, and an exploration of the professional methods that were employed. It records the instructions the agents were under and what they did to be accepted by the group. The set of investigators' notes reporting on the meetings of London Greenpeace allowed an estimation of the scale of the infiltration. This raised the question of infiltrators effects: how did the number of infiltrators affect the group? Again, the source material provided some answers. The various intelligence tactics are mapped by comparing what was asserted in testimonies to what was actually done. The analysis of the statements of McDonald's staff responsible for security examined in court had to be done in the knowledge that it was established they were not always truthful. Their statements represented the official McDonald's line on the infiltration operation, and they supported the company's policy to disclose as little information as possible. The statements of the private investigators sometimes contradicted the notes

they made during the operation, six years earlier. Uncovering discrepancies was done partly by the defendants at the trial, who had been amongst the members of London Greenpeace targeted at the time. This included discrepancies between the reports of the spies and the experiences as the activists recalled them. The second part of the analysis involved discrepancies in the aim of the operation and the exact instructions given to the infiltrators.

The statements of McDonald's security official brought up the issue of the close and illegitimate cooperation between the company, its private investigators, and Special Branch animal rights officers of the London Metropolitan Police. The cooperation suggested that perhaps there had been another mission behind the infiltration operation; the last part of the analysis questioned the available documents and sources to explore the possibility and the likelihood of a second mission. The last part of the analysis was complicated by the fact that the witnesses involved were not willing to testify about the cooperation with the police and Special Branch.

### **3.4 Conceptual Framework**

A conceptual framework should help to organise the material so that it 'makes sense' in terms of pre-existing scholarship and help others to understand the work. (Gill, 2008: 209) The desire to promote *activist intelligence and covert corporate strategy* as a field of research implies the need to locate this research in the realm of intelligence studies. This approach emphasises the fact that intelligence studies today encompasses more than the traditional state-related field of international relations policy. Instead of the restricted perspective of theory *for* intelligence, this research emphasises the need to develop theory *of* intelligence. (ibid.: 212)

Gill's framework to study intelligence uses some core concepts applicable well beyond Anglo-American intelligence studies. He proposed: *surveillance, power, knowledge, secrecy, and resistance*. (Gill, 2009: 85)

Surveillance relates to the gathering and storing of information as well as to the supervision of people's behaviour. In other words, it is concerned with the relationship



between knowledge and power. (ibid.) It is not a linear relationship, ‘sometimes “knowledge is power” while at others knowledge may inform the exercise of power. Yet, as we have seen in the case of Iraq, at other times power may determine what is “knowledge.”’ (ibid.)

Secrecy distinguishes intelligence structures and processes from many other aspects of governance. It applies to power, according to Gill, because some actions only make sense with an element of surprise. But more often, actions are carried out in secret because of their controversial character. The secrecy helps to avoid or disguise responsibility, involvement is often ‘plausibly denied.’ (ibid.)

Gill’s work chimes with this research because of an unorthodox approach to intelligence, different from the authors discussed in chapter 2. While most efforts to find a proper definition of intelligence include a reference to how ‘gathered information’ transforms into ‘intelligence’ – they fail to mention a crucial part of the intelligence process. Remarkably enough, the step that connects intelligence to actual strategy seems to be absent in most of the proposals for a definition. The fact that is not mentioned relates to the reluctance to acknowledge this part of intelligence work, and to the avoidance of addressing covert action referred to in chapter 2.

Gill’s conceptual framework relates to his recent attempt to define intelligence, which explicitly includes action; he emphasises that a full understanding of intelligence without acknowledging the integral connection with action is impossible. Furthermore, Gill and Phythian have added a practical description of ‘covert action’ in their latest work (2006: 102)

Covert action is a kind of institutionalised hypocrisy in which ethics and the rule of law are subjugated to the achievement of short-time political gains, when the costs are borne by some national or political ‘other.’ In the long term, of course, such policies may come back to haunt the perpetrators.

The connection between surveillance and the gathering of intelligence on the one hand and the subsequent corporate strategy and covert action on the other, is crucial. Action is an essential element that should be incorporated in any conceptual framework of intelligence.

Gill's conceptual framework is therefore well equipped to identify the various aspects that constitute an intelligence operation, while the case studies offer the opportunity to analyse how his concepts relate to each other. Analysing the case studies within Gill's framework allows answers to the central question of this research. Should the cases of infiltration be recognised as covert corporate strategy in relation to the exercise of power?

The case studies present examples of infiltration and expose secret documents. The research in this PhD goes beyond verifying the original sources and profiling the private investigators and their respective clients. The aim is to understand each example as an intelligence operation, in which the spying or the infiltration is used as a tactic to gather intelligence as well as a strategy to undermine the groups involved.

At a practical level the analysis tries to provide an oversight of the various techniques to gather intelligence and the different kinds of investigating agents used. At a strategic level the case studies illustrate the kinds of information the infiltrators were interested in, and how assessments of information into intelligence informed strategy to undermine the work of activist groups and other corporate critics.

## **Chapter 4**

### **Covert Corporate Strategy in the Past**

#### *An historical overview*

Modern corporations exist to make profit, and to promote and defend their core interests, while modern states seem to be organised to suit the demands of business.

This has a long history, as is shown in two historical examples of corporate strategy and political tactics in the USA and the UK. Of course, the targets of corporate strategy have changed, and the use of armed force has diminished, but there are similarities between the strategies and tactics used then and now.

At the end of the 19<sup>th</sup> century, the United States saw agencies like the notorious Pinkerton's provide armed guards and strike breakers to deal with social unrest. Later, during the Depression and the New Deal reforms in the 1920s and 1930s, employers hired PR professionals to defend the need for violent confrontations and covert operations such as espionage and infiltration.

In the UK, the government as well as organisations of employers had learned to appreciate the value of propaganda and internal surveillance during the First World War. They continued to use such practices because they were afraid of revolutionary outbreaks in the early 1920s. The Economic League (discussed below) was a long-running project set up by British industrialists to defend corporate interests. This organisation spanned most of the 20<sup>th</sup> century and existed until it was officially disbanded in the mid 1990s. Recent discoveries revealed that people involved in the Economic League continued their blacklisting work until early 2009.

The cooperation between the state and the private sector in gathering information about people potentially posing a risk to the stability of society or of the economy can be dated back to the beginning of the Industrial Revolution. This supports the hypothesis that public and private intelligence derive from the same set of circumstances and represent the same social practice divided into distinct areas of responsibility.

#### **4.1 The United States - The Voice of Business**

At the end of the 19<sup>th</sup> century, the steel industry was a rapidly growing sector of the economy in the United States. Early industrialisation and the expanding railroads required growing supplies of steel and associated products. Steel factories set up in smaller towns often became the largest local employer, with a corresponding influence on local affairs. On a national level, the steel industry was a powerful force in the economy. Most employers in the steel industry fiercely denied workers their rights and upsurges of worker militancy brought forth a varied corporate reaction. When threats, armed guards and violent confrontations did not stop workers from asserting collective rights, American corporations sought more sophisticated strategies. Propaganda and covert operations were used in conjunction with violence. Workers responded creatively to these onslaughts. Just as modern social movement organisations have developed a variety of responses to corporate covert action, they developed ways to take on strike-breakers and to make it difficult for spying to be effective.

The Memorial Day Massacre in 1937 was a turning point, which left ten people dead on the street. The US Congress quickly set up a committee to investigate the role played by industry in undermining and attacking organised labour. Chaired by Senator Robert La Follette, this subcommittee of the Education and Labour Committee held an impressive series of hearings in the course of five years to question those involved. This inquiry inspired several authors to write detailed accounts of what had happened. (Silverberg, 1941; Tedlow, 1976; Auerbach, 1966; Miller, 1999; Norwood, 2002; Smith, 2003) The Committee specified four strategies that were used to frustrate the organisation of labour: espionage, strikebreaking, industrial munitions, and private police.

The following account provides a description of these strategies and the accompanying use of propaganda around the turn of the last century.

### **Union busting**

Perhaps the best-known exponent of union busting and strikebreaking is Allan Pinkerton. A Scottish immigrant in the United States, he moved from providing watchmen for the protection of banks and merchants to supplying guards for labour disputes. Pinkerton wrote in his memoirs *Strikers, Communists, Tramps and Detectives* in 1878, that he regarded union activity as not only criminal but also contrary to American values. (Smith, 2003: 7) Pinkerton's Protective Police Patrol, battling angry workers at a miners strike in Illinois in 1866, marked the starting point of two decades of unprecedented levels of violence. The use of armed guards against strikers and the constant harassment of union organisers provoked violent reactions, resulting in many injured and some mortally wounded. The end of the nineteenth century showed a growing antipathy against the agency, with various unions denouncing what they called 'Pinkertonism.' A first petition to outlaw the private guard industry was presented to Congress in 1890. However, it would take another two years until Members of the House started an official investigation. As a result, lawmakers across the country enacted bills that became known as 'anti-Pinkerton' laws.

For the image-conscious Pinkerton National Detective Agency, the realisation that many Americans questioned the presence of private armies for hire in a modern republic provided the impulse it needed to end its armed guard service. (ibid.: 20–21)

The nation's leading detective agency could not risk further condemnation on this front. Others were ready to take over however. By 1893, Chicago alone counted more than twenty such agencies. Private police agencies flourished for years to come. In isolated mining communities, major employers demanded near-complete control over the small towns and their residents. (ibid.) The private armed forces established by mine corporations in Pennsylvania in the early years of the last century profited from the State's Coal and Iron Police Acts of 1865 and 1866. These laws permitted railroad and coal-mining corporations to hire as many policemen as they desired. Coal and iron policemen were supervised and paid only by the employers; however, they were uniformed and equipped with revolvers, nightsticks, and sometimes Winchester

repeating rifles. Later, during the 1920s, they also carried machine guns and tear gas. (Norwood, 2002: 120–121)

Strike-breaking took a new form in the early decades of the twentieth century. In addition to physically protecting plants and non-striking employees, various firms furnished workers to take the place of those on strike. Pinkerton and another very successful firm, Bergoff Brothers and Waddell, dominated the business. Not only did they supply personnel and guards but assumed control of all operations from the employer during the strike, housing the strikebreakers on company property. Bergoff's top aide, Harry Bowan explained: 'We have our own baggage system. We carry our own portable shower baths. We carry along a physician, a boot-black, a barber, a lawyer.' (ibid.: 65) An army of 5,000 men could be ready for action, on 48 hours notice. Speed was critical, as an employer tended to hire from the agency that delivered most quickly. (ibid.)

The strikebreaking business needs to be understood against the enormous unemployment between 1870 and the early 1920s. Each year several hundred thousand persons were unable to find work for at least a few months, even in relatively prosperous periods. Aging also contributed significantly to unemployment. In the eyes of many employers men over the age of thirty-five lacked the capacity for endurance required of heavy physical labour. Besides, before the New Deal, there were no welfare or pension schemes. This permanently unstable situation created 'a great industrial reserve army' of potential strikebreakers. (ibid.: 7–8) Their often-violent behaviour led to excesses that were justified as the defence of free enterprise.

### **Propaganda**

The American elite discovered the power of propaganda when President Wilson launched a campaign on America's entry in the war in 1917. The result, an intense anti-German hysteria, impressed American business with the potential of large-scale propaganda to control public opinion. Bernays (a double nephew of Sigmund Freud) led the transfer of wartime propaganda skills to business' peacetime problems of coping

with democracy. (Carey, 1995: 22) The old justifications for economic power – Christian virtues of thrift and hard work, the law of the survival of the fittest, and the routine workings of the free market, no longer satisfied a more sceptical public. (Tedlow, 1976: 25) The Great Steel Strike of 1919, over the right of wage earners to bargain collectively, was the first big confrontation. At the outset, public opinion favoured the strikers, who worked an 84-hour week under very poor conditions. The Steel Corporation launched a campaign of full-page advertisements denouncing the leaders of the strike as ‘trying to establish the red rule of anarchy and bolshevism’ and the strike as ‘anti-American.’ One advertisement even suggested, ‘[t]he Huns had a hand in fomenting the strike.’ (The Commission of Inquiry of the Interchurch World Movement, 1921: 97, 99, cited in Carey, op. cit.: 22) This propaganda assault on public opinion widened until it produced an anti-communist hysteria about an invented plan by workers to overthrow the government. In retrospect, this can be categorised as a kind of McCarthyist period, shorter, but more severe. (Post, 1970, cited in Carey, op. cit.: 23)

The onset of the Great Depression in the 1930s brought another period of labour conflicts. The 1935 Wagner Act guaranteed workers the right to organise without employer involvement. However, the new law did not impress the leaders of Little Steel, who strongly believed maximising profitable production was the company’s only responsibility. This left no room for democracy in the production process, as – in their vision – only hierarchy would lead to efficiency. (Miller, 1999: 15) Little Steel comprised of several, formerly independent steel companies, such as Republic and Bethlehem. With more than 185,000 workers, Little Steel was only relatively ‘little’ compared to US Steel, the other American steel giant. The company’s influence in the ongoing labour conflicts was critical. Because of Little Steel’s rigid position, numerous strikes ended in violent confrontations. The worst confrontation was during the Little Steel Strike of 1937, the Memorial Day Massacre mentioned before; most of the ten people who died that day had been shot in the back. (Auerbach, 1966:121-128)

To manage its reputation, Little Steel hired one of the first PR consultants, John Hill. Hill started his ‘corporate publicity office’ in 1927, and was joined by Don Knowlton in 1933 in what was to become one of the largest and most influential public relations

agencies in the world, Hill & Knowlton. Hill proclaimed his sole aim was to persuade the public that business leaders were best equipped to govern economic policy, thus fending off government regulation of the economy. His biographer Miller summarised his views. Hill worshipped the principle of the sovereignty of the free marketplace of ideas, where public opinion would judge the worthiness of his client's position and products. The PR practitioner's factual, responsible statements about the client would make

the average citizen realise what contribution private enterprise has made to American society, and how important its preservation is to the material and spiritual welfare of all the people. (Miller, op. cit.1999: 25)

Hill's mission was 'amplifying the voices of business' and providing them with a rationale for their behaviour. (ibid.: 5 and 192) The Congressional Committee chaired by Senator Robert La Follette investigating the industry suppression of workers rights was more critical about the work of Hill & Knowlton. The Committee detailed four antiunion practices that had frustrated labour organisation for decades: espionage, strikebreaking, industrial munitions, and private police. Little Steel's Republic had employed all four, and it was Hill & Knowlton's job to help the company explain why. (ibid.: 17) 'The corporate public relations apparatus ... had been used in tandem with the most vicious anti-union tactics in order to protect the public opinion flank of the conservative corporation.' (Tedlow, op. cit.: 43) Thus, we see Republic Steel hiring Hill & Knowlton to look after its reputation while it was 'equipping a private army, employing an extensive espionage network, and locking workers out of plants.' (Bernstein, cited in Tedlow, ibid.)

### **Espionage and strikebreaking**

The La Follette Committee discovered espionage 'to be common, almost universal, practice in American industry.' (US Senate, 1937, cited in Auerbach, 1966: 97) Espionage became more important since the 1935 Wagner Act prohibited other union-busting strategies. The detective agencies 'preferred to place emphasis on its undercover



work which being secret, created less antagonism.’ (Aikins, 1935, cited in Smith, 2003: 75) In 1936, more than two hundred agencies offered their clients undercover operatives. Examining five such labour detective agencies, the Committee found a correlation between the decline of labour unions and company expenditures on espionage, and concluded that collective bargaining could not succeed while the industrial spy plied his trade. (US Senate, 1937, cited in Auerbach, op. cit: 98)

Companies also engaged the services of their own workers, which were cheaper and more difficult to detect because they seldom reported in writing. Workers were driven into espionage by financial distress; they believed it would improve their chances of promotion or avoid redundancy. The company preferred to approach workers at home, in the presence of the wife who might – it was thought – favour the opportunity for some extra income. (Norwood, op. cit.: 205–206) Nearly one-third of Pinkerton’s undercover agents held high positions in the unions, and used those to create factions and disagreements. Spies reported on union meetings behind closed doors, and as a result, workers allegedly less than loyal were fired. The detective agencies also employed a number of undercover men skilled at destroying unions from within. They used a wide variety of dirty tricks, such as whispering campaigns spreading false rumours – not only amongst the workers, but also directed at their spouses, or at local merchants who extended credit to workers in support of their strikes. ‘Missionaries’ would pose as a sales agent for furniture or vacuum cleaners, anything that a man on strike could not afford to purchase for his wife. Women missionaries would try to convince –again– the wives of union members that the strike would destroy the family’s ability to survive. Pretending to sell face cream door to door, they claimed this work was their fate because their husbands had lost their jobs by participating in a strike. (ibid.: 205) Labour spies further tried to undermine confidence and divide the labour force by stirring up ethnic and racial conflict. In addition, the Pinkerton Agency was involved in setting up ‘spontaneous’ less threatening company unions – in fact inspired and controlled by spies.

A local union at the General Motors stamping plant in Lansing, Michigan, built up a substantial membership, until management began sacking workers who had joined it.

After a while, only seven members remained, all officers. The La Follette investigation established that every one of them was a labour spy. As they were all working for a different detective agency, none of them realised that any of the others were in the spy business too. (ibid.: 3)

*Et l'histoire se répète* (– history repeats itself), as one of the case studies in this research shows. Fast food giant McDonald's hired several agents from different detective agencies to infiltrate a small London activist group, which resulted in agents spying on each other.

Eventually the fear of spies effectively killed many unions. Testifying before the Congress Committee in 1937, the chair of the National Labour Relations Board reported:

The mystery and deadly certainty with which this scheme [espionage] operated was so baffling to the men that they each suspected the others, were afraid to meet or talk and the union was completely broken. (cited in Smith, 2003: 87)

The vocabulary to justify espionage lingers. Employers and hired detectives claim their strategies are indispensable for protection against radicalism, for prevention of sabotage and the detection of theft. Above all, it is necessary for the improvement of labour–management relations – euphemistically called ‘human engineering.’ (Auerbach, op. cit.: 99) And those who admit using espionage show few ethical doubts. The general manager of the Associated Industries of Cleveland insisted:

Spying will always be an essential part of warfare...When a man has reason to fear that the work of a lifetime is going to be struck at by some attack...he is going to forewarn himself in order to forearm himself if he can. (US Senate, 1937, Hearings, pt. 22, 9457, quoted in Auerbach, ibid.)

### **Industrial munitions and private police**

When espionage alone failed to deter organisation, companies invested in arms, such as tear gas, machine guns, gas bombs, and billy clubs. Between 1933 and 1937 five of the Little Steel companies each purchased more gas equipment than did any law enforcement agency in the country. Republic, with 52,000 employees, purchased more

than ten times as many gas guns and more than 26 times as many gas shells and projectiles as did the Chicago police department – responsible for 3,300,000 people.<sup>9</sup> These munitions were placed in the various plants of Republic Steel in preparation for an anticipated strike. Munitions companies and corporation officials agreed that gas provided ‘the most human way’ of handling labour disputes. (Auerbach, *op. cit.*: 101) In Detroit, in the 1930s, the auto companies were very close to the Police Department. During the 1935 Motor Products strike, the company provided stables for the policemen’s horses within the gates and set up a dining room for the police. Strikebreakers got police protection to go home, and in return the company re-plated 1,300 police badges and pairs of handcuffs. During the strike, the police, or ‘company thugs,’ killed a striker, fractured another’s skull, and seriously injured 24 men. (Norwood, *op. cit.*: 200)

Private policing became fashionable, for local police departments could not always meet the special needs of railroads, mines, or lumbering districts. Private forces as instruments of corporate economic policy were not accountable to anyone but their employers.

During strikes, company police and hired strike-guards constantly usurped the public police power by venturing away from company property, weapons in hand, to maintain ‘law and order.’ They scattered picket lines and disrupted union meetings. (Auerbach, *op. cit.*: 100)

Again, the Republic Steel Corporation provided what Auerbach (*ibid.*: 105–106) called ‘a dismal example of the perversion of police power in private hands’ – they used private police as the chief instrument of the company’s labour policy. New recruits got the instruction that union activity was detrimental to company interests. Consequently, company police tapped telephone wires, read personal mail, confiscated union literature, and intimidated and attacked organisers, bystanders, women and children. The La Follette Committee concluded ‘that violations of civil liberties ensue whenever private police systems are used as instruments of labour policy to thwart self-organisation of workers,’ (*ibid.* 106-107) and issued a vigorous indictment of private police systems, charging that

they abridged civil liberties; violated the statutory rights of workers; spawned violence and bloodshed; endangered public safety; fostered labour-management bitterness; encouraged private usurpation of public authority; and perverted representative government. (*Private Police Systems*, 1937: 214, cited in Auerbach, *ibid.*: 107)

Like espionage, munitions stockpiling, and strikebreaking, Auerbach concluded, private police systems testified that industrial autocracy was incompatible with civil liberty. (*ibid.*; also see *Harvard Law Review*, 1939)

### **Public opinion and citizen committees.**

The steel companies added a modern refinement to traditional anti-union practices: the organisation and manipulation of public opinion. At first it was difficult to convince employers that advertising was worthwhile as an anti-strike weapon. The National Association of Manufacturers circulated a March 1937 *Printers Ink* article to all its members, stating that if employers would just invest

one-tenth of the money in advertising preparation that they are apparently quite willing to invest in labour spies, tear gas and other methods, which have proved worse than useless, they will stand a far better chance of winning public support than is possible under the present circumstances. (cited in Tedlow, *op. cit.*: 43-44)

To place anti-union messages in the news media the American Iron and Steel Institute, and individual Little Steel companies paid, Hill & Knowlton a sum of \$323,000. The PR agency employed a variety of strategies to reach this goal. The Hill & Knowlton representative in Birmingham, AL, Edgar S. Bowerfind, tried to make local newspapers see the rectitude of Republic Steel Corp.'s position on labour problems. Personal and confidential documents discovered by the La Follette committee showed his technique consisted of visits to local editors and pressure 'judiciously exerted' through advertisers. (Miller, *op. cit.*: 18) Furthermore, Hill & Knowlton paid George Sokolsky large sums of money in the period from June 1936 to February 1938, nearly \$40,000 plus fees and

expenses according to the La Follette enquiry. (ibid.) Sokolsky was an author, lecturer and columnist for the Republican New York Herald Tribune and a weekly radio program sponsored by the National Association of Manufacturers. In 1938, *Time* described him as ‘a one–man intellectual front for conservative capital and subtlest performer for Hill & Knowlton.’ (*Time*, 1938) Most of the money was for consultancy for the American Iron and Steel Institute. Some of Mr. Sokolsky’s lecturing was done at ‘civic progress meetings’ arranged and paid for by local employers while publicly sponsored by ‘neutral’ groups.

Another weapon of choice was the formation of a citizens’ committee, ostensibly neutral but in fact the mouthpiece for corporate policy. As an executive explained before the La Follette Committee that

[t]he old method of using strikebreakers and violence and things of that kind [are things of the past ... The way to win or combat a strike was to organise community sentiment. (Silverberg, 1941: 27)

In industrial districts, the life of the community is largely dependent on a single or several corporations. Dependency on the corporations extends beyond workers on the payroll, and includes other professionals and small businessmen. In such social conditions, according to Louis Silverberg who studied the role of citizens’ committees in industrial conflict, law and order leagues flourish. They function through a pattern of contradictions: ‘seeking peace, it creates violence; in protecting law and order, it resorts disorder; in preserving democracy, it denies its every corollary.’ (op. cit.: 18)

These committees could accomplish what companies would not risk doing openly. This ‘new alignment of forces’ in the words of the La Follette Committee was not aimed to be entirely without violence. As reported at the time in the edited volume *Industrial Conflict*, this tactic ‘envisaged a public opinion aroused to the point where it will tolerate the often outrageous use of force by police or vigilantes to break a strike.’ (Chapman, 1939, cited in Carey, op. cit.: 25) The committees claimed to advocate law and order, constitutional liberty, and conciliation and mediation between parties to the dispute. However, according to the disillusioned rabbi A.M. Granowitz who was a member of

one such committee in Johnstown, PA, testifying before the Senate Civil Liberties Committee

the actual objectives ... were, first, to get as many men back to work as possible, and to get them back as soon as possible. Second, to break the strike. Third, to break the union. (Silverberg, op. cit.: 23)

In Johnstown, Bethlehem Steel financed the local citizens' committee that operated closely together with a crowd of 500 vigilantes. The company had the support of the mayor who chose to defend the interests of capital instead of supporting his citizens in their fight for the right to organise. He deputised the vigilantes, armed them with nightsticks, and instructed them to patrol the neighbourhoods. His use of propaganda further increased feelings of fear amongst in the community. In a radio address, the mayor told his constituents: 'communism and anarchism are in evidence in our city today.' The La Follette Committee concluded that 'the rights of workers to strike and to picket were at no time the concern of the mayor'. (Little Steel Strike, pp 255 - 269; Hearings, Pt. 19, pp. 8394, 8639, cited in Auerbach, op. cit.: 135-136)

Hill & Knowlton was suspected of involvement in the various citizens' committees that sprang up in many Ohio steel towns promoting back-to-work movements. During the hearings, Senator La Follette returned several times to mysterious funds Hill & Knowlton had created during the strike periods. The agency had been hired by six corporations - allegedly to describe the history of the strike and the labour movement. Each corporation paid \$1,500 per month and H&K kept track of these funds in a separate account book. The project began in July 1937, shortly after the Memorial Day Massacre on 30 May, and involved hiring five new employees. One year later and having paid \$13,499 each, none of the corporations had received anything from the agency. However, when questioned about this by the La Follette committee all executives involved claimed they were satisfied with the progress of the work. Their statements were prepared with the help of H&K. In spite of the suspicions, the Committee was not able to substantiate that Hill and secret money were indeed connected to underhand activities. (Miller, op. cit.: 18-19)

Unsurprisingly, the companies were not willing to cooperate with the Senate investigation. These refusals to cooperate with official investigations provide yet another similarity with employers' tactics today – as described in chapter 10. When La Follette asked the largest detective firms and their most important clients to turn over all documents relating to the use of anti-union agencies, the Committee encountered duplicity, evasion, and open defiance. The Pinkerton Agency refused to submit its files, particularly those containing the names of its secret operatives. Several agencies tried to destroy records before – or while – the subpoenas were served. Investigators pieced together scraps of bills and secret reports retrieved from trash bins. La Follette was not surprised that agencies 'whose very business is founded on deceit, should attempt to conceal their activities' but he was shocked to discover that 'influential and respectable industrial corporations' like General Motors resorted to 'such devices.' (Hearings, cited in Smith, *op. cit.*: 90-91) The revelations of the La Follette Committee forced the Pinkerton board to put an end to the spying business in April 1937. As a result, the agency's income dropped to an all-time low in the first full year after this announcement. Many others in the business related similar stories. (*ibid.*: 93)

Public Relations was closely connected with covert strategy in the early days of industrialisation. Talk, after all, rather than violence, was what public relations was all about, Tedlow (*op. cit.*: 44) concluded, and 'with talk begins responsibility.' Nevertheless, the La Follette Committee did not trust the ulterior motives for corporate communication. Victory over the unions, rather than rational dialogue, was the goal, the Committee believed. To achieve this goal, propaganda and PR are crucial. According to Silverberg (*op.cit.*: 27):

If it utilises sufficiently significant symbols and is effectively projected, organised propaganda may take shape as organised public opinion, and thus become an instrument for controlling the community. [...]

Furthermore, propaganda is not only a weapon used in conflict; it is a means of intensifying the conflict. It thus serves to prepare the ground for the injection – and justification– of violence into the dispute.

The targets of the propaganda are obvious, the techniques copied from wartime situations. The first target is befriending the neutrals and gaining their support, attempt to win over certain elements, and demonstrate their identification with the employer or the corporation. The second is alienating the enemy by discrediting their objectives, leadership, and tactics or approaches. Third, dividing the enemy driving a wedge between rank-and-file and its leadership, and otherwise to demoralise labour. (ibid.: 27-28) Such manufactured divisions can be seen still in chapter 5 where the corporate strategy was to divide & rule.

#### **4.2 United Kingdom – A Crusade for Capitalism 1919 - 2009**

One of the organisations set up in the United Kingdom to defend corporate interests was the Economic League. It was founded by employers in the interwar years ‘to neutralise the growing power of labour.’ (McIvor, 1988: 631) The Economic League paired propaganda campaigns to teach the public ‘simple economics’ with covert strategy involving dirty tricks such as strike breaking and blacklisting. In corroboration with police and intelligence agencies, the League built an extensive system of files with personal details to ensure that all militants, communists ‘and other loosely defined “subversives” were kept out of employment in British industry.’ (ibid.: 634) Although it was not the only anti-socialist organisation in the 1920s and 1930s, McIvor argues the Economic League was significant as it was the only central organisation to attempt systematic, national monitoring and labour blacklisting of individuals for their alleged leftwing political beliefs. ‘As such, the Economic League was the propaganda arm of big business in Britain and its ‘dirty tricks’ department, keeping constant vigilance for what it regarded as subversive activities.’ (ibid.: 650)

This was a struggle against popular democracy, which used violence and intimidation alongside persuasion and propaganda. The propaganda was simply an element of the strategy, which also involved intrigue, subversion, bribery and spying. (Miller & Dinan, 2008: 42)



### **Defending capitalism**

The Economic League was founded in 1919, and known as National Propaganda until 1925. Its establishment must be understood against the turbulent era of World War I and the Russian Revolution. The accompanying resurgence of socialist, syndicalist and communist ideas resulted in an industrial militancy and rising trade union membership. Britain experienced a profound challenge to the established order. The Cabinet and business leaders feared the potentially revolutionary implications of the industrial unrest and felt the need for an active battle plan to present capitalism in a way that would have popular appeal. The 1918 Reform Act gave this need a sense of urgency. (Hughes, 1994b) The Act had given voting rights to every man over 21 and to women over 30, and had thus raised the prospect of a democratically elected Labour Party Government in the immediate future. 'No longer would it be sufficient to rely on government to defend elite interests. With voting, governments could change.' (Miller & Dinan, op. cit.: 43) National Propaganda fitted into a strategy 'to ensure that capitalist rule could be defended, whatever government was in power.' It was a campaign in other words, 'to ensure that democracy did not work.' (ibid.)

Just like in the United States, the British Government had discovered the value of internal propaganda during the war, and intended to continue using it to secure the support of public opinion in major labour disputes. Duplicating the tactics of revolutionary groups, the Economic League would concentrate on what they called 'educative propaganda'. This, however, was to be combined with blacklisting, or, as McIvor put it, 'an uncompromising, though covert, strategy to ensure that all militant socialists, communists and other loosely defined "subversives" were kept out of employment in British industry.' (McIvor, op. cit.: 634) In their own words, in the pamphlet *Fifty Fighting Years*,<sup>10</sup> National Propaganda was set up not only to 'fight subversion relentlessly and ruthlessly' but also to 'replace it by constructive thought and ideas, by what, for want of a better term, is known as simple economics.' According to Miller & Dinan (op. cit.) 'this account, written by the League itself, indicates how

closely intertwined were the propaganda and private intelligence and spying work of National Propaganda.’

The Economic League set off to improve the tarnished image of capitalism, convinced that the success of the socialist message was caused by the ignorance of people and their lack of understanding of economics. Or, as the League put it in their 1926 *Speaker's Notes*: ‘What is required is some years of propaganda for capitalism as the finest system that human ingenuity can devise to counteract the forty years of propaganda for socialism.’ (cited in McIvor, op. cit.: 634)

This philosophy bears great resemblance with the thoughts of the American PR consultant John Hill. According to their own figures in 1938, the League estimated it had held almost a quarter of a million meetings since its foundation. Open-air meetings held at dock and factory gates, market places, street-corners, and parks; Indoor meetings at welfare institutes, schools, halls and clubs. Special meetings in afternoons were to attract unemployed workers; and some employers gave permission for lectures to workers during their lunch break. Conventions and demonstrations were part of the program as well; in 1929 for instance Liverpool saw a ‘Women’s demonstration Against Strikes.’ To back up the spoken word, the League disseminated millions of leaflets, each dealing with a vital economic or social topic and written simply, to be understood by ordinary working people. The material found its way to the public through extensive mailing lists, close relations with the press, small study groups, and special campaigns. To counter the socialist ‘clarion vans’ for instance, the League toured the regions with ‘propaganda vans,’ devoting a full week to a single town to disseminate their literature and give between 30 and 40 lectures in the area. (McIvor, op. cit.: 640-645)

### **Blacklisting**

Educational activities and propaganda – as said – were not the only elements of the anti-labour campaign. The Economic League also ran a confidential service, keeping dossiers of all the revolutionary political organisations in Britain and of the people they regarded as ‘subversives.’

Internal surveillance was one of the wartime practices difficult to give up. During the First World War the British authorities focussed their surveillance mainly on anarchists and Irish nationalists. However, several ministries and sections of the armed services as well as MI5, reported on members of the Labour movement too. The Army reportedly ended surveillance of industrial workers in early 1920. (Wrigley, 1999: 298) The Economic League, founded by a group of right-wing industrialists and financiers in collaboration with military intelligence experts, was ready to take over. (internal Economic League *Annual Report 1925*, cited in McIvor, op. cit.: 634) The Conservative MP Sir Reginald Hall who took the initiative to found the Economic League had been director of Naval Intelligence at the Admiralty during WWI, and was a close friend of Basil Thomson, head of the Special Branch at the time.

Blacklisting 'may well have been undertaken by the League in an ad hoc fashion from its foundation in 1919.' (ibid.: 647) Indeed, the League's chair Sir Auckland Geddes reported in 1925 that he had initiated 'the compilation of a chart and dossier of socialist and subversive organisations and [...] arrangements are in hand for a permanent clearing-house of information in connection with alien organisations and individuals.' (*State Research Bulletin*, 1978, cited in McIvor, ibid.) The League's 'confidential' activities 'demanded at least a crude espionage network with spies and contacts within the Communist Party and other revolutionary groups.' (ibid.: 648) Several exposures in the press in 1937 proved that the League operated closely with local police forces, specifically in Manchester and Lancashire. This involved meeting with detectives specialised in subversion, arranging mutual cover of meetings and surveillance, and sending reports to the police on 'radical' activities. In return, the League was allowed access to police files and reports on left-wing extremist activities. (ibid.: 648-649) The Economic League supplied the gathered information to employers, on request or on its own initiative.

### 4.3 The Economic League Today.

The Economic League continued its blacklisting business. Hughes (1994a) extensively documented its involvement in the post-War period, the Wilson-years and in what has been dubbed the secret state. More than 2,000 companies once subscribed to the league, which in the 1980s had an annual income estimated at GBP 1 million. (Norton-Taylor, 1993, in Hughes, 1994d) In the 1970s and 1980s, the organisation accumulated files on more than 30,000 people. The targets included Labour MPs, trade union activists, and many individuals who campaigned on local issues or protested against government policy. The information was held on cards, and thus escaped the provisions of the 1984 Data Protection Act, which only covered information held on computer. The Economic League was officially disbanded in 1994. After years of campaigning by LeagueWatch supported by Scottish Labour MP Maria Fife, public concern had been prompted by a Channel 4 documentary program *World in Action* exposing the League. Many of its clients, including banks, withdrew their subscriptions. Other large companies, including Ford, left the League and relied on their own personnel vetting. (Hughes, 1994d)

The demise of the Economic League did not stop blacklisting. Former directors of the League took their card indexes with them and within weeks of the Economic League's closure set up a security consultancy offering an identical service, called Caprim Ltd. The company's newsletter *Caprim Monitor* invited companies to retain its 'anti-business monitoring service.'

That service includes tracking down left-wing militants, finding the source of leaks where companies have suffered bad publicity, and vetting potential employees. It also identifies environmental activists and animal rights campaigners whose information could lead to companies being 'condemned as unethical'. (*Tribune*, 1994)

Companies House registrations confirmed that two people behind Caprim at the time were Jack Winder and Stan Hardy. They were the two most senior Economic League

employees – both had been directors since 1988. Hardy’s correspondence as the League’s director-general with MP’s were quoted in Parliament when the House of Commons discussed a new clause to the Data Protection Act to make sure it would include non-digital thus card databases too. (House of Commons Hansard, 1990: 1081) Through Caprim, Hardy continued warning firms of those he believed could ‘weaken a company’s ability to manage its affairs profitably.’ He denounced the Ethical Investment Research Service for ‘busybodyness’ [sic] in drawing investors’ attention to whether firms supplied services to the defence ministry, or whether furniture firms used tropical hardwoods.

Companies need to be warned what these organisations are saying and planning. Caprim provides this information. And assesses the strength of the threat. And advises on appropriate action. (Caprim Monitor, cited in Hencke, 2000)

His colleagues included a former police officer, industrialists and a political adviser. Hardy: ‘Caprim can also draw on a network of agents around the world, among them Farleigh Projects, a subsidiary of Group 4, which describes itself as “corporate investigators and security consultants.”’ (*Europe Intelligence Wire*, 1997) Today, Caprim is a sleeping company with hardly any capital, and 60 shares divided between Mr. and Mrs. Hardy, both in their seventies. This raises a key question: where are the files now? Where are the archives that Caprim took from the Economic League, the personal files and indexes of British subversives?

At least a part of the database went with Ian Kerr of Stoke Heath, in the West Midlands. After the Economic League wound up, Kerr took the files on construction workers and set up the Consulting Association. The case was revealed after an investigation of the Information Commissioner. Kerr was brought before the court in early 2009 and admitted having run a secret database of 3,200 workers. According to confidential internal documents, the Consulting Association was ‘collectively’ owned by the companies that paid an annual £3,000 subscription. In the previous five years, Kerr’s agency received £600,000 paid by more than 40 construction companies to record personal and employment details of allegedly troublesome workers. About 90% of the information, the court heard, came from the companies to be shared with other firms to

vet workers before they were employed. The firms include Balfour Beatty, Sir Robert McAlpine, Costain and Laing O'Rourke. (Evans, Carrell & Helen Carter, 2009; for a full list of the corporations involved, see CorporateWatch, 2009)

The office of the Information Commissioner started an investigation after freelance journalist Phil Chamberlain addressed the issue of blacklisting in the *Guardian* in 2008. The first information was provided by whistleblower Alan Wainwright, a former construction company manager who had worked for Crown House, Drake and Scull, and Haden Young. He initially came across Ian Kerr and his Consulting Association in 1997, and found each firm used Kerr's services. Wainwright was convinced he had been blacklisted himself since he had left Haden Young in 2006. To seize the information required, the Information Commissioner investigators raided on the premises of the construction firm unannounced. An unprecedented step, because the investigators had never used this power under Section 9 of the Data Protection Act before. The Haden Young raid ultimately led the Information Commissioner to the Consulting Association and Kerr. (Chamberlain, 2009)

The investigation revealed a solid continuity in blacklisting. Kerr began investigating trade unionists and leftwing activists in the 1970s for the Economic League. Michael Noar, the League's director-general between 1986 and 1989, told the *Guardian* that

Kerr had worked for the organisation for a long time, infiltrating 'a lot' of trade union and political meetings, recording who had said what and taking away documents such as attendance lists. Noar said: 'He was a key guy. He was one of our most effective research people – his information was genuine and reliable.'  
(Evans, Carrell & Carter, 2009)

Minutes from internal Economic League meetings in 1988, seen by the *Guardian*, show that Kerr liaised with construction companies known as the Service Group. They got help with vetting and covert intelligence gathering on union activists, allegedly leftwing employees and workers who complained about safety or rights at work. A confidential letter from the Costain construction firm to the Economic League in 1988 names Kerr as an important official in the organisation. (ibid.) By the late 1980s the media and campaigners exposed the League's controversial methods and inaccurate files;

individuals were unfairly blocked from jobs based on hearsay only. As a result, companies stopped subscribing and the organisation ran into financial problems. The League minutes show Kerr put forward suggestions about how it could raise more money from the Services Group.

After 1994, when the Economic League was forced to close down, Kerr continued to run checks on individuals paid by construction firms. The continuity was confirmed when the Information Commissioner had closed down Kerr's agency early 2009 and seized his database. Some of the files turned out to be more than 30 years old; many had been named by the League before it had collapsed. The *Guardian* saw the files and gave some examples.

One card with the letter 'K' on it – a code used by the league to designate the building industry – records the trade union and political activities of Alan Ritchie, now general secretary of the Ucat construction workers' union. It notes he was a 'leading striker' at the Govan shipyard in Glasgow. (ibid.)

Files dating back to the early 1970s described

one building worker in Liverpool as 'politically unstable' and 'extreme,' while another in Twickenham, London, was sacked after the league named him as a militant strike leader and said he was 'identical' to an Irish communist. A third in Wembley was named as a 'political menace' because he supported 'extreme elements.' (ibid.)

This case shows the power as well as the weaknesses of the Office of the Information Commissioner, and this is interesting when thinking about regulation to monitor corporate intelligence. Kerr was fined £5,000 in July 2009 for breaches of the Data Protection Act. The judge said that Kerr was not the only person responsible, as he was financed by big 'high street' companies. To the disappointment of affected trade unionists, the businesses involved just got an official warning. The major firms in the construction industry would be prosecuted if they set up a new blacklist. However, the chairman of the bench felt his sentencing powers under the Data Protection Act were 'woefully inadequate' and passed the case up to the crown court. (ibid.) The case continues.

Another result of this case are the new laws proposed to make it illegal to bar someone from a job just because he or she is on a blacklist of trade union members. Blacklisting was made illegal in the 1999 Employment Relations Act, but the necessary regulations were never enacted because the government claimed there was no evidence. That changed with the Kerr case. Now business secretary Lord Mandelson said: ‘Blacklisting someone because they are a member of a trade union is totally unacceptable. I am determined to act quickly to stamp out this despicable practice.’ (cited in Penman, 2009) His proposals make it unlawful to refuse or sack individuals as result of blacklisting, and unlawful to refuse to provide a service on the basis of appearing on a blacklist. The new regulation also intends to ‘enable individuals or unions to pursue compensation or solicit action against those who compile, distribute or use blacklists.’ (ibid.)

Evaluating the effects of his article exposing blacklisting a year after it was published, Phil Chamberlain argues that proposals under the Coroners and Justice Bill could give the Information Commissioner new powers that will make investigations like this more commonplace. ‘For instance, it would enable the ICO [Information Commissioner Office] to do spot checks on government departments to make sure their data handling processes are correct. [...] the same right should also be extended to the private sector.’ (Chamberlain, 2009)

The Economic League cast shadows over the case studies in this thesis. As the McSpy chapter shows, the Economic League provided McDonald’s UK with a newsletter and additional information on possible threats from activists. (see chapter 6) The Threat Response Spy Files case study is built around infiltration operations led by Evelyn le Chêne. In her reports to British Aerospace about the Campaign Against Arms Trade, she claimed to be able to provide intelligence and confidential details on nearly 150,000 activists. Whether Le Chêne’s files are linked to either the Economic League or its successors could not be verified within this research. The question of a possible connection is an intriguing one, for such a link would indicate more than an historical continuity in surveillance and covert counterstrategy in defence of corporate interests.



## Chapter 5

### Rafael Pagan, Nestlé and Shell

#### *Case study*

The roots of today's *activist intelligence* can be traced back to the 1980s, when worldwide boycotts of multinational corporations required sophisticated corporate strategy to counter them. Rafael D. Pagan Jr. was one of the first American specialists to develop such counterstrategies. This chapter examines his work for Nestlé between 1981 and 1985, and subsequently for Shell Oil US in 1986 -1987. Nestlé had been the target of campaigns against the promotion of infant formula in the Third World for many years. Four years after the company hired Pagan, the boycott was broken – though just temporarily as it turned out – and an agreement signed between campaigners and the company. The plan Pagan developed for Shell Oil, known as the *Neptune Strategy* (1986), was designed to neutralise boycott groups campaigning against Shell's continuing involvement with the apartheid regime in South Africa.

This case study will analyse the various elements of Pagan's strategy. The tactic of dialogue with major constituencies, such as moderate church groups, was of major importance. Each contact with the company's opponents was essentially an information-gathering opportunity too. The strategy was intended to divide & conquer campaigning coalitions.

There are two separate parts of this case study, focussing respectively on Nestlé and on Shell. Each draws on a different data corpus, as was explained in chapter 3. The analysis of Pagan's work for Nestlé draws on an evaluation of the infant formula controversy by Professor S. Prakash Sethi, *Multinational corporations and the impact of public advocacy on corporate strategy* (1996). His exclusive access to Pagan himself, as well as to Nestlé's management, their internal documents and communications gives an extraordinary insight into the public affairs strategy. The second part of this chapter is based on the *Neptune Strategy* Pagan developed for Shell. This document was leaked to

the Interfaith Center on Corporate Responsibility in September 1987 and forms the key part of the evidence presented here. The ICCR is the corporate responsibility office of a coalition of 234 churches and religious groups in the US, engaged in the anti-apartheid boycott at the time. The *Neptune Strategy* offers a rare insight into one of the first extended corporate campaigns against civil society critics.

## **5.1 The Nestlé Controversy**

### **Background**

In October 1984, the International Nestlé Boycott Committee announced the end of a seven-year consumer boycott of Nestlé. The boycott against one of the world's largest food companies was created to bring an end to Nestlé's marketing abuses in promoting and selling infant formula products in less developed countries. The Nestlé boycott became virtually synonymous with the infant formula controversy, and was an important factor in the development, adoption, and implementation of the World Health Organisation's International Code of Marketing for Breast milk Substitutes. 'The Nestlé boycott has had a major impact on the interpretation of corporate accountability and the reconciliation of human rights and commercial interests.' (Post, 1985: 113)

The coalition against Nestlé consisted of many different groups including health professionals, church groups and anti-corporate activists. Leaders in business sometimes felt the boycott was 'a holy war against the infant formula industry, if not a challenge to free enterprise and capitalism itself.' (ibid.: 114; also see Dobbing, 1988)

### **Hiring Rafael Pagan**

The controversy over the marketing of baby milk formula in Third World countries dates back to the early 1970s. The hiring of Rafael Pagan in 1981 meant a radical shift in Nestlé's strategy for dealing with the boycott. (Sethi, 1994: 221) A highly decentralised corporate structure had allowed the head of Nestlé's USA subsidiary, David Guarrant, to maintain his 'ostrich policy' – hoping the issue would go away.

The public affairs staff of Nestlé USA lacked experience in dealing with such a very public and controversial political issue, and most of the response from Switzerland lacked the understanding of the American mentality and media. (ibid.: 70 and 218)<sup>11</sup> Until Pagan was recruited, Nestlé USA had resorted to standard PR. The largest agencies had been hired – but to no avail. Edelman had advised the company to continue to ignore the problem. Hill & Knowlton unsuccessfully tried a ‘truth squad’ strategy, using a massive education campaign including mailing information kits to 300,000 clergy. (Campion, cited in Sethi, 1994: 218; also see Johnson, 1981: 65) Several other public relations experts – such as Gerry Raffé and Henry Cioka – were consulted, but none worked for the company very long. Nestlé’s top management in the United States, were unwilling to consider viewpoints that were different to their own. (Sethi, ibid.: 218-219)<sup>12</sup> A critical factor to the decision to hire Pagan was the change in Nestlé’s top management in Switzerland. According to Sethi, Helmut Maucher, Chief Executive Officer, and Carl Angst, Managing Director, were not burdened with past unsuccessful policies and were willing to try new strategies.

The decision was taken in late 1980, when the boycott of Nestlé products was gaining momentum. In a secret memorandum vice-president Ernest Saunders expressed his concern over ‘the professionalism of the forces involved’ and pleaded for a similar operation: ‘It is clear that we have an urgent need to develop an effective counter-propaganda operation.’ (Saunders, 1980) To establish a ‘strategic capability’ Pagan asked for an office, a staff and a budget, as well as unrestricted access to Nestlé’s top management. At his request, the company founded an independent subsidiary, divorced from the day-to-day operations of Nestlé USA. He also negotiated full freedom in selecting his own staff and an independent budget necessary to meet the challenge of his mission. (Sethi, ibid.: 221) The new office was located in a prestigious building in Washington DC with no expense spared to provide it with top-of-the-range furniture and equipment. (ibid.: 224) Although it was essentially an issues management unit dealing exclusively with the controversy, everything was done to avoid the charge that Nestlé was creating a lobbying and PR group to fight the boycott. Pagan’s desk officially had a broader public function: ‘to coordinate Nestlé’s worldwide efforts in nutrition research’

– as was reflected in its name the *Nestlé Coordination Centre for Nutrition* (NCCN). (ibid.: 222)

### **Divide & Rule**

To break the boycott against Nestlé, Pagan developed a strategy that can be summarised as *divide & rule*. Pagan's background in the armed forces shaped his worldview, equating issues management with military action and what he called 'corporate combat.' (Pagan, 1996: 443) Based on analyses of the key critics' motives, NCCN aimed at 'resolving the boycott by a long process of dialogues and one-to-one discussions designed to achieve what one boycott leader called a win-win result.' (Pagan, 1986a: 16) The campaign was divided into four phases. The first was the *containment* of critics' initiatives by listening to both sides, covering the first six months of NCCN's existence. Phase two, from May-June 1981 to October 1982, explored relations with moderate groups to see whether NCCN could work with any of them (*reaching out*). The third phase was a *breakthrough* that led to the erosion of support for the boycott among moderate critics and to discussions with activist leaders for the purpose of resolving the conflict. This phase lasted from May 1982 to October 1984, when the boycott was lifted. Phase four, *consolidation*, was to be conducted while Pagan was writing his account of the campaign. It aimed at 'the establishment of a stable corporate social environment and public policy implementation.' (ibid.)

The following brief chronology contextualises Pagan's strategy. In spring 1980, the United Methodist Church formed a Task Force (MTF) to examine Nestlé's practices. By October 1982, the MTF was scheduled to advise the Methodist Church on joining the boycott – a date critical to Pagan's planning. In May 1981 the World Health Assembly (the governing body of the World Health Organisation, WHO) adopted its code on the marketing of infant formula, endorsed by UNICEF. A year later, in May 1982, the company created the 'independent' *Nestlé Infant Formula Audit Commission* (NIFAC).

## **Containment**

Pagan's first strategic decision was 'to stop the unproductive shouting match between Nestlé and its critics, and to listen.' Articulate and well-trained spokespersons and scientists were sent 'to the field of the political battle' (as Pagan called it) to meet with church leaders and public interest groups, and to answer criticism levelled against the company. (Pagan, 1986a: 14; also see Sethi, 1994: 229) Listening served two purposes, as Pagan explained:

One, it enabled NCCN to gather information about the critics and their objectives so appropriate strategies could be developed. And two, it allowed NCCN to earn the right to be listened to by the critics, in turn. Stopping the shouting freed Nestlé from having to defend fixed positions. (Pagan, *ibid.*)

Damage control and containment in order to prevent the boycott from gaining momentum were important tactics that bought Nestlé time and allowed them to become proactive: 'NCCN also began a well-focused information gathering effort.' (*ibid.*) Intelligence on critics and their objectives delivered the stepping-stones 'to develop appropriate ways of combating them.' (Pagan, 1996: 444) In Pagan's words (*ibid.*: 445) this phase was to explore the relations with moderate groups by 'hearing out our adversaries.'

Upon listening to the critics, NCCN soon discovered that while the critics were led by skilful political activists, the campaign against Nestlé received its moral authority and most of its popular and financial support from religious groups and critics of conscience. (Pagan, 1986a: 14-16)

Nestlé understood the 'enormous importance' of the influence and support of religious groups to the activists' boycott campaign, according to Sethi. The power base of the professional leadership of the boycott movement was 'very narrow' – but for the fact that they were supported by a wide variety of organised religious groups. (Sethi, *op. cit.*: 229) Pagan observed that while many of the church-based critics were uncomfortable with profit-oriented multinational capitalism, they also did not like the idea of 'being used for extraneous purposes by activists or of being viewed as clever, amoral, or radical political activists.' (Pagan, *op. cit.*: 16) 'But these critics were willing to work with

Nestlé on behalf of the world's poor and to see if multinationals were as useful and as caring as Nestlé claimed.' (ibid.: 14-16) Pagan considered the groups coordinating the boycott – INFACT and the Interfaith Center on Corporate Responsibility – to be more radical. He decided to bypass them and go directly to the National Council of Churches. (Pagan, 1996: 437) This strategy was predicated on the actions taken by various church groups to independently investigate issues at stake. Instead of endorsing the boycott, the United Methodist Church (UMC) had established the Methodist Task Force (MTF) to investigate the misuse of baby formula and to instigate a constructive dialogue with the companies involved. Pagan thought of moderate church groups as a 'very large constituency of thoughtful and concerned people [...] who would be absolutely necessary if Nestlé were to improve its credibility and at the same time make a dent in the activists' support base.' (Sethi, op. cit.: 230) Jack Mongoven, the strategist working with Pagan, explained why they had strategically chosen to put pressure on the church community:

The weakness and the strength of the church institutions are first and foremost that they have a conscience, and that, once they know the truth, the pressure on them to act accordingly is very heavy. Because they are committed to doing that which is ethical, they became our best hope. (ibid.: 229)

The 'truth' Mongoven is referring to, was the fact that selected church people had to be convinced that Nestlé was determined to resolve its critics' legitimate concerns. Likewise, 'doing what is ethical' in Mongoven's eyes, involved *not* joining the boycott.

### **Reaching out**

In May 1981, the WHO passed its International Code of Marketing of Breast-Milk Substitutes. Pagan used this moment as an opportunity to 'begin seizing the moral initiative from the confrontationists.' (Pagan, 1986a: 16; also see Sethi, op. cit.: 231) At his insistence, Nestlé immediately issued a statement supporting the 'aim and principle' of the code. Although many activists saw this statement as a cosmetic PR ploy, seeds of doubt were sewn. What was the moral basis for a boycott against a company that *did*

support the code, rather than against other companies that opposed it? Pagan's NCCN and the Methodist Church were then exploring a basis for dialogue, and Nestlé's statement of support for the code helped them find common ground. (Sethi, *op. cit.*: 231) Eventually Pagan brought together the new managing director of Nestlé and the new head of the National Council of Churches, James Armstrong, who, until his election in April 1982, had been on the Methodist Task Force.

However, dialogue alone was not enough. The Methodist Church demanded that Nestlé demonstrate its compliance with the WHO code, and provide evidence that it was indeed changing its marketing practices. 'Having put major emphasis on wooing the Methodists, Nestlé could not do otherwise.' (*ibid.*) At the Church's suggestion, Nestlé issued instructions requiring unilateral compliance for those Third World countries that had no code yet. Further steps were taken to build trust between the two parties. At Pagan's recommendation, Nestlé shared sensitive internal documents with the Methodists, which helped convince them of Nestlé's *bona fides*. The Methodists honoured these confidences. A subsequent meeting between Nestlé CEO's and the MTF in 1982 'swept away most of the hidden antagonism and wariness between the two groups and went a long way toward building mutual trust and respect.' (Pagan, *op. cit.*: 16-17; Sethi, *op. cit.*: 231-232) As a result, the Methodists took initiatives on their own to engage other activists to enter into a dialogue with Nestlé.

Pagan increased Nestlé's visibility on other fronts too. The company tried to gain credibility with the scientific community via 'research-supported activities' in the US aimed at Third World health and nutrition. This involved grants made to various universities and sponsoring a number of symposia on the problems of infant nutrition. (Sethi, *ibid.*: 232)

NCCN also targeted public interest groups directly. In early 1982, Pagan set up a database of more than 700 American organisations that had endorsed the boycott. The strategy was, according to Mongoven, to reach out to these groups 'once Nestlé had begun to make solid progress in building credibility' to create a feeling of movement which would 'prepare boycott endorsers for an ending.'

Richard Ullrich, the coordinator of the Justice and Peace office of the Marianist Brothers and Priests in Baltimore, met with Nestlé officials to discuss the boycott. 'By having us hear their (Nestlé's) side, they believed we'd be convinced of their sincerity and then we would call off the boycott,' said Ullrich (in Bartimole, 1982). They hoped 'that would be symbolic and they could use that to convince other groups to call off their boycott.' (ibid.)

*Multinational Monitor* obtained copies of a number of long letters Pagan sent to church groups and other organisations. These letters show Pagan and Nestlé intentionally try playing one group off against another. Pagan sent two letters on 13 November 1981, one to a group of pastors, the other to priests. Both contained this paragraph:

We regret that so much strident rhetoric has often characterised the debate on this critically important issue. It is obvious, however, that more and more religious bodies are giving this issue the time, effort, and research it merits. We applaud these efforts. It is only through careful consideration of all the important aspects of this matter that all of us can manifest our concern for the children of poverty in developing countries. (Pagan, cited in Bartimole, 1982)

At the campus of the Notre Dame University, Nestlé tried to influence the student referendum on the boycott, it criticised the 'biased' editorial line of the *Observer*, the student magazine and tried to bribe influential students. 'Notre Dame has become known for its interest in Third World and humanitarian issues,' John McGrath, editor of the magazine told *Multinational Monitor*, and a 'no' to the boycott would thus serve as a victory that could be exploited on other campuses.

*Multinational Monitor* concluded in September 1998:

The tactic Pagan and Nestlé employ with church and educational groups reveal an organised effort to confuse and splinter Nestlé's critics. This suggests the company may be more interested in altering the public perception of its practices than in changing those practices themselves. (Bartimole, 1982)

This analysis is confirmed by the fact that *Nestlé News*, the newsletter published to emphasise Nestlé's many constructive efforts in the Third World, 'almost always led



with a positive story about progress in resolving the boycott issue or partnership with a responsible organisation, e.g. the United Methodist Task Force.’ (Sethi, op. cit.: 232)

### **Breakthrough**

An important moment in breaking support for the boycott was when the *Washington Post* changed its editorial line on the issue. The newspaper had been a key outlet supporting the boycott; in the first six months of 1981, it published 91 articles critical of Nestlé. The paper had exposed secret internal Nestlé documents on several occasions that had seriously damaged the corporation’s reputation (see for instance Mintz, 1981). But in November 1982 the *Post* published an editorial arguing that international health policy ‘needs a broader perspective’ than the ‘anti-formula crusade.’ (*Washington Post*, 1982) Pagan had persuaded the management of the paper to assign its science editor to the issue. Nestlé ‘kept him so informed of our activities he tired of us.’ (Pagan, cited in Nelson-Horchler, 1984) The editorial included critical assessments of evidence presented by the campaign: ‘Upon closer inspection, the data linking formula marketing and infant mortality turn out to be sketchy at best.’ (*Washington Post*, op. cit.)

A few weeks earlier Pagan had achieved a crucial victory in separating the ‘fanatic’ activist leaders from those who are ‘decent concerned people.’ (Pagan, 1982: 3-4) ‘As scheduled’ Pagan proudly noted, the Methodist Task Force recommended the Church should *not* join the boycott. (Pagan, 1986a: 17; and Sethi, op. cit.: 232) Why was the United Methodist Church decision so significant?

The Infant Formula Action Coalition (INFACT) had a leading role in the Nestlé boycott. The group had strong ties with the National Council of Churches, and tried to mobilise support from larger religious communities. The UMC was – and still is – one of the largest mainline Protestant denominations, representing a mix of moderate and liberal theologies. Guided by their ‘social principles’ they are usually open to new ideas and societal changes:

The United Methodist Church believes God's love for the world is an active and engaged love, a love seeking justice and liberty. We cannot just be observers. So we care enough about people's lives to risk interpreting God's love, to take a stand, to call each of us into a response, no matter how controversial or complex. (United Methodist Church, 2004)

To gain the UMC's official support for the boycott would have exerted strong pressure on Nestlé to negotiate with the activists. Instead, the Council on Ministries, the Church's chief program coordinating agency, asked two other Methodist agencies – the Board of Church and Society and the Board of Global Ministries – and the more than 30 Methodist annual conferences that backed the boycott to 're-examine their position and consider concluding their participation.' (Anderson, 1982)

According to Sethi, the activists at INFACT saw the establishment of the Methodist Task Force in (too) narrow political terms. They were afraid that because of the Methodists' inexperience, the Task Force would be manipulated – or at least confused and overwhelmed – by Nestlé and others. Yet, the chair of the MTF, Philip Wogaman, then Dean of the Wesley Seminary, seemed well aware of the issues at stake:

The real issue was not whether the company was using us; but whether it was using us to find a way into a more responsible relationship with its public, or whether it was using us as a device to maintain the status quo. (Sethi, op. cit.: 247)

Doug Johnson of INFACT confirmed the vital importance of the Church' decision when Sethi interviewed him:

Had the Methodist Church joined (the boycott) there would have been a lot less internal problems with the churches as a whole. We would have been able to press the boycott harder. We would have gotten settlement sooner. ... Because they were out [of the boycott] and because Nestlé was stroking them, it took away the will power of the other churches to be seriously involved in the boycott as they should. (ibid.: 247)

The activists had made the mistake of taking the support of the religious institutions for granted, Sethi concluded. 'They were quite willing to work with the Church subunits as

long as they could wrap themselves with the moral authority of the Church.’ (ibid.: 248, also see ibid.: 230)

Sethi’s observations – although clearly containing moral judgement – emphasise the significance of Pagan’s assessments. For the strategy of creating divisions within the boycott campaign, targeting the moderate church groups proved to be a wise choice. Pagan and Mongoven managed to draw the MTF away from the boycott, and into dialogue with the company. The UMC’s choice not to support the boycott damaged the INFACT coalition, and this – as intended – eroded support for the campaign against Nestlé.

### **Outside validation**

Another strategy to secure an end to the boycott was to seek outside validation. To overcome public distrust in early 1982, Pagan established the Nestlé Infant Formula Audit Commission (NIFAC). Its official mission was to answer inquiries from the public and to monitor the company’s application of WHO Codes. (see NIFAC Charter, article II, cited in Sethi, ibid.: 26) The Commission was chaired by former US Secretary of State Senator Edmund S. Muskie, who was considered strong enough to withstand public pressure. He had a well-established reputation for integrity and a commitment to the disadvantaged. Muskie insisted on independence for NIFAC, and full control of the finances and the staff. (Sethi, ibid.: 267)

Public reaction to the commission was mixed, for many different reasons. Although established to investigate Nestlé’s marketing practices in the Third World, none of the members had any direct expertise in those fields. Doubt was cast over the commission’s impartiality, because Nestlé financed it. Its legalistic and bureaucratic approach was criticised too. The creation of NIFAC neatly shifted the burden of proof; as if it were a court of law, Nestlé was now innocent until proven guilty. According to Johnson of INFACT this meant that ‘the responsibility for establishing violations was unduly placed on those organisations that had the least capacity and the fewest resources to pursue them.’ (ibid.: 272) The complicated juridical requirements kept many organisations from

filing complaints, especially those in developing countries unfamiliar with the procedures NIFAC applied. The boycott movement was primarily rooted in the USA and Western Europe, while the field of operation concerning infant formula marketing was in Africa, Asia and Latin America. The movement lacked a structure of field offices and networks to collect complaints and the additional detailed paper work the procedure involved (*ibid.*: 274) – as this was before the age of internet.

The creation of NIFAC served as an effective deflection shield for Nestlé. Rather than having to deal with complaints directly, the company could plausibly claim that NIFAC was studying the situation. (Chetley, 1986: 120-121)

Pagan and Mongoven explained how the Commission served as an instrument for damage control and containment. Muskie's operation created a regular 'event hook' for news media. The media focus on the new commission also put some boundaries around the issues that activists might raise, and the manner in which they were addressed. (Sethi, *op. cit.*: 269) Furthermore, Pagan and Sethi agreed that the commission was a key component of the divide & rule strategy. Pagan pointed out that the establishment of the commission 'created much disarray and confusion amongst the activist leadership.' (Pagan, 1986a: 17) The Muskie Audit Commission was to

[...] cause an erosion of the rationale for boycott, narrow the differences between the opposing groups from broad generalities to specifics of content and process. [This Pagan saw as] one of the conditions for a satisfactory negotiation of the boycott termination. (Sethi, *op. cit.*: 233)

### **Consolidation?**

In January 1984, an agreement to end the seven-year boycott was signed. Boycott leaders and Nestlé officials symbolically marked the occasion at a joint news conference by unwrapping Nestlé Crunch candy bars, one of the items hardest hit by the boycott, and tapping them together as if toasting flutes. (Marquez, 1984) Pagan and Nestlé claimed victory, but this was somewhat premature. The widely reported end of the boycott would later prove to be just a suspension of campaigning. After the agreement

was ratified in October 1984, Nestlé's marketing initially improved – very slowly. However, once the boycott was over and the spotlight on the company dimmed, Nestlé returned to business as usual. (Salmon, 1989: 44)

The fourth phase, following the official end of the boycott, was aimed at consolidation and the implementation of a stable corporate social environment and public policy. (Pagan, 1986: 16) However, this phase failed completely. Within a year, Nestlé officially dismantled Pagan's NCCN, claiming the new realities did not justify maintaining a satellite organisation in the US with direct links to the head office in Switzerland. Pagan and Mongoven declined senior positions in the Nestlé hierarchy and decided to start their own firm, Pagan International. Financial claims were settled in kind. The firm was allowed to stay in the old NCCN offices rent-free and could keep the (expensive) furniture and equipment free of charge. (Sethi op. cit.: 236)

Ten years later Sethi concluded that Nestlé had not learned any lessons in handling the controversy. For example, a wholly owned subsidiary of Nestlé entered the market for infant formula in the USA for the first time in 1988. By directly advertising to the consumer, the company raised a storm of criticism: 'It is as if the company had never heard of the WHO code or was insensitive to the concerns of the health and medical community about infant formula marketing practices.' (ibid.: 241) Indeed a great many of Nestlé's foreign subsidiaries were not persuaded that Nestlé had any problem at all. They did not see any adverse affects of the US controversy in their regions. Sethi outlined the unchanged position of the Nestlé management sketching the opposition against the Muskie Audit Commission. An inward-looking corporate culture made Nestlé very reluctant to embrace the idea of transparency in its governance procedures. The company felt that, given the pervasive anti-business and anti-Nestlé climate of public opinion, the cost of such an action might far outweigh any potential benefits. The internal opposition intensified by the fact that there was no guarantee, or even reasonable certainty, that the Audit Commission would successfully re-establish Nestlé's credibility. (ibid.: 266)

When a renewed boycott to force Nestlé to keep its promises was announced in October 1988, Nestlé hired Ogilvy & Mather, a renowned advertising and public relations firm, to

devise an international operation to deal with this boycott. The plan subsequently leaked to the media in April 1989 was called *Proactive Neutralisation: Nestlé Recommendation Regarding the Infant Formula Boycott*. The O&M plan echoed Pagan's ideas by proposing 'interest group assessment and monitoring' and an 'early warning system' that would alert Nestlé to decisions of local church groups on whether to join the boycott. The program also embraced the divide & rule strategy, as it was

built around the idea of neutralising or defusing the issue by quietly working with key interest groups [and argued that] activities should be implemented as soon as possible in order to most effectively pre-empt boycott activities. (cited in Mokhiber, 1989)

The document does not explain the meaning of 'neutralising' – *Multinational Monitor* noted. After exposure, a spokesperson claimed Nestlé had rejected the recommendations, but remained an Ogilvy client. (Mokhiber, op. cit.)

Although the boycott of Nestlé resumed in 1989, the Muskie's Audit Commission was disbanded in 1991. Through the years, the Commission had widened the scope of their mandate with fact-finding missions in developing countries. When Muskie concluded Nestlé had violated the provisions against free supplies of infant formula in Mexico, this experiment with auditing and transparency was terminated. (Margen, cited in Richter, 2001: 148)

Today, the company continues to ignore criticism while attempting to undermine campaigning groups. Nestlé paid one of Switzerland's largest security firms to have at least three people infiltrate campaigning groups in 2003 and 2004. (Losa & Ceppi, 2008) Around the same time, in 2004, International Baby Food Action Network (IBFAN) published a report documenting violations of the WHO Code and Resolutions gathered in 69 countries. The publication, *Breaking the Rules, Stretching the Rules*, explained why Nestlé is singled out for boycott action: 'As in past monitoring exercises, Nestlé was found to be the source of more violations than any other company.' (Kean & Allain, 2004: 2) In 2005, a campaign to challenge Nestlé's public relation policies commenced. The boycott coordinators called for a public tribunal to evaluate who is telling the truth. Nestlé rejected the proposal. (Baby Milk Action, 2005)

## 5.2 The Neptune Strategy

Pagan International (PI) was founded as an independent company in 1985. (*Business Wire*, 1985) Among its first clients was Shell Oil. The company needed help in dealing with the growing support for anti apartheid boycott in 1986.

The plan Pagan developed to address this issue, the *Neptune Strategy*, aimed to neutralise the boycott in three years. The overall strategy was to divert public attention from the boycott and disinvestment efforts, by concentrating on South Africa in a post-apartheid context. Ideas and strategies developed while working for Nestlé reappear, often in a more elaborate form and structure. The *Neptune Strategy* includes proposals for comprehensive information gathering operations, dialogues with moderate groups and attempts to entice church groups into working with Shell. The document also outlines sophisticated schemes to drive a wedge between black organisations. Pagan set up a front group of black professionals to argue that disinvestment would harm the black population of South Africa. To provide what Pagan called ‘a balanced view’ of the apartheid issue, he proposed a proactive strategy aimed at ‘the phase of the forming of ideas.’ (University Strategy, 1986: 4) Some of the key people Pagan encountered when working for Nestlé had now been added to his team, and important figures within the church groups were targeted once again.

### **Background**

In the 1980s, Shell and other corporations that continued to do business in South Africa came under fire from protesters who pressured them to disinvest. Shell was targeted for not observing the oil embargo. In the United States, Shell’s problems were exacerbated when the United Mine Workers of America (UMW) called for a consumer boycott in solidarity with South African trade unionists. A labour conflict ignited the controversy in early 1985. The South African National Union of Mineworkers (NUM) demanded the re-hiring of 90 workers fired after a strike in the Rietspruit mine that had been broken with brutal force. Soon other large unions and labour federations in the United States

joined the boycott. Anti-apartheid groups and American church groups became part of the coalition too. (Walker, 1986) It was not until the launch of the consumer boycott in January 1986 that Shell realised it could no longer hope to avoid or ignore the anti apartheid campaign. (Van Dieren, 1986) After the 1979 OPEC oil embargo Shell became the main supplier of oil to South Africa, profiting from the premium price it could demand. Shell South Africa, along with other resident oil companies, fuelled the apartheid regime and more specifically military operations in the townships and in Namibia, Angola and other neighbouring black states. (Pratt, 1997: 244; also see Hengeveld & Rodenburg, 1995) Pagan advised Shell at this time, when the company policy involved denying any responsibility and refusing to discuss disinvesting or putting pressure on the apartheid regime.

### **Damage control**

The *Neptune Strategy*, a three-year plan, was leaked to the press in September 1987 – a year into its implementation. The *Strategy* was anonymously sent to the ICCR, a large coalition of church groups playing a key role in coordinating the Shell boycott (as it had in the Nestlé boycott). Although Shell acknowledged the origins of the document, the company tried to control the damage by downplaying the reach and effects of the operation. Shell officials admitted that the company commissioned the plan, but claimed that little had been adopted as policy. (Barrett, 1987) According to Shell official Tom Stewart, however, Pagan International was still retained by the time the *Neptune Strategy* was exposed ‘for advice on anti-apartheid criticism and boycotts.’ (ibid.) Shell spokesperson Norman Altstедder confirmed the plan existed, but denied it was secret. (Anderson, 1987) In a letter to Emilio Castro, General Secretary of the World Council of Churches, Pagan wrote:

Most regrettable of all is that the stolen document has also been placed in the hands of Dutch activists that have a sorry track record for violent behaviour. If violence and personal injury result from this ill-gotten and carelessly shared



information, the responsibility will have to rest with those who sent it. (Pagan to Castro, letter dated 5 October 1987, cited in van Drimmelen to Pagan, 1987)

While Shell tried to control the situation after the exposure by downplaying the damage, Pagan's anger is one indication of the importance of the strategy. Moreover, Shell's claim that not much had been implemented was misleading. Close reading of the report indicated that some of the strategies *had* commenced as planned. The *Neptune Strategy* was prepared in 1986, and became public in September 1987. Pagan had developed specified strategies for different target groups, as will be detailed below. The report included timelines pointing out the implementation of the various aspects for every subsequent group strategy. The Religious Groups strategy and the University Strategy had been prioritised, because churches and students represented a crucial threat in terms of widening support for the boycott. The timelines also identified a project leader for the Union Strategy, Paul Jensen, a partner in the consulting firm Public Strategies. (Timeline Union Strategy: 1) Together with Robert Strauss, former Democratic Party chairman, he had started making calls on Shell's behalf to approach union leaders. (*Labour Notes*, 1988) Judging by the parts that evidently *had* been implemented, it is fair to say that Shell appreciated the intention of the *Neptune Strategy* and were following Pagan's counsel.

Another feature of the strategy consisted of a policy of 'plausible denial.' When operations go wrong in the world of intelligence, authorities often try to distance themselves from the people involved. The goal is evasion of responsibility and accountability.

As a response to the exposure of the *Neptune Strategy*, Royal Dutch Shell took the position that the strategy was purely a Shell US affair. However, the subtitle told a different story. Officially, the report was called: *Shell US South Africa Strategy. Prepared For: The Shell Oil Company*. The subtitle indicated the purpose of the strategy: *For use in the US and for the development of global coordination within the Royal Dutch Shell Group*. Furthermore, the similarity of approach by Royal Dutch Shell companies when dealing with their critics was an essential part of the plan. The *Neptune Strategy* involved a coordinated worldwide campaign, because '[t]he Shell US boycott

cannot be neutralised or ended through action in North America only.’ Pagan warned Shell it would be confronted with ‘a well coordinated international effort, the pressures applied on Shell US will be strongly supplemented with political/economical/violence pressures and through *intellectual terrorism* against Shell’s affiliates.’ (Structure and Organisation, 1986: 5, emphasis added) The plan included detailed analyses of the anti apartheid movements in the Netherlands, the UK and several other countries. (Intelligence Assessment, 1986: 14-20) The experiences of anti-Shell activists in those suggest the implementation of an international plan.

A defensive argument repeatedly used by Shell was the claim that every company in the Shell Group was supposed to act independently.<sup>13</sup> At a shareholders meeting of Shell Canada held on 27 April 1988, chair J.M. MacLead assured the public that he personally abhorred apartheid, but that Shell Canada had no influence outside of Canada. L. C. van Wachem – managing director of the Royal Dutch Petroleum Company, Shell Canada’s majority shareholder (71,4 %) and one of its directors also present at the meeting – cut short the discussion with the shareholders. He ‘affirmed that each national company was autonomous and none should try to influence the other.’ (Pratt, 1997: 247) A Dutch television documentary later revealed that Van Wachem – officially in his capacity of chair of the board of Shell US – had met Pagan in the summer of 1986 in Houston, Texas to discuss his work for the company. (Runderkamp & Salverda, 1987; Obbink, 1987)

In the Netherlands, Shell claimed it first heard of the report after it was exposed. The Dutch director of Public Affairs, Martin van Rooijen, tried to disassociate completely from the *Neptune Strategy*: ‘A report like that is something Shell Netherlands can do without,’ he told a Dutch weekly. ‘Our actions are open and above board.’ (Obbink, 1987) A statement that unintentionally qualified the operations of the American sister company Shell Oil, the author of the article remarked. (ibid.) However, Van Rooijen did coordinate a series of secret meetings with Dutch church leaders to set up a dialogue – which followed the *Neptune Strategy* to the letter. (Religious Strategy, 1986: 9)

Misleading shareholders, activists and the press were essential elements of both the covert corporate strategy and operational damage control. These were part of the broader

plan to influence public opinion and to engineer consent in order to minimise the effects of the boycott.

### **The plan**

The *Neptune Strategy* was a 256-page three-year plan to neutralise the boycott and to divert the attention away from the apartheid issue. Shell South Africa was urged to emphasise what it did locally to address the situation, and internationally Shell focused on future post-apartheid scenarios. A key message was that sanctions and boycotts were not the solution.

The *Neptune Strategy* contains four sections:

1. Intelligence Assessment, a summary of the state of the art on several fronts: USA activity against Shell, European Activity and a collection of source material to support these findings.
2. Several chapters focusing on how to deal with the various target groups, in which religious groups and the universities accorded the most detailed treatment. Further strategies involved educators, the union, the news media, civil right groups, professional organisations, government relations, employees and international organisations.
3. Strategy Evaluation, methodology, and an assessment of cost effectiveness.
4. Timelines indicating the planned implementation of a detailed list of elements of the strategy and a project leader for every subsequent targeted group. (The references in this case study cite the chapters and the corresponding page numbers, as the document does not have an overall page numbering system).

### **Intelligence gathering**

The chapter on Intelligence Assessment details the information gathering exercise that was to provide an in-depth understanding of the individuals, groups and networks targeting – or likely to target – Shell on the South African issue. To prepare intelligence reports the analysts could use ‘background data already existing in PI’s [Pagan International’s] computerised data base and hard copy files and publicly available

sources.’ (Intelligence Assessment, App. VIII, 1986: 1) An experienced full-time analyst (called R. Bell) was assigned to use less conventional ways of gathering information too, such as:

- Establishing personal contacts either in the boycotting organisations or with access to such organisations who can provide information not available to the public;
- Using accepted investigative journalism techniques and personal interviews with key members of the boycott coalition as a reporter for the *International Barometer*; and
- When possible, attending meetings, conferences or direct-action events sponsored by critic groups. (ibid.: 2)

This shows that the company used informers as well as spies – at least one of them is known to have posed as a journalist (as detailed below). Pagan International claimed to have ‘a network of correspondents.’ (ibid.) To evaluate the tactics of the various anti-Shell groups, analyse their political background and assess their influence PI ‘also activated an experienced associate in Europe.’ (ibid.: 1) In May 1986, several Dutch groups were questioned at length about their work, funding, opinions and networks. They were interviewed by Alan Fuehrer who claimed to be a freelance journalist working for the *International Barometer*, a newsletter aimed at bridging the gap between activist groups and business. (Runderkamp and Salverda, 1987) Fuehrer did not mention the fact that the magazine was founded by Pagan in 1986 as a platform to disseminate his views to his clients and other interested parties. Traced in Brussels by two Dutch investigative journalists after the exposure of the *Neptune Strategy*, Fuehrer denied being a correspondent for the *International Barometer*. Confronted with the business card he had used to introduce himself in the Netherlands he said: ‘Look, this was just a way of showing people I was authorised to track information for them.’ While Fuehrer sought to downplay his role as intelligence functionary, he gave away further details about Pagan’s practices: ‘All I did was send the tapes to Pagan. He knew my name from a list of former US foreign services officers. Pagan solicited a whole list of people like that.’ (cited in Runderkamp and Salverda, 1987)

### **Nestlé strategy revisited**

The *Neptune Strategy* explored the problems with various target groups. On several fronts, the possible solutions resonated with the lessons learned from the Nestlé controversy.

The chapter on Union Strategy for instance emphasised the difficulties of talking to trade unionists, who – unlike the religious leaders – had already made up their minds. ‘The primary objective of the union strategy is to prevent labour boycott efforts from expanding to new unions, and to bring about an inactive or almost inactive boycott.’ (Union Strategy, 1986: 3) In order to reach this goal ‘[o]bjective discussions will be initiated [...] every effort will be made to ensure that these discussions are seen not as negotiations (as is common in the labour milieu) but as an exchange of ideas.’ (ibid.) However, it becomes clear that this initial dialogue meeting, was actually an ‘information-gathering session and would establish the baseline from which other steps could be formulated.’ (ibid.: 5)

Pagan advised Shell to try to convince union leaders that the role of the company in South Africa had been misrepresented in boycott rhetoric. Pagan looked for an equivalent of the Muskie Audit Commission and suggested appointing a ‘senior, respected, well-known public figure as an ombudsman between Shell and organised labour.’ The aim of these ‘informational meetings’ was ‘calming the rhetoric used by the unions and seeking points of mutuality.’ (ibid.: 6) This clearly echoes of the plan to ‘stop the shouting match’ between Nestlé and its opponents. Labour was not the only target.

The strategy proposed for local classroom teachers included ‘community building’ and the creation of citizen committees that in some respects resembled those set up to break strikes early in the 20th century (see chapter 4). Teachers were to develop a better general understanding of the apartheid issue and ‘an atmosphere which will foster sympathetic understanding of the plight of the local Shell dealer unfairly targeted by the boycott.’ (Educators Strategy, 1986: 2) Local teachers had to be convinced that apart from the hardship for the dealers, ‘the boycott represents a disservice to the community.’ (ibid.) Leading members of educational organisations not completely supportive to the boycott were to be identified and subsequently targeted with ‘individualised information

packages' in order to change their position. Third party contacts potentially sympathetic to Shell – such as the National Congress of Parents and Teachers – were singled out to work with teachers in order to influence them. (ibid.: 3) Likewise, the Employee Strategy described Shell's 35,000 employees as 'one of the company's most effective communication tools' and the company's large pool of loyal retirees as 'a valuable resource in communities around the country.' Together they had to be turned into 'shell Ambassadors' to 'defend the company on the grassroots level in their churches, local business and women's clubs, unions and other local organisations.' (Employee Strategy, 1986: 1)

For Nestlé, announcing support of the WHO code on marketing of baby formula had been a 'breakthrough' moment. Pagan suggested Shell South Africa should be encouraged to review its policies and practices in terms of the Sullivan Principles. The Sullivan Signatory Group was an initiative of corporations that supported change in South Africa, but did not want to disinvest and leave the country. A private audit could estimate the 'grade' the company would get. A good grade could be 'publicly announced with some fanfare' and make it more difficult to single out Shell US for a boycott. (Civil Rights Groups, 1986: 3) The content of the Sullivan Principles was of no real interest to Pagan:

It does not matter whether the Sullivan guidelines are correct or whether the audit program is perceived at some levels to be flawed. They are the only standing criteria, which the average person knows anything about. (ibid.)

What counted for Pagan was the PR exercise, and the possible positive effects for the reputation of the client company.

### **Divide & Rule**

One of the plans fully implemented by the time Shell's strategies were revealed was the creation of a front group set up to divide black constituencies. The Coalition on Southern Africa (COSA) was launched by several prominent black clergymen on 10 September 1987 – just days before the exposure of the *Neptune Strategy*. Supposedly, COSA was

an independent organisation preparing South African blacks for leadership in a post-apartheid society. In fact, Pagan organised this new religious coalition to oppose corporate disinvestment from South Africa. The key to this plan was to give religious and black groups ‘sufficient reasons not to join the boycott.’ (Religious Groups Strategy, 1986:1)

The proposal was a double-edged sword.

One of the most politically effective and legitimate reasons for a continued multinational business presence in South Africa is the need to train Black South Africans to create wealth and jobs, and to participate at the highest levels of government in a multiracial, democratic society. (Breakthrough Elements, 1986: 1)

So, in addition to Shell South Africa training people in technical and managerial skills, within the corporate structure, the company could do more. ‘The Shell Company could create or contribute to programs that recruit talented young Blacks for training in public administration and management in institutions located in the United States and Europe.’ (ibid., 2) Pagan singled out key black activists and church leaders to help develop ‘post-apartheid plans’ that would ‘ensure the continuation and growth of the Shell companies in the United States and South Africa.’ (Religious Groups Strategy, 1986:1; also see Breakthrough Elements, 1986: 1-3) Mongoven confirmed that Pagan International had provided free office space and use of telephones to COSA, and had paid for travel by COSA’s staff. Mobil Oil, Johnson & Johnson and several other companies with interests in South Africa, provided the starting capital, \$ 765,000. (Anderson, 1987; Runderkamp and Salverda, 1987)

Companies with South African operations immediately began to point to COSA to show that not all US church groups backed disinvestment. Donna Katzin, a leader in the Shell boycott, claimed executives of Mobil Oil, Caltex, and Colgate-Palmolive cited COSA during board meetings at which shareholders raised questions concerning these companies’ South African operations. (Sparks, 1987) However, the effect was short lived. Though Pagan stepped down as a paid advisor of COSA after the exposure of

Shell's involvement, the organisation was branded a front group for business interests. (*Katholiek Nieuwsblad*, 1987)

### **Sacrifying trust**

A large part of the plan focused on cultivating relations with religious organisations in a move to 'deflect their attention away from boycotts and disinvestment efforts.' Drawing from his experiences with the Nestlé controversy, Pagan emphasised: 'Mobilised members of religious communions provide a "critical mass" of public opinion and economic leverage that should not be taken lightly.' (Religious Groups Strategy, 1986: 1)

James (Jim) Armstrong was responsible for the outreach programme to organised religion. He was introduced to Shell as a former bishop and former president of the National Council of Churches with unique knowledge of the church community and its inner workings. His biographical note in the Neptune report failed to mention his key role in Pagan's strategy to break the Nestlé boycott, the fact that he had joined Pagan International and had been promoted to CEO in 1985.<sup>14</sup>

The *Neptune Strategy* identified seventeen church targets with more than 50 individuals to be contacted. Most of these people were singled out because of their position, their networks and their influence in the community. Among those scheduled to be contacted were the Rev. Emilio Castro, president of the World Council of Churches; the Rev. Arie Brouwer, general secretary of the National Council of Churches, Bishop David Preus of the American Lutheran Church and the Rev. Avery Post, president of the United Church of Christ and co-chair of the Churches Emergency Committee on South Africa. (Religious Groups Strategy, 1986: 3-13) The help of Bishop Desmond Tutu and Dr. Alan Boesak would be sought in finding a constructive role for companies like Shell in changing South African society. Both influential leaders were 'known as aggressive moderates.' Pagan realised Tutu was a strong anti-apartheid fighter, so 'securing his help will not be easy' (ibid.: 7), but if successful they could be *utilised* in developing a strategy to deal with present realities and post-apartheid prospects.' (ibid.: 12; emphasis



added) An appendix chart outlined when the meetings were to take place, who was to make contact and then rated the degree of probable 'success.' ICCR, the organisation that exposed the *Neptune Strategy*, did some follow-up research and confirmed that many of these meetings had taken place as planned. 'Many of those targeted said they had met with Armstrong and or others but said the meetings were unsuccessful in undermining support for the boycott.' (Anderson, op. cit.)

In the Netherlands, Shell's secrets meetings with delegates of the Roman Catholic bishop conference caused considerable disarray. After consultation in 1985, the Dutch Council of Churches had decided to support disinvestment from South Africa. Dialogues with the oil company over 20 years had proved fruitless. The Council also agreed to a coordinated approach in dealing with Shell. In spite of this agreement, Catholic Bishops had accepted Shell's invitation without consulting other members of the Council. Pax Christi thought this was a major mistake. The secretary of the Dutch Council of Churches, Wim van der Zee, concluded that Shell was trying to split the churches. (*Volkskrant*, 1987)

The publication of the Pagan report strengthened distrust of Shell, particularly amongst religious groups. A Dutch magazine discussing Christian-democratic issues published a remarkably critical analysis of the report written by the scientific office of the Christian Democratic Party. Most worrying from their perspective, was that the *Neptune Strategy* allowed no dialogue:

The Neptune Report aims to let the financial and economical reasoning prevail over social and moral virtues. That is against any of our beliefs especially when this is disguised as an ethical motivation. This involves pure deception! (*Christen Demoncratische Verkenningen*, 1988)

The magazine refused to print a response from Shell's Dutch public affairs director Van Rooijen, indicating the extent of Shell's isolation at that time. Van Rooijen was a well-respected member of the Christian Democratic Party and a former state secretary. (Van der Bergh, 1995: 317-318) His appointment to director of public affairs in 1987 was retrospectively viewed as part of the strategy, according to Jan van der Laak, secretary

of Pax Christi in the Netherlands: ‘A Christian Democrat with an ecumenical background sure helps to give the company a human face.’ (cited in Obbink, 1987)

In the UK, similar issues arose. In his strategy plan, Pagan had advised Shell that Anglican support for the boycott could have ‘serious repercussions’ for its influence on Anglican communities elsewhere in the world. (Religious Groups Strategy, 1986: 7) Shell should approach

appropriate leaders of the Church of England, perhaps even to the Archbishop of Canterbury, to seek their assistance in working with their own church and the churches of South Africa, to reduce conflict and to engender co-operation with Shell South Africa and others who are committed to a just society in South Africa in which business could be a positive force. (ibid.)

The Church of England accused Shell of dishonesty after the *Neptune Strategy* was exposed in October 1987. John Gladwin, secretary of the Church of England Synod’s Board for Social Responsibility, had met with Pagan in December 1986. Gladwin said: ‘He never told me that he was working for Shell, and I feel we were deceived.’ (Newsletter on the Oil Embargo against South Africa, 1987)

For the ICCR, the organisation that received the leaked *Neptune Strategy*, the revelations were particularly damaging. In the press release exposing Pagan’s report, Tim Smith of the Council of Churches ICCR explained:

Jim Armstrong and Ray Pagan have vigorously argued on numerous occasions to the press and the public that Pagan International was not involved in defending Shell from the boycott, gathering intelligence for Shell on the campaign, or giving Shell guidance on how to counteract the boycott. (Smith & Katzin, 1987)

The *Neptune Strategy* revealed that Pagan and Armstrong were doing just that: defending Shell from the boycott, by gathering *intelligence* on *activists* and advising on *covert corporate counterstrategies*. Smith and the ICCR were specifically targeted by Pagan’s strategists. Because the ICCR played such a significant role in the resolution of the Nestlé boycott, they were to be approached for assistance in the resolution of the Shell US boycott. (Religious Groups Strategy, op. cit.: 5) ‘Building on a previously established relationship of mutual trust, PI will attempt to enlist and include Smith in the

development of win/win strategies.’ (ibid.: 6) The church organisation felt betrayed. The press release concluded:

In fact, these public assurances were part of a calculated, duplicitous plan, outlined in the *Neptune Strategy* document, to rechannel energy from the boycott. Shell’s goal, as implemented by Jim Armstrong and other Pagan International staff, was to obscure the ways in which Shell concretely supports white minority rule and apartheid by diverting the debate to ‘post-apartheid South Africa.’ (Smith & Katzin, 1987)

Denial is a common response in the face of exposure of covert activity (as will be discovered in other case studies below). However, in this instance the deception was even more pronounced. After the experiences with Nestlé, the ICCR and specifically its coordinator Tim Smith had reasons to be suspicious when Pagan was trying to involve them in resolving yet another boycott. Other targets of the Religious Groups Strategy felt equally deceived. The fact that Pagan and Armstrong strongly refuted any suggestion of acting for Shell, is a clear example of how companies under pressure may deal with dialogue and how they tend to treat their opponents. The *Neptune Strategy* places a premium on engagement with critics, but only as a means to secure corporate interests and a license to operate. Since the late 1980s, such dialogues have increased in number – but critics rightly question what this forum of engagement actually delivers. (see for instance Gray & Bebbington, 2007; Hess & Dunfee, 2007; Doane, 2005a, 2005b; Owen, Swift & Hunt, 2001; Gray, 2001)

The issue is how to evaluate the efficacy of dialogue. This case study shows why misgivings about CSR may be well founded.

### **Engineering consent**

There are two reasons why the University Strategy was one of the main features in the plan. The first was the importance of campus politics, as mobilised students provided a strong base for support of the boycott. A greater focus on US corporate activity in South Africa by campaigning students could also imply recruitment problems for Shell.

Secondly, Pagan argued that corporate management generally becomes aware of threats and new ideas when it is too late, often after they have become part of the political agenda and are on the way to becoming a public issue. Pagan placed great emphasis on changing this. His solution to both problems was ‘to involve Shell US at earlier stages of idea creation to increase the impact of the corporate viewpoint on South Africa.’ (University Strategy, 1986: 6)

Anti-apartheid positions on campuses were well defined, Pagan argued.

The campus environment is beset by heightened emotional and political activity and anti-corporate sentiments. Most student groups are either controlled or strongly influenced by student leaders who have a radical or left-of-center orientation. In such an environment, even moderate leaders may be reluctant to associate directly with corporate representatives. (ibid.: 8)

Shell US could expect considerable opposition across college campuses. ‘However, any activities to stem this hostility must be carefully undertaken so as to avoid being portrayed by radical students as an example of corporate efforts to mislead and manipulate students.’ (ibid.) The basic strategy is to ‘deflect attention from company-specific actions to broader questions of disinvestment, operating in a police state, and developments pertaining to a democratic post-apartheid South Africa.’ (ibid.) To channel campus unrest, Pagan intended to persuade teachers to provide ‘a balanced view’ of the problems and ‘a knowledgeable treatment of the South African issue.’ (ibid.: 4) Pagan suggested Shell should ‘create greater infusion of South Africa-related materials in emulator teaching and writing in a manner considered legitimate and enriching.’ (ibid.) ‘Credibility and balance’ were key elements in the strategy. (ibid.)

### **5.3 Professor Sethi’s Double Play**

For the proactive strategy to influence campus debate and ‘the forming of ideas’ (ibid.: 4) the academic community was important. The *Neptune Strategy* listed Professor S. Prakash Sethi as ‘Project Manager’ for the University Strategy. At the time, Sethi was professor at the Center for Management, Baruch College, City University of New York.

Sethi declared he was a paid consultant in 1986, hired to advise Pagan and Shell on how to reach out to the academic world. He denied that he had been paid to do hands-on staff work, describing his role as advisory. (Smith & Katzin, 1987) However, the Timeline Chart dated 10 June 1986 for the University Strategy assigned ten out of the 29 planned projects to Sethi, while the other projects had no one listed as responsible (yet). Sethi's tasks included: identify South African scholars for the PI database, develop the student association debate kit, exchanges with young scholars in South Africa, plan academic association sessions, plan regional post-apartheid seminars, ties with student associations and academic associations sessions on South Africa. (Timeline University Strategy, 1986) The focus however was planning international and regional post-apartheid seminars, described in detail in the Tactics Section of the University Strategy aimed at 'Intellectual Elites and Thought Leaders.' (University Strategy, 1986: 9)

Sethi organised the 'International Conference on South Africa in Transition; The Process and Prospects of Creating a Non-racial, Democratic Nation of South Africa,' held at White Plains, New York, from 29 September - 20 October 1987. The conference mirrored the goal of the *Neptune Strategy*. This was reflected in the objectives, focusing on South Africa after apartheid, the implementation, the delegates, as well as the support and funding. As outlined in the *Neptune Strategy*, the speakers represented 'the top leadership of political, business/labour, academic and religious groups' from the United States and South Africa. The *Strategy* suggested 'to enlist cooperation of the US and South African business community.' (ibid.) The steering committee of the conference included Rafael Pagan and Sal Marzullo, chair of the US Industry Group of the Sullivan Principles Signatory Companies, and an executive of Mobil Oil. While Shell reportedly did not fund this conference, the Sullivan Signatory Group did provide a grant (Smith & Katzin, 1987) – just as the *Neptune Strategy* had suggested. (University Strategy, op. cit.) Furthermore, James Armstrong convinced Bishop David Preus of the American Lutheran Church (ALC) to offer a \$6,000 grant for the conference. (Anderson, 1987) After the *Neptune Strategy* was exposed, several church leaders involved in the conference cancelled their participation and financial support. (Smith & Katzin, op. cit.) Although Shell denied it had anything to do with the event, the ALC grant was

withdrawn. ‘What poisoned it for me,’ said the Rev. Ralston Deffenbagh of Lutheran World Ministries and originally on the planning committee for the conference, ‘is that it seemed aimed at helping Shell break the boycott.’ (Anderson, 1987)

The papers produced in this seminar were placed in ‘respected academic/professional journals’ just as the *Neptune Strategy* had proposed ‘to give them wider currency and be used as source material for the media.’ (University Strategy, 1986: 10) Both the Spring and Summer issues of *Business and Society Review* were dedicated to the conference in 1986. (Sethi, 1987: xiii) The proceedings of the conference were published in book form ‘to be made available to libraries and students [and to be] used as classroom texts.’ (University Strategy, op. cit.) The book appeared as *The South Africa Quagmire: In Search Of a Peaceful Path to Democratic Pluralism*, edited by S. Prakash Sethi. (1987) In the preface, Sethi acknowledged the help of James Armstrong in encouraging religious leaders and other public figures to write for *Business and Society Review*, and Sal Marzullo from Mobil Oil for his efforts in the business community. He does not, however, refer to the White Plains conference that preceded the book. The quarterly *Foreign Affairs* dedicated a short and critical review to the book, pointing at its biased premise:

Trying to close the barn door after the horses have fled, this collection of essays musters some cogent economic and political arguments against sanctions, and a number of essays amount in effect to a defence of inaction by outside parties. The editor himself advocates a visionary scheme for aid to South Africa coupled with precisely targeted sanctions, and a few advocates of international pressure, including Archbishop Tutu and Congressman Howard Wolpe, are given a platform alongside more than 30 opponents, mostly Americans and white South African moderates. Notably missing, apart from Tutu, are any voices of the authentic black opposition. (Whitaker, 1988: 891)

Sethi advised Pagan on the University Strategy and his academic work on business ethics intertwined with developing strategies for companies. A few years earlier, in a discussion on ‘Corporate Money and Co-opted Scholars’ in *Business & Society Review*

Sethi took the position that most academics would see through ‘cheap attempts to influence the direction of research findings.’ (Sethi, 1981) However, Sethi wrote that he was not against corporations funding ‘research in areas of particular interest to them’ or funding ‘research scholars whose policy views may be more in line with those advocated by the corporation.’ Sethi thought of these approaches as ‘quite honourable and legitimate.’ (ibid.) In the book about the post-apartheid conference, Sethi acknowledges the support and cooperation of the Research Program in Business and Public Policy, Center for Management Development and Organisation Research, Baruch College, City University of New York. He also mentioned that ‘the Research Program received partial financial support (with no strings attached) from the business community to conduct studies on different aspects of business and public policy.’ (Sethi, 1987: xvi) The Center’s resources made available his time as well as other logistical support. (ibid.)

Others in the academic world were not so happy about Sethi’s involvement with Pagan. The Faculty Senate of the University of Notre Dame had an ‘extensive discussion’ about the *Neptune Strategy*. Prof. Kathleen Biddick ‘sought clarification of the University’s involvement in the attempt by Bishop James Amstrong and Prof. S. Prakash Sethi of New York to circumvent or compromise the university’s policy on South Africa and its reputation.’ The president of the University, Rev. Edward A. Malloy remarked: ‘The University is not thinking of any participation in any effort associated with Rafael Pagan, who seems to believe he has some intimacy with people at Notre Dame.’ The President referred to sections in the *Neptune Strategy* displaying his University as ‘a unique opportunity for creating an institution for the study of post-apartheid problems’ as well as the alleged ‘close ties’ of some of the senior people with the South African business community. (The sections he was referring to probably were Breakthrough Elements, 1986: 4; Religious Groups Strategy, 1986: 9-10) ‘The president concluded that apologies to Notre Dame and several of its people are in order from Armstrong, Sethi and Pagan.’ (University of Notre Dame, 1988) The minutes of the Faculty Senate of the University of Notre Dame do not mention receiving apologies or further clarifications.

#### **5.4 Company and People, Pagan and Mongoven**

Pagan wrote a clear outline of his strategy in the early days of his work for Nestlé in a speech delivered to the Public Affairs Council in 1982. He argues that any company's primary goal is survival. To do so a company must separate the 'fanatic' activist leaders from those who are 'decent concerned people.' In particular, 'strip the activists of the moral authority they receive from their alliances with religious organisations.' (Pagan, 1982: 3-4) In order to reach these goals, a company under fire would need to establish a strategic capability, an issues management unit. This unit should set up a well-focused information gathering operation and include an analysis function. For Nestlé, Pagan developed a database of more than 700 organisations that had endorsed the boycott and a distant early-warning system to monitor any issue or trend as it passed from the initial forum to scholarly journals to church bulletins to political broadsheets and local magazines to the general media. As a result, he claimed, a company would have at least two years to notice that the issue was growing, enough time to resolve the problem early on. (ibid.)

The focus on strategies such as divide & rule, and the emphasis on gathering intelligence resemble a military approach to issues management. This is reflected in their methods, but also in the way both Pagan and Mongoven understood and articulated their work. 'The boycott movement is guerrilla warfare. It is an international war; its roots are ideological and political and we are being used as a means to a political end,' Pagan wrote to Nestlé. (Sethi, 1987: 223) 'It was like planning for a major combat mission,' Mongoven, his partner, recalled preparing the Nestlé action plan, 'It included an assessment of field conditions, strengths and weaknesses of our opponents, characteristics of their leaders, our own strengths and weaknesses and how they matched with those of our adversaries.' (ibid.: 225)

Pagan had a military career before he became a company strategist. His father left an executive position to be an Episcopal priest in a village in Puerto Rico when Rafael Jr. was nine years old. Remaining in the village until after high school, Pagan graduated from the University of Puerto Rico and joined the US Army in 1951. (O'Dwyers, 1991)



He was awarded a Bronze Star when he was wounded after parachuting behind enemy lines in the Korean War. He stayed with the Army as an intelligence officer assigned to the General and Joint Staffs of the Office of the Secretary of Defence. He briefed Presidents Kennedy and Johnson on the Soviet bloc's military and economic capabilities.<sup>15</sup> (*Washington Times*, 1993) His career path is common for many propagandists and lobbyists. He retired as a colonel after 20 years' service in 1970 to become Director of International Affairs at the International Nickel Company. Then, in 1975, he joined Castle & Cooke, Inc. as Vice President for Government and Industry affairs. (Denig & van der Meiden, 1985: 488) This was a large multinational agribusiness corporation with a reputation for aggression towards activists. Here Pagan first encountered the churches' corporate responsibility office, ICCR. (*INFACT Update*, 1991, cited in Sethi, 1994: 222)

Mongoven did not have a military background. He had been a journalist, worked as an organiser for the Republican Party, and in the communications office of the Nixon and Ford administration. He did however study military strategy in his own time and reportedly introduced the 'nine principles' of German military strategist Carl von Clausewitz at a Nestlé strategy meeting. Pagan and Mongoven also turned to Sun Tzu's classic theoretical work, *The Art of War* for inspiration. (Stauber & Rampton, 1995: 51-52)

The director of Pagan's intelligence department was Arion N. Pattakos, a former US army intelligence officer.<sup>16</sup> (*Labour Notes*, 1988) He worked for Nestlé, Pagan International and later for Mongoven, Biscoe & Dutchin.<sup>17</sup> A 2006 biographical note adds that he is also a 'principal instructor/facilitator' for the CIA course in analytical risk management, and a founding member and former president of the OPSEC Professionals Society. (*Security Management Online*, 2006)

Pagan International became an independent company in May 1985.<sup>18</sup> The company reportedly offered advice to defence contractors as well as the chemicals, pharmaceuticals and food industries. The client list included Union Carbide, Chevron, Campbell and the government of Puerto Rico. (*O'Dwyers PR Services Report*, 1990) After a couple of years of successful expansion, however, Pagan International fell on

hard times. Pagan's success with Nestlé made him quite attractive to some companies, but others considered him too controversial. (Sethi, op. cit.: 236) The new firm also had problems matching the terms and conditions which the executives had become accustomed to while working for Nestlé. After a fall-out between the partners, Mongoven and two other senior PI executives left and formed Mongoven, Biscoe & Dutchin, Inc. – a public affairs consulting company with offices in Washington DC. Lawsuits followed, with MBD 'complaining that Pagan owed them money, and Pagan accusing them of deliberately undermining the firm by leaking the *Neptune Strategy* to the press.' (Stauber & Rampton, op. cit.: 53) The lawsuits revealed that Shell, according to PI, had a written contract to pay Pagan \$50,000 monthly until June 1989. Pagan told the respected PR trade magazine *O'Dwyer's* that 'the firm started having trouble when the *Neptune Strategy* leaked to the press even before the company had a chance to see it.' (*O'Dwyers*, op. cit.) Pagan International went bankrupt and was eventually dissolved.<sup>19</sup>

Pagan International had failed to capitalise on its strength – issue-resolution in the public policy arena where it had built a unique niche for itself, according to Sethi. (ibid., 236) Mongoven, Biscoe & Dutchin did manage to take PI's work to a higher level, by fine-tuning the divide & rule strategy – prompting Pagan to sue the company for stealing 'trade secrets.' (*O'Dwyers*, op. cit.)

Ron Dutchin, the third partner in the firm, graduated from the US Army War College and worked for the Department of Defence and as director of public affairs for the Veterans of Foreign Wars before joining Pagan International and then MBD. In 1991, Dutchin, speaking at a conference of the National Cattleman's Association, outlined MBD's strategy to divide and conquer activist movements. (*CALF News Cattle Feeder*, 1991) Dutchin's speech was extensively quoted by Montague (1993), Bleifuss (1993) and by Carter (2002) in her sharp analysis of how MBD destroyed tobacco control from the inside.

Dutchin explained that activists fall into four categories: radicals, opportunists, idealists and realists, and a three-step strategy was needed to bring them down. First, you isolate the radicals: those who want to change the system and promote

social justice. Second, you carefully ‘cultivate’ the idealists: those who are altruistic, don’t stand to gain from their activism, and are not as extreme in their methods and objectives as the radicals. You do this by gently persuading them that their advocacy has negative consequences for some groups, thus transforming them into realists. Finally, you co-opt the realists (the pragmatic incrementalists willing to work within the system) into compromise.

The realists should always receive the highest priority in any strategy dealing with a public policy issue [...] If your industry can successfully bring about these relationships, the credibility of the radicals will be lost and opportunists can be counted on to share in the final policy solution.

Opportunists, those who are motivated by power, success, or a sense of their own celebrity, will be satisfied merely by a sense of partial victory. (Duchin, cited in Carter, *op. cit.*: 112)

Confidential MBD memos found their way to the public domain in the nineties, often published by PRwatch.org, the American NGO monitoring the PR industry. Military terminology recurred throughout MBD’s 1994 reports for the Chlorine Chemistry Council (CCC), which warned that activist groups were preparing for ‘protracted battle [...] recruiting and training activists in an anti-chlorine campaign [...] initially targeting the pulp and paper industry.’ MBD’s memo’s showed that the industry was aware of the risks of dioxin and did not attempt to refute the US Environmental Protection Agency’s 1994 reassessment of dioxin. This EPA report ‘indicated that there is no safe level of dioxin exposure and that any dose no matter how low can result in health damage.’ (Stauber & Rampton, 1996) Rather than show concern for these ‘complex and severe effects,’ however, MBD was worried about defending the chlorine industry’s image. An example of this is the 1996 advice prepared for the chemical industry on ‘how best to counter [...] activists’ claims of the evils associated with dioxin as a weapon against chlorine chemistry.’ (*ibid.*)

MBD have created their own form of scaremongering, Stauber and Rampton (2001: 151) argued, where the industry is an ‘innocent giant under attack from radicals’, mobilising grand narratives of modernisation, technology and western values against the ‘threats’ of

community concern and the developing world. MBD are specifically unconcerned about the impact they have on disempowered others. (Carter, op. cit.: 117)

## 5.5 Conclusion

Pagan's work for Shell and Nestlé is a perfect example of *activist intelligence and covert corporate strategy*, encompassing Gill's defining elements of intelligence: *surveillance, power, knowledge and secrecy*. It includes many examples showing the entangled relation between the gathering of intelligence and subsequent covert action. In the case of dialogues set up between companies and their opponents it is difficult to distinguish whether the corporate aim is *tactical* (to end the shouting match and to gain the right to be listened to) and to gather information, or *strategic*, either as a PR exercise to show willingness to engage or as a move to separate 'moderate' critics from the 'radicals.' Sometimes the dialogue serves more than one goal at a time. Any contact between a company and its opponents is as much an information gathering exercise as anything else. Secrecy was an essential element in Pagan's work. This is reflected in the response to the exposure of the *Neptune Strategy*. On the one hand, Pagan expressed his anger in correspondence with the World Council of Churches. On the other hand, Shell tried to contain the damage by downplaying the importance of Pagan's work for the company and creating distance between the company and the strategy by engaging in plausible denial. Secrecy is also crucial in securing the credibility of the PR work on corporate social responsibility. Nestlé made many moves, such as endorsing the WHO codes on marketing infant formula and the creation of an 'independent' audit commission, which were meant to weaken the support for the boycott more than effectively changing corporate policies. Pagan's strategy to have Shell focus on the post-apartheid area and to pro-actively influence 'the phase of the forming of ideas' provide clear examples of attempts to engineer consent.

Secrecy in fact provides an effective shield to hide lying and deception. The knowledge gathered is used in covert corporate strategy to divide & rule, the ultimate aim being to continue business as usual. In Pagan's words, any company's primary goal is survival.

This case study shows that *activist intelligence* is essential to that survival, and is part of the corporate **exercise** of power.

Pagan's strategies and tactics belong to a repertoire of misleading and deceptive manipulation of sentiment and opinion. He is part of a long and dubious tradition of corporate propagandists that also include Edward Bernays, Ivy Lee, Nick Nichols, Eric Dezenhall, John Hill and Donald Knowlton (see chapter 4). His activities need to be understood within the wider array of corporate PR to secure business interests, specialising in boycott breaking but part of a continuum of strike breaking to celebrity sponsorship and endorsements. The evidence presented here illustrates the communicative dimensions to corporate strategy, and how such communications can be deceptive. Dialogues set up as part of a CSR policy sometimes serve other purposes too, they provide inside information or may be used to divide & rule.

The Pagan case study provided examples of the overall strategies developed to undermine corporate critics, thanks to the unique nature of the source material. The other case studies will highlight more specific elements of *covert corporate strategy*. The next one focuses on the effects of infiltration for the targeted group, and explores the collusion between corporate spies and Special Branch.



## **Chapter 6**

### **McSpy**

#### *Case study*

Fast-food company McDonald's hired at least seven private detectives to identify who was responsible for London Greenpeace's leaflet *What's Wrong With McDonald's?* which was distributed outside many McDonald's outlets in the UK. (London Greenpeace, 1986a; 1986b) The surveillance operation was exposed after McDonald's sued the activist group for libel. Two of the campaigners, Helen Steel and David Morris, went to court to defend the leaflet in what became known as the McLibel trial.

Under cross-examination, the company was forced to provide many details of its extensive surveillance operation on London Greenpeace.<sup>20</sup> Agents infiltrated London Greenpeace for varying lengths of time between October 1989 and early summer 1991. The court transcripts and notes made by the investigators reveal the lengths McDonald's went to in procuring information about this small activist group.

This case study documents a range of methods employed in the intelligence operation against London Greenpeace, and considers the close cooperation between McDonald's, its private investigators, and Special Branch animal rights officers of the London Metropolitan Police. This chapter describes how McDonald's' surveillance was organised, instructions given to agents and how they infiltrated the group. The scale of the penetration raises questions about how infiltrators affected London Greenpeace's activities. The various intelligence tactics are mapped by using trial evidence and interviews with defendants. The activities of the spies are reconstructed from their own notes and their statements at the trial, complemented by the experiences of London Greenpeace members.

The prime reason for hiring the investigators was to identify the organisers of the anti McDonald's campaign, responsible for the production and distribution of the disputed leaflet. However, careful analysis of the available documents suggests that there may

have been other goals, including establishing if there were connections between the group and more radical animal rights activists. The latter appears to have been undertaken in cooperation with the police and Special Branch.

### **Background**

London Greenpeace had been campaigning on a variety of environmental and social justice issues since the early 1970's. The group was formed several years before the more famous Greenpeace International and is entirely unrelated to it. In the mid-1980s, it began a campaign against McDonald's as a high-profile organisation symbolising everything it considered wrong with big business. In 1985, it launched the *International Day of Action Against McDonald's*, which has been held annually on 16 October ever since. In 1986, London Greenpeace produced a six-page leaflet *What's Wrong with McDonald's? Everything they don't want you to know* (London Greenpeace, 1986a), criticising many aspects of the corporation's business. It accused the burger chain of seducing children through advertising, promoting an unhealthy diet, exploiting its staff and contributing to environmental damage and the mistreatment of animals.

In 1990, having ignored London Greenpeace for many years, McDonald's decided to take action: it sued for libel. McDonald's is extremely sensitive about its reputation. It has fought legal battles across the world to stop people using its name, symbols, and slogans. (Armstrong, 2002) McDonald's claimed the leaflet was libellous and defamatory. Its libel writ identified five campaigners and required them to either retract the allegations made in the leaflet and apologise, or go to court. (McDonald's Corporation, 1990) Unlike anyone McDonald's had sued for libel before, Steel and Morris accepted the challenge. They went to trial representing themselves, with only very limited legal help from befriended lawyers and a growing support group. The actual proceedings started in June 1994 and concluded in December 1996 after a marathon court hearing, recorded as the longest trial in British history.

The references in this chapter link to the court transcripts and documents available at [McSpotlight.org](http://McSpotlight.org); an overview of the documents used can be found in Appendix 1.



## 6.1 Secret Alliances and Strategies

The London Greenpeace leaflet came to McDonald's security chief Sidney Nicholson's attention in 1987 when it was sent to him by the Economic League, an organisation which he described as aiming 'to defend the interests of multinationals.'<sup>21</sup> (Nicholson, Day 249: 46) The infiltration of London Greenpeace, however, was initiated through close contacts between McDonald's Security Department and Special Branch, the intelligence department of London's Metropolitan Police.

Nicholson (*ibid.*: 36) told the court he had 'quite a lot of experience with Special Branch.' He had been meeting with intelligence officers since 1984 to discuss animal rights activities. In 1987, Special Branch founded a dedicated desk to monitor animal rights activists and supply intelligence information to forces across the UK. This department was called the Animal Rights National Index (ARNI). Nicholson's contacts originated from his long career with the police. Prior to working for McDonald's, he spent 31 years policing, first in South Africa and then in London. He reached the rank of chief superintendent in charge of Brixton police station, a multi-ethnic neighbourhood in the British capital. Carroll, his second in command at McDonald's since 1984, had served under Nicholson in Brixton before becoming a chief superintendent himself elsewhere in London. Nicholson explained in court that 'all the [members of the] security department have many, many contacts in the police service; they are all ex-policemen; I would not ask them who their contacts were.' If Nicholson wanted information about a protester, he could 'make contact with the local crimes beat officer, the local CID officer, the local collator ...and officers I used to work with, certainly.' (*ibid.*: 38)

McDonald's initially identified those involved in the London Greenpeace campaign through these contacts. The collaboration was one of mutual benefit. ARNI Special Branch officers called Nicholson in September 1989 to warn him of a planned demonstration outside McDonald's' offices. '[T]hey indicated that they were interested in the organisation [London Greenpeace] and did I have a perch they could use, and a perch is police parlance for an observation post.' (*ibid.*: 32-33) Nicholson was glad to

help and allowed them to make use of any facilities they wished. In return, one of the Special Branch officers stood with him during the demonstration and passed on information about certain protesters. At least two of those identified subsequently received libel writs from the burger chain. (ibid.; also see McDonald's Corporation et al., 1990)

So, the initial identification of several members of London Greenpeace was assisted by Special Branch officers from ARNI. However, Nicholson knew it would be impossible for McDonald's to use information obtained in this manner. The identification could not be used as evidence because the police are not authorised to disclose information on the Police National Computer to third parties. This explains why Nicholson was discrete about his contacts with these Special Branch officers. He had not wanted anyone at McDonald's to know he was talking to ARNI. He said he did not even bring his immediate junior, Carroll, into the operation until a year after the decision to infiltrate was taken. (Nicholson, Day 249: 52)

In court, Nicholson also tried to downplay his relations with Special Branch. He wanted the court to believe that the 1989 collaboration had been his only contact with ARNI about London Greenpeace, but evidence suggests the liaison had continued. (ibid.: 38-41)

Firstly, there is an internal memo dated 27 September 1990 about the London Greenpeace day of action 1990. This was after the writs had been served. The memo about an upcoming demonstration had a note at the top addressed to Nicholson in Carroll's handwriting saying: 'I will get on to Special Branch, to get an assessment.' (Nicholson, Day 250: 7) Although normally Special Branch worked just within the police service, according to Nicholson they gave McDonald's the available information about upcoming events on request, 'the numbers, the people, and groups likely to be involved.' (ibid.)

Secondly, an internal memo dated 22 September 1994 indicates that the company remained in close touch with ARNI during the McLibel trial. Steel found a memo in the trial documents stating: 'From the desk of Terry Carroll. I had a meeting with ARNI

from Scotland Yard today who gave me the enclosed literature. Some of it we have, other bits are new. For your information.’ (Nicholson, Day 249: 40)

Nicholson also insisted he had ‘never approached any police officers at any time about any person concerned in this operation.’ When he was subsequently asked about the identification of members of London Greenpeace, he answered: ‘Well, they volunteered that information to me.’ (ibid.: 38-39) Because this collaboration between the company and the police was illegal, the information about London Greenpeace could not be used as evidence and when the company wanted to sue London Greenpeace for libel, it could only do so against named individuals. McDonald’s therefore needed independent sources to identify the members of the group.

### **Double check**

McDonald’s instructed two private investigation firms to infiltrate London Greenpeace without telling either about the other. In effect, each agency would unknowingly be checking on the other. The decision to hire private investigators was taken by Nicholson, in June 1989. This was soon after McDonald’s UK CEO Paul Preston had asked Nicholson whether it was possible to mount an operation to end the distribution of the leaflet. Nicholson approached McDonald’s solicitors, Barlow Lyde & Gilbert. He told them he wanted ‘at least two teams to work independently of one another, and unknown to one another, with a view to obtaining our objective, which was to stop the distribution of the leaflet.’ (ibid.: 59) Kings Investigation Agency, one of the oldest security firms in Britain, was hired on 29 September 1989. (ibid.) The other firm, Robert Bishop Ltd (part of Westhall Services), was retained a week later. Richard Rampton, QC, McDonald’s solicitor, explained the arrangement to the court:

Both were instructed to infiltrate London Greenpeace to ascertain as much information as possible about the organisers of the group and, in particular, the people responsible for writing, distributing, publishing, and printing defamatory information about McDonald’s. (Rampton, Day 262: 50)

Both agencies hired agents to infiltrate London Greenpeace. The investigators were given a rather general brief to attend meetings and report anything relevant. Some agents were tasked, to concentrate on gathering data about what was said in relation to McDonald's. In general, the aim of varying assignments in this manner is to get multiple perspectives on the targeted group. In this case however, the statements by the agents in court contradicted the notes they made at the time at several points. This could indicate that McDonald's trial strategy was to give the court the impression that the private investigators started the operation with an open mind, while the notes suggest the agents had specific knowledge on what the case was about, and who to look for.

Jack Russell claimed there was no mention of McDonald's in his instructions. (Russell, Day 263: 59) Brian Bishop was not told that the inquiry was about McDonald's either, but considered that normal practice for freelance investigators. Kings' managing director, Gerald Hartley had explained 'that this group is populated by some animal rights supporters, and it is necessary to find out what is being said at their meetings.' (Bishop, Day 260: 7) Bishop recalled how he always referred to this assignment as *the animal rights case*. (ibid.) Allan Clare, who worked for the second agency, testified: 'I was asked to attempt to become accepted as a group member and to, in that role, identify those involved with the group and primarily those involved with the anti-McDonald's campaign.' (Clare, Day 265: 45) Frances Tiller worked at Kings' office as the personal assistant to the director. When the agency ran short of prospective agents, she was asked to take this assignment. She received a very open briefing:

Just go along, attend the meeting, notice as much as you can, write it all down afterwards and take a special note of anything mentioned in relation to McDonald's. ... [A]nd if you find any leaflets that relate to McDonald's then grab some, take them. (Tiller, 1997)

Antony Pocklington told the court he was instructed to attend specific meetings and was asked to report on what occurred. He claimed not to have been told, but had become aware early on, that McDonald's issues were of key interest. (Pocklington, Day 261: 46) This statement contradicted his written notes. He had already referred to McDonald's as

the client company in his first reports on the public meetings of London Greenpeace. (Pocklington, Investigator's notes on 26 Oct 1989 and on 2 Nov 1989)

In order to identify the organisers of the campaign, Nicholson provided the agencies with photographs of a picket line held in front of a McDonald's store on an annual International Day of Action against McDonald's. Although he already knew the identity of some people on the pictures (from Special Branch), Nicholson claimed not to have shared those names with the private detectives. Asked if there was a reason not to, he answered: 'Absolutely. It was their job to find out. I wanted their information.' (Nicholson, Day 249: 61)

The investigators' notes indicate that this is untrue. After the first London Greenpeace meeting Pocklington attended at Caledonian Road (early November 1989), he reported: 'Helen Steel fits the description of Helen Steel described by Client Company in the letter accompanying the photographs.' (Pocklington, Investigator's notes on 2 Nov 1989) Russell also testified the managing director of Kings had shown him 'half a dozen or so photographs' of particular people to look out for – Morris and Steel amongst others. (Russell, Day 263: 50-53)

### **Overkill**

It became evident from the statements and notes of the private investigators that the activist group was in fact quite small. During the surveillance period, attendance at London Greenpeace meetings varied between five to ten people, and sometimes it was even less. With at least seven spies infiltrating the group, each over a period of time, their presence – absolute and relative – was fairly large.

Entry into the group was gained simply by attending public meetings. These meetings were held on the last Thursday of every month at Endsleigh Street, while group meetings took place every fortnight at the London Greenpeace office on Caledonian Road. The public meetings were organised around a special theme and usually attracted twenty to thirty people. At the group's meetings, organisational topics were discussed, including

the incoming mail, financial affairs, for coming demonstrations and events. Attendance at these meetings was significantly lower.

Appendix 2 provides an overview of the attendance at the various London Greenpeace meetings. The available information suggests quite a heavy presence of spies. The absolute figures show a high frequency of investigators visiting meetings. Pocklington attended 26 London Greenpeace meetings and events between October 1989 and June 1990. Clare attended 19 meetings in four months through 1990, half of which overlapped with Pocklington's. Bishop attended at least twelve meetings in four months through 1990, and he started before Clare disappeared from the scene. Tiller attended six meetings over three month's time, while Hooker went to four meetings in the first four weeks after she was introduced. Between them, the agents of McDonald's attended a total of 68 meetings and events until the end of September 1990 (and an estimated 90 until the last spy left the group, as calculated by the defendants).

The sequence of meetings the investigators attended made them regulars in the group. Pocklington for instance attended 26 meetings, whereas defendant Morris was present at only four or five meetings in the same period. On a number of occasions, meetings were made up of as many spies as campaigners. The investigators' notes show that at two separate meetings (1 March and 10 May 1990), the four people attending included one spy from each bureau. (Clare, Day 267: 40 and Day 265: 41) On five different occasions, there were five people, two of whom were spies; five further meetings included two spies and four or five others. Half a dozen of meetings had one spy and four, and sometimes five or six activists. Tiller mentioned a meeting with at least three investigators in the room, and perhaps only a maximum of seven or eight people altogether. (Tiller, 1997) Such a ratio of activists to spies apparently happened twice. In May, three spies reported the presence of three activists plus someone not fully attending the meeting. (Pocklington, Investigator's notes, 24 May 1990) Four months later Bishop reported four activists present, one of whom left early, plus both Hooker and Tiller. (Bishop, Investigator's note on 20 Sep 1990)

Nicholson received weekly reports from each agency, and had a progress briefing every month at Barlow solicitors' office. Nicholson said he never issued any instruction

regarding the numbers of agents that should attend or should not. The agencies could use as many agents as they wanted. However, he claimed he had no idea an agency would put in more than one agent on any night. 'The reports on occasions did refer to agent 'A' or agent 'B' or agent 'C', but generally it was just a report of what an agent had seen – no identification, no numbers, nothing.' (Nicholson, Day 250: 31) The reports from the separate agencies were received at different times. The calculations about which agent had been where, and when, were not made until much later. (ibid.) The number of spies infiltrating the group and their disproportionate presence at meetings had various implications for the operation, as will be detailed below.

### **Partners in crime**

In order to be accepted as a full member of the group, agents needed to act the part. When cross-examined in court, each stated in one way or another that they believed it would be good to appear willing and help out where they could. Subsequently, they all ended up distributing the challenged leaflet!

The first investigator, Pocklington (Day 261: 38), told the court how he volunteered to help answering letters. On one occasion, he spent eight hours in the London Greenpeace office writing replies, many of which were sent out accompanied by the leaflet at the centre of the trial. Pocklington (Day 263: 46) testified he never heard anything from his supervisors to suggest he was doing something wrong. Clare also helped to answer letters. Bishop admitted to having staffed a booth where the anti-McDonald's leaflet was available to the public, some of the time on his own, at a well-attended public event. Michelle Hooker had been caught on video distributing anti-McDonald's leaflets in the street. She was identified from photographs by Tiller (Day 270: 4-5) and by Clare (Day 265: 25). Steel testified how Hooker attended pickets of McDonald's stores on a regular basis, every month, throughout late 1990 and some of 1991. (Steel, Day 249: 69) Hooker helped organise the annual London Greenpeace Fayre, held in October 1990, including compering from the stage during the day. She was co-ordinating events, something Steel and Morris had been brought to trial for. (ibid.) Tiller volunteered to organise the crèche

at the Fayre. (Tiller, Day 270: 18) Clare too was involved in organising the Fayre, and he had taken minutes at meetings of London Greenpeace. Pocklington was identified in court by another spy as the ‘Antony’ who took the minutes of the meeting on 24 May 1990. (Bishop, Day 260: 14) Steel recalled both Pocklington and Clare taking the minutes of London Greenpeace meetings on more than one occasion. (Steel, Day 276: 39) Taking minutes was held against the defendants Morris and Steel as proof of being seriously involved in the group. (ibid., Day 250: 18)

The spies’ activities raised an important legal point. The McLibel Two formally argued that because McDonald’s investigators had been actively involved in the group and had helped circulate the disputed fact sheet, McDonald’s had consented to its publication. Morris and Steel applied to include three of the spies in the action as ‘third parties’ – effectively making them co-defendants and thus liable to contribute to any damages awarded. (Steel and Morris, 1996) Justice Bell ruled that the appropriate time for such action would be after he issued his verdict. However, after the trial McDonald’s abandoned all legal action, including pursuit of damages, and the McLibel Two decided to take no further steps.

### **Agenda setting**

Identifying those behind the campaign was difficult, because McDonald’s was not very high on the London Greenpeace agenda. However, adding items to the agenda proved fairly easy, as was influencing the direction of the group’s activities. The input of newcomers was a welcome reinforcement for a group of fluctuating membership.

Some investigators were given the impression that London Greenpeace was set up to campaign against McDonald’s. But according to Tiller, it was obvious this was not the case. ‘My impression was that it had been maybe an important issue in the past but it did not figure very highly, it came quite low down on the agenda.’ (Tiller, 1997) Her observations were supported by other infiltrator reports. One month into the operation, Pocklington noted ‘McDonald’s as a project they [London Greenpeace] felt was now self-perpetuating in that it was being carried on by so many other groups worldwide.’



(Pocklington, Investigator's notes on 9 Nov 1989) In addition, in February 1990, Clare noted that the group's involvement in the anti McDonald's Fayre would die down, observing: 'They will still help with distribution etc but they are/want to try to get other groups to organise their own antiMcD campaigns.' (Clare, Investigator's notes on 8 Feb 1990) Shortly before the writs were served, Bishop added a longer personal comment to his observation report:

While London Greenpeace certainly initiated the idea and supplied the drive for the anti-McDonald's concept, now it has been taken over by other groups such as the Hackney Solidarity Group, the Haringey and Islington Direct Action movements, and most certainly the various Animal Rights groups throughout the country. (Bishop, Day 261: 3)

Many remarks throughout the investigators' notes support these observations. Remarks such as 'Nothing else of relevance was discussed' and 'No mention was made of Client company, either in the meeting or afterwards in the pub. Nor was any mention made of any other subject relevant to this case.' Where McDonald's was discussed, it was usually in the context of letters referring to the company written by members of the public, rather than planning activities.

Like all others present at the meeting, each investigator was able to add items to the agenda. Before the meeting started, a sheet of paper would go round and everybody could suggest points to discuss. Brian Bishop's account of the first meeting he attended illustrates how easy it was to influence the course of affairs. He suggested a title for the next public meeting: 'Anarchism versus socialism: is there a difference.' To his surprise, although nobody knew who he was, this idea was accepted. Bishop wrote in his notes: 'It was of interest to discover that this is the actual title used.' (Bishop, Day 260: 17-18) The intervention of infiltrators shaped some activities. As nobody else had volunteered, Tiller's offer to set up a crèche helped the Fayre get off the ground. Tiller said: 'My impression was that it was proving very difficult to get the thing together. [...] There was not a lot of inspiration.' (Tiller, Day 270: 18)

Against the relatively low attendance of the meetings by members of the group and the recurring problem of staffing a stall, the assistance offered by the spies did make a

difference. Steel told the Court that Pocklington, Bishop, Clare, and Hooker were considered to be among the regulars at meetings; all four expressed interest in anti-McDonald's campaigning, asking questions about the campaign. (Steel, Day 276: 39) Actually, the attendance of the investigators gave the real members the feel that the group was doing well again. Steel told the court that in January 1990 London Greenpeace held a meeting about the future of the group. Attendance had tailed off to such an extent that people were concerned that the group might not carry on. 'So, obviously, when the private investigators were coming and they expressed interest in the group and the anti-McDonald's campaign and [...] they basically kept the numbers up and kept the group going.' (Steel quoted by Justice Bell, Verdict, pp. 81-82) The number of spies could easily effect the decision making process, and permit the focus of the meeting to return to McDonald's. The newcomers, the frequency of their attendance and their willingness to participate effectively reinforced the anti-McDonald's campaign. The questions they asked were perceived as genuine interest in and commitment to the campaign, Steel explained in a personal communication in October 2006.

### **Creating suspicion**

The infiltration operation did not pass entirely unnoticed. There were moments that members of London Greenpeace felt there was something amiss within the group. The infiltration operation created an atmosphere of suspicion, with spies spying on spies, and activists trying to find out if they were infiltrated.

Since McDonald's had not told either agency about the other and not all investigators of the same bureau necessarily knew one another, the spies were also spying on each other. This sometimes showed in their notes. Clare for instance wrote about Tony: 'Anthony never has much to say' and: 'Anthony is not as radical as others. No leadership. Not involved with organisation of McDonald's.' (Clare, Day 265: 41) Some of the investigators were aware of the fact that appearances could create suspicion, and they were worried about the risks of blowing their cover. Tiller had to introduce Michelle

Hooker to London Greenpeace. In an interview for the documentary about the McLibel Trial, Tiller explained their different approaches to presumed dress codes. The two would drive to the London Greenpeace office in Hooker's black BMW, parking a few streets away. Tiller:

I sort of dressed down, wearing sandals and hippie-type clothes, but she came along with quite flashy jewellery and long, tapered, and painted fingernails and makeup. I thought that people would have suspected that she was not one of them, but in fact she got involved quite deeply afterwards. (Tiller, 1997)

When Michelle Hooker was introduced, Bishop made a note about her appearances, 'she was about 5 ft. 6 in. tall and aged around 19-22 years. She had full, light brown hair. She was of medium build and had a fresh complexion, devoid of makeup. She was attractive in both face and figure.' (Bishop, Day 259: 86) He felt there was something suspicious about this new woman. Her grey stonewashed jeans 'did not appear to be at all old' and the rips in the knees looked like they'd been 'administered rather than worn in place.' He had his doubts, he told the court: 'I reported on her as being a member of the group that I was a bit suspicious about. She was a bit too keen.' (ibid.)

When Clare 'managed to borrow' some photographs from the group, the pictures went missing. Steel recalled there was a big row about whose fault this was, with several people accusing each other. In this discussion, Pocklington claimed that Clare was the last one seen with the photographs. (Clare, Day 267: 42) One spy accusing the other, actually a spy from one agency accusing one from the other bureau.

Sometimes the investigators followed people home from meetings to discover or verify addresses, Pocklington confirmed in cross-examination. In his notes about a meeting in 1990, Pocklington wrote: 'As arranged, I left the building talking to Helen Steel.' When asked in court about the reason for this arrangement, he said: 'I can only assume it would have been to aid any surveillance that might have occurred or any identification.' (Pocklington, Day 262: 29) In another set up to find out Morris' home address, Pocklington offered to drop off a parcel of baby clothes for Morris's newborn son.<sup>22</sup> (ibid., Day 263: 42)

In turn, suspicious members of London Greenpeace were observing the spies. ‘As the group was only involved in legal activities such as leafleting, picketing and demonstrations we had no real reason to suspect that it might be infiltrated,’ says Steel. But every now and then, some got the feeling that something was wrong. Suspicions were discussed outside of the meetings. Bishop once reported to having been subject to counter-investigation in the pub after a meeting. ‘I stayed in the public house for around one hour, during which time I was gently questioned by Helen as to my age, occupation, and present domicile etc. [...] On several occasions during this period I saw Helen looking at me.’ (Bishop, Investigator’s notes, 27 May 1990)

The campaigners eventually followed some of the suspected agents after a meeting, but discovered nothing that proved they were spies. As they did not have anything solid to go on, there was not much that could be done, Steel explained. ‘That is partly because we only thought about the risk of being infiltrated by the police or intelligence services. We never considered that they might be working for a company rather than the state.’ Steel said in a personal communication in October 2006.

Creating suspicion is a known side effect of infiltration and it can be an effective way to derail any group of people working together. (see for instance More & Viehmann, 2004; Marx, 1974) Suspecting new volunteers can eventually hinder recruitment and deter people from joining and participating. Worries about whether people are to be trusted undermines organisational and outreach activities.

Steel was effectively concerned about the air of distrust building up in the group. ‘We have tried to be aware of this, as McDonald’s, other companies and the state would be very happy if groups become less active and effective because we all distrusted each other,’ she explained in October 2006.

### **Breaking the law**

As much as the agents pretended to behave as full members of the group, they remained private investigators. Apart from surveillance, they confessed to having been involved in acts of searching, stealing, and breaking and entering.

One night Clare searched the office for additional information. On 8 February 1990, Clare wrote in his notes: 'Before the bulk of the group arrived I had the opportunity to go through certain documents on the desk. I managed to find in a drawer bank statements for London Greenpeace.' He wrote down the name of the bank and the account number. (Clare, Day 267: 28) In his notes, Clare mentions 'borrowing' letters several times. When he was asked in court: 'When you say "borrow it," you do not say you said to the meeting: "Do you mind if I take it away for a little while. I will bring it back?"' Clare's answer was 'No, I do not.' (ibid.: 43) On 13 September 1990, Bishop reported a letter concerning McDonald's had been discussed at the meeting. 'I managed to purloin this letter and have enclosed it with this report.' (Bishop, Day 260: 61) He showed no doubts when he was cross-examined about taking letters. Bishop stated: 'An inquiry agent would be required to obtain written evidence if it were possible to do so, yes.' (ibid.: 65)

The agents testified they never received any specific instruction to steal letters. Nor were they told *not* to take them. Absolutely not, Bishop confirmed, nothing was ruled out. (Bishop, 260: 8 and 65) When the agents handed the letters to their principals, they were photocopied and returned. The agents were never given instructions to stop passing letters and the ethics of taking letters was not discussed. They were given a free hand. (Clare, Day 265: 46) The letters were not always returned though. In the pre-trial proceedings, Steel asked McDonald's lawyers for copies of the stolen correspondence: fifteen *original* letters were returned. The enclosed letter from the lawyer's office did not explain whether these were all the letters the spies had taken, or just Clare's share of 'borrowed' letters. (Steel, Day 250: 21-22)

Nicholson said he had not approved the theft of letters. He claimed he could remember only one occasion where he received a letter obtained by an investigator attached to a report from the agency. Nicholson was certain he ordered his lawyers to tell the managing director of Kings that this was contrary to his instructions. 'It was not to happen again.' (Nicholson, Day 249: 62) However, this order apparently never reached the agents in the field. In his defence, Nicholson insisted he had instructed the agencies to do 'nothing illegal and nothing improper' when he hired them, but also admitted to

not issuing specific instructions beyond that.<sup>23</sup> He claimed to have been concerned about the reliability of agents: ‘people do make mistakes.’ (ibid., Day 250: 23-24)

There is further evidence of investigators breaking the law. After his first meeting, on 17 May 1990, Bishop wrote a report containing a very detailed description of the London Greenpeace office. He noted that one window ‘had no security locks on the frame and opened out to the outside,’ adding that the office next door was occupied 24 hours a day. (Bishop, Day 261: 21) Questioned as to the relevance of such information, Bishop denied it was to advise anyone who might wish to break into the office. (ibid.) However, Clare admitted gaining entry to the group’s office a few months before Bishop (on 6 March 1990), accompanied by a manager from his firm. He obtained access to the building using the entry’ phone system of the office next door. He denied it was a break-in, despite admitting he had used a phone card to force open the office door. Clare told the court ‘the door lock on the office to London Greenpeace was basically not very strong and it was decided by me and my principals that entry to it would not be a problem.’ (Clare, Day 265: 33) He took photographs that were later used during the trial. In cross-examination, Steel put to him that she did not believe he went to the office and risked being caught just to take a few pictures. (ibid., Day 267:52) Clare answered the photos were taken to describe the venue clearly, to show the extent of the McDonald’s campaign; photos were better than his description only: ‘[s]omething that can be seen by others.’ (ibid.) Steel suspected Clare of planting bugs, but he denied, saying: ‘throughout all of my investigative experience I have never placed a bug.’ (ibid.)

The agents worked with the consent of their supervisors. The ethics of taking letters were never discussed. Neither McDonald’s nor their lawyers seemed to worry about abiding by the law. None of the parties involved appeared to have any problem with the use of unlawfully collected evidence.

### **Mission Accomplished?**

McDonald’s claimed the infiltration operation ended once the writs were served, on 20 September 1990. However, there is evidence indicating the investigation continued for

several months beyond that date. There were various reasons for some spies to linger. Nicholson wanted to retain at least one operator to monitor reactions to the writs. He was concerned for the safety of McDonald's premises and staff. The managing director of Kings Detectives had other worries. He feared for his agents if they were all removed at once. Kings had three or four agents operating at that moment. In order to facilitate the withdrawal without suspicion, McDonald's and the agencies agreed a phased end. According to Nicholson, the contract ended in January 1991 because he received no further reports, but there is no formal written evidence to confirm this (Nicholson, Day 249: 63) while statements he made about the reporting arrangements of Michelle Hooker contradict it.

The assignment of Hooker was significant. She started going to meetings by the end of August 1990, less than a month before writs were served. While McDonald's claimed to have hired the investigators to identify the people responsible for the pamphlet, one could argue it made no sense to bring in a new investigator while the writs to named subjects were being prepared, Steel argued in the interview in October 2006. After the decision to go to court was taken and strategies to phase out spying were being discussed, Hooker was brought in the field. She stayed undercover for nine months and attended meetings until May 1991. Furthermore, she became intimately involved with Charlie Brooke, one of the more active members of the group. When Hooker was introduced to London Greenpeace, Brian Bishop – as noted above – found her suspicious and a bit too keen. She, in turn, immediately noted a 'quietly spoken' young man called Charlie. 'He is 5ft 10in in height, slim to medium build, collar-length light brown wispy hair with a fringe, and he was wearing black trousers with holes in the knees and a tatty T-shirt,' she wrote in one of her first reports. (Hooker, Investigator's notes on 13 Sep 1990) Her relationship with Brooke proved fortunate, as it allayed the group's suspicions. The *Observer* quoted someone from London Greenpeace close to the couple who said: 'At the time we were concerned that the group may have been infiltrated, but she was beyond suspicion because she was going out with Charlie.' (Calvert & Connett, 1997) Friends told the paper her relationship with Mr Brooke flourished. The couple spent Christmas 1990 together and exchanged gifts. Michelle

Hooker ‘helped in the health food shop where he worked and she even went to visit his mother in West Yorkshire. Mr Brooke, in contrast, was never introduced to any of her friends nor did he ever go to her rented bed-sit.’ (ibid.) The relationship cooled towards the end of her assignment. Hooker began saying that she could no longer spend weekends at his flat because of work commitments. The *Observer* heard Brooke never saw her again after he ended the relationship. The newspaper report concluded: ‘Only one memento of the strange affair remains: the tabby cat Ms X left at his flat and never collected, a physical reminder of how the detective for McDonald’s had touched his private life.’ (ibid.) Charlie Brooke discovered her spying role when her name was released during the McLibel case in 1996.

## **6.2 Animal Rights**

Michele Hooker was a relative late comer to the London Greenpeace operation. She became intimately involved with one of the activists. Seducing someone in order to procure inside information is stereotypically a classic tactic in espionage. If it was not an unprofessional step – a *faux pas* – it may have been a tactic to gain access to circles of people supporting animal rights activism and to gather intelligence on them.

There is some evidence to support the notion that Hooker was on a special assignment. Firstly, she was determined to get in touch with animal rights activists from the moment she entered the London Greenpeace milieu. Her relationship with one of the activists not only allayed suspicion, it facilitated access to the circles she was interested in, as will be explained below. Secondly, Hooker had different reporting arrangements from the other infiltrators. Thirdly, a closer reading of the court transcripts points at further involvement of Special Branch’ Animal Rights specialists (ARNI) in encouraging the infiltration operation.



### **Getting through**

Hooker used her new contacts at London Greenpeace to get in touch with activists who were more radical. After the second meeting she attended, Hooker talked to two members of London Greenpeace and immediately brought up the topic animal rights. The talk in the pub went fine, she reported. 'I appeared to get on well with both of them and felt that they spoke openly and freely with me.' (Hooker, investigator's note on 30 Aug 1990) When Hooker indicated she was interested in animal rights, she was referred to someone (not a member of London Greenpeace) associated 'with the activists who were responsible for breaking into several laboratories and releasing animals.' (ibid.)

Hooker misheard the name of his group but understood it was associated with the Animal Liberation Front. It was her impression that the group was a very radical organisation, prepared to actively back up its views. Hooker also managed to get the diary of events for September 1990 issued by the Hackney & Islington Animal Rights Campaign – a group she would subsequently infiltrate as well. (ibid.)

Hooker became an active member of London Greenpeace. She was one of the organisers of the Fayre, compering on stage and was filmed handing out leaflets. She regularly attended actions throughout her assignment. Through her relationship with Brooke, Hooker met many other activists who were of interest to the Animal Rights officers at Special Branch. Brooke worked with London Greenpeace only part time and was more involved with Hackney and Islington Animal Rights. One of this group's members was Paul Gravett, who – according to the *Observer* – the authorities considered a lynchpin in both the animal rights group and the anti-McDonald's campaign of London Greenpeace. Another member, Geoffrey Shephard, had been convicted for setting off sprinkler systems and destroying fur stocks at three Debenhams department stores in the mid-eighties. Hooker – the *Observer* reported – hosted dinner parties for both of them at Brooke's north London flat. She also became very active in the Animal Rights group, joining pickets and handing out leaflets. (Calvert & Connett, 1997)

### **Reporting arrangements**

At the very end of the trial, Morris and Steel tried to force McDonald's to disclose the names of *all* agents hired to infiltrate London Greenpeace (as opposed to the six already identified). The aim was to get access to the investigators' notes dated after the writs were served, and to get a full overview of who worked on this operation and for how long. Although this appeal was not granted, the legal battle revealed some information about Hooker.

In this battle, Rampton, solicitor to McDonald's, disclosed that Hooker's assignment and reporting arrangement were different from those of the rest of the agents. He told the court that when there was but one inquiry agent still in the group [i.e. Hooker] a number of the investigation reports were sent to Nicholson instead of directly to the lawyers office. Rampton revealed the existence of these reports in order to protect them from disclosure:

Those, if the question should arise, are plainly covered by litigation privilege, but my primary submission about those is that, in any event, they are completely irrelevant, since they do not bear on any question arising in this action – interesting though, because they are personal contact. (Rampton, Day 262: 52)

With his statement, Rampton also revealed the existence of personal contact between Nicholson and Hooker. It clearly contradicts Nicholson claims (Day 250: 12) that he did not know any of the agents – except from meeting Clare once.

### **Encouraging infiltration**

Both Nicholson and Preston made statements in court confirming that concern about animal rights action was a factor in deciding to infiltrate London Greenpeace.

Nicholson had been discussing animal rights issues with Special Branch officers since 1984, which were – as he stated 'of much more concern to me at that time.' He claimed London Greenpeace had come to his attention in that context. (Nicholson: 249: 10) In early summer of 1989, McDonald's was confronted with several fire attacks on outlets claimed by Animal Liberation activists. Nicholson argued these attacks justified the infiltration operation. (ibid.) McDonald's president for the UK, Paul Preston, also stated

‘he was told’ London Greenpeace had something to do with the fires. He could not remember who told him: ‘[i]t had had to be either internally or by someone from the police.’ (Preston, Day 248: 29) Steel and Morris were infuriated by this attempt to connect London Greenpeace to the arson attacks. There was no proof of any connection. (Steel, Day 248: 32-33) In a subsequent attempt to convince Morris and Steel no harm was meant, Nicholson disclosed ARNI’s underlying intentions:

They told me they were not particularly interested in London Greenpeace. They regarded you as a small organisation of very little importance. What they were interested in was the possible connections with the animal liberation groups, and they did not indicate either of you two were involved in that. [...] They said there were associations between the group and Animal Liberation. (Nicholson, Day 249: 34)

In the context of the McLibel trial, these statements from Nicholson and Preston can be understood as an effort to justify the infiltration operation in court. They indicate that Special Branch played some role in prompting the London Greenpeace inquiry. ARNI suggested links between the group and firebomb attacks, and these alleged links convinced McDonald’s to take steps. The statements also point at Special Branch interest in gathering intelligence about animal liberations activists.

Bishop was initially told some animal rights supporters populated the group, and he needed to find out what they talked about. He had always referred to this case as ‘the animal rights case’ (Bishop, Day 260: 7) and his notes indicate that for him this was part of the assignment. For instance, Bishop reported how two members of London Greenpeace ‘had been involved with an all-night vigil outside an animal research centre in Mill Hill. Not a great deal of activity had apparently taken place during this event.’ (Bishop, investigator’s note on 17 May 1990) Referring to the group’s ‘annual mail out’ he reported: ‘Without exception, all the addresses I saw were of animal rights groups; spread through the country.’ (Bishop, Investigator’s notes, 20 Sep 1990) Pocklington told the court: ‘The initial request I received was to attend a meeting in Blackstock Road, which I think was a Hackney and Islington Animal Rights group meeting, and to report on what happened at that meeting.’ (Pocklington, Day 261: 28) Further references

to the Hackney & Islington Animal Rights group can be found throughout the private investigators' notes. There are several announcements of pickets by this group, and allegations about which of the London Greenpeace people were supposed to have a strong involvement with animal rights groups. (see for instance Pocklington, investigator's notes on 22 Feb 1990 and 1 March 1990; Clare, Investigator's notes, 4 Jan 1990)

### **Illegal exchange of information**

McDonald's had already admitted an exchange of information with Special Branch officers on London Greenpeace, as noted above, but there is more proof of illegal cooperation with the police.

Clare, one of the spies, had at least one meeting with police officers in June 1990: 'The notes of Clare show that he identified London Greenpeace activists in photographs that the police had taken at the huge anti-Poll Tax demonstration in 1990,' Steel explained in 2006. The meeting Clare had was with Sergeant Valentine, a detective working on the Poll Tax protests<sup>24</sup> in 'Operation Carnaby.' In Court, Clare admitted he went to a demonstration following the anti-poll tax riots. He claimed this had nothing to do with McDonald's. (Clare Day 265: 38) Clare's notebook however showed the police told him where Steel and Morris lived. He was also given other confidential details, some of which were misleading and incorrect. Information collected by the private spies likewise found its way to the police and Special Branch, according to Steel in October 2006.

After the McLibel trial was finished, in September 1998, Morris and Steel started proceedings against the London Metropolitan Police. In order to expose the 'political role of the police, the collusion between the police and a multinational corporation,' they claimed damages for malfeasance in public office, breach of confidence, and breach of their right to privacy. (McLibel Support Campaign, 1998) In July 2000, almost two years after the start of the proceedings, the police announced they preferred an out-of-court settlement. In order to avoid what the police called 'a difficult and lengthy trial,' they agreed to pay the McLibel Two £10,000 plus legal costs. This settlement also

required the London police commissioner to remind all officers of their responsibility not to disclose information. Detective Sergeant Valentine even apologised for distress caused by the disclosure of claimants' personal details to the private investigators. (McLibel Support Campaign, 2000)

### **6.3 Conclusion**

The operation described in the last part of this case study opens up all kind of questions about cooperation between Special Branch, private detectives and corporate security departments. Was the infiltration operation some kind of joint project? How exactly it was organised remains difficult to reconstruct.

What we know is that Special Branch was involved in the operation to infiltrate London Greenpeace. ARNI's interest in animal rights activists had a role in prompting McDonald's infiltration operation. Special Branch illegally exchanged personal details about London Greenpeace activists with McDonald's, and with at least one of the private investigators hired by the hamburger giant. The police apologised for this, but evaded legal procedures to avoid the disclosure of any (further) details. Michelle Hooker used the infiltration operation to get to (alleged) animal rights activists. She had a special assignment and different reporting arrangements – for a period of time she sent her files directly to McDonald's security. Maybe Hooker reported to the police too, but there is no evidence to support that. Morris and Steel tried to locate Hooker for the trial, but failed to find her.

The Metropolitan Police have since confirmed they hold files on London Greenpeace and affiliated people, but – as will be explained in chapter 10 – thought it not in the public interest to release them. (Harknett, 2006)

There are several possible models for state-private cooperation on intelligence matters; however, the day-to-day affairs have most probably been a mix of the most convenient options. The cooperation could have been unplanned, with McDonald's infiltrating London Greenpeace solely to sue it for the leaflet, and Special Branch taking advantage of the opportunity while it was there. Or ARNI could have become more interested as

the infiltration went along. Maybe the operation started with the mutual worry about animal rights activists. The police may have used McDonald's private investigators as a steppingstone to get information about people Special Branch was specifically interested in. In that case, a police intelligence squad used private investigative agents to do its dirty work. Another possibility would be a further form of cooperation, with the police using the openings the private agents created, to bring in their own infiltrators.

The special operation described here underscores the increasing informal links between corporate spies and government intelligence. It is an example of 'incestuous relationships' as the Tofflers (1990: 313) called it, or of 'grey intelligence' as Hoogenboom (2006: 373) puts it. The cooperation was informal, and lacked accountability. The police's refusal to release information about the involvement of Special Branch with London Greenpeace illustrates the reluctance to discuss covert action within intelligence circles. (Also see chapter 10 on the Freedom of Information as route of discovery) To substantiate the theory that the activists were infiltrated by Special Branch, other means of disclosure have to be found. Infiltrators or other officers involved would have to come forward to tell their side of the story.

Of the five case studies, this one essentially focussed on how infiltration affects the targeted group. The evidence shows that intelligence gathering and covert strategy cannot be considered separate procedures. If the collection is by human means it often impossible to determine where collection ends and some form of (covert) action begins. (Gill, 2008) Hence, the findings sustain Gill's argument that it does not make sense to omit action from the definition of intelligence. The influx of newcomers changed the agenda of the group, and raised issues of trust. Secrecy made it impossible to effectively investigate feelings of doubt about certain newcomers. Furthermore, McDonald's and its lawyers did not worry about abiding by the law and appeared to have no problem with the use of unlawfully collected evidence. The evidence also shows that even after infiltration is exposed in court, it is hard to hold to account the agents and those responsible for their practices.

The next case study explores a slightly different form of (secret) public – private cooperation in intelligence gathering and corporate strategy against activists. It involves

an agency set up by former secret agents, with TNCs under fire as their clients, hiring a freelance investigator posing as an activist to do investigations.





## **Chapter 7**

### **The Jobbing Spy**

#### *Case study*

This case study examines how Hakluyt, a private intelligence firm linked closely to MI6, the British foreign intelligence service, spied on environmental campaign groups to collect information for oil companies. Furthermore, it aims to map the methods of the modern mole as well as the permeable boundaries between formerly divided worlds.

Hakluyt attracted attention when a left leaning filmmaker was exposed for spying in Germany, Switzerland and elsewhere in Western Europe. Manfred Schlickenrieder's cover was blown after a Swiss activist group published evidence that proved he was on Hakluyt's payroll. The documents strongly indicated that he also worked for German state intelligence services. Confronted with this material, Hakluyt reluctantly admitted having employed the spy. After the British press published the story, both Shell and BP acknowledged hiring the firm.

The Schlickenrieder documents provide examples of covert corporate strategies developed for Shell and BP. The second part of this case study will concentrate on Manfred Schlickenrieder's activities. His spying experience had been built up during years of working for Germany's domestic and foreign intelligence services. For more than twenty years, Schlickenrieder's secret work was paid for by private intelligence agencies as well as state services. He received assignments from both, alternately or simultaneously. Schlickenrieder's existence as a freelance spy is a personification of what Hoogenboom (2005b, 2006) calls 'grey intelligence' – the blurring boundaries between public and private intelligence and espionage.

#### **Background**

The material for this case study consists of documents retrieved from Schlickenrieder's office by members of the Swiss group *Revolutionäre Aufbau*<sup>25</sup> in 2000. The

Schlickenrieder file consists of three different categories of documents reflecting his various employers, and clients. The first category concerns his work for Hakluyt, the second relates to his work for state intelligence services, and the third is a database of left wing activists and campaigners of interest to his clients, held in part on printed index cards and partly in electronic format.

The Hakluyt file contains comprehensive reports on meetings, correspondence, and bills. Among the documents are detailed email exchanges between Schlickenrieder and Hakluyt.<sup>26</sup> (MS docs: 45-47)

The second category of files is partly comparable but concerns his work for various state intelligence services. It contains invoices and claims for expenses such as travel costs, phone costs including the use of a mobile phone (which was an expensive luxury in the 1990s), administrative help and the rent of the office. (MS docs: 18, 19)<sup>27</sup> But this file also holds various kinds of official documents that appear to originate from intelligence services. Some of the documents come from Italian agencies (MS docs: 31-42); others are prepared by German agencies in close cooperation with the French and the Belgian police and state secret services. (MS docs: 24-30) These documents summarise the whereabouts of people involved in support work for political prisoners and detail the movements of people believed to be involved building international networks between groups like the Belgian *Cellules Communistes Combattantes*, CCC (Communist Combatant Cells), the French *Action Directe* (Direct Action) and the Italian *Brigate Rosse* (Red Brigades). (MS docs: 24-30) There are official intelligence reports containing overviews of '*Besuchs- beispielsweise Postkontakte*' ('visits or contacts by mail') of several people detained for membership of the *Rote Armee Fraktion*, detailing the frequency of contacts. The period in the column '*Datum Erstkontakt*' ('date of first contact') ranges from 1986 until 1998. (MS docs: 22, 23) There are two telex messages (in capitals) about the – alleged – resurrection of the Red Brigades and their anti-imperialist struggle probably provided by the Italian national secret service SISDE. It reads as an alert to fellow agencies about a campaign called '*Primavera Rossa*' ('Red Spring') targeting NATO during the military interventions in Serbia, in 1999. (MS docs: 32, 33)

The third set of files is a database compiled of people Schlickerrieder had met, interviewed or filmed. The Swiss researchers discovered a detailed archive of the members of their own group, *Revolutionärer Aufbau*. (MS docs: 11-16) Each record contained two photographs of the ‘subject’: one *en face* plus one *en profile*. According to the appended references most were video stills taken from the films Schlickerrieder made while posing as a documentary maker. The files record personal details such as special features and nicknames, addresses and telephone numbers, but also the subject’s main activities and his or her contacts with other groups, at home or abroad. There is a dossier on people active in Italy. (MS docs: 34-42) The filing method, the sequence of the codes used, the numbering of the individual items, indicate that the Aufbau and Italian archive was just a small part of a larger documentation system. It is probably safe to assume Schlickerrieder’s documentary material on other groups he spied on was processed in a similar way, while more recent material focussed on environmental activists.

The expert who attested to the authenticity of those documents attributed to state intelligence agencies was Otto Diederichs. Working at the Berlin *Institute Bürgerrechte & Öffentliche Sicherheit* (Institute for Civil Rights and Public Security) and publisher of the institute’s quarterly magazine CILIP, he has been studying police and intelligence services since 1990. The problem with intelligence files is the lack of letter headings and signatures, he explained. Therefore, they need to be identified by the specific language, codes and abbreviations used. Diederichs (2001) writes: ‘My contacts at the domestic intelligence service the *Bundesamt für Verfassungsschutz*<sup>28</sup> and at the *Bundeskriminalamt*<sup>29</sup> have seen the Aufbau website, and they confirmed these documents could indeed be originating from their respective services.’ None of the German agencies or other intelligence services involved publicly acknowledged that Schlickerrieder had been working for them. However, informed sources (of Diederichs and other journalists) agreed that the agent’s exposure had been ‘*eine peinliche Panne*’ for the German intelligence community – an embarrassing blow. (ibid.) Furthermore, the Schlickerrieder case was discussed in Prime Minister Schröder’s weekly meeting with the German secret services, the so called ‘*Dienstagrunde*’ on 6 February 2001. This is a

confidential meeting where pressing issues are discussed, held every Tuesday – hence the *Dienstag* – for which no minutes are published.<sup>30</sup> (Diederichs, 2001) Later that week, the parliamentary committee monitoring the German secret services discussed the case, also behind closed doors, Diederichs confirmed by email on 22 January 2001. Though there is evidence that German intelligence services paid him, it is not known whether Schlickerieder was actually on their payroll. He appears to have operated as a freelance spy.

Several issues concerning the discovery of the source material have been discussed in chapter 3. Because the disclosure of the documents is inherently connected with the exposure of the spy, Appendix 3 provides a more detailed account of those events. The references in this chapter link to an overview of the documents in two files, also in Appendix 3. The first file contains the Manfred Schlickerieder documents, referred to as the MS documents (MS docs). The second set encompasses the publications about the exposure by *Revolutionärer Aufbau* Switzerland, referred to as (RA docs).

The translations in this chapter are by the author, unless stated otherwise.

## **7.1 Intelligence for Sale**

The company Schlickerieder worked for is itself a perfect example of the grey area between public and private in the field of intelligence operations. Hakluyt & Company Ltd was established in 1995 by former members of the British foreign secret service, MI6. To quote Christopher James, one of its founders, ‘the idea was to do for industry what we had done for the government.’ (Overell, 2000) Hakluyt filled a niche in the intelligence sector by specialising in upmarket business, where it has been very successful. The company started in a one room office in 1995; in 2001 it claimed its clients included one-quarter of FTSE 100 companies. (ibid.) Today, Hakluyt is housed in a stylish Victorian house in Upper Brook Street in London and its customers are treated as members of an exclusive club. Its founders have always cultivated secrecy, its executives almost never appear in public, and the firm did not have a web site until 2007. (*Intelligence Online*, 2006) In 2009, the company hosts a one-screen internet

presence providing nothing but the contact details for the firm at [www.hakluyt.co.uk](http://www.hakluyt.co.uk). Nicholas Rufford, investigative journalist for the *Sunday Times*, was among the firsts to publicly profile Hakluyt, for *Management Today* in 1999. He followed the company closely through the years – together with his colleague Maurice Chittenden. Hakluyt hardly ever gives interviews to the press; the only – known – exception was made by Christopher James for the *Financial Times* (Overell, op. cit.), in effect some PR for the company. Necessarily this profile is based on what the company wishes to share, combined with what others in the business have to say about them. Specialised outlets such as *Intelligence Newsletter* and *Intelligence Online* provided additional details on the career profiles of some of Hakluyt's staff. To appreciate the Schlickerrieder files some understanding of the methods of this agency and how it deals with critics is necessary.

The London company was named after an economic intelligence specialist *avant la lettre*. Richard Hakluyt was a 16th-century geographer, born in London, who wrote up the tales told by returning explorers such as Drake and Frobisher as 'Hakluyt's Voyages'. He was one of the principle inspirations for the East India Company. (Willcock, 1998) In 1582, Richard Hakluyt argued for the colonisation of North America as a base for discovering the Orient. So the *FT* asked director Christopher James if Hakluyt was attempting to recapture a fading imperial grandeur. His answer was: 'When we set up, it was to help British companies stay ahead of the competition. We now have international clients, but there is still something in staying ahead of the game, of expansion in our message.' (Overell, op. cit.) James' description of the ancient geographer's characteristics also classifies the present company. 'He is the silent man, seated in the dark corner, who is content to listen and remember.' (ibid.)

The first directors, Christopher James and Mike Reynolds, were both former members of MI6, the British foreign intelligence service. Reynolds founded its counter-terrorism branch and was the head of station in Berlin. Richard Dearlove, head of MI6 from 1999-2005, is said to be a close friend of his. (*Intelligence Online*, 2006) James led a section of MI6 that liaised with British firms. Over his 20-year career, he got to know the chief executives and directors of many of Britain's top companies. In return for a few tips that

helped them operate in various foreign markets, James persuaded them to pass on intelligence from their overseas operations. (Rufford, 1999) After the Cold War, James argued that MI6 should expand this role, but others in the organisation feared this could be mistaken for ‘economic espionage’. (ibid.) James subsequently left MI6 in 1995, applying his intelligence expertise for the private sector. He explained that support had come from a roll-call of establishment grandees – which also gives a clue to the contacts Hakluyt can muster, the *Financial Times* wrote in 2000.

Former foreign secretary Malcolm Rifkind was supportive of the project; so too was Ian Lang, former secretary of state at the Department of Trade and Industry. The late Earl Jellicoe, president of the SAS Association, provided early encouragement. [...] The current DTI ‘likes the idea’ (Overell, op. cit.)

Hakluyt was set up with the blessing of Sir David Spedding the then chief of MI6 (who died in June 2001). The first management board demonstrated the kind of reputation the company was aiming for, closely linked to the world of intelligence veterans. The prestigious supervisory board, the Hakluyt Foundation, would help the firm to establish solid contacts across the boardrooms of leading multinationals.<sup>31</sup>

Michael Maclay joined Hakluyt in 1997 as one of its directors. His career included work as a journalist and a diplomat; he was special adviser to Douglas Hurd, former foreign secretary, and Carl Bildt, UN high representative in Bosnia. (Chittenden & Rufford, 2001) Another member was Winston Churchill’s personal envoy to Marshall Tito during the Second World War, former soldier, spy and diplomat, the late Sir Fitzroy Maclean – also Ian Fleming’s model for James Bond.

The first boards also showed that the oil companies were involved at the early stage of setting up this private intelligence company. Sir William Purves, CEO of Shell Transport (until 2002) has been chair of the Hakluyt Foundation since 1999 and director of the company since 2002. Sir Peter Holmes, former chair of Shell, was president of the Hakluyt foundation from 1997 until he died in 2002. Former deputy chair of BP Sir Peter Cazalet helped to establish Hakluyt in 1995 and was chair of the company and the foundation, before he retired in 2000. BP itself has longstanding ties to MI6: its director

of government and public affairs, John Gerson, was at one time a leading candidate to succeed Sir David Spedding as chief of MI6. (ibid.)

Christopher James explained to the *Financial Times* how Hakluyt functions; stressing the careful way the company evaluates information and turns it into intelligence. ‘The company has over 100 ‘associates’ on its books – some based in London, others at stations worldwide. They might be investigative journalists, diplomats’ wives, senior business people, former diplomats or consultants.’ (Overell, op. cit.) For each assignment, Hakluyt calls up to five associates back to London to be briefed and then ‘deploys’ them. The work essentially involves talking to the right people, according to James. Each associate is given different questions and works independently. When the associates come back with contradictory information, the directors make a careful judgement of the material in London before submitting a final report. (ibid.)

Hakluyt tries to distinguish itself from other business intelligence consultants, spin masters and clipping services. ‘We do not take anything off the shelf, nothing off the Net—we assume that any company worth its salt has done all of that,’ Hakluyt’s Michael Maclay explained to students in the Netherlands. ‘We go with the judgement of people who know the countries, the elites, the industries, the local media, the local environmentalists, all the factors that will feed into big decisions being made.’ (Maclay, 1999) Manfred Schlickerieder was one of those people who ‘knew the local environmentalists.’ His documents disclose additional details on Hakluyt’s intelligence gathering arrangements, and the development of subsequent covert strategy for their clients.

#### **‘Content to listen and remember’**

Shell International was one of Hakluyt’s first clients in 1995. The Brent Spar crisis and the execution of Ken Saro Wiwa in Nigeria had become PR nightmares not easily forgotten. The company wanted to make sure it would not be caught unawares again. (also see chapter 8) Early in 1996, Hakluyt asked Manfred Schlickerieder to make an inventory of the activist agenda for Shell International. To fulfil this assignment,

Schlickenrieder used his cover 'gruppe 2' to start a research project described as 'shell in Nigeria/Environment damage/Human right violation etc.' (MS docs: 43, 56) In the letters he wrote to ask groups for interviews, he claimed his research would result in a video documentary. (ibid.)

Posing as a filmmaker working on a documentary about campaigning after 1995 had several advantages. Arguably, the most important was that nobody would think it strange Schlickenrieder was asking many questions. He traded on his image as a long-term devoted left-wing political activist on his various information-gathering missions. In addition, he made maximum use of the fact that the loose network of activists in Europe is (just as it is elsewhere) a pattern of connections based on trust. Mentioning a joint acquaintance or referring to a demonstration participated in can be sufficient as an entrée. (Juris, 2008: 17-18) This means of operating offered an easy way to widen the range of contacts for Schlickenrieder as well as the opportunity to map various networks, by outlining the various connections (or non-connections) as they occur.

Schlickenrieder for instance exchanged letters with Earth Watch, the foreign desk of Friends of the Earth in the Netherlands. (MS docs: 56) He paid them a visit, got some information, and subsequently used this contact to introduce himself to his next target, the Body Shop. In a letter to the head of the German branch of the company, Schlickenrieder mentioned organisations already engaged in his project. He then praised the skin and hair care company for their long-term involvement with the campaign against Shell in Nigeria, and for their concern for human rights and the environment. For his film about Shell, he requested an interview with a representative of the Body Shop about its activities so far, its future plans, its experiences with Shell, and about clients' feedback regarding this engagement. (MS docs: 43) Schlickenrieder got his answers, and not just for the documentary.

Anita Roddick, founder of the Body Shop, was furious when she eventually read about this spying operation and the exposure of Schlickenrieder in the *Sunday Times*. 'Of course my company is merely a front to campaign on behalf of the environment and human rights,' she retorted in a letter to the editor.



Shock, horror! We have been saying that to anyone who'd listen for the past 25 years. The outrage is rather that self-styled, 'socially responsible' corporations BP and Shell should have been working hand in glove with Hakluyt, a semi-official nest of ex-MI6 spooks, one of whom is quoted as saying: 'We don't ever talk about anything we do.' Not quite in the spirit of stakeholder dialogue, chaps. (Roddick, 2001)

By way of apology for setting these 'grubby little bin-riflers' onto her, she demanded the fees paid to Hakluyt plus interest be donated to the public campaign against a real 'enemy of the people', Exxon-Mobil, for its irresponsible stance as No 1 global warming villain. (ibid.)

Schlickenrieder travelled around Europe, filmed protest actions, and documented meetings, either on camera, or making notes. He interviewed relatives and friends of Ken Saro Wiwa, and other people central to the campaign against Shell operating in Nigeria. The project that served as a cover for the investigation eventually resulted in a documentary video, *Business as Usual. The Arrogance of Power* (groupe 2, 1997) – a rather superficial overview of the European campaign against Shell. The next section shows what the information gathered was used for.

### **Counterstrategy**

Intelligence gathered by people like Schlickenrieder was used by Hakluyt to help client-companies develop strategy to counter the effect of planned campaigns, in this case the environmental movement. The ability to anticipate criticism is very useful for lobbying and public relations. Chapter 9 for instance, details how weapon producer British Aerospace used gathered intelligence to counteract specific plans of the Campaign Against Arms Trade to undermine the effects of their campaign. After the confrontations of 1995 around the Brent Spar and Ken Saro Wiwa, other oil companies feared being targeted by Greenpeace. BP turned to Hakluyt for help after it got wind that a campaign was planned to stop the development of new deep sea drilling sites in the Atlantic Ocean north-west of the UK, the so called Atlantic Frontier. Hakluyt subsequently asked

Schlickenrieder to deliver details about what was going to happen, as well as to assess how Greenpeace might respond to legal damage claims. Schlickenrieder delivered and billed the London company DM 20,000 for ‘the Greenpeace research.’ (MS docs: 44) The intelligence gathered was used for – at least – two separate pro-active strategies prepared for BP. For the first strategy inside information from the environmental movement was effectively used to polish its press and PR communications. Hakluyt combined Schlickenrieder’s information about Greenpeace with material from other sources. Reynolds claimed, for instance, to have obtained a copy of *Putting Lid on Fossil Fuels* (Greenpeace, 1997) even before the ink was dry. (MS docs: 45) This Greenpeace brochure was meant to kick off the Atlantic Frontier campaign, and apparently, it provided timely and relevant material for the oil company. ‘BP countered the campaign in an unusually fast and smart way,’ Greenpeace Germany spokesperson Stefan Krug said. (Diederichs & Stark, 2000; Strehle, 2001a, 2001b) ‘We continuously had the feeling that every step we took was already known by the target of our campaign in Britain,’ Jan Rispens from the Energy Unit at Greenpeace Germany told Aufbau. (MS docs: 56) Since the company knew what was coming in advance, BP was never taken by surprise.

Secondly, BP used Hakluyt’s information to plan a lawsuit against Greenpeace. In an email message to Schlickenrieder, Hakluyt’s director Mike Reynolds inquired about the possible impact of suing the environmentalists for mounting a campaign such as the Brent Spar, asking whether Greenpeace was taking legal steps to protect its assets against seizure in the event of being sued by an oil company. (MS docs: 45) The answer to that question is not among the leaked documents. However, when BP’s Stena Dee oil installation in the Atlantic Ocean was occupied two months later, the company sued Greenpeace for DM4.2 million in damages, insisting its work was being delayed. BP got an injunction to block Greenpeace UK’s bank accounts, which caused serious financial problems for the group. (This may have been the first times an injunction was used to threaten activists with possible arrest. It has since become an increasingly popular way to stop a campaign, Mark Stephens, one of Greenpeace’s lawyers in London, explained in an email on 17 February 2009).

### **Damage control and plausible deniability**

The exposure of Manfred Schlickerrieder put the spotlight on Hakluyt, a company that prefers a low profile. All parties involved, including Greenpeace, tried to downplay the damage done by denying the infiltration.

Asked for a comment about the exposure of its spy, Hakluyt first flatly denied knowing him. Confronted with email correspondence that clearly suggested a working relationship, ('Dear Manfred') Hakluyt reluctantly admitted it had employed the freelancer, but claimed it had only been for *one* assignment, and for a limited period. This was not true either, Steinbacher and Stuffacher explained in a personal communication in January 2001, as will be detailed below.

When asked which companies were involved, Hakluyt claimed not to be able to reveal details about its clients – but added that it was *not* Shell or BP. (Diederichs, 2000; Strehle, 2000) Nevertheless, when the *Sunday Times* broke the story in Britain almost six months later, both BP and Shell acknowledged having hired Hakluyt. Both claimed, however, they had been unaware of the tactics used. (Chittenden & Rufford, op. cit; confirmed by spokesperson from both Shell and BP in June 2001) BP acknowledged it had hired Hakluyt, but claimed to have asked for a report based on published material only. This contradicted the specific questions Hakluyt asked Schlickerrieder and the detailed inside reports he subsequently delivered. Delegating dirty work allowed Hakluyt's clients, Shell and BP, to maintain they had not been aware of the methods used. Such a damage control operation resembled how Shell tried to distance itself from the *Neptune Strategy*, as detailed in chapter 5.

Communication with Fouad Hamdan, spokesperson for Greenpeace Germany documents the change of heart in the organisation's public relations strategy following the exposure in Britain. First Hamdan said Manfred Schlickerrieder was trusted within the organisation, that everybody knew him and many people had talked to him. Because he was seen as someone sympathetic to Greenpeace, he was kept up to date about upcoming campaigns. He had planned to make a film about the Atlantic Frontier campaign. Hamdan confided, in a personal communication by telephone on 16 June 2001, that he had told the *Sunday Times* that 'the bastard was good.' However, within a

few days, Hamdan sent me the official Greenpeace statement on Schlickenrieder and the organisation's instructions on how to deal with the press. This statement denies any involvement and encourages members of Greenpeace to react '*gelassen*,' which translates as calm, composed and unconcerned. Schlickenrieder had visited Greenpeace in 1997, 'presumably for an interview,' but 'nobody here can remember him' and 'No, we don't know if he has delivered information of any importance about our campaigns to Hakluyt.' (Hamdan, 2001a) The quote that Schlickenrieder's activities had effectively sunk the Greenpeace campaign against BP's exploration in the Atlantic (Chittenden & Rufford, op. cit.), was retracted too and attributed to a mix-up between the German press association *dpa* and the *Sunday Times*. (Hamdan, 2001a). When confronted about his efforts to downplay the damage Schlickenrieder had done, Hamdan claimed it was all a misunderstanding. 'After double checking with the oil campaigner at the time we discovered that no one remembered the guy.' (in an email on 18 June 2001)

Hakluyt added another level to the operation damage control, insisting Schlickenrieder only worked for the company for a few months between 1996 and 1997, and just on the Greenpeace research commissioned by BP. However, this does not correspond with the findings of Res Strehle, the Swiss business journalist, who evaluated the available Schlickenrieder's documents. Strehle (2000, RA docs: 14) discovered that the German spy worked for Hakluyt for at least four years, up until he was exposed in 2000, and possibly even longer. The year before he was exposed he received three cheques from Hakluyt totalling more than 9000,- DM. Hakluyt was his best client and hired him regularly for consultancy work, mostly due diligence. In 1999, he did research for the former German state telephone company Deutsche Telekom to prepare acquisitions – confirmed by an invoice Schlickenrieder sent to Hakluyt. (MS docs: 57) In the same year, Schlickenrieder investigated Gunter Zöbel, the then owner of the petrol supplement producer Märkische Phasen presumably for a competitor interested in acquiring the company. Also in 1999, Schlickenrieder was commissioned to work on the business relations between commodity trader Mark Rich and Glencore, the company Rich had founded more than 30 years previously. At the time, Rio Tinto, a Hakluyt client, was interested in a take-over of Glencore. In 1998, Slickenrieder investigated Martin Ebener,

the controversial Swiss financier and asset stripper who wanted to take over the tyre producer Pirelli. In 2000, he explored the current market and take-over options for the German beer brand Becks Beer. Also in 2001, he did an investigation into the Bank für Gewerkschaft (owned by Credit Lyonnais) for a client interested in a take-over. (MS docs: 58)

In 1996, Schlickerrieder started mapping resistance against Freeport and Rio Tinto, the world leaders in finding, mining and processing mineral resources. He assessed the possible resistance against a Rio Tinto project planned in Liberia. He evaluated local opinions and contacted the Unrepresented Nations and People Organisation (UNPO), and the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM) (RA docs: 9) In a letter to Friends of the Earth, Schlickerrieder asked for information about their work against the mining companies in Irian Jaya and in Madagascar. (MS docs: 56) In March 1999, Schlickerrieder sent Hakluyt an invoice for 'the Rio Tinto research in January' to be followed by an additional report. (MS docs: 57) The Swiss Aufbau group found evidence he continued billing Hakluyt for Rio Tinto research until he was exposed. (RA docs: 9) This is supported by the experiences of the West Papua Network in Wuppertal, Germany. Schlickerrieder subscribed to their newsletter and contacted them more than once to be updated. The last time he called to get a video about Freeport had been in June 2000 – just months before his cover was blown. (Zöllner, 2004)

Both Freeport and Rio Tinto have been involved in controversy over their mining activities for many years. Both have engaged several strategies to either co-opt or counter their adversaries, with or without the advice of the Hakluyt company. (Global Witness 2005; Perlez & Bonner, 2005; 2006, Seelye, 2006)

Apparently, Schlickerrieder's work for Hakluyt was a mix of consultancy work in the financial world, and investigations into potential political risks.

## 7.2 'He is a Silent Man'

Schlickenrieder had built up spying experience during his years of working for Germany's domestic and foreign intelligence services, the *Landesamt für Verfassungsschutz* and the *Bundesnachrichtendienst* respectively. He frequented meetings of radical left groups, including the Red Army Faction, RAF), from the early 1980s until his cover was blown in 2000. He also developed contacts with Italian revolutionary groups. For twenty odd years Manfred Schlickenrieder was able to move around in radical left-wing and revolutionary circles, without raising suspicion.

Schlickenrieder's political career began and ended in Munich. He was a short time member of the Maoist KPD/ML. By the end of 1975, Schlickenrieder had managed to pass the admission procedure to enter the *Rote Hilfe* (Red Help) as well as the *Kommunistischen Studentenbund* (Communist Student Union), two of the many leftist groups that sprang up in Germany in the 1970s. When the *Verfassungsschutz*, the domestic intelligence service, knocked on his door, he told them to go to hell. (Diederichs & Stark, op. cit.) Or maybe he did not. For his Maoist comrades this encounter was enough to expel him from their organisations. But the story of his experiences delivered a convenient cover for his next project. Schlickenrieder started the groundwork for approaching sympathisers of the Red Army Faction. In 1982, he published a pamphlet proclaiming solidarity with RAF members Christian Klar, Adelheid Schulz and Brigitte Monhaupt after their arrest.

The main explanation for Schlickenrieder's enduring career can be found in the way he worked. It seemed that he was a reticent character. He was what the Germans call an '*Einzelgänger*', a loner, preferring to work on his own. He was known as an intelligent person, engaging and interesting to talk to. He would not ask too many questions at once, but would use what he heard on one occasion as a resource for cultivating future contacts. Taking advantage of activists' trust, he had a well-developed ability for piecing together bits and pieces of information to compile a fairly accurate picture, Steinbacher and Stauffacher explained in January 2001. (also see RA docs: 9)

Other explanations can be found in the organisation of his work. The ‘Documenting Archive *gruppe 2*,’ was a flexible and plausible cover that offered a wide range of opportunities. Documentary making was one part of the business. Under the cover of providing an alternative to ‘state propaganda’, Schlickerieder was allowed to be present – with camera and microphone – while police and others were excluded. He filmed the occupation of squats, sympathisers of the Italian Red Brigades, secret meetings, and many other events. He was intimate with the ‘*Umfeld*’ (the environs), family and friends of the RAF. He made several documentaries for *Revolutionärer Aufbau*, including one video about the Dockers strike in Britain. Another about the RAF, called ‘*Wass aber wären wir für Menschen*’ (‘What kind of people were we?’) featured solidarity groups and relatives of convicted comrades, following several of them from the moment they were released from prison. His film about Italy’s Red Brigades, which he had been working on since 1985, was never finished, but served as an entrée to revive contacts in Italy’s radical circles whenever necessary. Apart from that, as was explained above, stills from video footage served as a photo database, accompanied by personal details about the many people he had met. (MS files: 34-42) Over the years, he must have filmed hundreds, perhaps thousands of people who took the integrity of the producer for granted. Documenting the activist’ struggle, Schlickerieder’s video tapes evolved into an extended illustrated archive of the radical left in Europe. (RA docs: 9)

Collecting and disseminating printed material was another important part of business at *gruppe 2*. This was a simple, but very effective way of gathering information. Most left wing groups would send him their publications, either prompted or unprompted. From the mid-1980s until the mid-1990s, Schlickerieder also published a magazine, or rather a series of pamphlets, called *texte*. (see MS docs: 4, 5) The content mainly consisted of the writings of groups involved in armed resistance, including American political prisoners like Mumia Abu Jamal, Black Panther activist Dorouba and discussion pieces by members of the Italian Red Brigades. To be the editor and publisher of *texte* was effective from an intelligence gathering point of view. The content offered an insight into what kind of texts were of importance to the subscribers. It also revealed who were the ideological and strategic thinkers in a group, and how they could be reached to be

asked for a contribution for the magazine. The distribution of pamphlets gave an overview of who was interested in reading such material in Germany, Switzerland, and elsewhere in Europe. Apart from that, reproducing work from others excused Schlickenrieder from contributing substantial content himself.

For groups that ceased to exist Schlickenrieder readily offered to archive their legacy. He was about to receive the archive of Vreni Lauterbach, a long-term activist of the *Gruppe der Angehörigen der politischen Gefängenen in der BRD* ('Group of Family members of Political Prisoners in Germany'). After Lauterbach's death it was decided *gruppe 2* would inherit the archive; Schlickenrieder's exposure only just prevented this, Steinbacher and Stauffacher explained in January 2001. (also see RA docs: 9)

Schlickenrieder offered the kinds of practical support that resource poor groups needed. He offered to establish a postal address at the office of *gruppe 2* for local activist groups. This convenient arrangement would deliver interesting mail right to Schlickenrieder's desk. The anti-fascist magazine 'Pro K' was one of the groups that took up the offer. The magazine was sued for libel after it called a named plain clothes police officer a '*kleines mieses Bullenschwein*' (– 'small mean police pig'). A search under warrant for copies of the contested issue at the *gruppe 2* office did not deliver any evidence, but the incident was functional in reinforcing the idea of police repression against *gruppe 2*, and as such doubtless helped to secure Schlickenrieder's cover. (MS docs: 59)

Ironically, Schlickenrieder was the person who spread the news in Germany about the exposure of an infiltrator and spy in the Netherlands, Lex Hester. (MS docs: 2, 3) To uncover another spy provided more cover. On this occasion, there was actually a clear and present danger, because Lex Hester fulfilled a similar role within networks of radical groups in the Netherlands: collecting radical publications, working in an anarchist bookshop and functioning as a contact address for people who were interested in radical writing as well as action. In a pamphlet describing his contacts with the exposed spy, Schlickenrieder explained that he had exchanged information with Hester in the past and had visited him in the Netherlands – but claimed he stopped trusting him shortly before the exposure. (ibid.)



The cover of *gruppe 2* had more advantages. It forestalled questions about the political background of Schlickerieder and his own radical achievements. Gruppe 2 was the answer: the documentary maker accommodates the process of struggle; he does not initiate or determine it. Questions about the name of his organisation were explained by referring to a clandestine arrangement. A part of his group – presumably ‘*gruppe 1*’ – had been forced to go underground due to severe and continuing police repression in 1977. He was the only one who could operate in public – or so he claimed until the very end, conveniently playing with the illusion that for him the era known as the *DeutschenHerbst* (German autumn) had never ended. In the 1970s, the RAF (dubbed the Baader-Meinhof group by the media) a left-wing collective born of the student revolutions of the 1960s undertook a series of bombings, assassinations, and hijackings in Germany. The repression this provoked is known as the German Autumn. The legacy of those turbulent years is still the subject of discussion today. The release of the last prisoners, new films and books about the period made Neal Ascherson, the *Observer*’s correspondent in Germany at the time reflect ‘on the legacy of those turbulent years and the strange hold they had – and still have – on the national psyche.’ (Ascherson, 2008) The secrecy and the presumed radicalism associated with *gruppe 1*, guaranteed no further questions asked. (RA docs: 2)

Every single part of the projects detailed here appeared to help sustain and confirm his cover as a political activist and trustworthy comrade, while at the same time providing opportunities to gather intelligence and expand his network. In the end, however, the same qualifications that made Schlickerieder perfectly suitable for his role as ‘fellow traveller’ and information gathering spy made it difficult for him to become a full member of a radical group. His distance, his failure to provide an acceptable political analysis assessing the current state of the anti-imperialist struggle, or a clear political praxis against the capitalist system, gave him away eventually. His lack of ability to get really involved ultimately caused the suspicion that led to his exposure. (RA docs: 2, 9) Members of the ‘solidarity campaign Libertad!’ – with hindsight – said Schlickerieder had problems connecting with them when he joined their working group ‘International Contacts.’ From the now available documents, it transpired that Schlickerieder was

interested in their preparations for resistance against the G8-summit in Naples, in 1994. When he left the group within a year, no tears were shed. Schlickerrieder contribution to the group was never substantial, Libertad claimed, he never took any initiative and he kept his alleged highly valuable contacts in Italy to himself. (RA docs: 9)

The Swiss Aufbau group had similar experiences. In the two years before his exposure, they tried to integrate Schlickerrieder in their structures; he was to become the Munich desk of Aufbau. Schlickerrieder agreed, but did not manage to keep appointments or to deliver promised work and his contributions to the discussions did not satisfy the Swiss. He was unable, or unwilling, to integrate into the group, and this raised suspicion. After the first documents implicating Schlickerrieder's foul play found their way to the Swiss office, an internal investigation lead to his exposure as a spy. (RA docs: 2)

### **7.3 Highly Valued Agent**

Schlickerrieder was a special kind of agent and not only because he managed to stay in business for such a long time. Although there is no conclusive answer to the question for which German agency he worked, it was most probably the BND or the BfV. There are several factors suggesting he was a rather high status spy. He had access to secret official documents and personal intelligence files on radicals to help him navigate in their circles. Amongst the documents is an official intelligence file detailing the contacts of specific people with Italian radical groups. The original document has numbered pages (1-16) but some pages or parts of pages are missing. It is written in German, it has no heading and it is not signed. It lists the names of 18 Italian activists, detailing their history and activities. Schlickerrieder not only had access to intelligence files, he was also able to request further information about the people he spied upon. His handlers in the German agencies would contact their Italian colleagues on his behalf. The file has two sections with remarks that are obviously answers to earlier questions. 'Referring to your request to be informed about additional extremists with possible foreign contacts, we can mention to you the following individuals: [list of names].' (MS docs: 31) The second set of questions refers to a specific house, where certain named contacts

allegedly lived from time to time; and to an arms cache in Rome from which ‘weapons and munitions may be obtainable.’ The use of the subjunctive in the German original<sup>32</sup> suggests that the questions address gathered information, rumours or tips that need confirmation. The answer read: ‘unfortunately no information is available yet. We have forwarded the request to SISDE [Italian intelligence service], but have until this moment received no reply’. (ibid.)

Schlickenrieder ways of working for state and business were similar. He made proposals to his employers, or provided them with reports they had not even asked for. For instance, in a September 1997 email to Hakluyt, the German spy explained how he had ‘used the opportunity of visiting Hamburg to talk to two separate people within Greenpeace’. In closing, he wrote: ‘That was your free “mood report” supplement from Hamburg.’ (MS docs: 47) In 1995, Schlickenrieder wrote an extensive strategy report with detailed proposals for state agencies, suggesting new fields of research among radical movements. He proposed taking up the project of making a video about the Red Brigades, because it would provide him with the possibility of getting in touch with almost any level of the movement. (MS docs: 10) This is yet another example of a project that merged sustaining his cover and opportunities for intelligence gathering.

Additionally, Schlickenrieder’s work was highly valued. The rewards allowed him to live in a spacious rooftop flat overlooking a park and to hire a four room office equipped with up to date computers and video editing equipment. Schlickenrieder drove two cars when he was exposed in 2000, a VW Sharon, a large MPV (a people carrier), and a BMW Z3, the model of sports car driven by James Bond in *Golden eye*. He declared an average of 1.600 DM of expenses every month and his budget was calculated 10.000,- DM monthly.<sup>33</sup> The average wage in 2000 in Germany was 54.256,- DM per year. (Monetos, 2009)

Not only was he well paid, the intelligence services also proved willing to invest in his ventures. In his 1995 Strategy Plan, Schlickenrieder emphasised the importance of producing and publishing a German translation of the *Rapporti Sociali*. This was an extensive Italian discussion paper assessing the current conditions for revolutionary struggle. The publishing project would ‘offer the opportunity to establish direct contacts

with the original publishers. The participation in the international meeting would be ensured [...] and above that taking up the distribution of it in Germany would lead to the contacts involved in this project in Switzerland and Germany.’ (MS docs: 10) The set up played out, with Schlickenrieder providing the translations and the Swiss Aufbau group correcting them and writing the preface for the German version.

The Schlickenrieder documents include copies of the test translations which were plausibly – judged by the marks and codes used – prepared by an official translation service, possibly at one of the intelligence agencies he worked for. The Aufbau people calculated the translation by itself must have cost Schlickenrieder and/or his employer about 10.000 DM. This sum can be seen as a price to be paid to secure further access. Judged by the proposals Schlickenrieder wrote at that time, the Aufbau group concluded that the translation was ‘*sozusagen das Eintrittsbillet in die internationale kommunistische Bewegung,*’ – ‘it was so to say an admission fee, a ticket to the international revolutionary movement.’ (RA docs: 2)

Searching for an explanation why the *Revolutionärer Aufbau* had not been more careful, the group explained that the offer to translate and publish the German edition came at just the right moment. The French and Italian versions were ready to be published, and ‘especially for Germany it was very important to have a Marxist analysis of the crisis in capitalism based on objective conditions.’ (RA docs: 3)

The assistance with the translation and publishing of these documents implicates secret services in assisting and facilitating the revolutionary movement. Instead of just monitoring developments, intelligence agencies played a more active role. Such active interference raises the question to what extent the secret service influenced or controlled this movement in Germany.

Schlickenrieder was a proactive agent, at times also playing the role of agent provocateur. A 1994 report described how he tried to make a weapons deal. (MS docs: 9) He offered to deliver a small amount of handguns – Sig Sauer or Heckler Koch – at 1200 DM a piece to a high-ranking member of Dev Sol (presently DHKP-C). (ibid.) On one condition, Schlickenrieder wrote in this report: ‘*Allerdings wurden diese Lieferanten darauf bestehen, zu erfahren, wohin die Waffen gingen (politisch/persönlich).*’ – ‘the

suppliers insisted on hearing what the weapons would be used for (political/personal).’ The revolutionary Turkish splinter group was at the time involved in an internal power struggle, resulting in serious casualties and fatalities – specifically in Germany, Marq Wijngaarden one of the lawyers of members of Dev Sol/DHKP-C explained in a personal communication on 25 April 2007. In the same period, the magazine *texte* – part of Schlickenrieder’s cover – included a debut contribution from Dev Sol. (RA docs: 9) From the documents it is not clear if this deal was concluded. Either way, this affair implicates Schlickenrieder – and his spymasters – in violence and physical harm. The event exemplifies a serious act of provocation involving weapons and intelligence agencies. It also raises questions about the extent of Schlickenrieder’s work in this specific field. Was he prepared to act as provocateur in his dealings with other revolutionary or activist groups?

### **Dangerous liaisons**

The exposure of Manfred Schlickenrieder was an embarrassing blow for the intelligence community. The case was discussed in two separate parliamentary fora. If Schlickenrieder was indeed working for both the *Bundesnachrichtendienst* (BND) and the Bayern section of the *Landesamt für Verfassungsschutz* (LfV), he worked for two agencies whose tasks are separated by law. The BND is the foreign intelligence agency, while the LfV is supposed to focus on domestic matters. Two agencies simultaneously working with one and the same agent providing him with similar assignments is a highly unusual situation, according to Otto Diederichs from the Institute for Civil Rights and Public Security. Indeed, they would be operating in a hitherto unknown grey area. Such an overlap could only occur under special circumstances, for instance when dealing with the fight against terrorism. In such cases it would be difficult – or impossible – to separate the origin of information, either by borders or agencies. The supposition of alleged links with ‘terrorism’ would justify the joint ‘running’ of an agent. Apparently, the *Revolutionärer Aufbau Schweiz* was such a case. (Diederichs, 2001) Intelligence sources allege the group has good contacts with the remnants of terrorist networks in

Italy, Spain, France, Belgium and Germany, but experts such as Diederichs know of no evidence to support such claims. (ibid.) The Aufbau Gruppe was – and is – engaged in solidarity work for political prisoners in various European countries, according to their website. Moreover:

We fight against capitalism in general, against dismissals, against keeping down wages, against discrimination of women. We also fight against pressure to perform in schools, against state repression, against the disturbance of the environment, against the fascists, against the imperialist war and against the reactionary witch-hunt specifically. (Revolutionäre Aufbau, 2006)

#### **7.4 Conclusion**

Manfred Schlickerieder is an early example of the modern freelance spy. He started working for German and foreign intelligence services, later expanding his working area to privatised employers like Hakluyt, smoothly shifting gear between the two, as well as between political intelligence gathering and the more classic financial consultancy work. Schlickerieder provided reports and strategy plans on his own initiative as well. More than a manifestation of individualism, or rather an odd example of precarious working conditions, the way Schlickerieder operated can be seen as a practical and apparently workable response to continuing problems with hierarchy and modernisation within state secret services.

Though their goals may differ depending on their clients' needs, business intelligence agencies – and their hired agents – often use much the same *modus operandi* in surveillance and spying as do governments. No matter whether he was working for secret services or for big business, when approaching his targets Schlickerieder traded on the trust built up through the years. He was able to move around without raising suspicion for a very long time, in spite of security awareness within the various groups. Furthermore, spying on the greens – as Schlickerieder was commissioned to do for Shell and BP – is a good example of the need not just for intelligence, but for subsequent appropriate answers too. Hakluyt does not just gather intelligence to know what is

coming, but also develops pro-active strategies that requires information of their own; the agency provides services to implement these counterstrategies as well.

This case study indeed illustrates the intersection of state and corporate intelligence; in fact, it is an example of privatised intelligence and outsourcing. Hakluyt's first board of directors comprised a gallery of retiring public servants aiming at a new career. Shell and BP played a role in the founding of Hakluyt. They supplied high profile CEO's (often with close links to the intelligence agencies themselves) to take seats on the corporate intelligence board or its advising Foundation. The oil companies were also clients and provided a number of assignments for the company, as was illustrated by the work of their freelance spy.

As the Tofflers (1990) predicted, the informal links between corporate security and state intelligence increase, leading to what they called incestuous relationships. The restructuring of world business leads to complex cross-national business alliances, while globalisation also adds dimensions to the complicated political issues that corporations have to deal with. In other words, the challenges of the current timeframe increase the need for inside information and intelligence. Schlickerieder and Hakluyt operated at the forefront of the information wars (*ibid.*), while their activities exemplify the workings of the network society. (Castells, 1996; 2003; Sassen, 1996)





## **Chapter 8**

### **Cybersurveillance & Online Covert Strategy**

#### *Case study*

The internet was adopted early and effectively by anti-corporate campaigners. Their ability to exploit the global reach of the web and by-pass mass media is a levelling factor in the battle for public opinion between activists and powerful companies. (Verhille, 1998) The PR industry recognised this over a decade ago. The internet was said to reduce the advantage that corporate budgets once provided. (Hamilton, 1997) Meanwhile, corporations have learned to use the internet as well; and not just to sell their goods and services, to present their business, or to promote their latest corporate social responsibility achievements. Companies under fire today hire cybersurveillance services to monitor their brand position online. Some of these agencies claim to be much more than a simple digital clippings service. Preparing briefings on what is happening online and how campaigning organisations are linked, is just the beginning. A sophisticated communication plan not only maps sentiments in the blogosphere and scans for future issues, but also may include strategies to undermine the campaigns of online activists, the activities of disgruntled employees or the criticism of experts.

This case study profiles three different agencies specialising in online intelligence services, Infonic, eWatch and Bivings, each with an example of a controversy in which they featured. In 2000, Infonic, a London based agency, promoted the internet for enabling corporations to get closer to their stakeholders. However, when asked to advise the IT industry on how to deal with a campaign demanding regulation for waste from electronic goods, their advice contained several aspects of counterstrategy. Also in 2000, the American agency eWatch explicitly promoted its 'CyberSleuth' services. It offered to 'neutralise news' and to identify and 'eliminate' online activists. (eWatch, 2000c) This second example explores the potentially far-reaching consequences of being labelled a 'perpetrator' by eWatch or other monitoring agencies. The third section

investigates internet communications firm the Bivings Group, hired by the largest developer and producer of genetically modified (GM) seeds, Monsanto. Together they invented fake identities to place pro-industry messages online. Monsanto used these so called independent third parties as a covert strategy in an attempt to influence the debate on genetic engineering.

The controversies discussed in this chapter took place between 2000-2002. The period is significant as it represents a loss of innocence regarding virtual communities and networks. Today, TNCs have become more aware of online risks – and as a result, online counterstrategies are more difficult to detect. While the importance of online communication and virtual networks is still growing (Castells, 2003, Pickerill, 2002; 2006), the monitoring industry kept pace. (*Economist*, 2009) Recent exposures of sophisticated online intrusion mentioned in chapter 1, the French electricity company building nuclear plants accessing the hard disks of Greenpeace campaigners, indicate a continued market for inside information on the work of campaigners provided by consultancies specialised in cyber surveillance.

### **Background.**

Shell was one of the first companies exposed to a new-media battle. The company was taken by surprise in 1995 when a Greenpeace campaign to stop the sinking the redundant Brent Spar oil platform succeeded. Shell was forced to shift ground, surrendering a position it had held to fiercely. The company had done too little too late to defend itself, refraining from publicly explaining why dumping was the best solution, according to Eric Faulds, head of the Brent Spar Decommissioning Project. (TU Delta, 1996) This only reinforced the image of Shell as arrogant in the eyes of campaigners and members of the public. Brent Spar has since become a celebrated case study in poor issue management (see for instance Lietz, 1997; Van Tulder & Van der Zwart, 2003) and crisis PR. (see Kitchen, 1997; Seymour & Moore, 2000; Sriramesh & Verčič, 2003)<sup>34</sup>

After the crisis, the company appointed its first internet manager, Simon May. He added a new perspective to the many analyses of the Brent Spar affair. Shell had been wrong

about its own influence on the media, and had completely overlooked the new media. A few months later, after the execution of Ken Saro Wiwa and eight other Ogoni opposition leaders, the company was again in the spotlight, now for its intimate links with Nigeria's military regime. This also prompted what May called 'a massive online bombardment of criticism.' (May, 1998) A third PR disaster would not be allowed to happen.

Shell International's online strategy after Brent Spar was an example quickly followed by other companies under fire. The strategy required constant monitoring of what was said about the company in cyberspace. The company hired specialist, external services to trawl the web daily, listing all the places the company was mentioned, and in which contexts. May insisted: 'You need to keep track of your audience all the time, since you may learn a lot from it.' (in an interview by email, 19 June 1998) May believed that the online community could not be ignored. 'There are pressure groups that exist only on the internet. They are difficult to monitor and to control. You can't easily enrol as a member of these closed groups.' (May, 1998) The agencies Shell hired to conduct this monitoring were Infonic and eWatch, both of which are profiled below.<sup>35</sup>

Another industry that quickly discovered the power of the internet was the biotech industry, producers of GM seeds and food. Monsanto made a huge error of judgment in underestimating the resistance against the introduction of GM food in Europe, which included Prince Charles speaking out against what the tabloids call 'Frankenstein food.' (Windsor, 1999; 2000) In 1999, the company nearly collapsed because of the disaster on the European market. For help with their internet strategy, Monsanto turned to Bivings. The examples presented here cover a wide range of countering critics online and involve monitoring, spying, targeting and the use of fake-identities to manipulate public debates. Bivings called covert methods to influence discussions *viral marketing*, and described it as using word-of-mouth strategy to disseminate clients' views online.

## 8.1 Infonic

In the early days of the Internet, Infonic claimed to exist ‘to help companies understand and engage with the growing living space that is the internet.’ (Bunting & Lipski, 2000) In an interview by email on 10 November 2000, Infonic founder Roy Lipski suggested that the internet redefined relationships between companies and their stakeholders. ‘It is not that the internet has an anti-corporate culture; it is people who have that culture. What internet has allowed us to do is simply to see the scale of that anti-corporate culture.’ The agency believes it was better positioned to advise its clients on the most appropriate course of action, because ‘Infonic thinks from and for the point of view of the online communities that we are in touch with.’ However, when a leaked document suggested that Infonic was undermining those online communities, Lipski changed his tone and denied any involvement.

### **NGO strategy**

In the summer of 2000 a PowerPoint file titled *NGO Strategy* leaked to the independent news agency Inter Press Service (IPS) and *Inside EPA*. It was a presentation given by Andrew Baynes from Sony at a meeting of the European Information and Communication Technology Industry Association (EICTA). Since renamed DIGITALEUROPE, this trade association is based in Brussels and according to its mission statement (EICTA, 2009a), it is ‘dedicated to improving the business environment’ for the IT industry; in other words, it is a lobbying organisation. Among its 61 digital technology company members from 28 European countries are large IT companies such as HP, Nokia, Dell and IBM, as well as smaller corporations. (EICTA, 2009b)

At the time, environmentalists were pushing for regulations to make electronics manufacturers responsible for their own toxic waste. These efforts culminated in what is known as the European Commission Directive on Waste from Electrical and Electronic Equipment (or WEEE). The proposed law would force producers of electronic products

and electrical equipment to take financial responsibility for managing their products throughout their lifecycle, including when the product is no longer useful and thrown away. (Knight, 2000)

The *NGO Strategy* outlined an ‘action plan for counteracting the efforts of several domestic and international environmental groups.’ (Baynes, 2000 – the following quotes are from the leaked document) The IT industry was advised to set up a ‘detailed monitoring and contact network [on] NGOs.’ Infonic was the ‘web intelligence agency’ recommended for this task. Initial work had already been conducted. The first section of the *NGO Strategy* called *NGO Overview* disclosed names and contact information for groups that allegedly posed a threat to the IT industry. The report labelled Greenpeace, Friends of the Earth and the small California based Silicon Valley Toxics Coalition as ‘highly active, well-organised’ with a successful ‘global reach’ in their efforts to expose human health hazards. The EICTA members were advised to ‘look into partnership support with reliable NGOs’ and the accompanying availability of ‘tax rebates in some Member states’ for doing so. Future legislation could be pre-empted by working with NGOs on localised recycling campaigns. While some of the recommendations showed great similarity to Infonic’s mantra of getting closer to stakeholders, other strategies proposed were aimed at undermining the work of the campaigners. The section entitled *Action Strategy-Proposal* urged a ‘unified action strategy’ to deal with the environmental groups: ‘Don't wait!!’ The companies were advised to confront the allegations of the toxic waste campaign from a high level within the company, and to prepare industry template responses in order to avoid individual fragmented responses. The electronics industry was also encouraged to try to curtail the funding of the campaigning groups: ‘Early pre-funding intervention could be beneficial,’ it said in the leaked document. According to *EPA Weekly* this

likely refers to a growing movement in the business community to take industry problems with activists’ agendas directly to donors, charitable foundations and companies that sponsor the environmental organisations, in an effort to stall the campaigns before they even commence. (*Inside EPA Weekly Report*, 2000)

Together the recommendations outlined a basic set of counterstrategies to effectively deal with an activist campaign. To have these details reported in the press is damaging for the online intelligence agency, and its potential clients and targets.

### **Denial**

When the strategy leaked and attracted widespread criticism, Sony and Infonic went to great lengths to deny any involvement in preparing the strategy plan. (Wazir, 2000; Gruner, 2001) EICTA also kept a low profile.

Roy Lipski did not like his company being portrayed as spying on activists. He insisted that Infonic had nothing to do with the action plan beyond providing a standard information pack: ‘One representative within Sony had misinterpreted what we do and had presented ourselves in a manner which suited their own objectives, without our knowledge or consent, and which did not reflect what we do or believe.’ (Lipski in an email on 5 February 2001) Sony too attempted to distance itself from the *NGO Strategy*. A spokesperson told the *Wall Street Journal* that it was *not* a Sony document although the company’s name was on the document and one of its employees had written it. It was not Sony’s, because it had been created on behalf of EICTA. (Gruner in an email on 29 January 2001) A few months after the exposure, on 30 October 2000, Sony met with a delegation of the activist groups targeted in the document. Iza Kruszewska of ANPED, the Northern Alliance for Sustainability, was at the meeting where Sony denied it had hired Infonic, and claimed it had merely mentioned the company as an example of a service others might want to use. (email from Kruszewska on 2 February 2001)

Although it cannot be verified that Infonic’s work for EICTA went beyond the initial pitch of their services to Sony, the content of the *NGO strategy*, and the subsequent damage control operation, indicate a demand for such plans as well as a desire to keep such strategies secret. Nevertheless, there are several indications that Infonic was monitoring the toxic waste campaign, and that it did so on Sony’s behalf. For example, Infonic paid an unusual amount of attention to Greenpeace in the months prior to the presentation of the *NGO Strategy*. In those days, Greenpeace’s web statistics were

available on its website. (Greenpeace, 1999/2000) The statistics show that Infonic was among the ten most frequent visitors for six months in a row, with an average of 300 to 450 hits a week. Infonic alone entered the Greenpeace site more often than all the users via Google or Alta Vista combined. This intensive monitoring started in December 1999 and – coincidentally or not – ended in the week the Sony presentation was held.<sup>36</sup> Infonic was obviously monitoring Greenpeace closely.<sup>37</sup>

Furthermore, in the first media reports about the *NGO Strategy* Sony freely acknowledged that the company was tracking environmental groups. Before ranks closed the company's vice-president of environmental, health and safety issues, Mark Small, said: 'We are obviously concerned about our image. [...] If Greenpeace is pushing something, we want to be on top of it.' He also admitted the *NGO Strategy* had not been put together in the 'most tasteful' way, but said the presentation had not been meant for public release. (Knight, 2000)

The plans presented to the IT industry show the apparent need for a set of counterstrategies to deal with an environmental campaign on responsible disposal of toxic waste. The *NGO Strategy* reflects the connection between gathering intelligence and developing counterstrategies. Detailed monitoring of NGOs, their contact network and their online activities provided the intelligence needed for strategic action. A part of the plan implied covert measures to undermine critical NGOs such as attempt to challenge the funding of NGO campaigns and to drive a wedge between groups in a coalition by seeking cooperation with the more moderate ones. The *NGO Strategy* has parallels with Pagan's strategy (chapter 5) to separate 'realist' activists from 'radical' groups, and deal with them in different ways. The general idea is to be pro-active, to deal with the activists before problems have become a major issue on the public agenda. The efforts of the companies involved to disassociate themselves from the leaked documents indicates that secrecy is an inherent part of such corporate strategy.

## 8.2 eWatch

The business philosophy of eWatch appealed to the bunker mentality many multinationals adopt when first faced with online activism. The terminology used to promote the spying services to help companies ‘neutralise news’ or identify and ‘eliminate’ online activists (eWatch, 2000c) echoed Cold War paranoia and hostility.

eWatch pioneered internet monitoring in 1995, scanning online publications, discussion forums, bulletin boards and electronic mailing lists on behalf of clients. By the end of 2001, it claimed to be continuously screening more than 4,700 online publications and 66,000+ Usenet groups, bulletin boards and mailing lists. A growing number of large corporations – more than 900 by late 2000 – used this virtual clipping service. These statistics remain largely unchanged over the years. (eWatch, 2000b; 2009)

eWatch launched a service called CyberSleuth early in 1999 targeted at counteracting online anti-corporate activism. The promotional website was unambiguous about the services for sale. First, if a corporation wished to know who was behind a given screen name, the service would provide a complete dossier in seven to ten days. The price for targeting individual users was \$4,995 per name. ‘Identifying these perpetrators is done using a variety of methods such as following leads found in postings and websites, working ISPs, involving law enforcement, conducting virtual stings, among other tactics.’ (eWatch, 2000c) Depending on the ‘seriousness of the offence’, CyberSleuth promised to take appropriate counter-measures. ‘These may include everything from simply exposing the individual online, all the way to arrest. In some cases, the perpetrator is an employee of, or contractor to, the targeted company. In these cases, termination of employment is customary.’ (ibid.) And CyberSleuth would make sure no further damage was done: ‘We can neutralise the information appearing online, identifying the perpetrators behind uncomplimentary postings and rogue websites.’ (ibid.) ‘Info-cleansing’ was an essential part of eWatch’s containment policy. ‘This may mean something as simple as removing a posting from a Web message board on Yahoo! to the shuttering [sic] of a terrorist website.’ (ibid.) CyberSleuth claimed a success rate of more than 80 percent at rooting out online offenders. (Green, 2000)



### **CyberSleuth**

CyberSleuth was advertised on the eWatch website from February 1999 until mid July 2000.<sup>38</sup> An article in *BusinessWeek* made eWatch understand the downside of being so explicit about its intentions, methods and techniques. The magazine reproduced the website's promotional text and quoted eWatch's product manager Ted Skinner on a recent success story. Early in 2000, CyberSleuth had helped Northwest Airlines (NWA) track down the alleged organisers of an employee 'sickout' that had nearly halted flights over the Christmas holidays. The airline had fired the alleged organisers, and eWatch claimed a court had upheld the legality of the action. Northwest had since continued to use CyberSleuth, according to Skinner, to 'help it target – for re-education – the most teed-off of its fed up fliers.' (Stepanek, 2000)

This was one of the first times that people discussing labour conditions on a public website became the target of a far-reaching virtual and real investigation. What are the possible consequences of being labelled a 'perpetrator' by eWatch – or a comparable service?

The target of this online surveillance was a chat room on a flight attendants' website where Northwest employees discussed work-related issues. This included a long-running dispute between the airline and its 11,000 flight attendants, dating back to 1993 when Northwest employees accepted pay cuts to help keep the airline solvent. They had been working without a contract since 1997. Their pay therefore lagged dramatically behind the industry standard. Northwest Airlines and the flight attendants' union, Teamsters Local 2000, entered contract negotiations in late 1998, but reached a stalemate on 7 December that year. The postings on the flight attendants' website voiced a wide range of opinions; from employees advocating sickouts and strikes, to others not favouring such actions. (Digital Discovery team of Harvard Law School students, 2000)

After the sickout, Northwest filed a federal lawsuit in Minnesota. District Judge Donovan Frank granted NWA a temporary injunction prohibiting the union from encouraging its members to participate in a sickout or other illegal activity. (ibid.) This in itself is a far-reaching decision. Then, the company obtained a court order requiring 43 named defendants to turn over their office and home computer equipment. Instead of

going to the authorities, the machines were handed to the accounting company Ernst & Young. They copied information and communications before returning the computers. After the E&Y enquiry, Northwest Airlines fired more than a dozen employees for having participated in a sickout. The Union filed grievances claiming none of the employee's sick calls were false. (ibid.) Eventually, however, all lawsuits were dropped as part of a collective bargaining agreement to improve working conditions.<sup>39</sup>

This case raised questions among defenders of civil liberties in the United States. Harvard Law scholars at the Berkman Institute of Internet & Society queried if an employee who expresses support for a sickout or strike on a publicly accessible website should properly become target of further investigation. Jim Dempsey of the Washington-based Center for Democracy and Technology warned that such searches mark a departure from normal evidence-gathering procedures. Usually, parties that have to produce evidence in a civil law case are permitted to do their own review and then turn over relevant material. In this case, Northwest confiscated the computers. Dempsey pointed out that they should have given the evidence to the union's attorneys first. 'This arrangement is setting more intrusive rules for digital evidence than we have for paper evidence.' (Catlin, 2000)

The effect on employees' use of the website forums has been marked. Posts critical of Northwest dwindled, and some worried that more messages since have been posted anonymously. (Digital Discovery team of Harvard Law School students, 2000)

This case marks an important shift towards private justice. The airline used an online monitoring agency to track down employees who expressed support for a strike from their office and home computers, and an accounting company reviewed the evidence. The discovery and investigation were never judged, the accusations never proved, the employees never tried in a court of law. But they were clearly punished in losing their jobs.

Furthermore, this case touches fundamental issues such as the freedom of association and the freedom of expression. (Hamelink, 1994; 2000) It brings back elements of blacklisting, as practised by the Economic League in the UK for decades (see chapter 4). To participate in online discussions about working conditions was sufficient to become

suspect in the eyes of employers, and perhaps adversely affected career progression and job security.

Research on monitoring employee email and web use confirmed that these forms of surveillance have increased enormously since the beginning of this century. Such monitoring is taking place for a wide variety of reasons, and is considered a benefit in terms of efficiency on the work floor and ‘proactive intervention’ with ‘potential behavioural risks.’ (Hansen, 2007: 164; also see Privacy.org, 2009, Ball & Webster, 2003; Hier & Greenberg, 2007) In 2007, Wal-Mart was involved in a widening spying scandal. It was revealed that the company employed a 20-strong in-house team called the Threat Research and Analysis Group to monitor email and internet activity by suppliers and consultants working for Wal-Mart. In trying to find out the source of leaks to the company’s critics, the team tapped phone calls and pager messages between Wal-Mart employees and a *New York Times* reporter. The company also infiltrated consumer campaign group Up Against The Wall, to see if they were planning protests at the company’s annual shareholder meeting. (Foley, 2007)

The economic downturn has increased spending on security software. Research by IT consultants Gartner found that the market for systems used to mine e-mails for keywords and security breaches grew by 50% in 2008. The fastest-growing area is network forensic software recording exactly what happens on employees’ computer screens. (cited in the *Economist*, 2009) Advances in technology have widened the opportunities to monitor employees that are not trusted, and anyone else critical of the company.

### **Denial**

Privacy activists had been circulating details about CyberSleuth at the time, but Stepanek’s *BusinessWeek* article caused quite a stir online. eWatch had been purchased by *PR Newswire* earlier that year and the new owner was not amused. *PR Newswire* is one of the two wire services that traditionally dominated the public relations scene, (*Business Wire* is the other). In addition to disseminating news releases to thousands of newspapers and other media outlets, they distribute quarterly financial reports and other

corporate information. Journalists have come to depend on the credibility of PR Newswire; the company has a reputation to keep. (Rampton, 2002)<sup>40</sup>

The damage control operation that followed, however, was itself an example of poor reputation management, involving obvious attempts to spin different versions of what had happened, including a straight denial that CyberSleuth had ever existed.

Initially, *PR Newswire* asked *BusinessWeek* to publish a correction. The magazine refused stating that Stepanek, their Technology Strategies editor, had her facts straight. Further claims about ‘errors’ and ‘misquotes’ were easily countered with printouts and screen grabs of the CyberSleuth website. When *PR Newswire* subsequently disavowed the eWatch product manager’s quotes, Stepanek produced notes by Skinner himself, she explained in an email on 14 November 2000.

*PR Newswire* decided to change strategy and subsequently tracked down journalists and net activists who had quoted the article online or in print. Spokesperson Renu Aldrich made it her personal quest to convince the audience that eWatch was nothing but a clippings service. (see for instance Koch, 2000; Cox, 2000) She claimed the company had never conducted any of the activities described in the *BusinessWeek* article. ‘We do not remove postings for them or take any other measures.’ (Cox, op. cit.)

Five weeks after the exposure, *PR Newswire* disassociated itself – formally – from the CyberSleuth service. On 15 August 2000, eWatch officially announced a partnership with the Internet Crimes Group. The move to officially separate the practice of ‘info-cleansing’ from eWatch and *PR Newswire* was presented as a new service. The announcement ran under the headline: ‘Online monitoring goes beyond anonymous postings, Investigative Service to Uncover Identities of Malicious Attackers.’ (eWatch, 2000d) In fact, *PR Newswire* created a separate umbrella to continue the CyberSleuth service under another name. The announcement included a special offer: in addition to ICG’s service, there was a complimentary 30-day subscription to all eWatch monitoring services. (ibid.)

The Internet Crimes Group was founded in January 2000 as a subsidiary of International Business Research, a company dedicated to web investigation.<sup>41</sup>

ICG's founders and directors proudly identified themselves as a former British intelligence officer and a retired FBI agent. According to interviews in the press, ICG did not shy away from using the full range of investigative tricks, from lurking in newsgroup discussions to creating hoax identities – attractive females if necessary – to seduce culprits into traceable statements or actions. (Buckman, 1999; Daragahi, 2001) Their ideas, too, matched the early CyberSleuth rhetoric and showed little respect for freedom of speech. Discussing constitutional rights with a reporter from the online publication *WebWatch*, one ICG director said bluntly, 'Anonymity does for the internet poster what the white robe does for the KKK.' (Daragahi, op. cit.) ICG chose not to reply to my repeated questions.

My inquiries into CyberSleuth a few months after the *BusinessWeek* article still touched a nerve. When I contacted *PR Newswire* spokesperson Renu Aldrich, the mere mention of the article agitated her. In an email on 8 November 2000, Aldrich first warned me not to use the article as a source because it consisted of 'lies and misinformation.' She then said the website promoting CyberSleuth – i.e. *BusinessWeek*'s prime source of information – had never existed. This was obviously false. I had visited the site before Stepanek, and I had reported about it online. (see Lubbers, 2000a, 2000b)<sup>42</sup> Further research revealed that after the *BusinessWeek* article, eWatch swiftly disconnected the link to CyberSleuth from its main page (on 18 July 2000 according to Netscape's Page Info feature, checked in November 2000)<sup>43</sup> However, eWatch failed to remove the disputed content as such.

So, at the very moment Aldrich was trying to convince me that the CyberSleuth site did not exist and had never existed (email 10 November 2000), the site was still online and available – one just had to know the exact URL. Within 24 hours of informing *PR Newswire* about this, the page was completely removed from the eWatch website. (It is, however, still accessible through the internet archive, eWatch, 2000a)

At this stage, the interview by email became strained. Before answering any further questions, Aldrich insisted on issuing a statement (also by email, 11 November 2000):

eWatch has never done more than provide monitoring reports or refer people to ICG. eWatch has never nor will it call an ISP or otherwise to try to alter or delete posts or websites for its clients.

Aldrich also claimed that eWatch no longer offered the CyberSleuth product. Companies wishing to investigate anonymous screen names were now referred to the licensed detection firm Internet Crimes Group (ICG). Asked about this sudden need for licensed detectives, Aldrich said: 'We wanted a partner who would be beneficial to our clients and do proper investigations legally and above board as well as successfully.' Asked if eWatch had ever gotten into legal trouble with the law, Aldrich did not answer with a clear 'no' but instead said: 'Not that I am aware of; certainly nothing untoward has occurred since *PR Newswire* has owned eWatch.' (by email, 14 November 2000) Nancy Sells, vice president of eWatch services had a similar explanation as to why eWatch did not provide strategic analysis for its clients anymore: 'We deliver the information to the customer. It is up to them to do what they see fit. We do not take a stance, intervene or do anything else [...]. Our customers don't want us to do that for them.' (Sells, cited in Mayfield, 2001)

For an agency offering reputation management services to other companies, the sudden need for public relation advice for itself was somewhat ironic. But this case touched upon fundamental issues of the information society, fundamental rights and privatisation. This example marked the growing importance of the internet as a useful tool to discuss work related problems and to organise collective action.

The cases involved issues of freedom of expression, freedom of organisation and modern forms of blacklisting. For Americans this refers to the First Amendment to the Constitution, freedom of speech, but also to the Fourth, and possibly the Sixth Amendment. The Fourth ensures the right of people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures. Writing something on a public forum, DeWitt (2000) argued, would still constitute 'papers or effects.' Even if someone posted a message anonymously, it seems that 'ferreting out the human behind the screen name would be a search without probable cause.' (ibid.) The Sixth amendment guarantees a speedy and public trial in all criminal prosecutions,

which is a basic right in most if not all democratic states. When users are banned from public forums, their messages removed, their content destroyed by an ISP threatened by a corporate lawyer, their rights to fair trial are being violated. ‘They’ve often had no opportunity to find counsel because the corporations were able to take action secretly and without notice.’ (ibid.) In Orwell’s *1984*, the oppression was government based, DeWitt wrote. ‘In real-life 2000, newspeak and oppression are carried out by corporations with tacit government approval.’ The possible danger of a cease-and-desist order could evoke self-censorship.

Finally, the eWatch example showed several levels of ‘plausible denial:’ responsible authorities – such as spokesperson Aldrich – sought to create as much distance as possible from the exposed malpractices. Often tactics involved lies and threats to prevent the scandal from spreading.

These cases illustrated the variety of ways that corporations sought to gather intelligence to use it. The intelligence was connected to concrete action. An unfounded accusation lead to a privatised search of the content of home computers and far reaching consequences for those involved. In this case, it may not have been ‘covert action’ in the strictest sense, but it was not accountable or controlled by a court or a judge.

### **8.3 Bivings**

TNCs have become increasingly sophisticated in their use of the web. This section explores the far-reaching attempts of Monsanto and its online PR consultant Bivings to shape discourse and opinion. It involves the use of fake identities, exclusively existing on the internet, to influence and manipulate online discussions critical of genetic engineering.

The Bivings Group specialises in online PR. The company’s slogan used to be: ‘Wired engagement. Global reach. Lasting Impact.’ From 2003 until mid 2006 the more compact version ‘wired.global.impact’ was part of the company’s logo. (Bivings, 2006) The company was founded in 1993, and was originally known as Bivings-Woodell Inc. It has developed internet advocacy campaigns for corporate America since 1996 and

serves a number of Fortune 100 clients in the biotechnology, chemical, financial, food, consumer products and telecommunications industries. Amongst the notable clients are Dow Chemicals, Kraft Foods, Phillip Morris, BP Amoco, Chlorine Chemistry council, and Crop Life International. (ibid.) Many of those clients have been targeted by campaigners for their environmental, labour and consumer records.

The biotechnology industry was a particularly visible target. As a response to marketing and regulatory problems in the late 1990s, Monsanto hired Bivings to develop a wide-ranging internet strategy. In 2002, Bivings had more than a dozen Monsanto companies as clients and it ran the main Monsanto website as well as some of their European sites. Bivings also designed several sophisticated campaigns for the company to influence the debate on the risks of GM. (Rowell, 2003: 158, f.n. 42)

Bivings' work for Monsanto was widely praised for its transparency. The company received the Advocacy Award from the *New Statesman*, which described its work as: '[o]penness in the face of controversy.' (*Holmes Report*, 1999) According to a PR industry's trade report '[t]he sites provide a wealth of information on GM foods and engage the company's critics in a non-confrontational discussion of the issues.' (ibid.)

The PR professional's magazine *Inside PR* praised Bivings' work for Monsanto for 'addressing consumer concerns about genetically modified foods in a calm and rational way, even providing access to opposing viewpoints so that consumers can be better informed.' (*Inside PR*, 1999)

Open, calm and rational were the buzz-words, but the following case demonstrates Bivings and Monsanto had other ways of dealing with life science industry critics.

### **The Mexican Maize Controversy**

The strategy Bivings and Monsanto developed to influence discussion on the safety of genetically manipulated (GM) crops became evident from examining their role in what has become known as the Mexican maize controversy. This started when two researchers from the University of California in Berkeley published a paper in *Nature* magazine. (Quist & Chapela, 2001) The authors claimed that native maize in Mexico had been contaminated, across vast distances, by GM pollen. Cross-pollination was then



an important argument against GM crops. This issue involved much more than reputational risk for the GM industry, because verified cases would lead to renewed regulatory action based on the precautionary principle. The principle implies that there is a responsibility to intervene and protect the public from exposure to harm where scientific investigation discovers a plausible risk.

Recourse to the precautionary principle presupposes that potentially dangerous effects deriving from a phenomenon, product or process have been identified, and that scientific evaluation does not allow the risk to be determined with sufficient certainty. (European Commission, 2000)

The *Nature* paper was a disaster for the biotech companies seeking to persuade Mexico, Brazil and the European Union to lift their embargos on GM crops. Even before publication the researchers knew their work was sensitive. One of the authors, Ignacio Chapela, had been talking to Mexican government officials even though it was preliminary research. At one meeting, the aid to the Biosafety Commissioner, Fernando Ortiz Monasterio, privately told Chapela he was creating a really serious problem and he was going to pay for it. Monasterio said Chapela could be part of the solution:

He proceeded to invite me to be part of a secret scientific team [with two scientists from Monsanto and two from DuPont] that was going to show the world what the reality of GM was all about.' (Chapela, cited in Rowell, 2003: 152)

When he refused, Monasterio told Chapela he knew where to find his children. (ibid.) Monasterio acknowledged meeting Chapela, but denied threatening him in any way. (BBC Radio 4, 2003; also see: Rowell, 2003: 153)

To minimise the impact of the paper in *Nature*, Monsanto and Bivings tried to influence its discussion amongst scientists. Together they created fake identities purposely for a covert counterstrategy to discredit the authors of the paper. The forum of choice to interfere in the discussion was the biotechnology list server AgBioView. It was discovered that two regular posters, called 'Mary Murphy' and 'Andura Smetacek,' did not exist. Jonathan Matthews and Andy Rowell revealed how the two 'women' acted as

allegedly independent third parties actively engaging in the discussion on the Mexican maize paper. On the day *Nature* published the paper, messages questioning the authors' credibility started to appear on AgBioView. The first message, opening the issue of the Newsletter that day, was signed by 'Mary Murphy.' Because Chapela was on the board of directors of the Pesticide Action Network, she wrote, he is 'not exactly what you'd call an unbiased writer.' (Murphy, 2001) Subsequently, 'Andura Smetacek,' claimed that Chapela's paper had not been peer-reviewed. This was false. She also wrote that he was 'first and foremost an activist', and that the research had been published in collusion with environmentalists. (Smetacek, 2001a) The next day, another email from 'Smetacek' implied the Berkeley scientist was on the activists' pay list: 'how much money does Chapela take in speaking fees, travel reimbursements and other donations [...] for his help in misleading fear-based marketing campaigns?' (Smetacek, 2001b)

Together Smetacek and Murphy posted around 60 messages, which stimulated hundreds of others, some of which repeated the accusations they had made. Several biotechnologists called for Chapela to be sacked from Berkeley – see for instance the posting from Trewavas (2002) of the Institute of Cell and Molecular Biology, University of Edinburgh. For other postings, see the Mexican Maize Resource Library at the AgBioWorld website (AgBioWorld, 2009d) and the AgBioView Archives from 2001 and onwards (AgBioWorld, 2009b); also see Monbiot. (2001a)

*Nature* eventually gave in to the pressure and retracted the article – an unprecedented decision in its 133-year history.<sup>44</sup> Just a few days before crucial negotiations at the UN Convention on Biological Diversity held in The Hague from 7 to 19 April 2002, the *Nature* climb-down was an important trump card for the GM lobby.<sup>45</sup> However, at the conference, Jorge Soberon, the executive secretary of Mexico's National Commission on Biodiversity, confirmed that according to research by the Mexican government the level of contamination was far worse than initially reported. (Brown, 2002; Clover, 2002)

### **Fake persuaders**

Who were ‘Mary Murphy’ and ‘Andura Smetacek’? Campaigner Jonathan Matthews has been monitoring the GM expert community for a long time and noticed these new names on the discussion forum and the ferocity of their messages.

‘Mary Murphy’ used a hotmail account for posting messages to AgBioWorld: mrph@hotmail.com. Anyone can create a hotmail account, with any given name. However, this specific hotmail address had a history. In July 2000, a Mary Murphy posted a fake *Associated Press* article satirising the opponents of biotech. (Murphy, 2000) It was posted on the message board of foxbghsuit.com, a website dedicated to a legal case connected to Monsanto’s genetically engineered cattle drug rBGH. The hotmail reply address was identical, but the message board showed additional identifying details in the headers: ‘Posted by Mary Murphy (bw6.bivwood.com).’ (ibid.) Bivwood.com is the property of Bivings Woodell, the previous name of the Bivings Group. (Networksolutions.com, 2009a) This meant that ‘Mary Murphy’s’ hotmail emails were sent from a Bivings computer.<sup>46</sup> The last mail signed by Murphy was posted to AgBioWorld on 8 April 2002, and after that, she completely disappeared from the internet. Rowell (2002a: 158) suggested the impending exposure inspired the sudden disappearance.

‘Andura Smetacek’ was harder to trace. Her name appeared only on AgBioWorld and a few related list servers, but nowhere else on the internet. Issues concerning her alleged residency eventually provided some clues. Smetacek refused to verify a land address or to provide an employer, despite numerous requests by the *Ecologist*, nor did she respond to emails from other journalists in the UK and the US. (Rowell, 2003: 157; Monbiot, 2002a; Platoni, 2002) In her emails, she claimed to live in London and in New York. Matthews checked every available public record, but found no person of that name in either city. Further research revealed that ‘Smetacek’ was indeed connected to Monsanto. In her first email to the AgBioView list, she presented herself as a concerned observer of the GM debate writing from London. (Smetacek, 2000) However, this email (and two others of her early emails to the list) arrived with the internet protocol address

199.89.234.124.<sup>47</sup> This was – and still is – the address assigned to the server gatekeeper2.monsanto.com, belonging to the Monsanto headquarters in St. Louis, in the United States. (Networksolutions.com, 2009b) So, from her email address, it seems that Andura Smetacek writing from London never actually existed, ““she” was a virtual person whose role was to direct debates on the web and denigrate the opposition.’ (Rowell, 2003: 159) Smetacek also disappeared just before exposure.

The third key-player in this affair was Dr. C. S. Prakash, the founder and moderator of the AgBioView mailing list where the fake emails were posted. He claimed he received no funding or assistance for the Foundation and denied working with any PR company. (Rowell, 2003: 158) However, a connection to Bivings was established when an error message appeared while searching the AgBioView online archives: ‘can’t connect to MySQL server on *apollo.bivings.com*.’<sup>48</sup> (SpinProfiles, 2009b; also see Monbiot, 2002a) The error message revealed that the AgBioView archives were stored on a Bivings’ computer. *Apollo.bivings.com* was — and still is — one of the three servers of the Bivings Group. (Networksolutions.com, 2009c)

Prakash established the AgBioWorld Foundation in January 2000 as a 501(c)(3) non-profit organisation. AgBioWorld presents itself as a mainstream science campaign ‘that has emerged from academic roots and values.’ It carefully eschews corporate support. ‘[A]s to not create any perceptions of bias or conflicts of interest [...] the AgBioWorld Foundation does not accept contributions from corporations that have direct commercial interests involving agricultural biotechnology.’ (AgBioWorld, 2009a) Yet, AgBioWorld was set up in close cooperation with the Competitive Enterprise Institute (CEI), a conservative lobby group with a multi-million dollar budget. Its sponsors include Monsanto, Philip Morris and Dow Chemicals. The cooperation is most evident through the involvement of Gregory Conko, who co-founded AgBioWorld in 2000 and has since become vice president of the Foundation and a member of the Board of Directors. (CEI, 2009) At the time, Conko was Director of Food Safety Policy at CEI, and in 2009 he became a senior fellow at the Institute. The book he co-authored, *The Frankenfood Myth: How Protest and Politics Threaten the Biotech Revolution* (Miller & Conko, 2004), reflected his particular interest ‘in the debate over the safety of biotechnology and

bioengineered foods, as well as the application of the Precautionary Principle to domestic and international environmental and safety regulations.’ (CEI, op. cit.)

Further collaboration was marked by the launch of the so called *Declaration of Scientists in Support of Agricultural Biotechnology*. CEI was proud to take an active part in the fight against what they call ‘death by regulation’ — regulatory policies that threaten people’s health and safety. The battle over biotechnology was foremost in this fight, according to the CEI Annual Report 2000. The Institute ‘played a key role in the creation of the *Declaration*,’ the president and founder of the Institute Fred L. Smith claimed in his foreword. (in CEI, 2001: 1) Yet, the Declaration was hosted on the AgBioWorld website, and Prakash presented it as an initiative of his organisation (AgBioWorld , 2000) and one of his own achievements. (AgBioWorld, 2009c)

Although Conko and Prakash were the two founders, the involvement of CEI was not mentioned on the AgBioWorld website at the time of the Mexican Maize controversy. It was not until a few years later, in 2005, that Greg Conko was first introduced at the AgBioWorld website as its vice president. Archive.org documents the first appearance on 17 August 2005. (AgBioWorld, 2005) The webpage offering his biography provided an exact copy of his information at the CEI site. (CEI, 2009)

### **Denial**

Rowell (2002) and Matthews (2002) published their findings in the *Big Issue* and in the *Ecologist* respectively. Subsequently, George Monbiot devoted two columns in the *Guardian* to the research. (Monbiot, 2002a; 2002b) Bivings and Monsanto chose a strategy of straight denial. The PR company issued a statement on the *Ecologist* story, saying:

This author and publication have a long history of making these types of baseless claims. The claims made in the *Ecologist* story, and the subsequent story that appeared in the *Guardian*, are false. From our perspective, this piece merits no further discussion. (Bivings Group, 2002a)

Monbiot's articles received a carefully worded response from the company's president, Gary F. Bivings. The allegations made against the Bivings Group were completely untrue, he said. The 'fake persuaders' mentioned were 'not employees or contractors or aliases of contractors of the Bivings Group.' In fact, he claimed, the Bivings Group had 'no knowledge of either Mary Murphy or Andura Smetacek.' (Bivings, 2002a)

However, before Bivings' letter to the editor was printed, the company's head of online PR Todd Zeigler appeared in the BBC current affairs programme *Newsnight*. In the interview, Zeigler admitted that 'at least one of the emails' came from someone 'working for Bivings' or 'clients using our services.' (Newsnight, 2002; also see Monbiot, 2002c) Gary Bivings later tried to disavow the words of his head of PR. He said the company had 'never made any statements to this effect,' and claimed that BBC *Newsnight* had been 'wrong' about the origin of the emails. (Bivings, 2002b)

Bivings categorical denials backfired completely when it transpired that he had sent his letter to the *Guardian* by email. The technical properties revealed that the director's message came from bw6.bivwood.com, the same computer server that 'Mary Murphy' had used. (Monbiot, 2002b)

### **Industry influence**

In his dissertation *Pathways of Scientific Dissent in Agricultural Biotechnology*, Jason Delborne explored several controversies surrounding agricultural biotechnology. One of the case studies analysed was the Mexican Maize controversy. He notes:

Regardless of the degree of coordination of the campaign, the discourse emerging online to discredit Chapela and the discovery of the questionable identities of two of the key contributors to that conversation [Murphy and Smetacek] suggest an important pattern of resistance with central themes of credibility and power. (Delborne, 2005: 229)

The attack on Chapela and Quist relied upon an attack on the *character* of the scientists rather than the scientific research. 'The accusations of being an "activist" and associating closely with activist groups implied that such character qualities and

affiliations polluted their scientific claims.’ (ibid.) Apparently the association with activists diminishes a scientist’s credibility.

The AgBioWorld forum allowed false rumour (e.g. that the Quist and Chapela article was not peer reviewed) and speculation (e.g. that Chapela had coordinated his research with activist NGOs) to circulate. Delborne concludes that the mailing list served as an incubator for the development of an intense campaign, with enough momentum to eventually transform into a stronger and more technical critique that could reach and influence a wider audience. The fact that AgBioWorld allowed this to happen is less surprising in the knowledge that the forum itself is part of a larger strategy to promote the interests of the GM industry.

In hindsight, the Mexican Maize controversy brought together several, interlinked, issues of major importance in one heated debate. Firstly, the possibility of cross-pollination was disputed, which at that time was seen as closely related to the safety and thereby the future of genetically engineered food production and its regulation. Secondly, the influence of large corporations at universities was brought into question. Chapela was an outspoken critic of the long-running multi million dollar collaborative research agreements between Berkeley and the Swiss pharmaceutical and biotech company Novartis (now Syngenta). (see for instance *California Monthly*, 2002) This placed Chapela in the arena of political debates on genetic engineering. And it made it relatively easy to link his critical position to the question of academic integrity in general. Or, as Prakash put it: ‘since the dogged and relentless pursuit of truth is the ultimate goal of science, should Quist and Chapela have been allowed to publish such obviously flawed findings?’ (AgBioWorld, 2009d)

This question is directly and closely related to the third and final major issue, the value of peer reviewing in general, and the quality of publications in *Nature*. The reputation of the highly respected magazine was at stake as its scientific independence was brought into question. The apparent flaws in the Mexican maize research had escaped the eye of the reviewers, flaws that could have been corrected had the researchers been given the chance. Chapela and Quist were allowed to provide further data on their research; however, the details were published in the same issue of *Nature* (op. cit.) that retracted

their original paper. The question was raised whether the decision to retract was based purely on issues with the peer review system, or whether it was influenced by the pressure of the GM industry. Or, in other words, was it 'due process or double standard'? (Salleh, 2002) Nature's editor Philip Campbell (2002) insists the journal's turnaround had nothing to do with the fact that the paper was about genetic modification. 'It must have been Murphy's law that ensured that our technical oversight, embarrassing in itself, was in relation to a paper about one of the most hotly debated technologies of our time.'

Untangling these still ongoing debates is almost impossible. However, the role of the GM industry and their PR advisors in influencing these debates usually remains under-exposed.

### **Viral marketing**

The Bivings Group (then Bivings Woodell) started developing covert strategy long before the Mexican Maize controversy, and even before 1999, the year that Monsanto nearly collapsed as a result of the failure to introduce GM food on the European market. Reflecting on the PR debacle, Monsanto's communications director Philip Angell told the *Wall Street Journal*: 'Maybe we were not aggressive enough... When you fight a forest fire, sometimes you have to light another fire.' (Kilmann & Cooper, 1999)

In October 1999, the *New York Times* highlighted the emerging industry among consultants specialised in spinning on-line discussions on behalf of clients. Bivings was among the firms admitting to adopting pseudonyms and participating in on-line discussions on behalf of some clients.<sup>49</sup> 'If participated in properly,' Matthew Benson, senior director at Bivings, told the paper, 'these can be vehicles for shaping emerging issues.' Moreover some firms 'recruit scientists and other experts to voice clients' perspectives in on-line discussions.' (Raney, 1999)

To understand a group or an issue requires long-term monitoring, as online researchers 'have to develop a cultural memory for the issues they're following.' (ibid.) Benson and other consultants claimed to approach on-line forums cautiously:



When deciding whether to intervene in a discussion, Mr. Benson said, they weigh a number of factors: How serious a forum is it? Do influential people frequent the discussion? How much reach does the forum have outside its own boundaries? Are the critics considered influential by the group, or are they merely considered annoying? (ibid.)

For instance, the site of the Organic Consumers Association (2001), dedicated to informing the public about food safety, organic farming and genetic engineering, did not attract enough visitors to be seen as a real threat. Monsanto's director of internet outreach, Jay Byrne used the Organic Consumers site as an example when explaining in the *Newsletter for Web Professionals* about his job in 2000. Instead, he preferred to spend 'his time and effort participating in even-handed online discussions about the industry.' (Ragan Interactive Public Relations, 2000) To illustrate this, Byrne singled out the AgBioWorld website run by Professor C.S. Prakash. As a list providing information to scientists, policy-makers, journalists and the general public on how agricultural biotechnology can help sustain development, AgBioWorld fitted Bivings' criteria for intervention cited above. 'Byrne subscribes and offers advice and information when relevant and ensures his company gets proper play.' (ibid.) At least that is what he told the *Monthly Newsletter for Web Professionals*. The archives of the AgBioView list, however, show no entry signed by him under his own name. Moreover, as was detailed above, Bivings is closely connected to this list.

Byrne is fond of telling professional peers: 'Think of the internet as a weapon on the table. Either you pick it up or your competitor does – but somebody is going to get killed.'<sup>50</sup> (Byrne, 2001; 2002; 2003)

Bivings calls covert methods to influence online discussions *viral marketing*: using word-of-mouth strategy to disseminate clients' views online. Andrew Dimock, head online marketing and promotions, explained the concept of viral marketing on the Bivings website. The original version was published in November 2001 as *Thebivingsreport.com*. (Dimock, 2002a) However, following the Mexican Maize controversy, Dimock's piece was amended to eliminate the following quotation:

There are some campaigns where it would be undesirable or even disastrous to let the audience know that your organisation is directly involved [...] it simply is not an intelligent PR move. In cases such as this, it is important to first ‘listen’ to what is being said online [...] Once you are plugged into this world, it is possible to make postings to these outlets that present your position as an uninvolved third party. [...] Perhaps the greatest advantage of viral marketing is that your message is placed into a context where it is more likely to be considered seriously. (ibid.)

The current version now online advises just the opposite: ‘Once you are plugged into this world, it is possible to make relevant postings to these outlets that *openly present your identity and position.*’ (Dimock, 2002b, emphasis added) And the word ‘anonymously’ has been strategically removed from this sentence: ‘Message boards, chat rooms, and listservs are a great way to *anonymously* monitor what is being said.’ (ibid.) Bivings Group had obviously learned a lesson, as the following warning was added: ‘You should be as transparent in your efforts as possible – even innocuous promotions can anger people if they somehow feel that they are being misled.’ (ibid.)

The covert corporate strategy using Murphy and Smetacek as ‘fake persuaders’ reveals a particular relationship between credibility and power. Delborne emphasises that it ‘suggested the potential for enormous disconnect between the face of resistance (personal emails) and the sources of power that support those faces (PR and biotech firms).’ (Delborne, op. cit.: 229) The hidden and coordinated support behind people acting as independent individuals makes them harder to oppose. Simultaneously, powerful interests can also participate through covert representation in controversy. Such covert campaigns and the lack of transparency render the business interests extremely difficult to counter (unless they are uncovered). (ibid.)

#### **8.4 Conclusion**

The issues profiled in this chapter illustrate the variety of opportunities the internet offers to gather intelligence and to carry out counterstrategy. The examples indicate that on the internet too, monitoring what is said and done is only part of the story. The

information was processed, analysed and used to develop covert corporate strategy to counter critics. In short, the cases in this chapter contain the essential elements that fit with theory of intelligence according to Gill (2009: 85): surveillance, power, knowledge, secrecy and resistance. All at once, this chapter illustrates the flipside to the idealised accounts of the internet such as that of Castells (2003).

Furthermore, these experiences show that the shift towards privatised intelligence instigates similar shifts on the internet. Corporations hire private forces to manage critics and opponents online. The risks this brings for the privacy of citizens and the fundamental rights of activists, workers and other people can hardly be underestimated, and urgently needs to be incorporated in future research agendas. Covert corporate strategy online undermines the space for open debate, accountability and transparency, in short, it endangers universal rights to communicate. (Hamelink, 1994)

The online strategies, like the strategies in most other case studies in this thesis, were made visible through research by dedicated activists and investigative journalists. Research on the internet, however, requires specific technical skills, to identify the origin of emails, to recover links that have been removed, and to interpret web statistics. Technologies have progressed rapidly and the possibilities of acting anonymously on the internet have increased which may add to the temptation to choose this road as a covert strategy. At the same time, such strategies are implemented by people, and people make mistakes; or might be willing to talk, or to leak. In other words, these increased possibilities on the internet might offer an avenue of opportunities for research and investigation too.

The cases underscore the need for research on the field of cybersurveillance, the political economy of agencies specialised in online monitoring and strategy as well as investigations into the specific techniques used in covert operations.



## Chapter 9

### The Threat Response Spy Files

#### *Case study*

The Campaign Against Arms Trade (CAAT) is a well respected Quaker and Christian-based pacifist group, which believes in non-violent protest. In the mid-1990s the group was stepping up a campaign against the £500m sale of BAe jets to Indonesia. The campaigners protested that the aircraft would be used to crush resistance in East Timor, which was seeking independence. The *Sunday Times* revealed in September 2003 that British Aerospace (BAe) used a private intelligence company to spy on CAAT since that time. Six to eight agents infiltrated the group between 1995 and 1999; further research showed the spying went on until the date of the exposure. Evelyn le Chêne, a woman with considerable intelligence connections, sent daily reports on activists' whereabouts to Britain's largest arms dealer. The intelligence company was called Threat Response International. Five years earlier, in 1998, buro Jansen & Janssen had investigated a related case of someone calling himself Adrian Franks infiltrated European networks of activist groups. Evelyn le Chêne's private intelligence agency turned out to be the parent company of Adrian Franks' French consultancy agency. Moreover, Evelyn and Adrian were mother and son.

The first two sections of this chapter are based on a detailed analysis of Evelyn le Chêne's secret reports. The files show how the Campaign Against Arms Trade was subverted by infiltrators passing on information and manipulating the activists. The *covert corporate strategies* ranged from advance warning on lobbying to anticipating direct action, to the use of an agent provocateur to undermine the building of broader coalitions. The third section of the chapter outlines some of the consequences of the exposure of the spy files for the targeted group. It focuses on CAAT's internal investigation into Martin Hogbin, his job as the staff action coordinator and the difficulties some of his fellow activists had in accepting he had been a spy. Threat

Response International (TRI) also spied on the road protests, specifically on the battles around the Newbury Bypass. The fourth section highlights the activities on this front. The final section profiles Evelyn le Chêne, and her long history with the intelligence community.

### **Background**

Le Chêne company TRI collated intelligence on the identities and confidential details of thousands of activists and marketed it to British industrial companies. In March 1996, Le Chêne claimed to have 148,900 names. (EIC, 5 Mar 1996: 474.1)

Le Chêne had recruited at least half a dozen agents to infiltrate CAAT's headquarters at Finsbury Park, north London, and a number of regional offices according to the *Sunday Times*. (Connett & Gillard, 2003a) Three of the infiltrators have been identified publicly since: Martin Hogbin, Adrian Franks and Alan Fossey.

Martin Hogbin started as an volunteer and ended working at CAAT's office in London as a paid campaign coordinator. He was a spy from the beginning, in 1997, until the exposure, in 2003. The investigation into his background is analysed in the third section of this chapter.

Adrian Franks, Evelyn le Chêne's son, networked with European groups while living in France. Franks acted as an agent provocateur, as was detailed earlier in this chapter. He caused suspicion amongst fellow activists; Appendix 5 details the behaviour that ultimately led to his exposure.

Using the name Alan Fossey, another infiltrator became secretary of the Hull Against Hawks group shortly after moving to the town. Fossey's profile is typical of an informer's in that he made himself indispensable within the group. The outline of Fossey's career in Appendix 6, includes his move to Liverpool 1997 where he had the special task to undermine the local religious peace initiatives against BAe's Warton plant.

The main sources for this chapter consist of intelligence reports compiled by Le Chêne – about 350 pages of printed material that the *Sunday Times* obtained from a

whistleblower. Between 1995 and the end of 1997, and most probably longer, Le Chêne filed hundreds of pages of reports to BAe. Le Chêne initially sent her briefings on an encrypted fax to the BAe security offices on the ground floor of Lancaster House at the Farnborough airfield. Later BAe set up software on her office computer so that the company could access the reports directly from her database. A *Sunday Times*' source claimed the firm paid her £120,000 a year. The recipient of the reports was Mike McGinty, an ex-RAF officer who headed security at BAe Systems. The files have frequent references to 'MM.' Dick Evans, then chief executive and Chair of BAe . Systems from 1998 until he stepped down in 2004, would also receive regular verbal briefings on the contents of Le Chêne's reports from Mike McGinty. (Connett & Gillard, op. cit.) Apparently, the intelligence material was important enough to find its way to the top of the company.

The CAAT Committee made the following summary of the subjects covered. The reports contain:

- information about CAAT as an organisation, such as bank details, computers files, publications, Steering Committee agendas and minutes, the email password;
- information about CAAT and other anti-arms trade activists and supporters, MPs and other public figures who might be sympathetic to CAAT;
- comments made by one person about another, details about partners and flatmates, a transcript of a person's diary;
- information about CAAT and other anti-arms trade actions and campaign planning, mostly, but not exclusively, protests;
- a print-out of names and addresses from a database, apparently Le Chêne's or BAe's profile of activists. (CAAT, Steering Committee, 2005a: 6)

Not on this list, but just as essential, is the input of Le Chêne, her comments and advice to the company. The analysis of the collected information combined with Le Chêne's added insights offers a better understanding of the consequences of an infiltration operation at this scale.

The references in this chapter consist of the abbreviation EIC, for Evelyn le Chêne – the author of the reports, and the date mentioned on the report. Appendix 4 includes a chronological list with the complete heading of the reports.

## **9.1 The Spy Files**

The examples in this section illuminate the wide array of information that was provided to BAe. The infiltrators did not only report on what they heard, did or organise themselves, they collected any possible snip of information they could lay their hands on. Banking details, the content of computers, the whereabouts of colleagues, it all found its way to BAe eventually through Le Chêne's reports.

### **Daily reports**

In late 1995, when John Major's Conservative government was deciding whether to grant licences for the Hawk contract, the intelligence reports on CAAT's activities were flowing into BAe's offices at Farnborough, Hampshire on an almost daily basis.

The accounts of meetings are pretty detailed. They describe people, their habits and their willingness to participate in CAAT. They report people not having much time to engage themselves in campaign activities and cite familiar reasons such as illness, study, family and work commitments:

- A. is recovering from influenza and is not participating at all for the moment. She is still interested in doing CAAT "things." [...] However, this year she has been crying off sick or as being too tired or that she has something else to do when she is asked to participate in meetings and liaisons.
- B. is increasingly tied up with writing a research dissertation for a degree and since her hernia operation has not been very active. She has been seldom at home when contact has been attempted. (EIC, 9 June 1997: 1734)



New members of the group get a lively description: who they are, where they come from, where they have been active before, known addresses etcetera:

- X. is considered, at 25, to be a “veteran” of the protest movement, having previously “worked” Faslane Peace Camp. ... Her speciality appears to be the stopping of convoys of nuclear missiles but she seems to be capable of turning her hand to anything. She is a white female approximately 5'6" tall and quite slim. Her long wavy light brown hair was tied back. She wears loose ethnic clothing.

- Y. is a white male about 21 years old. He is over 6' tall and slim and looks fit. Has a long face with a Roman nose and thick lips. He looks slightly Mediterranean and wears an unkempt straggly beard with sideburns beneath a shock of long, thick brown hair. ... He declares he is “new to the protesting game” but is eager to try. He does not appear to fear arrest. (EIC, 30 Oct 1996)

The early reports show a mix of detailed information and comments by le Chêne. Later on, Le Chêne would add a separate paragraph or document headed ‘comment’. The comments usually provide an analysis of the information, and a request to discuss strategy to counter activists’ plans. Every now and then however, her comments offer a glimpse into the opinions and background of Le Chêne herself.

Occasionally she pokes fun at the activists monitored, mocking their looks, outfits or behaviour. ‘X is not very erudite. He cannot spell for a start. He has a spell-checker on his computer, but each time he wrote Finnish it came up that way when he had meant, of course, finish.’ (EIC, 23 Sep 1997, 1.4, Comment) When an activist pleaded guilty on minor charges, Le Chêne commented: ‘The reason she pleaded guilty was that she is going on a three months tour of America for Ploughshares. It apparently seem [sic] ok to sacrifice your principles if there is something else that you would rather be doing!’ (EIC, 18 Nov 1997) Le Chêne repeatedly showed her disapproval of activists living on unemployment benefit and of groups funded by the taxpayer. About a charity activity of CAAT, she said: ‘This permits CAAT to off-set the programme under education which comes under charity thus avoiding paying tax on donations. It also means of course that the taxpayer is subsidising CAAT activism.’ (EIC, 27 Jan 1997) About people from East

Timor, in the UK to protest against the sale of HAWK jets to Indonesia, she suggested: ‘There could be a case for deportation under these circumstances as they must be costing the British taxpayer a great deal of money.’ (EIC, 12 Aug 1997: 1.8. Comment)

### **Followed home**

‘Desks were rifled, diaries were read and address books photocopied so information could be passed to BAe. People were followed, their houses were observed, their friends spied upon, their habits evaluated.’ (Connett & Gillard, 2003a) One such target was Anna B., described in one report as a ‘good-looking’ 25-year-old, who was a key activist and networker for CAAT and student groups. The *Sunday Times* heard a tape recording of a phone conversation between Le Chêne and a senior officer in BAe group security discuss having Anna B. followed. Reports on Anna B. give details of her addresses, housemates, hairstyles, the contents of her diary and her alleged habit of smoking marijuana in the corridor.

The reports contained further indications that people were followed. When new people join CAAT, Le Chêne provided BAe with as many personal details as possible. When not available, those details needed to be obtained. Known addresses of CAAT-members were checked and counterchecked with official registries. (‘The telephone number does not appear to be listed or is a very recent new addition.’ – EIC, 30 Oct 1996)

When public sources failed, surveillance was used. It is highly unlikely that the same people that posed as activists performed this part of the surveillance work themselves. The risk of recognition would be unacceptably high. Hence, a more or less professional observation team was likely to have been involved in the surveillance.

### **Digital data**

The files show that Le Chêne’s agents gained access to CAAT’s IT system and databases. With Martin Hogbin staffing CAAT’s main office in London, and another spy, Allan Fossey, as the secretary of the group in Hull, obtaining information from the various computers at the offices must have been relatively easy. However, the reports

indicate that computers and software were specifically prepared to allow outside access. Another striking aspect of the files is the repeated offer by one of the infiltrators to install a new computer system at CAAT's offices and members homes.

The report dated 27 January 1997 has the full directory of several computers at the London office attached – several pages each, a complete list of members of CAAT, their home addresses as well as those of the Steering committee. One of the appendices is 'handwritten (due to circumstances)' and includes the assurance that the incomprehensible points 'will be rectified shortly.' (EIC, 27 Jan 1997) The files also include the email password current at that time (EIC: 28 Jan 1997: 1451) and state 'several discs of importance have been obtained from the CAAT office in London.' (EIC, first report after 10 Feb 1997: 1472)

Several reports indicate that Evelyn le Chêne had computers placed within the organisation that were prepared in such a way that they were easy to access for her collaborators in order to copy their contents. There is this early note, dated February 1996, in which Le Chêne showed relief that nobody technical took a good look at a specific computer:

The computer did not receive any attention at all in Manchester. Given that X.Y. has shown an interest in obtaining a computer, she is to receive the one in question. She is not a computer buff. The person installing it within her home will also be producing, for her, a new liaison newssheet on the machine. The transfer is expected to take place sometime during the course of next week. (EIC, 19 Feb 1996)

Le Chêne's agency seemed eager to be involved in placing new computers at CAAT offices, or at people's home. The discussion within the activist group about the installation of a new computer system at CAAT's offices one year later appears to be of considerable importance. The detailed reporting on this issue suggested that Le Chêne's intelligence agency had a stake in whose tender was to be accepted. Le Chêne reports to BAe that A.K. has 'consistently pushed' that her boyfriend

be the one to install the new system under the form of a maintenance contract at x amount pounds per quarter. This has not been well received by the rest of the group, hence the decision to use C. to do the job. (EIC, 27 Jan 1997: 1435)

A fortnight later Le Chêne reported that C.'s tender was accepted – 'because it is so cheap!' And she urged: 'Please let us talk about this.' (EIC, 10 Feb 1997: 1469)

The computers will have been put in place to allow easy access to confidential information.

## **9.2 Covert Corporate Strategy**

Groups like the Campaign Against Arms Trade prefer to label themselves as 'open organisations.' Everybody is welcome, and there are never enough volunteers. Any screening of new members is considered a direct threat to participation. This principle of openness is often strongly connected to the belief that groups – like CAAT – have nothing to hide. The second part of this case study explores how details about the preparation of campaigns, as well as informal information about the organisation were used to undermine CAAT's campaigning work. The intelligence gathered was processed and used to develop covert counterstrategies.

### **Advance warnings on lobbying**

Le Chêne's agents took a particular interest in connections between anti-arms trade pressure groups and the House of Commons. The agents collected a series of letters, including correspondence discussing British policy on the sale of arms to Indonesia with a number of leading Labour politicians such as David Clark, then shadow defence secretary, Jeremy Hanley, then Foreign Office minister, and Jack Straw, then Home Secretary. (Connett & Gillard, 2003a) She closely monitored meetings and correspondence with MPs of all three parties, and forwarded advance warnings of any parliamentary events to BAe. Internal CAAT discussions on lobbying were repeated in the spy files.<sup>51</sup>

CAAT and two other pressure groups hired solicitors Bindman and Partners to seek a judicial review of the granting of export licences for arms companies. BAe was alerted to the contents of a letter sent by the firm to the then trade minister, Ian Lang. BAe's security department filtered the information, and passed it on to their in-house government relations teams. As a result BAe could be one step ahead of the campaigners when lobbying in parliament. (Connett & Gillard, op. cit.)

Even links with celebrities were noted. The files mention the actors Helen Mirren and Prunella Scales and their opposition to the torture trade. A letter from the Clean Investment Campaign promoting ethical investments addressed to Anita Roddick, owner of the Body Shop, received special attention too:

This is a very important document. The request is for the Body Shop to have declarations in their shop windows against the arms trade. If this is granted by the shops, then the Clean Investment Campaign's first success will be notched up. (quoted in Connett & Gillard, op. cit.)

### **Countering CAAT**

Evelyn le Chêne tried to counter CAAT on every front no matter how small the opportunity.

When she heard that CAAT always received BAe press releases immediately after they were sent out through the BBC, Le Chêne advice was: 'Don't send them or leave them to the last when it no longer matters.' (EIC, 11 Jun 1997: 1754)

When CAAT campaigners requested a copy of the Defence Manufacturers Association (DMA) members list Le Chêne was consulted by its Director General. She advised him not to cooperate. In her report to BAe she explained why: 'having such a comprehensive and up-to-date listing of all the defence support industries would cut down their own research time by 100% and likewise their expenditure for it by 200%.' (EIC, 14 May 1997: 1662.1) However, Le Chêne found out her recommendation was 'not heeded.' (ibid.)

According to the *Sunday Times*, the names and addresses of activists were routinely run through the BAe computers to check if any were shareholders. In addition, the BAe switchboard was configured to flag up any calls from telephone numbers associated with the activists. (Connett & Gillard, op. cit.)

### **Anticipating Direct Action**

Information on events and actions planned by CAAT was also highly prized by BAe. Often the reports detailed plans for upcoming demonstrations at BAe's sites or gatherings such as the company's AGM. Sometimes the files reported how activists intended to walk through the site, leaving behind some sign or trace of their action – varying from symbols of protest to the destruction of a Hawk. In one case, the files detailed exactly how a small group planned such an 'incursion.' A map with the planned route to take was attached:

HULL. The HAH Group has organised an action for Brough after their meeting on Friday 13th. It is likely to be about five or six strong. It will be non-violent and there will be a banner and some leaflets, all relating to items in the recent TV programmes World In Action. The timing is likely to be 23.00 hrs. Entry into the premises will be via the footpath that cuts across the runway. They do not intend any criminal damage nor to remain there.

Comment: Please discuss. (EIC, 11 June 1997: 1755)

By infiltrating CAAT so thoroughly BAe were well placed to deal with the various protest tactics. Le Chêne provided BAe with elaborate advice on how to deal with certain situations. Often, the reports ask for a face-to-face meeting with BAe officials ('Please discuss') but sometimes the files included her recommendations. Every occasion required a different tactic.

In March 1996 CAAT set up a Rapid Response Network to organise a 'die-in' outside Parliament. This event was to happen on the first Thursday after BAe announced the delivery of Hawk-fighters to Indonesia. Le Chêne advised to plan the timing of the announcement cautiously, counselling that the longer BAe delayed the announcement the more effective the CAAT protest would be. Le Chêne suggested that BAe announce

the delivery to coincide with the Parliamentary recess. That way, she thought, the ‘die-in’ would be ‘a largely pointless exercise.’ (EIC, 8 Mar 1996: 493)

Sometimes activists wanted to get arrested, in a strategy to use the resulting court case to draw more attention to their cause. In that case, Le Chêne suggested that BAe pressure the police to ‘avoid arresting protesters, or at least not charging them.’ (ibid.: 494)

A similar pattern is evident in the BAe response to CAAT’s ‘snowball’ strategy, which planned that each direct action that resulted in arrests would lead to further and larger actions. The resulting court cases were to be used to argue that activists were committing a crime (criminal damage) in order to prevent a greater crime (genocide) and that they were therefore not guilty. This defence was successful for Chris Cole in his 1993 ‘BAe Ploughshares’ protest, and Le Chêne was afraid that it would work for the four women activists awaiting trial for ‘disarming’ a Hawk fighter with hammers on 29 January 1996. (ibid.: 495; also see Pilger, 1998: 313-322) Le Chêne advised that the corporate response to these actions ought to be decided in relation to its effect on the longer-term protest. When two protesters went to a BAe site seeking to be arrested, the police merely confiscated their wire cutters. They were reported to be annoyed, not least because they failed to generate publicity. Le Chêne wrote:

It is therefore difficult not to conclude that arresting activists does play into their hands and leads ultimately to larger protests in the future. On the other hand one does accept that to offer no counter would be unsustainable from a company point of view. Alternatives need to be discussed. (op. cit., 8 Mar 1996)

BAe also used Le Chêne’s insider knowledge to manage larger protests. Demonstrations outside more than 60 UK BAe sites were thwarted by tip-offs from infiltrators, a key tactic was to ambush trespassers who were then served injunctions preventing them from returning.

To reduce publicity for the activist cause seems to be one goal, but ‘[b]y the same token, if any activists are arrested for assaulting a police officer, it would significantly discredit their cause’. (ibid.: 494) Here Le Chêne seems to suggest that a violent confrontation between police and activists could have benefits for her client, BAe.

### **Provocation**

As an infiltrator, Franks had a disturbing influence on the coalition building within the European Network Against Arms Trade (ENAAAT). His behaviour at meetings had raised suspicion in 1998 (detailed in Appendix 5). The spy files provide evidence that this behaviour was part of a preconceived strategy to counter the efforts of the activist groups involved.

In November 1996, ENAAAT started to organise a protest against the large international arms fair Eurosatory in Paris in June 1998. Because of his alleged contacts in the French movement, Franks assigned himself the task of involving the more moderate French peace organisations in the campaign. However, the leaflet he produced was thought too radical, even after repeated editorial interventions from Amsterdam. It was full of empty words and bombastic language, for instance in this pamphlet:

We, Members of ENAAAT (European Network Against the Arms Trade) unanimously decided at our International meeting in Zurich on the 16 – 17<sup>th</sup> November 1996 to open a campaign of preparation, information and sensitisation of the public opinion to the imperative necessity of stopping and to denounce the big market of death and mutilation that is represented by the arms industry in a world drifting constantly towards totalitarianism, dictatorship, oppression and genocide. (Eco-Action, 1996b)

This kind of language frustrated efforts to involve Agir Ici and Amnesty International. The two had just started a campaign against electric shock buttons, and could well have become partners.

Furthermore, his dominant behaviour during meetings made Franks unpopular. He had rather undifferentiated opinions on the dynamics of the arms trade, banking world and the oil industry, and vented them often. (Lubbers & van der Schans, 1998; Eco-Action, 1996a; 1996b; 1996c) This added to the feeling of unease that different people had about him. He also strongly criticised the campaign against arms trade to Indonesia, the only joint campaign the ENAAAT had got off the ground as a network at that time.

At Eurosatory meetings, he repeatedly tried to incite people toward direct action, and more violence than they intended to use. Given the pacifist origins of the groups



involved, they tended to eschew violence. This was another reason for people to become suspicious in 1998. A member of the International Peace Bureau asked AMOK what kind of person he was. (Buro Jansen & Janssen, 1998) In addition, an activist from Bangkok, with a different culture and background, politely asked after Franks' legitimacy. (ibid.)

The spy files reveal that Franks was indeed a man with a mission. A detailed account of a meeting of anti-defence groups reported there was 'no sign of any interest' for a more radical approach. In this assessment, marked 'Addressee – eyes only', it said:

As at time of writing this report there would appear to be NO sign of any action taking place at the Paris Air show against any company including your own. [...] The issue of doing something was raised three times. To have pressed harder would have been impolitic from a security point of view. (EIC, 19 May 1997: 1665)

Franks knew he risked his cover by pushing the issue, but he kept trying. One can only guess the strategy behind this. It could have been a tactic to provoke police action at a picket line and thus disturb the peaceful character of the protest. If the strategy was to undermine the building of broader coalitions, it was successful. Franks' proposals had a negative effect on the 'spadework' of CAAT and AMOK within ENAAT. People got irritated and vital coalitions were thwarted due to an alleged lack of agreement on basic issues such as the character of the protests they were to organise. Franks' position as a troublemaker within the network was thus effective. The fact that he risked being sidelined because of his behaviour was apparently of less importance. Information would keep coming in, because CAAT was also a member of the Network, with Martin Hogbin present at most, if not all, international meetings.

In this role, disturbing the meetings of the network, undermining coalition building, and provoking more radical action, Franks was more than an infiltrator; this was work of an agent provocateur.

### **9.3 Effects of the Exposure of the Spy Files**

This section focuses on CAAT's internal investigation into Martin Hogbin, his job as the staff action coordinator and the difficulties some of his fellow activists had in accepting he had been a spy. The *Sunday Times* journalists informed CAAT about the existence of the spy files on the Friday afternoon before publication. (Connett and Gillard had planned the publication of the article for one or two weeks after this Friday; but on the Saturday, the editor of the paper decided otherwise). The consequences of the exposure of the spy files for CAAT were numerous and far-reaching. The group was confronted with the details of betrayal and the leaking of essential information, and had the difficult task of finding the spies amongst them.

#### **Martin Hogbin**

Hogbin was an active volunteer with CAAT from spring 1997, and joined CAAT's staff in November 2001. He was suspended in early October 2003, after the publications in the *Sunday Times*. Hogbin resigned and left immediately after the initial internal investigation implicated him as a suspect, two days after his suspension.

Hogbin started his surveillance work soon after he became involved with CAAT. The first surveillance report attributed to him described a trip to Farnborough. The surveillance report – long and detailed – was dated 19 June 1997, one day after the trip took place. Administering professional reports so soon in his CAAT career implies that Hogbin was brought in as an infiltrator, as opposed to someone who was 'turned' and persuaded to secretly pass on information.

In 2005, the Information Commissioner confirmed that Hogbin was forwarding information by email to a company with links to Le Chêne. He did this during his time as a volunteer, in 1999-2000, and in the last year he was with CAAT (due to a change of systems at CAAT, no further information was available). Hogbin's email logs prove that he continued to forward information to Le Chêne until the exposure in the *Sunday Times*

in September 2003. This leads to the tentative conclusion that Hogbin was a spy from beginning to end.

How did CAAT find out that Hogbin was the main suspect? After the disclosures in the *Sunday Times*, CAAT's Steering Committee started an investigation. In an attempt to discover who provided Evelyn le Chêne with information, CAAT staff checked the office email log and discovered records of suspicious activity in Hogbin's email account. Since early 1999, Hogbin had been forwarding large numbers of emails to either his home address, or one specific email address. (CAAT Steering Committee, 2005b) In December 2004, the Information Commissioner would link this email account to Evelyn le Chêne, but CAAT had to do its investigation without this evidence. (Thomas, 2004) Hogbin agreed that he had sent the emails, insisted they were to go to an ex-CAAT volunteer, but went to an unrelated address by mistake. He blamed the email program's address book, but CAAT Steering Committee (2005a: 3) concluded that his explanation lacked credibility since hundreds of emails can not go to the wrong address 'by mistake.' CAAT had the difficult task to relate concrete details in spy files to specific members of the campaigning team. The investigation team closely examined some excerpts from the spy files they got from the *Sunday Times*. Although Hogbin declined to cooperate with the investigation, the intention of CAAT's researchers was to find information that could exonerate him. They were unable to find any. (ibid.: 12) The report detailing CAAT's internal investigation presented several cases where Hogbin

appears to be one of a small group where we can with reasonable confidence eliminate most or all other possible sources within that group, or when he was one of a small number of people with access to private information reflected in Le Chêne's file. (CAAT Steering Committee, 2005a: 6)

The CAAT report refers to the long and detailed report on a trip to Farnborough, mentioned above, dated a day after the event. Apart from Hogbin, only three other people were present; the information and the frequent references to the content of private conversations in the file could not but originate from one of them. The others were cleared of suspicion in a complicated process of assessing the spy files and interviewing

the people involved, after which the committee decided it was fair to attribute this spy report to Hogbin. (ibid.: 7-9)

The description of the trip included a lot of detailed planning of action: how to get in, where the BAe complex would be hit, the non-violent role of the Steering committee, and the leaflets to be published. Detailed information like this offered the security staff of BAe the opportunity to take countermeasures in order to minimise the effect of the protests. The caveat of source sensitivity added by Le Chêne is of significance in hindsight. She warned: ‘Only a very few people are aware of all above. Extra caution is requested in handling the information in order to protect excellent source.’ (19 Jun 1997, quoted in CAAT Steering Committee, 2005a: 7-8) Knowing now that CAAT’s research connects this report to Hogbin, and that the Information Commissioner confirmed the connection between Hogbin and Le Chêne’s company, the ‘excellent source’ Le Chêne seeks to protect here appears to be Hogbin.

Several entries in the files traced back to Hogbin are related to his work at the CAAT office taking care of banking affairs.

On 16 September 1997, Evelyn le Chêne reported to BAe: ‘At the CAAT London office a cheque for £5,542 was banked. This was from the share handout ex Halifax account’. (CAAT Steering Committee, 2005a: 10-11) The details refer to a cheque from the stockbrokers Waters Lunniss who handled the sale of Halifax shares. Owning shares offered CAAT the possibility of visiting an AGM and ask critical questions – on clean investment policy for instance. Eventually such shares were sold again. Only the person who entered the cheque in the cashbook and the person who banked it would have known the exact amount of the cheque. CAAT investigators concluded it ‘most likely’ that it was Hogbin who provided this information to Evelyn le Chêne. (ibid.)

The spy files also contain a detailed report of the protest against the fair of hi tech defence equipment organised by the Armed Forces Communication Electronics Association (AFCEA), taking place in Brussels at the end of October 1997. The report includes details on the sources to finance the trip: ‘Person G withdrew £250 from a “special account” about which he said, “no-one knew” to pay for the minibus to take volunteers to Brussels for the AFCEA action.’ (CAAT, Steering Committee, 2005a: 11)

Hogbin was one of four UK volunteers to attend the AFCEA protest and he was the driver of the minibus. The Steering Committee investigation found out that Hogbin was the only one told about the source of the money. (ibid.: 11)

CAAT's internal investigation concluded that Martin Hogbin played a pivotal role in providing BAe with information. The Information Commissioner later confirmed that Hogbin had sent information to an email account connected to Evelyn le Chêne. (see chapter 10 for an analysis of filing complaints as a route of discovery).

**'Excellent source'**

Hogbin had several ways of providing Le Chêne with information. Forwarding emails and writing surveillance reports were only two of them. The fact that he was one of the few paid staff campaigners meant that Hogbin had access to almost anything that passed through the office. As was mentioned, BAe got detailed information on cheques and (anonymous) donations, and on the possible sources of money used for actions. The content of the emails forwarded was wide-ranging. Examples are CAAT plans, CAAT National Forum Reports, nominations to CAAT Steering Committee, and notes about three legal cases, a press release, and email list circulars. It also included minutes from the Disarm DSEi network, a network of people mobilising against the huge Defence Systems and Equipment international fair held annually in the UK. Around half of the emails concerned information about CAAT and half were about other organisations and networks. (CAAT Steering Committee, 2005a: 3)

Additionally, as national campaigns and events co-coordinator, Hogbin was involved in much if not all campaigning against the arms trade. He was the main organiser of protests at BAe annual meetings. He would arrange the purchase of token shares in BAe or other companies in order to attend those meetings and publicly challenge directors on arms sales to repressive regimes. He was involved in organising protests against BAe plants and arms fairs, his work varying from mobilising activists to the practical preparations, such as organising the transport of fellow activists to demonstrations or taking part in 'recce's' to explore the terrain of action – as was detailed above. Hogbin

also was a key networker in the movement, both in the UK and at the European level. He played an important role in mobilising against the DSEi Arms Fair, the largest protest of its kind in the UK. Hogbin usually represented CAAT at meetings of the European Network Against Arms Trade (ENAAAT) and coordinated the UK mobilising against Eurosatory, the large defence fair held in Paris. (Many ENAAAT meetings in 1997 and 1998 were attended by Hogbin and Franks, who were both working for Le Chêne).

With Hogbin's double role as a spy confirmed, it is possible to analyse the spy files again, and make an inventory of the information gathered by Hogbin – as opposed to by other infiltrators.

### **Difficult to believe**

At the CAAT office Hogbin was a well-respected colleague and a much-liked member of the small staff. People thought they knew him well, including his family and children. Hogbin, in his fifties, seemed like an open and honest person, devoted to the cause. He made no secret of his past career at the South African arms manufacturer Denel; his apparent change of views only added to his credibility. (Thomas, 2007; Terry, 2005; Lewis, 2005)

Hogbin's exposure caused much upheaval within the CAAT network. For most people it is hard to believe that someone they have been working with for such a long time, on such a personal basis, could be collaborating with 'the enemy' – essentially betraying his fellow activists, and friends. This disbelief usually complicates further research, as it did in this case. Some continued to trust Hogbin – against the evidence built up. The upheaval was one of the reasons to decide against a broader investigation, Ann Feltham of the Steering Committee explained in a personal communication on 15 October 2004. In an atmosphere where part of the team was of the opinion, that the entire investigation into Hogbin's background was a political manoeuvre to set him up, it was impossible to get support to pursue the search for other infiltrators. (also see Thomas, 2007)

CAAT chose to avoid publicity on the matter, perfectly understandable under the circumstances. As said, the group heard about the spy files on the Friday afternoon prior

to the Sunday of publication. Avoiding publicity is a response typical of groups dealing with infiltration and spying. In this case, the delay in communicating the findings that confirmed Hogbin's work as a spy, nourished the belief in his innocence. CAAT Steering Committee decided not to publish the results of their internal investigation, until the Information Commissioner had finished its investigation. The exposure in the *Sunday Times* was in September 2003; CAAT's internal investigation was finished in January 2004, but not published until July 2005, together with the results from the Information Commissioner.

The fact that Hogbin continued to be trusted did not only complicate the investigations against him. Hogbin also continued to come to anti-arms trade events after he left CAAT. The fact that the Information Commissioner linked him to Evelyn le Chêne did not stop people from other campaigns, both anti-arms trade and environmental from working with Hogbin. In July 2005, almost two years after the *Sunday Times* articles, he was reportedly still working for the Disarm DSEi campaign. (Terry, 2005; Lewis, 2005) It was Mark Thomas, the activist and comedian, who managed to convince more people. His column in the *Guardian* describing his growing doubts about Hogbin got wide circulation on the internet. Mark Thomas had believed Martin Hogbin when he claimed the accusations of him spying 'were bollocks.'

For more than a year, in fact, I defended him and once again, when it was time to tour with my stand-up show, Martin came along. Touring the country, sharing hotel rooms and kipping on the floor in a sleeping bag, Martin helped raise thousands of pounds that funded anti-arms-trade groups and trade unionists visits to Colombia. (Thomas, 2007)

It would feel like an act of treachery on his part, Thomas wrote, to look at the file of evidence CAAT said they had on him. Nevertheless, the questions remained, and Thomas went to read the file in 2005. It dawned on him that Hogbin was indeed a spy. However, it took him another two years to go to Hogbin's house in order to confront him. In the meantime, the evidence piled up. The Information Commissioner found that 'a former member' of CAAT had been forwarding information to an email at a company with links to Le Chêne. The careful phrasing was justified in the legal context;

technically, anyone could have forwarded the emails from Hogbin's account. With Hogbin having admitted the forwarding, however, the findings formed a confirmation. And in 2006, BAe admitted hiring Evelyn le Chêne to spy on CAAT in legal documents filed in a court case, as will be detailed below. (Campaign Against Arms Trade vs. Paul Mercer and Lignedeux associate, 2007)

Thomas' column sharing his doubts was published in December 2007. This was more than four years after the initial exposure in the *Sunday Times*. Thomas column and the time it took him to write it are indicators of the denial and the doubts and the destruction of a friendship. Infiltration and covert action can do a lot of harm, not only on the political front, but also on the personal level.

#### **9.4 Spying on Road Protests**

CAAT was not the only group Threat Response spied upon. The road protests against the Newbury Bypass for instance, receive more than average attention in the surveillance reports. Important events are reported on in great detail, apparently to warn BAe against the danger of an involvement of the anti defence groups with the environmental movement.

In the late 1990s the Newbury bypass became the focus of anti-roads groups when thousands occupied the woodland earmarked for destruction. The 8½-mile bypass finally opened in 1998 after years of protests delayed completion. The total cost of the project was £74m, of which nearly a third, £24m, was spent on security.

The *Sunday Times* heard tape-recorded conversations involving Le Chêne reveal that she regularly passed information from her network of agents to Group 4. She said she had agents posted permanently at Newbury and passed on highly confidential personal information about protesters to the company. These included accommodation addresses, vehicle registration details, National Insurance numbers, unemployment benefit details and income support information. (Connett & Gillard, 2003b) The spy files reflect this work for Group 4. The detailed reports show that she forwarded advanced warnings about the road protesters' plans to the private security forces



involved, and maybe to the police as well. Much to her frustration, Le Chêne's information was not used in the most adequate way – or rather: the way she thought was best:

The policing level was low for the amount of people present and the security guard reaction was insufficient. In fairness to the latter, it has to be said that there were not enough of them to reasonably expect control of the situation with even half the protesters present. In addition, the company concerned lacks a background of control to such groups and it showed. For protesters, this is an ideal double situation. On the police side, it was evident that they tried to make up for the lack of numbers by the use of horses – environmentalists being animal lovers. But this showed as well and when the police, on the second occasion, charged the oncoming handlinked protesters, the horses naturally bumped them and this led to an increase in tension and the rest is history. (EIC: 13 Jan 1997, Special Comment)

The eviction of the protesters camp ended in an extremely violent confrontation with the police, now remembered as the Third Battle of Newbury (the first two took place in the 17<sup>th</sup> Century). Had the authorities listened to Le Chêne's advice, it would not have come that far – or so it seemed:

The numbers expected and what they would be doing and how they would do it, was known well in time and notified. It was apparently a decision on the part of the Highways Authority on how to deal with the situation that led to the low manning of police and security guards, although we are of opinion that where security guards were concerned, it was more a case of penny-scrimping by cash-strapped Costain. (ibid.)

Le Chêne claimed she had at least two people infiltrated in the Newbury Bypass camp: 'According to two sources at Newbury on Saturday – neither of whom knows the other – the incident that led to the arsons was the police rush with horses' (ibid.)

Why a report to BAe would include detailed coverage of police dealing with anti road protests is not entirely clear. Evelyn le Chêne tried to promote herself and her knowledge of both movements. She is very proud to have infiltrated the anti-road

movement, as this quote testifies: ‘Exactly who can be anyone’s guess who has a good knowledge of the background to both BAe’s problems and the anti-road protest movements.’ (EIC: 19 Feb 1996: Comment)

Through the years, Le Chêne tried to convince BAe of alleged dangerous liaisons; she claimed peace groups were increasingly involved in the anti-road protest movement. As early as July 1995, Le Chêne thinks she has discovered a new trend of activists ‘tiring of anti-road campaigns, need something that is more challenging and more confrontational with government and security.’ (EIC, 8 July 1995) Her analyses proved to be completely beside the point. The battles of Newbury had yet to come, and the tension around road protest was still building up.

A few months later, Le Chêne points at the networking between radicals again:

It is not the first time of course that CND or other anti-defence groups have been involved in the anti-road protest movement, but their presence and/or influence at Newbury is the most prominent so far. [...] One thing is certain. No networking is conducted without quid pro quo. (EIC, 19 Feb 1996: Comment)

Le Chêne traced the involvement of the anti-defence groups with the environmental movement to the EF! conference held in June 1996. In her view, the leader of the first Rainforest Action Network mass demonstration at the House of Commons in 1990 was now trying to cull the most militant of EF! activists to link hands with the anti-defence groups. (EIC: 13 Jan 1997, Special Comment)

Group 4 admitted buying information on protesters. An unnamed spokesman told the *Sunday Times*. ‘We have certainly been obtaining information about protests at our customers’ sites. It is the sort of information that would be obtained in the pub about activities that may affect our customers; people or property,’ he said. ‘We were getting information about where protesters would be and what times in advance. We would have paid for that information.’ (Connett & Gillard, op. cit.)

Le Chêne had close contacts with Group 4. Threat Response had Barrie Gane on the board from the very beginning; he also worked for Group 4 Securitas.<sup>52</sup> At the time, Group 4 was Britain’s largest security firm whose clients ranged from the prison service

to the royal family and the government. It advertised its ability to guard its customers against espionage, sabotage and subversion.

Gane is a former deputy head of MI6, tipped to succeed Sir Collin McColl. However, he decided to leave the Service on early retirement after a rationalisation in 1993, and open up his knowledge and network for privatised intelligence companies. Group 4 called Gane one of the most important former intelligence men switching to the private branch of the business. (Lynas, 1999) The *Times* concluded his appointment signalled an upgrading of its international operation. 'Mr Gane can bring the company knowledge of international terrorism, commercial espionage and risk assessment.' (Elliott, Ford & Lanale, 1993)

According to the Highways Agency, the government had funded security operations around road-building sites, but the the contractors involved held the responsibility for it. 'Clearly we worked closely with the police and the contractors to ensure that this was carried out in a lawful way,' (spokesman cited in Connett & Gillard, op. cit) Group 4 carried out work on behalf of the Highways Agency as well as construction companies such as Costain and Tarmac, but there other security firms were involved as well. The Transport department working on orders from Treasury solicitors, spent more than £700,000 in the early 1990s employing the Southampton-based detective agency Bray's to help them identify protesters. Private detectives were seen filming people and noting down public conversations. 'Despite this, campaigners believed this type of surveillance alone could not account for some of the information contained in the dossiers issued by the department to support legal injunctions against them.' (Connett & Gillard, op. cit.)

The authorities had other ways to find information too. In 2002, BBC2 reporter Peter Taylor revealed how the Thames Valley police hired a spy to stop the Newbury protest. On TV, Sir Charles Pollard, then Chief Constable of Thames Valley Police, explained why Newbury was a line in the sand. The protesters could not be allowed to win once the government had approved the building of the bypass the previous year. 'The ones who were planning and tried to carry out seriously illegal acts are very subversive in a sense of subversive to democracy,' Pollard said. (in Taylor, 2002) Special Branch resorted to their usual methods of gaining information and recruited informers paying

anything from £25 to larger sums of money - even up to £1,000 a week. Despite this, stalemate still loomed and costs were rising, Taylor explained:

Thames Valley took the unprecedented step of recruiting an agent outside normal procedures. They had heard of a particular individual who worked for a private security company with unique skills and a perfect pedigree to infiltrate the protesters. The police normally keep such private security companies at arm's length as they are in the business of making money from intelligence they gain. (Taylor, 2002)

Calculating that the value of his intelligence would far outweigh the cost of hiring him, the Thames Valley Chief Constable gave permission to proceed. A contract was drawn up with the individual and the security company for which he worked. According to Taylor (*ibid.*), the agent's main task was to get as close as possible to the leaders, and in particular to let his handlers know of the best time to take the main tunnel that was holding up the contractors' operations.

Whether Threat Response was the company involved in this particular infiltration operation proved next to impossible to verify. Peter Taylor went through his old notebooks, and came back with three other companies involved in the road protests: 'Reliance Security plus Brays and Pinkertons both of whom apparently ran their own agents,' he wrote in an email on 9 April 2006.

A Freedom of Information request about the possible involvement of Le Chêne with Thames Valley Police came back negative.<sup>53</sup> Nor was it possible to 'trace or locate any specific records or documents to answer the question whether or not Thames Valley Police hired an agent to infiltrate the protest groups during the building of the Newbury bypass.' (Picking, 2006)

The chief constable who confirmed contracting the private agent on BBC television in 2002, Sir Charles Pollard, claims he cannot remember any more details. He is however not surprised no paper trail can be found: 'Of course at the time it was a very closely-guarded secret ... so secret in fact that the company was only referred to within the few people who knew about it under a codeword!' he explained when asked for more details per email on 22 June 2006.

Whatever happened to the Newbury agent? ‘His cover was so good and his information so accurate, that Special Branch then directed him to infiltrate the animal rights movement’, Taylor (2006) wrote on the BBC website. This correlates with the interests Adrian voiced at the time. But then again, Adrian was interested in everything that involved radical activism.

## **9.5 Evelyn le Chêne**

Evelyn le Chêne is linked to today’s intelligence world by the members of the board of her company Threat Response International (the company was dissolved early 2006), and Risk and Crisis Analysis before that. The board of Threat Response International included Barrie Gane and Robert Hodges. The first was introduced above, the latter is a former major-general in the British Army and a director of Rubicon (founded in 1996, and bought by Aegis Defense Services in 2005). Rubicon provides people to serve in the war in Iraq and hires mostly from the SAS, especially those with experience in Northern Ireland. As the former Commander of British Land Forces in Northern Ireland, Hodge has experience with guerrilla style, urban warfare. (Pallister, 2003; Aegis, 2005)

However, Le Chêne’s own links to the intelligence services go a long way back. Her membership of the Special Forces Club is telling, as this is limited to current and former members of the military and intelligence elite from Britain, the United States, and selected allies. (Connett & Gillard, 2003a) She has moved in government circles since, as a young woman, she married Pierre le Chêne, many years her senior. As a British agent in Nazi-occupied France, he was captured and interrogated by Klaus Barbie (also known as the *hangman of Lyon* for his torture practices; Le Chêne, went to his trial to testify in 1987); subsequently he survived the Mauthausen concentration camp. (Dawe, 1987) Evelyn met Pierre at the end of the 1950s, she interviewed him for her research into the history of this camp. Her extensive and often-quoted book *Mauthausen: the history of a death camp* was published in 1971. Two years later *Watch for me by the moonlight: a British agent with the French Resistance* (Le Chêne, 1973) appeared, an anecdotal novel based on the biography of Robert Burdett (formerly Boiteux), who was

Pierre Le Chêne's superior in the Special Operations Executive (SOE). They were dropped together behind enemy lines in occupied France. (ibid., 1973: 7) She wrote two more war-related books (Le Chêne, 1994a; Le Chêne & Her, 2001) Meanwhile she had two sons, Christopher and Adrian-Paul, the latter born in 1959.

Evelyn le Chêne's career shows that propaganda, lobbying and covert operations are closely related, and often difficult to disentangle. During the Cold War she was the director of the *West European Defence Association* (Le Chêne, 1986), a front organisation with links to the CIA, to propagate the dangers of communism and the left. (Connett & Gillard, 2003a) In this capacity, Le Chêne did PR work for Jonas Savimbi and his Union for the Total Independence of Angola (UNITA) in their fight against Angola's socialist government. (see for instance her letter to the editor of the *Times* in 1985) She served as technical advisor to the UK National Council for Civil Protection. (Le Chêne, 1989: 5) At the end of the Second World War, Civil Defence concerns were typically directed towards the nuclear threat of the Cold War; it has since all but ceased to exist. (British Civil Defence, 2003)

The red thread in Le Chêne's work is her interest in Chemical and Biological Warfare (CBW). The paper she wrote to get the 'Honorary Degree in National Security Studies' from Keel University was called *Chemical and Biological Weapons – Threat of the Future*. It was published in 1989 by the Mackenzie Institute for the Study of Terrorism, Revolution and Propaganda in Toronto. (Le Chêne, 1989)

At conferences, she invariably warns against the danger of CBW in the hands of communists, terrorists, activists and the like. The European Round Table in Strasbourg invited her to a conference on 'the security of the citizen due to a possible abuse of the environment.' (Le Chêne, 1994c) The Wilton Park Conference asked her to speak on 'the growing danger of biological weapons.' (Le Chêne, 2000) At its 60<sup>th</sup> anniversary, the BBC described Wilton Park as 'a secret retreat' and 'a diplomatic hideaway.' (Horsley, 2006)

Most remarkable however, is her regular presence at the yearly conferences of the Chemical and Biological Medical Treatments Symposia (CBMTS), the first in 1998. The CBMTS website documents her presence in 2001, 2002 and 2003. (Applied Science and

Analyses, 2009; the website provides no details on speakers at conferences since) Her papers – again – focus on analysing the terrorist threat. (see for instance Le Chêne, 1998) Organiser and chair of the conference was Brian Davey. Until recently, Davey worked for the Organisation for the Prohibition of Chemical Weapons as its Head Health and Safety. Since 1 January 2007 he has been Medical Director with the United Nations in New York. (*Applied Science and Analyses*, 2006) Davey's career, however, started in the South African Defence Force during the apartheid era. In 1986, he joined the 7 Medical Battalion under Dr. Wouter Basson's command. (Gould & Burger, 2000; Burger & Gould, 2002: 177) After two years, Basson appointed him director of Lifestyle Management, one in a network of front-companies founded to secure the funding and continuation of Project Coast. A special investigation of the Truth and Reconciliation Commission (1998) concluded that this secret program supplied South African Special Forces and dead squads with the experimental chemical and biological poisons to use against enemies of the state. The aims of this program included developing bacteria that would kill only blacks, vaccines to make black women infertile. (ibid.; also see Gould & Burger, 2000; Gould & Folb, 2002; Singh, 2008) Davey was responsible for developing protective clothing and training programmes, and for drafting a defensive CBW philosophy for the SADF. This was an important task because international treaties forbid countries to develop CBW programs for offensive use. (Gould & Burger, 2000) Project Coast continued to exist in the nineties, after the release of Nelson Mandela, and it still existed when Brian Davey started to work for the OPCW. (Truth and Reconciliation Commission, 1998: 33) The project was officially shut down in 1995, although the public knew nothing about it until Basson's arrest in early 1997, which culminated in the TRC hearings on Project Coast in Cape Town in June and July 1998. (Singh, 2008)

Furthermore, Le Chêne had another, even more direct link to South Africa's chemical and biological war program, Project Coast and Brian Davey. This link was through her propaganda work for Savimbi and UNITA. Research by the Truth and Reconciliation Commission revealed that the justification for Basson's Project Coast, the potential threat of chemical attacks of South Africa, was uniquely based on research by the

Flemish toxicologist Aubin Heyndrickx. (Gould & Folb, 2002: 23, 39-40) The latter claimed that Angola used chemical agents against the CIA-backed rebels of the Unita movement of Jonas Savimbi. For a few years his claim was widely believed, published by *Jane's Weekly*, an authoritative publication dealing with military matters worldwide, and repeatedly quoted. (see for instance Heyndrickx, 1989; Eppink, 1990a; Hallerbach, 1989; Branscheidt, 1989: 1, 3) This fitted well with the propaganda plan to undermine the MPLA government. With the Soviet Union falling apart and Cuba retrieving its troops from the area, Unita feared the support of the Americans and the South Africans would fade away. Accordingly, Heyndrickx' travels to Angola and his scientific teams were funded by Savimbi. (Eppink, 1990a)

However, evidence for Heyndrickx claims was untenable, and not taken seriously within the scientific world. The toxicologist countered the criticism by inviting a group of 'European experts' to prove he was right. Of the physicians that were part of the original delegation, the German, Spanish and Belgians did not endorse the final report. However, there *was* a 'British researcher' who *did* confirm the use of CBW in Angola. According to the Dutch paper *NRC Handelsblad*, this was Evelyn le Chêne of 'the laboratory of the Institute for Risk and Crisis Analysis.' (Eppink, 1990b) For the occasion her small company doubled as an Institute including a laboratory. With her endorsement Le Chêne supported Savimbi's policies, and sustained the work of Basson and Davey for Project Coast.

Heyndrickx was eventually convicted for fraud in Belgium for unrelated issues with the university and insurance companies, in 1991 and 1995. He received a suspended prison sentence of one year, and a substantial fine. The South African authorities found that he sold Wouter Basson medical equipment from the University, pocketing the proceeds – but he has never been convicted for international crimes. (Schampers, 1995) Heyndrickx was charged with dissembling about the proceeds as recent as May 2009. (Draulans, 2009)

Evelyn le Chêne took part in covert operations in Southern Africa herself as well. The scheme was exposed by Stephen Ellis (1991a; 1991b) in national papers in the Netherlands and the UK. She was involved in Operation Lock in the late-1980s, a secret



scheme to put an end to rhino horn and ivory smuggling. The operation was initiated in 1987 by John Hanks then in charge of World Wide Fund for Nature in Africa and the late Prince Bernhard of the Netherlands, former president of the WWF. The latter funded the operation in a private capacity with GBP 800,000. Both were worried about the alarming decline in the number of rhino's. The Prince wanted men who could effectively put a halt to the smuggling. Hanks recruited KAS Enterprises, a London based security firm founded by Sir David Stirling. KAS key personnel were former SAS soldiers, now operating on the private market as mercenaries. The aim of the operation was to infiltrate the black market of poachers, through safe houses in Pretoria and Johannesburg and a stock of ivory and horn provided by South African and Namibian game parks. Under the command of Colonel Ian Croke, a decorated veteran of the Falklands war, the secret operation uncovered a web of smuggling routes in the four years of its existence. However, in the unstable Southern African area of the late 1980s, both South African military and guerrilla forces also used this network of routes. Inevitably, Operation Lock got entangled with South African military forces and their counterinsurgency warfare. The Operation Lock team recruited informers with experience in the field, such as ex-poachers, corrupt game wardens and officials of firms suspected of smuggling. Inadvertently, perhaps, it also recruited spies from the South African military intelligence active in the region. (Brown, 1992: 2; Boggan & Williams, 1991: 6, Ellis 1991a: 8; 1991b; Koch, 1996) The South Africans had two main concerns about the scheme: 'one was the possibility that KAS was working as a covert arm of the British secret service; the second was the chance that KAS might expose the smuggling South Africa conducted on behalf of UNITA and RENAMO.' (Naylor, 2004: 281-282) To head off that danger, the two sides agreed that South African military intelligence would trade tips about smuggling rings (run by its competitors) for information KAS found regarding anti-Apartheid activists. (ibid.)

Although the initial aim was to gather intelligence, Project Lock developed into a more ambitious project to employ former SAS men for paramilitary anti-poaching work throughout Southern Africa. In 1996, an inquiry by the Kumbleben Commission, appointed by then President Mandela, concluded that the country's Defence forces were

involved in wide-scale ivory and rhino horn smuggling. And many of the game traffickers in Southern Africa were also known to deal in drugs, weapons and ammunition, sometimes with the connivance or involvement of senior officers of the South African Defence Force. As far back as 1978, Gen. Magnus Malan, ex-military Commander-in Chief gave the green light in 1978 to the forces' illegal dealing in animal products to bankroll UNITA rebels' war against the Angolan government. The Kumleben report also confirmed the paramilitary training of game wardens in South African tribal 'homelands.' After being recruited as nature conservation officers, young people were in fact trained as soldiers at secret military sites. (Koch, op. cit.; Brown, op. cit.; Boggan & Williams, op. cit.; Ellis, op. cit.)

The public outcry at the brutal poaching of rhino gave the military a perfect excuse to maintain its presence in an area. It was a simple matter to claim that military training bases were, in fact, for the purpose of game guard and anti-poaching training. Internal KAS documents claimed that operations ran in Zambia, Zimbabwe, Namibia, Swaziland and Botswana. The team also approached game authorities in Tanzania and Kenya. (KAS/Crooke, 1989) In Namibia, KAS trained an anti- poaching team in mid-1989, when South African forces were being demobilised prior to independence elections. Stephen Ellis wrote in the *Independent* that the trainees almost certainly included members of Koevoet (Crowbar), the South African counter-insurgency unit. KAS also trained game wardens for Mozambique inside South Africa. (Ellis, 1991a)

Confidential KAS documents reveal that Evelyn le Chêne was involved in Project Lock at a staff level; she took part from the beginning, in early 1988 until at least April 1989 when she was present at a board meeting. In July 1988, she accompanied Ian Crooke to the Dutch Royal Palace to bring Prince Bernard up to date. A 'private and confidential' note to the Prince to thank him for further funding acknowledged the next phase of the project, Crooke mentioned a joint investigation with Le Chêne for 'a similar plan in the Western area [of Southern Africa].' (Crooke, 1988) At the same time, top priority was to be given to 'David Stirling's package for President Kaunda with concurrent activity by Mrs. Le Chêne on the political front.' (ibid.)

Minutes of a KAS board meeting<sup>54</sup> imply that Le Chêne had a network of contacts in Africa, and that she travelled the continent to ease the way for Project Lock. (KAS, 1989, 4-6) She introduced Ian Crook to Craig Williamson, a South African intelligence man close to the then president Botha and Minister of Defence Malan. Williamson has since acknowledged that he worked with the South Africa's secret hit squads, the Civil Cooperation Bureau (CCB). (Ellis, 1991b)

Le Chêne billed KAS Enterprises for consultancy fees, travel to Africa and in-country expenses. For a period of two months in 1988, for instance, she charged GBP 15,586.99. (Le Chêne, 1988) The invoice was issued by her company Risk and Crisis Analysis.<sup>55</sup> The same company was hired by British Aerospace almost a decade later, to spy on peace activists and to infiltrate the Campaign Against Arms Trade.

Evelyn le Chêne's background puts her in an anti-communist tradition and the legacy of anti-subversion activities of the SOE, the SAS and its secret operations, at home and abroad. She claimed to be a specialist on the potential use of chemical and biological weapons by extremist groups, and headed a front-organisation aimed at highlighting the communist threat during the Cold War. She was also actively involved in fierce anti-communist propaganda and demonstrated a keen desire to neutralise dissent whilst defending the status quo. Further research into her background links her to MI6 and the CIA and Brian Crozier. (Le Chêne, 1986)

This means that there are not only parallels with historical events as described in the historical overview in chapter 4. It seems fair to say that Le Chêne's background indicates a continuum in efforts to neutralise resistance while defending the powers that be.

Essentially, this continuity can be identified at the ideological level, Dover concluded after assessing the publicly available documents on British Aerospace spying operations against the Campaign Against the Arms Trade. The nature and extent of the ideological contest between what he calls 'anti-dissent activists' (largely on the right of the political spectrum) and campaign groups (largely on the left) appears to be 'focused on the perception that campaign groups present a threat to established western political

traditions.’ (Dover, 2007: 1) In that sense the contest seems to be focussed around a very cold-war type of activity, the ring-fencing of mainstream politics away from the politics of the left.

The assumption about an ideological continuum is corroborated by a more recent episode involving BAe and CAAT. After the exposure of Evelyn le Chêne as a spymaster for BAe, the arms manufacturer hired yet another spy. He was called Paul Mercer, and the company created for the covert operation was called LigneDeux. His tenure was disclosed as well, in the legal proceedings CAAT filed to reopen the investigations into the bribes the Saudi royal family paid to BAe.<sup>56</sup> Like Le Chêne, Mercer was active in anti-communist organisations during the 1980s. His book *‘Peace’ of the Dead. The truth behind the nuclear disarmers* (1986) was based on information gathered through moles in the CND. Both were active in the Conservative Party, and with good connections to government and security circles. (Shah, 2007; Evans & Leigh, 2007) Both charged on a subscription based business model, from similar sounding databases. Finally, the name LigneDeux, translating as it does as ‘line two’ or ‘second line’ would make a neat, recognition of the war time efforts in the French Resistance, the second line of defence, of Pierre Le Chêne – Evelyn le Chêne’s husband.

What seemed to be a case-limited example – to the arms trade in the UK, and possibly even just to CAAT – transpired to be linked horizontally across issue areas which included environmental activists, road protesters and anti-globalisation protesters and were also linked vertically out from the UK to mainland Europe and even as far as sub-Saharan Africa.

The disciplining of this form of political dissent can be viewed, therefore, as a transnational phenomenon in which certain key actors take their own activist role, often with government money and support to help contain political protest. These anti-dissent activists – whilst not formally being part of the ‘Gladio’ stay-behind armies – seem to have been inspired by their work, or the political motivation behind their existence.

The strong anti-extremist ideology of both Evelyn le Chêne and Paul Mercer and their common background puts their activities in the tradition of Operation Gladio. This secret ‘stay behind’ network - uncovered bit by bit since the end of Soviet empire in 1989 -

was to be activated in case of a communist invasion, but occasionally engaged in fighting what its members considered 'subversion.' (Ganser, 2005) Maybe, Dover suggested, BAe funded work provided a platform for Le Chêne and her successor to continue activities against the 'extreme' left that they had respectively engaged in during the Cold War and more specifically the 1980s. (Dover, 2008: 4)

This section on Evelyn le Chêne's life and works opens a completely new avenue of research that is of major importance for the understanding of the position of the global corporation in pursuit of power, linking Gladio-like operations to covert corporate strategies today.



## Chapter 10

### Secrecy, Research and Resistance

#### *Conclusions*

This final chapter outlines the essence of *activist intelligence and covert corporate strategy* as means of undermining public debate and engineering consent. The case studies in this thesis offer examples of spying on campaign groups, targeting activists, infiltrating their networks, reporting on their meetings and their strategy discussions. (For a summary of ways to gather intelligence and different types of infiltrators, see appendix 7.) The gathering of intelligence on activists provides the building blocks, the knowledge, to develop covert strategy. The surveillance and infiltration take place in secret, and are not meant to be exposed, or known to the people involved. On the contrary, the number of people privy to such confidential information is extremely limited. The findings of the research lead to the conclusion that rather than surveillance, secrecy is the core concept of the conceptual framework to study intelligence, interlinked with power, knowledge and resistance. (Gill, 2006; 2009) Secrecy is an essential element of surveillance and infiltration, and vital to covert strategy. Creating more awareness of *activist intelligence* may help to break the silence of secrecy, and foster resistance against covert corporate strategy.

A corporation does not spy on its critics just to know what is going on, it does so to be prepared and to defend itself. The first section of this chapter explains why the connection between surveillance and the gathering of intelligence on the one hand, and the subsequent corporate strategising on the other is crucial to this work of research. This confirms Gill's position that a full understanding of intelligence is impossible without acknowledging the integral connection with action. While the ways to counter critics are many, and might include PR measures or a refreshed CSR policy, this thesis focussed on covert action. The case studies illustrate how two of the concepts in Gill's framework *surveillance* and *knowledge*, the gathering and assessing of information,

relate to the third: *power*. According to Lukes (2005) ‘having power is being able to make or to receive any change, or to resist it.’ The findings in this research provide a first set of answers to the question – essential when researching power – ‘to what extent, in what ways and by what mechanisms do powerful agents influence others’ conceptions of their own interests?’ (ibid) The cases demonstrate how the epistemic power of TNC and their private intelligence agencies can affect discourses on risk and security, and how *secrecy* is an essential element of this exercise of power.

The second section details how the evolving social practices in the field of activist intelligence illustrate the shifted location of this power, from the public/state to the private/market. Dealing with resistance, or what is perceived – by some – as ‘subversion’ has traditionally been viewed as the state’s responsibility. The findings in this research confirm that at least part of this mission has been transferred to organisations governed by profit. The second section explains why the academic focus on ‘policy by proxy’ is inadequate to describe recent shifts between public and private. Likewise, the term ‘blurring boundaries’ is insufficient to analyse the complex landscape of contemporary intelligence organisations. Security and intelligence privatisation are essential, but underresearched developments within broader transformations in the relationship between public and private power and authority.

Secrecy seriously hampers research, and the third section of this chapter recapitulates how. The findings illustrate how secrecy generates serious difficulties in the discovery of source material on intelligence. Apart from that, secrecy facilitates denial once certain operations have been exposed in public. Secrecy in this context determines the potential of the fifth’s element of Gill’s conceptual framework: *resistance*.

The case studies point to a general intolerance for dissent, and a refusal of public scrutiny and accountability. It would be a mistake to think about this just in terms of a (new) media war, a battle fought in the public arena. It is not simply a matter of PR. The aim of covert corporate strategy is not to win an argument, but to contain, intimidate and ultimately eliminate opposition. To prevent activists, consumers, and other stakeholders from getting real power, important civil society initiatives can be undermined. The



fourth section points out how *activist intelligence and covert corporate strategy* and the secrecy surrounding it may present a danger to democracy.

The last section explores how this all pervading secrecy can be broken. The proposal for a specific multidisciplinary field of research is aimed at providing the means to collect more evidence and case studies, and to study the political economy of this specific branch of ‘grey intelligence.’ Furthermore, this field of research could include the groundwork for legal framework defining the responsibilities of those involved, and the legal rights of those targeted. Apart from increasing transparency and accountability, such a framework would provide institutionalised routes of discovery, to support those involved and to grant opportunities for research.

### **10.1 Crucial Link: Intelligence Gathering and Corporate Strategy**

The analyses of the case studies demonstrate that monitoring activist groups and corporate critics involves more than pre-empting campaign actions or direct action. The gathered intelligence is ‘processed’ – intelligence parlance for analysed – and forwarded to the client accompanied by strategic advice and suggested tactics. Le Chêne’s reports to BAe are ‘assessments’ – the summaries of the spies’ reports flavoured with advice on strategy. Online monitoring agencies provided client companies with practical advice in countering the campaign groups under surveillance. Specialist technical knowledge allowed Bivings and Monsanto to introduce virtual identities aimed specifically at manipulating online discussions about genetic engineering.

The evidence includes examples of each of the ‘repressive actions’ (Marx, 1979) discussed in chapter 3. Bivings’ fake online persuaders initiated the *creation of an unfavourable image* of two scientists critical of GE techniques, although the example can also be understood as character assassination. The IT industry received advice to curtail funding of campaigning groups, which is an example of *restricting a movement’s resources and limiting its facilities*. Pagan’s pro-active work on various campuses fits the category of *hampering the recruitment of activists*. And, although he did not *destroy* them, Pagan persuaded Church *leaders* to work with Shell and Nestlé, effectively

neutering their leading role in the boycott. O'Reilly's story about Le Chêne's spies undermining the Liverpool Catholic Worker is an example of *fuelling internal conflicts* – a classic agent provocateur tactic. Pagan's strategy aimed to seize the moral initiative from the 'confrontationalists' in order to split the coalition supporting a boycott. His strategy fits Marx' category of *encouraging conflicts between groups*.

The Threat Response case study has many examples of *sabotaging particular action*, such as advance warnings on pending legal proceedings. Foreknowledge of secret plans to enter BAe plants on a large scale, resulted in advice to ambush the trespassers and serve them injunctions to prevent them from returning. This undercut the plan by campaigners to use their anticipated arrest to attract media attention and an opportunity to draw attention to their campaign.

Additionally, the findings justify an expansion of Marx' list with the following corporate strategies. *Imperilling employment*, in the cybersurveillance case study, people were fired because of their alleged role in industrial action. *Counteracting a group*, the example of the exclusion of the BBC Foreign Desk from the BAe fax list to prevent the forwarding of press releases to CAAT; denying CAAT a copy of the Defence Manufacturers Association members list (as such a comprehensive and up-to-date listing of all the defence support industries would cut down CAAT's research time). *Impairing the work of a group*, the data includes examples of an infiltrator promising to take on tasks and not delivering, or committing to mobilise for a demonstration, but not doing anything. *Sabotaging coalition building*, by planting an agent provocateur whose radical speaking style and writing thwarts coalition building, or who attempts to incite possible members of activist groups towards radical direct action, or more violence than they intend to use. Pagan's strategy plans include various examples of the *engineering of consent* such as influencing the discussion of ideas at the university and in other educational fora, or convincing union leaders that the role of the company had been misrepresented by boycott rhetoric in order to erode the rationale for the boycott.

Although for reasons of comprehension, at first sight it might seem useful to distinguish between corporate tactics and strategy, the reality is more complex. The Pagan case study illustrates that dialogue between a company and its critics is a vital element of the

corporate counterstrategy and needs to be understood as a tactical information-gathering exercise too. In the long term, the dialogue served to seize the moral initiative from the 'confrontationalists,' and destabilised the boycott coalition. Likewise, the creating of an audit commission in the baby milk controversy served a multitude of purposes. Its official task was to ensure compliance with the WHO code and provide a complaint procedure. Compliance helped restore the company's credibility to the outside world and bridge the gap between management and leaders of the boycott, while at the same time the commission took over responsibility for dealing with the issue from the company. Strategically, the commission also worked as damage control and containment policy: it diverted the media focus away from activists, and caused disarray amongst boycott groups, which all together eroded the rationale for the boycott.

The McSpy case study pointed to yet another effect of intelligence gathering via infiltration. Intended or not, the steady influx of 'new blood' with a proclaimed interest in the anti McDonald's campaign put the issue back on the agenda for London Greenpeace. The McDonald's investigators all ended up circulating the challenged flyer. At the same time, stealing letters caused irritation amongst members of the group, while the sudden influx of active newcomers raised concerns for other activists. The infiltration operation also created an atmosphere of suspicion, with private investigators at work, spies spying on spies, and activists trying to find out if they were infiltrated. Creating suspicion is a known by-effect of infiltration and can lead to a paralysis that undermines the spirit and the endurance of any group.

Within intelligence circles and corporate management there is a reluctance to address the action part of the intelligence process, as chapter 2 has shown. However, the evidence in this research confirms the crucial link between information gathering and covert strategy. Corporations gather intelligence to act upon it; corporate control of intelligence serves as a guiding tool for action, to shape a response to public protest. Intelligence, understood as a specific form of knowledge, is used as a tool of power to develop counterstrategy. (Toffler, 1990) In addition to that, the case studies illustrate that surveillance and covert action are sometimes difficult to distinguish. It can sometimes be impossible to determine where collection ends and some form of covert strategy begins.

(Gill, 2008) This leads to the tentative conclusion that interference even if it involves ‘simply’ surveillance can be understood by the targets as a form of covert strategy, as it is a form of action with certain intentions and potential political consequences. Overall, the findings underline the need to include covert action in the definition of intelligence. (ibid.)

## **10.2 Public, Private, and Secret**

The research for this PhD is based on the premise that the investigated case studies would reveal important features of how corporations manage criticism and political threats in contemporary society. As such the research has identified ‘blurring boundaries’ between public and private spying; the findings confirm the existence of so called ‘incestuous relationships’ between privatised former agents and government intelligence. (Toffler, op. cit.) This section emphasises the need for research into the political economy of these networks of grey intelligence. (Hoogenboom, 2006)

There seem to be more similarities than differences between public and private spying. Though their goals may differ depending on their clients’ needs, corporate and state intelligence agents often use similar *modus operandi*, the same methods of gathering intelligence and of processing intelligence into covert strategy to undermine opponents. However, the term blurring boundaries is somewhat inadequate for the purposes of analysing contemporary intelligence organisations and describing recent shifts between public and private. Both *public* and *private* are concepts that have multiple meanings and connotations in different settings, while the term ‘blurring’ or ‘blurred’ imprecisely captures the complex networked environment of grey intelligence.

Maybe the notion that state and private intelligence are distinct is a false dichotomy.

Liberal democratic states, following a logic of supporting capital, make neoliberal globalisation possible. (Sassen, 1996; Sklair, 1998) One could argue that state intelligence and private intelligence derive from the same social practice, only divided by their subsequent chains of command. Maybe the ‘greyness’ is therefore all pervading, rather than a new reality, Dover suggested in a discussion per email in June 2008.

Grey intelligence and *activist intelligence* in particular can thus be understood as an aspect of globalisation and the changing position of TNCs in the world. Complex international business alliances require specific knowledge and corporate strategies, in particular on managing growing criticism of the effects of some forms of trade and production.

Privatisation of intelligence is taking place at various levels, including the outsourcing of state intelligence work to private contractors, and former state and federal agents going commercial. However, this research focused on a specific area of grey intelligence: former intelligence officials hired by private companies to do intelligence work exclusively defending the interests of that specific company. The people professionally involved in *activist intelligence and covert corporate strategy* tend to share similar backgrounds in police, the military or intelligence agencies. Both Pagan and his colleague Pattakos had had a long career in military intelligence advising various presidents, while Mongoven studied military strategy in his own time. McDonald's' security staff shared a police background and closely cooperated with Special Branch. Hakluyt was founded by former MI6 staff and Le Chêne has a considerable CV in special operations. The cybersurveillance agencies investigated in this research are an exception to the rule. The background of the people involved is mostly PR and consultancy; although the agency that took over from eWatch was founded by a former British intelligence officer and a retired FBI agent.

The evidence confirms that most private investigators see such background as a selling point and do not hesitate to use connections with former colleagues or friends. The result is an informal circuit of information exchange through a form of 'old boy network.' The high-ranking officials who go private have been privy to classified and top secret information for years. They take that knowledge with them and potentially retain continuing access to it through their networks within government intelligence agencies, at home and abroad. They have knowledge of intelligence programs, covert operations, and the internal affairs of various countries that few can claim. Their experience, knowledge, and networks appear to determine their value in the job market. Theoretically, the profit motive also includes a change of loyalty. The duty of serving

the greater good seems to transform into serving the interest of a few. (Shorrocks, 2008) In practice, however, the same collection of people resurfaces in multiple roles, both inside and outside government. Wedel (2004b) emphasises that the movement toward privatising government work has created more opportunities for coordinated groups of individuals to take over public policy agendas in pursuit of their own interests. Therefore, the academic focus on policy by proxy seems too simple a concept to reflect the more complex contemporary security field that protects dominant interests within corporate and state power structures. (Johnston, 2007: 15) Instead, the concept of high-policing seems better equipped to describe ‘the more complex relationship of obfuscation whereby both public and private high policing actors cross-permeate and coalesce in the pursuit of symbiotic state and corporate objectives.’ (O’Reilly & Ellison, 2006) Social network analysis can be a valuable addition to research the discourse of privatisation. It can provide further snapshots of the workings of governance and the complex entanglements of formal and informal state and private structures and processes. (Wedel, 2004a) In security governance the concept of network is, yet, under-theorised. The relationships between state agencies and those ‘beyond the state’ in the corporate and community sector are a particularly important target for research. (Gill, 2009)

The field of *activist intelligence* seeks to map the political economy of these privatised intelligence networks, characterised by secrecy, insider or privileged knowledge and power. Such networks will be difficult to monitor, but because of its potential influence, such work is urgently needed.

### **10.3 Secrecy Hampers Research**

A defining element of intelligence, secrecy complicates research because it tends to deny access to oral and documentary sources. More specifically, it makes the study of intelligence by people not belonging to such networks difficult, as the findings reveal. This section describes the problems the McLibel Two encountered with discovery in court and CAAT’s disappointment with the research into a complaint filed with the

Information Commissioner. It ends with the lack of answers to various requests under the Freedom of Information Law in the United Kingdom.

Organisations attempt to protect their information. Intelligence agencies are prone to mislead and to limit what can be discovered, but any organisation with information to protect is advised to have strategy to control the damage of exposure. When covert action is involved, the costs of public disclosure are even higher. Staff involved in intelligence usually includes specialists in maintaining secrecy and deception (Marx, 1984) and, indeed, disclosure of source material for this research was hampered by efforts to mislead and obscure.

All companies investigated for this research had taken some of the measures discussed in chapter 3. When their secret operations were exposed, the measures taken were revealed as well. Pagan advised Shell to keep the *Neptune Strategy* secret from anybody within the company that did not need to know. McDonald's hired two separate detective agencies to spy on a small activist group. The infiltrators were not aware of the presence of other infiltrators. Bivings created digital personalities to discredit scientist critical of biotechnology, trusting they would be next to impossible to trace on the internet. The corporate intelligence agency BAe hired to spy on CAAT seems to have been a small operation functioning on a professional level. The infiltrators were provided with cover stories to hide their true identity, and practical assistance (a flat, a van, a telephone line, a computer) to back their stories. The agents in the field reported to Evelyn le Chêne, who subsequently analysed their accounts and faxed (and later emailed) her assessments to BAe's security department. Le Chêne used code names for her agents as well as for herself and insisted on using secure lines of communication. The more important strategy discussions took place face-to-face.

Even in the face of incontrovertible evidence, denial was used in efforts of damage control. Infonic, eWatch and Biving refused to admit their involvement in covert operations undermining activists. The spokes person of eWatch lied on several counts, while the founder of Infonic tried persuasion not to publish in a softer focus. Biving himself wrote several letters to editors to refute the claims made against his company.

Pagan was furious when the Neptune Strategy leaked, whilst Shell tried to downplay its importance. Hakluyt provided a beautiful example of ‘plausible deniability.’ After the exposure, the company tried to put maximum distance between itself and its freelance spy. However, Hakluyt was forced by the facts to change their story several times. Delegating dirty work allowed Hakluyt and its clients, Shell and BP, to maintain they had not been aware of the methods used.

However, despite the precautions, exposure facilitated discovery in most of the case studies.

Secrecy hampers access to source material in other stages of research too. Marx encourages researchers to gather hidden and dirty data through ‘institutionalised discovery practises,’ data hidden in hearings, court records and data via freedom of information requests. This is easier said than done.

Gathering data from court hearings requires endurance and patience. In the McSpy case, the data became public due to the efforts and the persistence of the two defendants, Helen Steel and David Morris. Their personal experience, having been the target of surveillance and invasion of their private space, motivated the investigation. Practical issues complicated the gathering of data. First, it is important to know that the infiltration operation was not one of the key topics at the hearings. The case was built around the content of the London Greenpeace leaflet. McDonald’s had to prove the defendants were personally responsible for publication of the pamphlet. It was for this aspect of the case that the private investigators were called as a witness. The extent of the spying operation became known little by little, towards the end of the trial. The hearings about the surveillance took only about ten of the 314 court days. It was not the ideal timing to explore an entirely new issue in any further depth; and the situation did not represent the best circumstances for investigating a case of infiltration. Yet, there were other hurdles to overcome.

McDonald’s and their agents tried to withhold evidence of their intrusive practices. Originally, McDonald’s applied for the four identified agents to remain anonymous. The investigating agents would make notes as soon as they left the meetings— recording many details about the group, their office, their members, and activities. McDonald’s



resisted making these notes available to the defendants. When the Judge eventually decided to disclose the original notes, McDonald's failed to deliver the complete set.<sup>57</sup> In addition, the initially released documents often had pages missing or sections blanked out. McDonald's claimed the reports were censored in order to protect the privacy of the agents, and claimed it had only blanked out sections that were not relevant to the court case. Comparison of successive releases of less censored versions indicates that this was not necessarily true. For this research the 'least censored' versions have been used.

Although the evidence gathered in this court case offers a rare opportunity for research, several other limitations need to be mentioned. When examined in court, the investigators necessarily relied on their notes rather than on memory or recollection, since six years had passed since the infiltration took place. They were sometimes reluctant to reveal details or to disclose any further evidence. Every so often, they evaded questions or gave different answers to the same line of questioning on different days. Judge Justice Bell (1997) eventually ruled it was unsafe to rely upon the evidence of Allan Clare, one of the agents, when other reliable evidence did not support it.

Other suggested routes to discover institutionalised data are also problematic. As detailed in chapter 9, the Threat Response case, CAAT had a disappointing experience with the UK Information Commissioner. After the infiltration of the group had been exposed in the *Sunday Times*, it was difficult for the organisation to decide what legal action to take. Pressing charges against the spies or BAe was an option with limited opportunities, as there are no laws against infiltration. Invited to do so, CAAT filed a complaint with the Information Commissioner to investigate the breach of their privacy. This seemed a reasonable alternative. The Office of the Information Commissioner enforces the Data Protection Act and the Freedom of Information Act, and reports directly to Parliament. For investigations, he can request data from telephone companies, intelligence agencies and ask internet providers for identities behind email accounts. However, the investigation into the CAAT complaint about infiltration by Evelyn le Chêne's agents brought only limited additional information. The Commissioner confirmed that the exposed infiltrator had been forwarding information by email to a company with links to Evelyn le Chêne, identified as the spymaster. Ironically, the Data

Protection Act 1998 prevented the Information Commissioner from giving CAAT details of the company concerned. The Commissioner also decided not to take any action. Though confidential, the information forwarded in the emails did not meet the narrow definition of ‘personal data’ as set out in a precedent setting Court of Appeal decision. (CAAT, 2005c) Thereby the case was not covered under the 1998 Data Protection Act. The period to which the intelligence reports relate, 1995-1998, falls under the 1984 Act. Since neither Le Chêne nor any company run by her ever registered under the Act, the only possible charge would be that of non-registration.

This example illustrates the limited opportunities the existing legislation offers for the disclosure of hidden information. Coupled with the absence of regulatory powers to hold private investigators to account, one can begin to appreciate the obstacles that hinder Marx’s ‘institutionalised discovery practices.’ Of course, Marx wrote in the US context, which is quite different from the UK and the Netherlands. The American legal system offers a wider range of disclosure provisions on the federal and state statute books and a far greater degree of litigation. And recently, investigating the legacy of the Economic League and the blacklisting allegations against Ian Kerr, the Information Commissioner first used his power to search premises in order to secure discovery. (see chapter 4)

Legislation like the Freedom of Information Act has improved the opportunities for social research, at least theoretically. In order to use this route of discovery effectively, the researcher must know what to look for. (Lee, 1993) And even if he or she *does* know, secrecy protection might prevail over the public’s right to know – national security, national interest and commercial confidentiality being common exceptions that mean much interesting data can be withheld.

The Ministry of Defence could not find any contacts (or contracts) with Evelyn le Chêne or other members of the board of her subsequent companies (the name changed a few times over the years). Requests to substantiate Le Chêne’s involvement in monitoring road protests were thwarted by poor record keeping and bureaucracy. The Ministry of Transport claimed it held no files on the period that included the road protests. The Thames Valley Police filed the request for information in the category that required payment of extra fees to cover the estimated amount of work involved in retrieving the

data. Even the personal approach was unsuccessful. The ABC documentary *True Spies* revealed the authorities had paid a private investigator to infiltrate the road protests. Sir Charles Pollard, then Chief Constable of Thames Valley Police interviewed in 2002 for the documentary, now claimed he could not remember the name of the individual or the company involved. The producer of the documentary, Peter Taylor, went through his notes but could not find any details either.

In the McSpy case, various routes of discovery to find out more about the cooperation between McDonald's hired spies and Special Branch detectives ended in dead lock too. After the McLibel trial, the defendants started a procedure to investigate the collusion between the police and a multinational corporation. Unfortunately, the authorities preferred an out-of-court settlement above 'having the political role of the police exposed,' as the McLibel Two put it. (McLibel Support Campaign press release, 1998)

Several requests under the UK Freedom of Information Act did not disclose any new evidence either. The first requests, asking for information about several named groups involved in animal right activities, were considered too broad. An accepted request asked for the release of 'any records held in any form by the Special Branch of the Metropolitan Police which relate to groups and people that had (alleged) affiliations with London Greenpeace between 1985 and 2005.' (Lubbers, 2006) The police information manager, Julie Harknett confirmed that such information is held by the London Metropolitan Police. And although it 'would contribute to the quality and accuracy of public debate' because '[t]he public could express concerns regarding accountability, public spending and public safety,' she decided against disclosure. (Harknett, 2006) Harknett explained: 'The Public Interest is not what interests the public, but what will be of greater good if released to the community as a whole.' And for her, disclosure was not in the public interest 'as it may endanger the health and safety of our officers' or 'undermine their goodwill and confidence in the Metropolitan Police and could result in a lack of engagement with the MPS.' (ibid.)

This unwillingness to discuss secret operations in the wider interest of the public good illustrates the difficulties in the discovery of secret documents, and more specifically the

limited opportunities legal frameworks offer for research into intelligence and covert operations, particularly those that have a political dimension.

The research field of corporate spying and the consequences of such covert practices is seriously underdeveloped in mainstream social and political sciences. The secrecy that – almost naturally – surrounds infiltration and covert actions results in a general lack of awareness and expertise in academia as chapter 2 showed. Furthermore, knowledge concentrated in various management and consultancy networks is not part of the public domain.

There is a blind spot in relation to transnational corporations and their exercise of power, more specifically in their secret strategies to deal with their critics. This may be caused by an epistemological bias. Intelligence studies focus on the more ‘classical’ area of state security services and IR. Issues management does not detail the practices of information gathering on critics of corporations, or subsequent strategy to undermine them. Warner (2007: 17) points to the life-and-death stakes and the possible consequences of disclosure, to explain why intelligence is conducted under a cloak of secrecy and the evidence of it is typically unavailable to onlookers. ‘Intelligence thus by definition resists scholarship,’ he says. Davis (2001: 73) calls the information about the intelligence services ‘notoriously sparse’ - while the official documentary records (available at for instance the Public Record Office) have been what he calls ‘sanitised’ between quotation marks. Davis understands this lack of resources as the major explanation for the minor interest in security and intelligence studies in political science. (ibid.)

Another cause of this lacuna might be the socialisation of academics into professional and depoliticised intellectuals focused on the production of distanced and ‘objective’ science. Fear of being associated with the subjects of research and their political opinions, strategies or practices, might be a motivation to avoid this research terrain. Declining job opportunities within the increasingly overlapping social spaces of the university and corporate interests might also explain the reluctance of scholars to examine these issues. (see for instance: Dover: 2006b; 2009; Marx, 1990)

#### 10.4 Secrecy, a Danger to Democracy

Secrecy distinguishes intelligence structures and processes from many other aspects of governance. (Gill, 2009) Secrecy enables the avoidance of responsibility and accountability for controversial actions. Ironically, the movement challenging TNCs for their lack of transparency and accountability is countered with responses that rely on secrecy. Corporate critics can become the target of intelligence gathering operations and covert actions aimed at undermining their work. The case studies illustrate unwillingness among corporations to change damaging business policies and illustrate the lengths companies under attack may be prepared to go to avoid criticism. This section seeks to explain how *activist intelligence* and *covert corporate strategy* present a threat to democracy at various different levels.

Large corporations have a long tradition in fighting their critics with the help of propaganda and active interference, as chapter 4 has shown. Today, PR and lobbying are essential tools for the modern corporation, tools that afford the means to better anticipate and adapt to societal demands. (Baskin, Aronoff and Lattimore, 1997) Parts of the political activities of corporations, however, remain hidden. (Miller & Dinan, 2003) In particular, the covert actions laid out in this research are examples of dirty tricks by large corporations in their defence against critics and their pursuit of profit, on a continuum with PR and lobbying.

*Activist intelligence* gathering and *covert corporate strategy* overlaps with a specific form of PR, issues management (IM). The literature in business studies on IM emphasises the need for scanning, monitoring and tracking external forces that are a potential threat to the company, as well as the subsequent policy development and the implementation of action. However, most literature does not address the practice, or indeed ethics, of information gathering. The failure to address the issue in business studies is mirrored by the reluctance to discuss covert action in intelligence studies, as discussed in chapter 2. The silence is an indicator of the secret character of intelligence gathering and the subsequent covert operations. It is also perhaps an indicator of the lack

of awareness or concern amongst academics about the consequences and implications of privatised intelligence and non-state covert operations. To recognise IM as intelligence is an attempt to break this silence. More specifically, it puts *activist intelligence and covert corporate strategy* on the agenda as an important issue of research.

A key strategy for dealing with critical consumers and campaigners today is corporate social responsibility. CSR guidelines are currently embedded in voluntary pledges by TNCs to consider and better manage the wider impacts of their business on society. They are premised on dialogue and transparency as guiding principles in business policy. This brings up the question of how such principles relate to the use of covert techniques against corporate critics. Maybe it is best to understand *activist intelligence and covert corporate strategy* as the dark side of CSR. The relation is not always clearly visible, and not always as obvious as in the examples below. Moreover, the relation is not always there, as not all corporations engage in such deception and manipulation practices.

Sometimes, however, complying with policies of responsible entrepreneurship can be a double-edged sword. The ‘independent’ commission auditing Nestlé served multiple purposes. While compliance helped restore the company’s credibility, the commission also served to divert the media focus away from the activists, and to cause disarray amongst boycott groups. The dialogue Pagan set up with church groups intended to end the ‘shouting match’ and enhance Nestlé’s public image, while at the same time they served as an intelligence operation to gather information. After the Brent Spar debacle and the execution of Ken Saro-Wiwa in Nigeria, Shell avowed a new set of business principles, including a code of conduct regarding human rights and environmental issues. One outcome of this new policy was the launch of a new website shell.com embodying the company’s new philosophy of ‘openness and honesty’ with dialogue as the core concept. However, the online forum where everybody could have a say about Shell also served as a barometer for what people thought about the company. Meanwhile, in the same period of time, Shell hired Hakluyt to assess the plans of the environmental movement (chapter 7) and online intelligence agencies to monitor the net (chapter 8).

The rise of PR and other information industries marks a profound shift of political culture that threatens to disintegrate modern forms of welfare state democracies and its essential function in legitimating social and political processes. The case studies illustrate the use of corporate propaganda as means of protecting corporate power against democracy. (Carey, 1978)

This is illustrated by the fact that the corporate choice for covert action implies a refusal to discuss damaging effects of production or trade in a public debate. Pagan's strategy focuses on breaking a boycott, which in essence meant an attempt to go back to business as usual without dealing with the issue that provoked the boycott. McDonald's legal proceedings against London Greenpeace fit a broader strategy of threatening critics. By countering the campaign for responsible disposal of toxic waste, the electronics industry intended to eschew a public debate on the effects of their production policies, and to prevent regulation on waste disposal. Rather than negotiating employment conditions and contracts, Northwest Airlines monitored its workers and fired whom they thought were the organisers of protest. Rather than discussing the risks of genetic engineering, Monsanto attempted to circumvent criticism by blaming the messenger. Instead of joining the public debate about pros and cons of drilling for oil in the Atlantic, BP prepared to tackle Greenpeace with legal damage claims for occupying an oil installation. BAe explored every possible way to evade the debate about arms trade and to contain the effects of the work of peaceful campaigners.

When the corporations investigated in this research *did* take part in public debates it was often under false pretences. Sometimes, the efforts to undermine the work of corporate critics qualify as efforts to keep issues off the public agenda, sometimes as attempts to diminish their effect once they are already in the public domain. As a result, decision makers may make policies based on distorted information, or without awareness of alternatives. (Tefft, 1980) Moreover, with the work of corporate critics effectively thwarted, people might not even know that there is a problem. The case studies in this research include various examples that imply such exercises of power. With the help of private intelligence agencies, some corporations develop strategies that attempt to damage the position of activist groups, the effectiveness of their work, their financial

base, or their credibility. Pagan's plan for Shell included pro-active strategy to influence the forming of ideas. The strategy suggested involving Shell in education to increase the impact of the corporate viewpoint at earlier stages and to persuade teachers to provide 'a balanced view' of the problems in South Africa.

Strategies which prevent people from having grievances by shaping their perceptions in such a way that they accept their role in the existing order of things represent 'the supreme and most insidious exercise of power.' (Lukes, 1974) At the same time, the issue of agenda setting relates to Beck's arguments about risk definition. Power is understood as who gets to decide, what counts as a 'risk' and who counts as the 'responsible party.' In the example of Sony and Infonics, for instance, the electronics industry perceived the campaigners as a risk for their business, while for the activists campaigning for responsible disposal, the electronic waste is a risk for the environment. Power is in the hands of those who win this battle.

In short, the examples of corporate spying and strategising presented here raise concerns about the 'engineering of consent.' The case studies detail multiple means corporations have at their disposition to manipulate public debates and to exclude the voices of their critics. Deliberate democracy requires the participation of civil society, but if actors and campaigns are sabotaged in their work then the nature of policy and democratic decision-making are thrown into question. Ultimately, these concerns relate to issues of power, of who gets to define of what counts as a risk to society. (Beck, 2005)

The last aspect discussed here is secrecy defining the character of the intelligence agencies, their activities, and the people working for them – either public or privately employed. The dynamics of governmental secrecy discussed in Tefft's edited volume demonstrate that intelligence units at both local and national level operate to predict, control and manipulate their environment. The findings of this research show that this can equally apply to the dynamics of private and corporate secrecy.

The internal security required to protect organisations from infiltration or leaks creates problems such as preventing the flow of vital information. (Wilensky, 1967) Such an office culture may lead to problems typical of intelligence agencies. Immersed in a



world of deception and secrecy, intelligence agencies have been known to develop their own moral, norms and culture. The Church Commission (1976) noted the dangers of questionable activities justified by such intelligence morality. Private intelligence agencies also run the risk of over-identifying with their clients. Evelyn le Chêne's spy files display certain narrow-mindedness about the position of campaigners and the value of protest in a democratic society. At several points, Le Chêne urges BAe to undermine public protests regardless of their peaceful character or the democratic context of the event. Her suggestions fit her background as an active anti-communist and anti-protest propagandist. Likewise, Pagan held strong opinions about his clients' opponents and tirelessly strove to counteract them.

In policing political activities, the concept of subversion is suitably amorphous, and often synonymous with left-wing dissent in liberal capitalist states. (O'Reilly & Ellison, 2006) The evidence in this research confirms that is the case not only in the public realm, but in the private, corporate sphere as well.

A system of governance that relies on secrecy, may lead to a decline of social trust. The spread of deception throughout societal institutions promotes the kind of cynicism that undermines participation the normal political process. Judged by its ultimate consequences for the state and its citizens, the costs of secrecy might seem greater than its benefits. (Tefft, op. cit.) *Activist intelligence and covert corporate strategy* constitute part of a system of governance that relies on secrecy; the broad range of different aspects of secrecy profiled in this research threatens to erode trust in democracy.

### **10.5 Secrecy, Resistance and Research**

The last element of Gill's conceptual framework, following surveillance, secrecy, power and knowledge, is resistance. This section explores the understanding of resistance as a defining element of *activist intelligence and covert corporate strategy*.

Gill describes attempts to maintain personal privacy or business confidentiality as forms of resistance to efforts of others to collect information. And if privacy fails, lying and deception are other forms of resistance. The first problem with this part of the

framework relates to Gill's understanding of intelligence. He seems to imply certain proportionality in power between those spying and those spied upon. This might be the case in the context of international relations, when the spying agents are states – although even countries are hardly ever equally powerful. It might be the case in the context of industrial espionage and competitor intelligence. However, in the context of TNCs acting against their critics, usually the power – for instance the amount of time and money at disposal – is unequally distributed. Using resistance in the context of *activist intelligence* while failing to address the power context in which the intelligence is produced seems inadequate. Another, connected, problem is that Gill fails to relate resistance to secrecy. Or, to put it more clearly, in order to be able to resist surveillance, you have to know that you are spied upon in the first place. Gill builds his argument around Herman's (1996) 'Spiral of threat perceptions.' It understands the relation between surveillance and its subjects as dialectical: 'efforts at gathering information and wielding power (in whatever form) will provoke greater or lesser attempts to resist. If resistance succeeds than fresh approaches to surveillance may be deployed.' (Gill, 2009: 85) However, most of the people featured in the case studies presented in this thesis had no idea their groups were infiltrated, and thus were nowhere near entering Herman's spiral. And once they *did* know, exposure including legal action where possible was more likely to be the answer – rather than putting up fences.

While *surveillance*, *power*, *knowledge* and *secrecy* are interrelated elements that make up intelligence, *resistance* seems to be the odd one out. However, the lack of resistance can be attributed to the level of secrecy on various fronts, as was argued above. The level of secrecy determines the power of TNCs in their use of covert corporate strategy. Exposure is essentially a form of resistance in the context of *activist intelligence*. As this research shows, the exposure of covert operations offers a form of resistance to surveillance as well as a valuable addition to intelligence studies.

One outcome of promoting greater awareness of activist intelligence could be to enhance resistance to corporate surveillance. Proposing activist intelligence and corporate covert action as a specific field of research is a first step. The analyses of the case studies

provide an initial outline of the research terrain, inspired by the work of Judith Richter (1998):

*Activist intelligence and covert corporate strategy* refers to intelligence gathering and assessment of the socio-political climate in which the particular company is operating; activities to manipulate public debates in a direction favourable to the company; and activities to exclude what the industry perceives as diverging or antagonistic voices. Additionally, *activist intelligence* refers to the organisation, and thus the people that collect and analyse the intelligence and are involved in the subsequent (covert) actions, a flex power force of privatised intelligence people now working for big business. This field of research focuses on intelligence gathering, the methods used and the people professionally involved. It also includes the processing of the information gathered and the subsequent strategic planning by corporations to make use of it: the *covert corporate strategy*.

The field of research not only covers the gathering of information, but relates to the development of covert strategy as well. This connection is crucial. The findings confirm that the analysis of intelligence informs how the company deals with critics. This could be pro-active policy to stay ahead of possible problems, or to take action to prevent problems – or both. There is a need for research into what these policies entail. Of course, the wider context needs to be explained too. Why do companies chose to undermine their critics? How often does it happen? Which companies decide to employ covert strategies and what are the circumstances that determine such decision? At what level in the company hierarchy is the decision to implement intelligence operations taken, and who else knows about it?

A multi-disciplinary approach of the field would have to include aspects of globalisation and privatisation, the power of TNCs, the movement for social justice, civil society and the internet, PR and issues management, and intelligence studies. Mapping the world of grey intelligence would benefit from research into the political economy of the private intelligence agencies and consultancies involved, while the informal contacts of former agents require social network analysis.

A deeper understanding of the grey area of *activist intelligence and covert corporate strategy* – and the extent to which it is integrated into wider policies of corporations under fire – provide a critical contribution to contemporary debates about power relations, governance and opportunities for resistance in the liberal democracy.

Essentially this is about transparency and privatisation. Gill & Hart (op. cit.) wonder how much of what has traditionally been viewed as the state's responsibility can be transferred to organisations who are governed by profit. The literature overview in chapter 2 suggests this question is probably obsolete, it might be better to ask how much has already been transferred. Without proper research and a larger collection of case studies, these questions are almost impossible to properly analyse and answer. This debate is essential because at least part of the difficulty in deciding what is appropriate is ideological.

The last question explored in this concluding chapter is how social scientists can contribute to opening up this field of research, creating more awareness about *activist intelligence and covert corporate strategy*.

One of the ways to collect dirty data is via accidents or mistakes that reveal underlying social patterns. Marx (1984) describes how technological accidents (like oil spills), and political scandals (such as Watergate) provide strategic research sites that allow researchers to reveal those activities of organisations and elites normally hidden from public view. The publicity around such events can mobilise resources and political support to set 'coercive data collection procedures' in motion – like courts, commissions, and grand juries in the American situation. Others are afraid that this route of discovery could lead to a research agenda shaped by events rather than by a systematic logic. (Lee, 1993) However, relying on accidents does not always imply passivity and reactivity. Collecting accidents that happened in the past and taking the analysis beyond the media coverage is an active research strategy. To discover the logic behind a collection of separate events, can – contrary to what Lee argues – indeed inform theory building and new research questions and models. This research testifies to that.

More importantly, a technological accident, like an oil spill, does not always become a scandal by itself. It takes activist researchers monitoring oil companies, a mobilised affected community, investigative journalists, or a dedicated environmental movement – and ideally a combination of the four, to point out that the oil spill is a disaster for which someone should be held to account. Watergate did not fall out of heaven as a political scandal to provide ‘strategic research sites’ for revelations, as Marx put it; it was the other way round. If it had not been for Bernstein and Woodward piecing together facts and figures to contextualise the snippets supplied by their ‘Deep Throat’ source, there would not have been any further opportunity to reveal ‘activities normally hidden from public view.’

Furthermore, it is not necessarily the accident or the scandal that brings about dirty data; it can also be the commitment of people (be they activist researchers or investigative journalists) that lay the foundations for secret information to emerge. The latter applies to most of the case studies in this research. The *Threat Response files* originated from a whistle-blower in an unrelated event, but usually the leaking of documents does not take place in a political vacuum. The *Neptune Strategy* landed on the desk of the boycott campaign at the height of the anti-apartheid struggle. Sympathy for this campaign had apparently reached insiders at the offices of the corporations facing boycotts. Exposures of surveillance or infiltration operations do not happen unexpectedly; they are by definition embedded in the political conflicts that evoked those operations in the first place. Monsanto would not have resorted to digital machinations if the stakes were not important: public discussion about genetic engineering and ‘Frankenstein food’ seriously influenced their business by making the possibility of tougher regulation more probable. The operation would not have been discovered if it had not been for the highly specialised investigative activists who had second thoughts about the sudden heat of the discussion and contributions from particular posters. The *McSpy files* surfaced in a court case as an annex in the libel claim filed by McDonald’s – thanks to the perseverance of the defendants unearthing them. The exposure of Hakluyt’s spy and his work could not have happened without the activist who acted on their suspicion and their political judgment of the situation.

The field of *activist intelligence and covert corporate strategy* requires a broad foundation of evidence. Discovery of evidence behind stories and controversies that surface in the media is essential to put the events in perspective and understand the wider context. Likewise, the history of *covert corporate strategy* requires more attention. While secrecy seriously hampers research in the field of *activist intelligence*, academics rely on the work of whistleblowers, investigative journalists and dedicated activists and other corporate critics.

Secrecy rules, so – for the time being – well-sourced cases of *covert corporate strategy* will remain comparatively rare. Nevertheless, why would it not be possible for a social researcher to play a more active role in this field?

Marx envisioned a knowledge product that stands between the novelist, journalist, or detective, and the pure scientist, while drawing from each group.

Such knowledge shares with the former the need to rely on non-rigorous and questionable data sources, the desire to raise issues, sensitise the public, and document problems, and a frequent reliance on individual cases. It shares with the latter respect for the logic of explanation and the need for empirical verification and generalisation. (Marx, 1984: 102)

This thesis aims to be such a hybrid knowledge product.

## Notes

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<sup>1</sup> To explain what is meant by civil society, the working definition used by the Food and Agriculture Organisation of the United Nations is concise and clarifying: 'Civil Society refers to all groups outside government such as community groups, non-governmental organisations, labour unions, Indigenous Peoples' organisations, charitable organisations, faith-based organisations, professional associations and foundations. Civil society expresses the interests of social groups and raises awareness of key issues in order to influence policy and decision-making. In recent decades, Civil Society Organisations (CSOs) have been successful in shaping global policy through advocacy campaigns and mobilisation of people and resources.' (FAO, 2010) For an elaborated view on the role of civil society and globalisation see f.i. Keane (2003).

<sup>2</sup> They also found the contents of the hard disk of a French lawyer and of a shareholder rights activist who has battled some of the country's largest companies, including Vivendi and European Aeronautic Defense & Space, the parent of the aircraft manufacturer Airbus. (Jolly, 2009)

<sup>3</sup> Although the Toffler trilogy is not officially co-authored by his wife Heidi, Toffler emphasises the importance of her contribution in the 'Personal preface' of Powershift. (1990) I appreciate this acknowledgement by referring to the both of them as the authors.

<sup>4</sup> Francis E. Rourke subtly pointed out that the pre-eminent scholar had presumably missed 'a danger of equal gravity to democracy' from precisely the opposite direction: 'the possibility that public opinion may become all too submissive or inadequately critical of the follies and fallacies by which it is often led.' (Rourke, 1961: viii)

<sup>5</sup> A standpoint is a place from which human beings view the world, and as such it influences how people socially construct the world. Inequalities of different social groups create differences in their standpoints. Furthermore, all standpoints are partial and coexist with other standpoints.

<sup>6</sup> And, being Dutch, I think Herring's observations also apply for other Western European countries – and certainly my own.

<sup>7</sup> Notwithstanding the friendly tone and fast exchange of the first few emails (with Sethi inviting me to one of his conferences, in an email on 16 November 2006), when asked about his paid work for Pagan, the communication was over and no further replies came. A more detailed outline of the professor's involvement can be found in the Pagan case study

<sup>8</sup> Dirty data as used by Marx should not be confused by the term as used by IT professionals referring to inaccurate information primarily collected by means of data capture forms. In the IT context dirty data is data that is misleading, incorrect or without generalized formatting, contains spelling or punctuation errors, data that is entered in a wrong field or duplicate data.

<sup>9</sup> Republic's arsenal included 552 revolvers, 64 rifles, and 245 shotguns with 2,702 gas grenades, 143 gas guns, 4,033 gas projectiles, 2,707 gas grenades, and an undetermined number of night sticks and gas revolvers. (Auerbach, 1966: 101)

<sup>10</sup> *Fifty Fighting Years* is an anonymous twenty-four-page pamphlet published by the Economic League (Central Council) in 1969. Written 50 years after the event, according to Mike Hughes, its author was probably John Baker White who was Director of the League from 1926 until the Second World War. The League's own records were not made available and the historian Arthur McIvor was told that most of the early records had been destroyed. (Hughes, 1994b: f.n. 2)

<sup>11</sup> Sethi (1994) attributes this observation to Pagan on page 70, and to Ernest Saunders, a Nestlé senior vice president, on page 218.

<sup>12</sup> A duplicate of this paragraph also appears on p. 69-70. (Sethi, 1994).

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<sup>13</sup> At the time the Royal Dutch Shell group had 280 operating companies over 100 countries; Shell South Africa was a wholly owned subsidiary of Royal Dutch Shell. (Pratt, 1997: 247)

<sup>14</sup> Armstrong was forced to resign as head of the National Council of Churches in 1983, after he confessed to infidelity to his wife. (Hyer, 1984; Herron, 1990)

<sup>15</sup> According to his obituary, with the capture 'Rafael D. Pagan, 67, adviser to 5 presidents' he also worked for Presidents Nixon, Reagan and Bush on policies promoting Third World social and economical development (*Washington Times*, 1993)

<sup>16</sup> As a colonel in the army, in 1978, Pattakos prepared memoranda for the 'director defense communication agency' and signed for the Joint Chief of Staffs, as a recently declassified but still heavily censored document shows. (Pattakos, 1978)

<sup>17</sup> In 1991, Pattakos was director of programs integration at Beta Analytics, a national defence, security and intelligence support services firm primarily providing services to federal government agencies and organisations. The 20-year-old company has 330 employees, all with security clearance; biggest customer at the time was the U.S. Missile Defense Agency - the successor of the 'Star Wars' program. (Herbst, 2004)

<sup>18</sup> Joining Pagan in PI (apart from Armstrong, Mongoven, and Pattakos) were Robert H. Resnick, a political and business correspondent and Dr. Norge W. Jerome, at the time director of the Division of Community Health at the University of Kansas School of Medicine. (*Business Wire*, 1985)

<sup>19</sup> Pagan died of pneumonia in 1993, at age 67.

<sup>20</sup> London Greenpeace is not related to Greenpeace UK or Greenpeace International. In fact it was founded a few years earlier, and refused to change its name later on.

<sup>21</sup> According to Nicholson (Day 249: 46), the Economic League may very well have sent McDonald's reports of employee involvement in union activities too; staff were not allowed to carry out any overt union activity on McDonald's premises.

<sup>22</sup> Morris was disgusted by the idea that his son could have been wearing clothes sent by a McDonald's agent. In terms of the personal effect it had on him, this was one of the worst things he had heard in this case. (cited in Vidal, 1997: 196)

<sup>23</sup> The agents felt free to obtain documentary evidence and to testify about it in court, although Justice Bell cautioned these witnesses not to put themselves at risk of being proceeded against for a criminal offence. (Bishop, Day 260: 65)

<sup>24</sup> The new Poll Tax, announced on 1 April 1989, replaced a tax on households with one on individuals, which many people regarded as a tax on the poor. The Poll Tax aroused broad protests, its peak a carnivalesque gathering of 250,000 in London on 31 March 1990. It turned into a running battle with police that spread through the major commercial streets of central London. About 500 people were arrested, and police raided dozens of activists' homes over the next few weeks. Conservative Prime Minister Margaret Thatcher resigned late November 1990, largely as a result of the damage to her credibility and strategy. By 1991, 18 million were refusing to pay the tax. New Prime Minister John Major understood that it was uncollectible and announced the tax would be scrapped.

<sup>25</sup> The German *Aufbau* translates as 'structure' as well as 'disposition.' The self-definition of the organisation is: 'The Revolutionäre Aufbau fights for a revolutionary change of the political and economical existing order.' For a longer self definition, see the über uns /about us section (Revolutionäre Aufbau, 2006).

<sup>26</sup> In their emails Schlickerieder and Reynolds addressed each other with 'Liebe Manfred' and 'Liebe Mike.' (MS docs: 45) The meaning of the German '*liebe*' is more intimate than its English equivalent 'dear'.

<sup>27</sup> While expenses billed to Hakluyt were invoiced in round numbers, these expenses were accounted for in detail and some items were claimed for just 75%. Further research by the Swiss group led them to conclude Schlickerieder was working for at least two German intelligence services, and was dividing his claims at a 75-25% ratio.

<sup>28</sup> Federal Office for the Protection of the Constitution [official translation]. (Büdesamt für Verfassungsschutz, 2009)



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<sup>29</sup> Germany's Federal Criminal Police Office [official translation]. (Bundeskriminalamt, 2009)

<sup>30</sup> The secret services present are the Bundesamt für Verfassungsschutz, Militärische Abschirmdienst, and the Bundesnachrichtendienst.

<sup>31</sup> The Foundation has since been renamed The Hakluyt International Advisory Board.

<sup>32</sup> The text in German: 'Was die Wohnung in **ORT** anbelangt, die die bekannten **Name** und **Name** zeitweise bewohnen sollen, und das römische Waffenlager, das **Name** und **Name** kennen sollen und aus dem Waffen und Munition beschafft werden können, liegen uns leider noch keine Informationen vor. Wir haben die Anfrage an SISDE weitergeleitet, aber bis jetzt noch keine Antwort erhalten.' (MS docs 31)

<sup>33</sup> Calculated by the Aufbau researchers, everything in German Marks: 1.800,- rent for his house; 1.700,- rent for the office; 1.000,- private health insurance; 600,- leasing VW Sharan; 500,- insurance and maintenance BMW Z3; 1.650,- expenses to be declared; totalled 7.250 DM, add food, cloths, holidays makes a budget of 10.000 DM.

<sup>34</sup> Even the use of language in the Brent Spar case has been analysed in *Eco-Identity as Discursive Struggle*. (Livesey, 2001)

<sup>35</sup> Simon May (1998b) claims Shell hired both companies, although Roy Lipski of Infonic denied it (interview by email on 10 November 2000 and 5 February 2001; also see: Lubbers, 1998b, 1998c) But, as this chapter will show, Lipski is fast to deny involvement in issues that could damage the image of his company.

<sup>36</sup> Infonic appeared on the list from 19 Dec 1999 - 16 July 2000. It was not until early January 2001 that it appeared there again— for three solid months (Greenpeace, 1999/2000).

<sup>37</sup> Unfortunately, none of the other groups campaigning against toxic waste kept similar statistics. And Greenpeace did and does not keep statistics connecting visitors to specific pages. This makes it impossible to draw further conclusions.

<sup>38</sup> Archive.org makes duplicates of websites once a month to archive – and sometimes more often. The copy of the eWatch website made on 20 June 2000 still shows the promotion for the CyberSleuth service at the bottom of the right-hand column. (eWatch, 2000a) On the next copy, made on 15 August, it is no longer there. (eWatch, 2000b) The first time the CyberSleuth announcement appeared on archive.org was on 8 Feb 1999, (eWatch, 1999b); on the archive.org copy before that, 25 January it was not there yet. (eWatch, 1999a)

<sup>39</sup> In fact the case was even more complicated. The two flight attendants who filed procedures against NWA, Kevin Griffin and Frank Reed, were not members of the union (the Teamsters), and were thus not represented at the first hearings. Also they did not agree with the collective bargaining agreement. This made them a separate party in the legal proceedings, but this is not essential for the case discussed here.

<sup>40</sup> In recent years, more wire services, such as US Newswire and Newsbytes, entered the commercial news distribution market on internet.

<sup>41</sup> Cameron H. Graig (retired FBI) served as managing director of International Business Research from July 1998 to January 2000. Mr. Craig was appointed President of The internet Crimes Group on 1 January 2000. (Detectives PI, 2009)

<sup>42</sup> Internet rights activist Dr. James Love, posted the text of the Cybersleuth website on his mail server late June 2000 (Love, 2000) and it was widely circulated from there.

<sup>43</sup> The Netscape feature is similar to the Explorer 'properties' option. It registers the last update, but only for sites still online. At the Archive.org copy of the eWatch site for 20 June the CyberSleuth service is still advertised (eWatch, 2000e), while it is no longer there at the next copy, of 15 August. (eWatch, 2000f)

<sup>44</sup> *Nature* (2002) wrote: 'Because of several criticisms of the paper, Nature has concluded that the evidence available is not sufficient to justify the publication of the original paper.'

<sup>45</sup> A subscriber asked the AgBioView list to publish the *Nature* Editorial, because: 'Many people are going to need that reference, not least those who, like me, will be in the frontline fights for biotech in the coming weeks at the Conference of the Parties of the Biodiversity Convention and the ICCP3 of the Cartagena Protocol in The Hague.' (De Greef, 2002)

<sup>46</sup> This is not the only evidence as to Murphy's true identity. After making a passing defence of DDT on the AgBioView listserv, Murphy was drawn into correspondence off-list with another subscriber. The

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technical headers on these e-mails also show Murphy's mails as originating from bw6.bivwood.com. (SpinProfiles, 2009e)

<sup>47</sup> In the first months of the AgBioView list, messages were forwarded in such a way that it was possible to track the technical 'headers' that shows where a message comes from.

<sup>48</sup> The full error message was: 'AgBioView E-mail Newsletter Archives Warning: MySQL Connection Failed: Can't connect to MySQL server on 'apollo.bivings.com' (113) in functions.php online 5' Research Jonathan Matthews. (SpinProfiles, 2009b)

<sup>49</sup> Other companies mentioned were Mindshare Internet Campaigns and Issue Dynamics, both based in Washington. DC. (Raney, 1999)

<sup>50</sup> Quote attributed to Michael S. Dell, founder and CEO of Dell Computer Corporation. (Byrne, 2001)

<sup>51</sup> 'Political. CAAT has produced a list of people as "'best contacts"' in the FCO, MoD, DTI, in the House of Lords, among the Conservatives (1), Liberal Democrats, SNP, Plaid Cymru, Defence Select Committee and even the Academic Library. The list in the FCO includes Cook. Andy Hood, a political appointee who used to work for extreme left winger Jeremy Corbyn; Dr. David Mathieson, a special advisor to Cook etc. (See Appendix I).' (EIC, 8 Aug 1997: 2.2)

<sup>52</sup> Ganes worked for the Group 4 Securitas Head Office until the merger with Falck in 2000 at which point he transferred to Global Solutions Ltd, the custodial services division of Group 4 Falck. GSL was divested from the Group in 2004 after which Gane continued to work for them as a consultant, the head of communications for Group 4 Securicor explained in an email on 7 June 2006.

<sup>53</sup> Unfortunately, the Department for Transport, incorporating the Highways Agency responsible for roadwork's and their security in the nineties, was not able to provide information relating to the period before the Department had been formed in May 2002. Before that, the Department was merged with up to two other Government Departments and therefore records were difficult to access, the Department explained in a first assessment of a FOI request. (Devine, 2006)

<sup>54</sup> Present at the KAS board meeting on 2 April 1989: 'D.S., I.C., K.E. E. Le C., J.H.' – referring to: David Stirling, Ian Croke, Kenneth Edwards, Evelyn le Chêne, John Hanks. (KAS, 1989)

<sup>55</sup> Details of the company: Risk and Crisis Analysis, 65 Blandford street London SW1 (le Chêne, 1988)

<sup>56</sup> Subsequently CAAT took separate legal steps against Mercer and his company. (Campaign Against Arms Trade vs. Paul Mercer and Lignedeux associates, 2007)

<sup>57</sup> Not all notes of all investigators were included, and not all meetings spied on between the start of the operation in October 1989 and the delivery of the writs by the end of September 1990 were covered.

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## **Appendices**





## Appendix 1

### McLibel Documents and Court Transcripts

#### – Chapter 6, McSpy

This appendix lists the documents used as references in chapter 6, McSpy.

All court transcripts are available at [www.mcspotlight.org](http://www.mcspotlight.org), in the ‘McLibel’ section under ‘Court Transcripts’, (viewed 11 March 2009,

<<http://www.mcspotlight.org/case/trial/transcripts/index.html>>.)

However, the search engine at this page does not produce the right URLs anymore. The links can be corrected rather easily though. To get to the first entry of the list of the **References used in the McSpy case study**, below, ‘Bishop, B. Day 259’ the search machine refers you to

<http://www.mcspotlight.org/cgi-bin/zv/case/trial/transcripts/960610/86.htm>

By simply removing the *cgi-bin/zv/* in the middle, the link does work again. The right URL is <http://www.mcspotlight.org/case/trial/transcripts/960610/86.htm>

This goes for all entries approached via the mentioned search engine.

#### **References used in the McSpy case study, available on line**

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Clare, A. Day 265 – 19 Jun 96 – Page 25.  
Clare, A. Day 265 – 19 Jun 96 – Page 33.  
Clare, A. Day 265 – 19 Jun 96 – Page 38.  
Clare, A. Day 265 – 19 Jun 96 – Page 41.  
Clare, A. Day 265 – 19 Jun 96 – Page 45.  
Clare, A. Day 265 – 19 Jun 96 – Page 46.  
Clare, A. Day 267 – 21 Jun 96 – Page 28.  
Clare, A. Day 267 – 21 Jun 96 – Page 32.  
Clare, A. Day 267 – 21 Jun 96 – Page 31.  
Clare, A. Day 267 – 21 Jun 96 – Page 40.  
Clare, A. Day 267 – 21 Jun 96 – Page 42.  
Clare, A. Day 267 – 21 Jun 96 – Page 52.  
Justice Bell, Day 265 – 19 Jun 96 – Page 34.  
Nicholson, S. Day 249 – 14 May 96 – Page 10.  
Nicholson, S. Day 249 – 14 May 96 – Page 32.  
Nicholson, S. Day 249 – 14 May 96 – Page 33.  
Nicholson, S. Day 249 – 14 May 96 – Page 34.  
Nicholson, S. Day 249 – 14 May 96 – Page 36.  
Nicholson, S. Day 249 – 14 May 96 – Page 38.  
Nicholson, S. Day 249 – 14 May 96 – Page 39.  
Nicholson, S. Day 249 – 14 May 96 – Page 40.  
Nicholson, S. Day 249 – 14 May 96 – Page 41.  
Nicholson, S. Day 249 – 14 May 96 – Page 52.  
Nicholson, S. Day 249 – 14 May 96 – Page 59.  
Nicholson, S. Day 249 – 14 May 96 – Page 61.  
Nicholson, S. Day 249 – 14 May 96 – Page 62.  
Nicholson, S. Day 249 – 14 May 96 – Page 63.  
Nicholson, S. Day 250 – 15 May 96 – Page 7.  
Nicholson, S. Day 250 – 15 May 96 – Page 8.

Nicholson, S. Day 250 – 15 May 96 – Page 23.  
Nicholson, S. Day 250 – 15 May 96 – Page 24.  
Nicholson, S. Day 250 – 15 May 96 – Page 31.  
Pocklington, A. Day 261 – 12 Jun 96 – Page 28.  
Pocklington, A. Day 261 – 12 June 96 – Page 38.  
Pocklington, A. Day 261 – 13 June 96 – Page 46.  
Pocklington, A. Day 262 – 13 Jun 96 – Page 29.  
Pocklington, A. Day 263 – 14 Jun 96 – Page 42.  
Pocklington, A. Day 263 – 14 Jun 96 – Page 46.  
Preston, P. Day 248 – 13 May 96 – Page 29.  
Preston, P. Day 248 – 13 May 96 – Page 33.  
Rampton, R. Day 262 – 13 Jun 96 – Page 50.  
Rampton, R. Day 262 – 13 Jun 96 – Page 52.  
Russell, J. Day 263 – 14 Jun 96 – Page 50.  
Russell, J. Day 263 – 14 Jun 96 – Page 51.  
Russell, J. Day 263 – 14 Jun 96 – Page 52.  
Russell, J. Day 263 – 14 Jun 96 – Page 53.  
Russell, J. Day 263 – 14 Jun 96 – Page 59.  
Steel, H. Day 248 – 13 May 96 – Page 32.  
Steel, H. Day 248 – 13 May 96 – Page 33.  
Steel, H. Day 249 – 14 May 96 – Page 69.  
Steel, H. Day 250 – 15 May 96 – Page 18.  
Steel, H. Day 250 – 15 May 96 – Page 21.  
Steel, H. Day 250 – 15 May 96 – Page 22.  
Steel, H. Day 263 – 14 Jun 96 – Page 9.  
Steel, H. Day 263 – 14 Jun 96 – Page 10.  
Steel, H. Day 276 – 09 Jul 96 – Page 39.  
Tiller, F. Day 270 – 28 Jun 96 – Page 4.  
Tiller, F. Day 270 – 28 Jun 96 – Page 5.  
Tiller, F. Day 270 – 28 Jun 96 – Page 18.

### **The investigators notes used as references**

The investigators notes are not on line, and have been provided to me for research purposes only. To protect the privacy of the people reported on, the notes have not been added as appendices.

Bishop, B. Investigator's notes on 17 May 1990.

Bishop, B. Investigator's notes on 27 May 1990.

Bishop, B. Investigator's notes on 20 Sep 1990.

Clare, A. Investigator's notes on 4 Jan 1990.

Clare, A. Investigator's notes on 18 Jan 1990.

Clare, A. Investigator's notes on 8 Feb 1990.

Hooker, M. Investigator's notes on 30 Aug 1990.

Hooker, M. Investigator's notes on 13 Sep 1990.

Pocklington, A. Investigator's notes on 26 Oct 1989.

Pocklington, A. Investigator's notes on 2 Nov 1989.

Pocklington, A. Investigator's notes on 9 Nov 1989.

Pocklington, A. Investigator's notes on 22 Feb 1990.

Pocklington, A. Investigator's notes on 1 Mar 1990.

Pocklington, A. Investigator's notes, 24 May 1990.

(1989, 4 Nov) Unidentified agent, report with Bishop Agency heading.

## **Appendix 2**

### **Spies Overview: where & when**

#### *– Chapter 6, McSpy*

The table *Spies where & when* provides an overview of the attendance of spies and activists at the various London Greenpeace meetings. The table covers the period from 21 October 1989 to 27 September 1990, from the first agent visiting a London Greenpeace event until one meeting after the writs were served. The figures are drawn from the investigators' notes and the trial proceedings. An estimate of the presence of activists at the meetings was less easy to reconstruct, as the notes were not always very clear about who was present where and when – which is strange in itself as this was supposed to be an important objective of the infiltration. Clare's notes are particularly unreliable. He placed Helen Steel at a meeting when she could prove she was on holiday, he reported no meeting took place where two other agents filed a full report, and was notoriously inexact about who was there and who was not.

Because the aim is to get an impression of the proportion of the attendance, only a short presence does make a difference. When it was clear someone attended a meeting for less than an hour, their presence is recorded as 'brief' in the table. People who attended only once or twice have been counted as visitors, just as people that were announced as 'passing by' in the notes; and people who failed to be identified by the investigators are counted as visitors as well.

		<b>pocklingt</b>	<b>clare</b>	<b>russel</b>	<b>bishop</b>	<b>tiller</b>	<b>hooker</b>	<b>Total spies</b>	
		<i>antony</i>	<i>alan/ca</i>	<i>jack/mit</i>	<i>paul</i>	<i>jan</i>	<i>shelley</i>	<b>versus activists</b>	
		(Kings)	(Bishop	(Kings)	(Kings)	(Kings)	(Kings)	<b>attending per meeting</b>	
1989									
21-okt	<i>Cornway H</i>	1						1	<i>public fayre</i>
26-okt	<i>Endsleigh</i>	2						1	<i>public meeting</i>
2-nov	<i>Caledoniar</i>	3						1+4	
9-nov	<i>Caledoniar</i>	4						1+5/6	<b>+2 visitors</b>
11-nov	<i>New Pegas</i>	5						1	<i>music event</i>
15-nov	<i>New Pegas</i>	6						1	<i>music event</i>
16-nov	<i>Caledoniar</i>	7						1+4/5	
23-nov	<i>Caledoniar</i>	8						1+6	
29-nov	<i>Caledoniar</i>	9						1+2	<i>letter answering day</i>
7-dec	<i>Caledoniar</i>	10						1+7	
14-dec	<i>Caledoniar</i>	11						1+5	
21-dec	<i>Endsleigh</i>	12							1 <i>public meeting</i>
4-jan	<i>Caledoniar</i>	13	1					2+4	
11-jan	<i>Caledoniar</i>	14						1+6	<b>+4 visitors</b>
18-jan	<i>Caledoniar</i>	15	2					2+4/5	
25-jan	<i>Endsleigh</i>	16							1 <i>public meeting</i>
8-feb	<i>Caledoniar</i>	17	3					2+4	<b>+1 vis</b>
15-feb	<i>Caledonian rd</i>		4					1+5	
22-feb	<i>Endsleigh</i>	18	5						2 <i>public meeting</i>
1-mrt	<i>Caledoniar</i>	19	6					2+2	
15-mrt	<i>Caledoniar</i>	20	7					2+6	<b>+1 vis</b>
22-mrt	<i>Caledoniar</i>	21						1+4	
12-apr	<i>Caledonian rd</i>		8					1+4	<b>+3 vis</b>
19-apr	<i>Caledoniar</i>	22	9					2+5	<b>+1 vis</b>
26-apr	<i>Endsleigh Str</i>			1					1 <i>public meeting</i>
10-mei	<i>Caledoniar</i>	23	10					2+2	
17-mei	<i>Caledoniar</i>	24			1			2+3	
24-mei	<i>Caledoniar</i>	25	11		2			3+4	
7-jun	<i>Caledoniar</i>	26	12					2+3	
14-jun	<i>Caledonian rd</i>		13		3			2+3/4	<b>+1 vis</b>
16-jun	<i>Poll Tax march</i>				4			1	<i>demonstration</i>
28-jun	<i>Endsleigh Str</i>		14			1		2	<i>public meeting</i>
5-jul	<i>Caledonian rd</i>					2		1+4	<b>+1 vis</b>
12-jul	<i>Caledonian rd</i>		15					1+2	
19-jul	<i>Caledonian rd</i>					3		1+4	<b>+2 vis</b>
26-jul	<i>Caledonian Rd</i>		16					1	
26-jul	<i>Endsleigh Str</i>				5				1 <i>public meeting</i>
2-aug	<i>Caledonian rd</i>				6			1+7	<b>+3 vis</b>
9-aug	<i>Caledonian rd</i>		17		7			2+3	
16-aug	<i>Caledonian rd</i>				8			1+6/7	<b>+1 vis</b>
23-aug	<i>Caledonian rd</i>					4	1	2+2/3	
30-aug	<i>Endsleigh Str</i>				9	5			2 <i>public meeting</i>
6-sep	<i>Caledonian rd</i>		18					1+1	<i>clare left befor meet</i>
13-sep	<i>Caledonian rd</i>				10		2	2+3	
18-sep	<i>Caledonian Rd</i>						3	1+1	<i>letter answering</i>
20-sep	<i>Caledonian Rd</i>				11	6	4	3+5	<b>1 vis</b>
writs served									
27-sep	<i>Endsleigh Str</i>				12				2 <i>public meeting</i>
<b>Total per spy</b>		<b>26</b>	<b>19</b>	<b>1</b>	<b>12</b>	<b>6</b>	<b>4</b>	<b>68</b>	382
		<b>pocklingt</b>	<b>clare</b>	<b>russel</b>	<b>bishop</b>	<b>tiller</b>	<b>hooker</b>	<b>Total spies</b>	<b>versus activists</b>

## **Appendix 3**

### **Manfred Schlickerrieder Documents**

#### **Revolutionärer Aufbau Documents**

##### *– Chapter 8, The Jobbing Spy*

This appendix files the documents used as reference in chapter 8, The Jobbing Spy. The first set consists of the Manfred Schlickerrieder documents, referred to as the ‘MS docs’ in the text. The second set contains the publications about the exposure authored by members of Revolutionärer Aufbau Switzerland and other people involved. These are referred to as the ‘RA docs’ in the main text.

Most of the documents are archived at an older version of the Aufbau website. (Revolutionäre Aufbau, 2002) This appendix follows the heading used at the site (translation by the author), the numbering is added for clarity in the referencing. The file is completed with a few - unlinked - documents from the archive of the author.

#### **Exposure**

The material for this case study consists of documents retrieved from Schlickerrieder’s office by members of the Swiss group Revolutionäre Aufbau in 2000. Several issues concerning the origins of this material have been discussed in chapter 3, but as the disclosure of the documents is inherently connected with the exposure of Schlickerrieder as a spy, this section provides a more detailed account of those events as well as a description of the files.

His exposure as a spy ensued after Schlickerrieder had been invited to become a full member of Revolutionärer Aufbau. He failed to meet the group’s expectations. Smouldering suspicion was ignited after someone who had worked with Schlickerrieder handed Aufbau of a set of documents implicating him in foul play (eine Deutsche Genossin, 2001). Confronted with these suspicions (but *not* with the documents), Schlickerrieder claimed his detailed written accounts of meetings uniquely served to keep other members of his own group in Munich informed. He maintained that a part of

his group still operated underground due to severe German repression in the late seventies. To convince the Aufbau group of this explanation, Schlickerieder provided them with some of his written accounts. This could not clear him of suspicion – on the contrary: his desperate strategy backfired. Comparison with the earlier anonymously delivered set of documents confirmed that those indeed originated from Schlickerieder’s desk as well. Further inspection of his office by the activists brought more documents. (Nowak, 2001; RA docs: 2)

### **Manfred Schlickerieder Documents, MS docs**

1. *Ausweis Denkmalpflege* - False identity papers
2. *Die Enttarnung des Agenten Lex Hester*  
- Exposure of Lex Hester as a spy
3. *Agent Schlickerieder zum enttarnten Agenten Lex Hester*  
- MS on the exposure of Lex Hester
4. *Zeitschrift - texte 1-* - Magazine texte 1
5. *Zeitschrift - texte 8-* - Magazine texte 8

### **Documents and files composed by Schlickerieder**

6. *Reisebericht* - Travel report
7. *Reise und Kontaktbericht 1* - Travel and contact report
8. *Reise und Kontaktbericht 2* - Travel and contact report
9. *Waffenköder* - Weapon deal
10. *Politische Lageanalyse und operative Vorschläg / ital.*  
- Political analyses and operational proposal / Italy
11. *Fiche mit Foto zu Personen des rev. Aufbau 1*  
- Photo file of someone from Rev.Aufbau 1
12. *Fiche mit Foto zu Personen des rev. Aufbau 2*  
- Photo file of someone from Rev.Aufbau
13. *Fiche mit Foto zu Personen des rev. Aufbau 3*



- Photo file of someone from Rev.Aufbau 3
- 14. *Fiche mit Foto zu Personen des rev. Aufbau 4*
  - Photo file of someone from Rev.Aufbau 4
- 15. *Fiche mit Foto zu Personen des rev. Aufbau 5*
  - Photo file of someone from Rev.Aufbau 5
- 16. *Korrektur zu personeller Zuordnung zum RAS*
  - Correction of earlier report
- 17. *e-Mail-Verteiler*
  - Mailinglist
- 18. *Reisespesen 1*
  - Expense claim 1
- 19. *Reisespesen 2*
  - Expense claim 2
- 20. *Notizen Angriff auf Neonazitreff*
  - Notes on neo-nazi meeting
- 21. *Österreich*
  - Travel and contact report from Austria
- 22. *Gesprächs- und Kntaktbericht - Kurze Zusammenfassung*
  - Contact report, short summary

### **Zulieferung anderer Dienste - Documents from other intelligence agencies**

#### **Deutschland**

- 22. *Postkontrolle 1*
  - Mail and visit overview of detained people 1
- 23. *Postkontrolle 2*
  - Mail and visit overview of detained people 2

#### **Frankreich - France**

(originals censored in black original, further anonymised in light by Aufbau)

- 24. *Interner Dienstbericht 1* - Internal Report 1
- 25. *Interner Dienstbericht 2* - Internal Report 2
- 26. *Interner Dienstbericht 3* - Internal Report 3
- 27. *Interner Dienstbericht 4* - Internal Report 4
- 28. *Mitteilung Front de la guerre rev. 1* - Message 1
- 29. *Mitteilung Front de la guerre rev. 2* - Message 2

30. *Mitteilung Front de la guerre rev. 3* - Message 3

### **Italien - Italy**

31. *Berichte über italienische GenossInnen*

- Report on comrades in Italy

32. *Ticker zu Italien 1* - Telex message about Italy 1

33. *Ticker zu Italien 2* - Telex message about Italy 2

34. *Karteikarte 1* - Indexcard 1

35. *Karteikarte 2* - Indexcard 2

36. *Karteikarte 3* - Indexcard 3

37. *Fiche 1 mit Foto* - File1 with Photo

38. *Fiche 2* - File 2

39. *Fiche 3* - File 3

40. *Fiche 4* - File 4

41. *Photo-Index Fichen* - Photo index file

42. *Namensverzeichnis* - List of names

### **Im Dienste Shells gegen Greenpeace, Bodyshop, Grüne ect.**

- **Work for Hakluyt**

43. *Brief an Body-Shop* - Letter to the Body Shop

44. *Honorarrechnung* - Invoice for Hakluyt

45. Ex-MI6 Agent Mike Reynolds and Manfred Schlickenrieder - email contact

46. Manfred Schlickenrieder and ex-MI6 Agent Mike Reynolds 1 - email contact

47. Manfred Schlickenrieder and ex- MI6 Agent Mike Reynolds 2 - email contact

### **Foto-Documentation**

48. Manfred Schlickenrieder alias Camus

49. Ex - MAD Agent Karsten Banse

50. Mike Reynolds, Christopher James und Michael Maclay - Hakluyt

51. Büro der Gruppe 2 - office of Gruppe 2

- 52. Klingel, Büro der Gruppe 2 - door bell office Gruppe 2.
- 53. Wohnung von Manfred Schlickerieder – house of M.S.
- 54. Eingang zur Wohnung von Manfred Schlickerieder  
- entrance to the house of M.S.
- 55. Schlickerieder's Auto - Schlickerieder's car

**Not online; but in the archive of the author**

- 56. Letter to Irene Bloemink (1997) Vereniging Milieudedefensie/Friends of the Earth Netherlands, 27 May.
- 57. Schlickerieder, M/Gruppe 2 (1999) fax coversheet to Hakluyt & Co, Mike Reynolds, 11 March.
- 58. Dossier BfG (no date) from Schlickerieder's archive. Copies from page 1 and 2, containing the index of the report and a page of summary, in German.
- 59. *Gruppe 2* (1998) *Ruhmlos - aber rastlos, Bekanntmachung und Presserklärung zu den Durchsuchungen durch den Staatschutz am 16. Juni 1998*. Two documents, press release from Gruppe 2, as well as the search warrant containing the offending citation.

**Revolutionärer Aufbau Documents, RA docs**

- 1. *Einleitung / Introduction(F) / Introduction(E)*
- 2. *Die Enttarnung des Agenten Manfred Schlickerieder*  
- The exposure of Manfred Schlickerieder
- 3. *Gedanken, Reflexionen, Selbstkritik*  
- Thoughts, reflexion and self-criticism
- 4. *Infiltration der Bourgeoisie*  
- Infiltration of the bourgeoisie
- 5. *Staatsschutz-Methoden zur Informationsbeschaffung*  
- Intelligence methods for gathering information
- 6. *Struktur und Kontakt-Netz*

- Structure and contact network

7. *Zielsetzung der Infiltration*

- Objective of the infiltration

8. Strehle, R. (2000) interview on the Swiss local radio station Lora, *Offener Politkanal: Rote Welle*, a program produced by Aufbau.org. (See [www.lora.ch](http://www.lora.ch)), 17 December.

Tape 1: Raw tape of the interview.

Tape 2: three subsequent editions of the Rote Welle program, all about the exposure of Schlickenrieder, 7, 14 and 21 January 2001.

9. *Kein Friede - zur Enttarnung der 'gruppe 2' und Manfred Schlickenrieder*

- About the exposure of gruppe 2 and M.S.

10. *Ehemalige Genossen der CCC zu Infiltration*

- Ex member of the CCC about the infiltration

11. *Beitrag von GenossInnen aus Deutschland*

- Contribution of comrades from Germany

12. Jan Rispens Energy Unit Greenpeace Hamburg (2000) email to Revolutionäre Aufbau 'Kontakt wg. Schlickenrieder,' December.

## Appendix 4

### Evelyn le Chêne Documents

#### – Chapter 9, *Threat Response Spy Files*

The Evelyn le Chêne spy files were exposed by a whistleblower, as was explained in chapter 9. Because of the buro Jansen & Janssen involvement in the case, the Insight team of the *Sunday Times* granted me on site access to these files. I was allowed to copy what seemed the most important files; the quotes in this chapter come from that selection. The quotes are reproduced exactly, including obvious typing errors. References that would invade the privacy of CAAT activists have been omitted; and names replaced with random initials.

Most of the reports are composed by Evelyn le Chêne, sometimes calling herself *Source P*. Each paragraph is numbered, and each 1-3 pages of report are dated. The intelligence reports went out a few times a week, covering the monitoring of the days in-between. According to the numbering, the monitoring started early June 1995. However, the files mention reports about earlier dates – so maybe the numbering system was not as accurate before that time. The last document in the spy files is dated November 1997. The reports sometimes refer to appendices, but these were not included in the selection of files the *Sunday Times* obtained

In chronological order.

(Some of the files are no longer in my possession, due to a stolen bag).

8 July 1995,                   no longer in my possession.

November 1995,           no longer in my possession.

19 Feb 1996,               Source ‘P’ 371 – 381.

20 Feb 1996,               Source ‘P’ 392 – 397.4.

5 Mar 1996,	Source 'P' 473 – 478.
8 Mar 1996,	Source 'P' 487 – 497.
30 Oct 1996,	Personal – In strict confidence.
13 Jan 1997,	Addressee – eyes only, 1387 – 1391, Special Comment.
27 Jan 1997,	Addressee – eyes only, 1433 – 1444.
27 Jan 1997,	Addressee – eyes only. 1445 – 1451.
10 Feb 1997,	Addressee – eyes only. 1465 – 1473.
5 Mar 1996,	Source 'P' 474.1.
14 May 1997,	Addressee – eyes only, 1661 – 1664.
19 May 1997,	Addressee – eyes only, 1665 – 1681.
9 Jun 1997,	Addressee – eyes only. 1734. (B2) HULL SITREP. 1734.
11 Jun 1997,	Addressee – eyes only, 1735 – 1756.
13 Jun 1997,	Addressee – eyes only, 1758 – 1765.
8 Aug 1997,	Briefing note, 1. New Campaigns; 2. CAAT; 3. Other.
11 Aug 1997,	1. Court Case, Lytham St.Annes 11 August 1997, 1.1 – 1.9; 2. Possible weekend problem; 3. Hull Dinner, 3.1 – 3.4.
12 Aug 1997,	Court Case, Lytham St.Annes 11 August 1997.
23 Sep 1997	Update, Comment.
18 Nov 1997,	Bae REPORT, 4. Arrests at Reenee Beenee.

## **Appendix 5**

### **Profile of Adrian Franks**

#### *– Chapter 9, Threat Response SpyFiles*

Adrian Franks was one of the spies who infiltrated CAAT and the networks of peace activists on the Continent. This appendix profiles his work as an agent provocateur. Adrian Franks, Adrian Mayer or Adrian Le Chêne was born in 1959 and lived in Normandy, France. He operated from Beauvais, and later from Equihen-Plage, a small village near Boulogne. Between 1995 and 1998, he joined various activist groups, mainly focussed on campaigning against the arms trade and oil companies. Franks' cover was blown after an investigation by buro Jansen & Janssen and several other Dutch groups in 1998. This profile reflects on his career as an infiltrator by analysing the experiences of various activist groups who dealt with him.

Franks focussed on attending larger network meetings where representatives of NGO's and activist groups discussed and decided future strategy. By posing as the representative of a small, radical activist group based in the countryside of France, it was relatively easy to be accepted in the loosely woven networks. Attending events of radical groups on both sides of the Channel added to his credibility. According to his own emails to Aseed, Adrian attended an Earth First! action camp in Scotland in the summer of 1997, and the Oxford Environmental Ploughshares meeting in April 1998. At the meeting, civil obedience strategies were discussed, for instance the destruction of GMO test fields. He also claimed to have been to an Animal Liberation Front camp at the end of June 1998. (Franks in email messages to Aseed, 12 January 1998 and 12 June 1998) The first time Franks visited the Aseed office in Amsterdam was in the summer of 1995. Aseed, an acronym for Action for Solidarity, Equality, Environment, and Development Europe, is an environmental activists' network and Franks wanted to start a French chapter of the organisation. His performance was not very convincing, and no follow up information was sent to him. In trying to connect to the Amsterdam branch of the Anti

Military Research Collective (AMOK) Franks was more successful. He wrote to them: 'We are a reborn group which wants to contact people who share the ideas of Earth First! across Europe.' Franks claimed to be affiliated to the well-known French NGO *Agir Ici*. The fact that he had just attended the large demonstration against the Farnborough Air Show in Britain organised by CAAT also helped by way of introduction. Next, he managed to get himself invited to the meetings of the European Network Against Arms Trade, ENAAT. In November 1996, this network started to organise a protest against the big international arms fair Eurosatory, to take place in Paris in June 1998. With his assumed contacts in the French action movement and his fluent English, Franks seemed to be the perfect fit to become the liaison for mobilising in France. By the end of 1997, he also visited the meetings of the Hot Spring campaign, a network of actions and initiatives against economic globalisation. Here, contacts with Aseed were (re)established. Early in 1998, just before he was exposed, Franks tried to get affiliated to OilWatch, an organisation supporting the resistance against oil companies in Nigeria.

Franks' organisation was called Eco-action. He referred to himself as 'the' contact person for Earth First! France. The French chapter was practically non-existent, but British or Dutch groups were not aware of that. Just like the Animal Liberation Front – another organisation Franks claimed to be linked with – Earth First! was a first class admission card to activist circles. It is not an organisation with offices and paid staff, but a network of autonomous local groups each with its own campaign. All that united the different groups was a slogan and a radical action philosophy. By the mid-1990s, about sixty EF! groups were active in the UK; many of them part of the anti-roads movement. Associating yourself with EF! was an easy way to increase your popularity within certain activist circles, and because of the sometimes secret and autonomous nature of EF! actions, no questions were asked.

The success of Franks' strategy was helped by the fact that contacts between the different European countries, specifically between the UK and the Continent, were not very developed. Until the end of the 1990s, the internet was not as widely used as it is now; and the more developed networks of anti-globalisation protest were not yet in



place. These circumstances helped Franks to change cover as it suited him. Franks used the trust in the loosely knitted network of groups, just as Manfred Schlickerieder had (see chapter 8).

Franks would also articulate his political interests according to the fields of interest of the group targeted. The range of issues was in fact impossible to cope with for a small group, yet Franks always pretended to be willing to broaden his scope. When contacting AMOK-Amsterdam, he listed the criminal aspects of arms trade and the banking loans that make them possible as his special interests. At his first ENAAT meeting, he claimed to be campaigning against arms trade with Indonesia and South Africa. He proposed to include the campaign against the Eurosatory Defence Fair in a larger project addressing human rights, genocide, dictatorship and banks financing the arms trade, and – last but not least – the influence of the Western world on developing countries. Subsequently, introducing his ‘group’ to Aseed, Franks wrote that apart from the arms trade issue his people ‘were also working on anti-oil company campaigning (Exxon, BP, Total, etc.), and finally animal liberation. MAI and Biotech are new worthy issues for us to study.’ (in an email message to Aseed, 12 January 1998)

Franks revealed varying bits and pieces of personal information. When investigating him in 1998, it proved difficult to get a full picture of his background. People who had met Franks at various meetings got different and sometimes contradictory impressions. He was said to be committed to direct action, but always avoided the risk of arrest. He had mentioned an arrest for liberating animals, but it was unclear if this referred to him, or to his wife. Some thought he had two children – others thought four, one of them in institutionalised care due to a severe handicap. And, was he earning his money as a freelance physiotherapist or as a translator? People who had worked with him agreed he could not have much time left to work, given his busy activist’ agenda. Similarly, he seemed to have enough resources to regularly travel abroad by plane and to come to meetings by car.

Franks’ poor performance in mobilising for the Eurosatory defence fair in Paris disappointed his fellow campaigners of the ENAAT network. Apart from thwarting the building of broader coalitions, he failed to attend the full three days of action in early

June 1998. Although he was specifically asked to be present as one of the organisers, he turned up for less than a day and he never brought any fellow activists. Later that month however, Franks applied for membership of the Aseed Council. Now he referred to Eurosatory as his most concrete action experience:

So far the biggest task I have helped initiate since 1996 was the 1998 Anti-Eurosatory campaign with AMOK and CAAT at the demand of ENAAT, relaying info and convincing people to give their support from France and abroad, ... until success for our work lead to many other NGOs joining in the last few months. (email message to Aseed, 12 June 1998)

In this letter, Franks also mentioned his efforts in the ‘never-ending need to iron out opinion problems between certain NGOs to get them to speak to each other and obtain some harmony. .... And in some cases it worked!!!’ (ibid) The infiltrator is not speaking the truth here. In chapter 9, in the section on provocation, it was shown that his input frustrated other groups and thwarted the building of broader coalitions.

His juggling with his activist background and biographical information finally gave Franks away. The clear contradictions in his stories and behaviour reinforced the suspicions laid out in the two separate anonymous letters different groups had received. The first arrived mid May 1998, addressed to Aseed and was from someone who said that until recently she had worked as the assistant to the head of security of a large oil corporation. A person who offered to sell him information about groups that were planning to attack the company approached her boss.

His name was Adrian Mayer and on his business card the address was 95 Rue de la Marine, 62224, Equihen-plage, France. He said that he worked as a freelance security consultant and acted as an adviser to a number of multinational corporations i.e. British Aerospace, Rio Tinto. He left a lot of documents with the company, specifically internal documents from A Seed, bearing your name, a lot about groups called OilWatch, documents from Earth First, explaining all about their anti-oil campaigns. He said that his agents went to all of the meetings organised by what he called [unreadable word] protester groups, to prove this he

showed a report that had been written on a conference in Geneva. There were also documents on 'hot springs' and Peoples Global Action.

In addition to information about protests, he also said he had a database of tens of thousands of troublemakers and that he could check out potential employees for companies. ('Angela B.', 1998)

Acting as an intelligence consultant Adrian Franks went by the name of Adrian Mayer. However, his business card showed the same address he used as an activist: the place where he actually lived. In his early contacts with AMOK in the Netherlands Adrian used the name Le Chêne once or twice. These *faux pas* enabled the *Sunday Times* to link him to Evelyn le Chêne five years later. Adrian registered his consulting agency as Le Chêne. The parent company was based in Kent, as buro Jansen & Janssen had found out, and was owned by Evelyn, his mother. (INSEE, 1998; Companies House, 2006)

A second letter about Franks arrived a few weeks later, addressed to *Action Update*, the Earth First! newsletter. It was from a French student who was spending a year in Britain. She warned that Franks from Equihen-Plage had claimed to be active on both sides of the Channel. However, nobody in France had ever heard of Eco-action or Earth First! France and she doubted if these organisations really existed.

I have been involved in several peace and environmental groups in France and came into contact with a person who, although French, said that he was chiefly involved in the British peace and environmental movement. Yet when I came to Britain, I was told that over here he said that he was involved in the French peace and environmental movement! (Jeanne, 1998)

Both letters provided a wealth of details that proved to be true in the course of the research. The investigation that followed would lead to Franks' exposure as an infiltrator. As a result of this, Franks' role in the anti arms network on the Continent was finished. But had he really disappeared from the activist scene? His activities in overlapping networks, and his apparent interest in road building protests and animal liberation, make it feasible that Franks intensified his informer's work for Threat Response on other fronts.



## **Appendix 6**

### **Profile of Allan Fossey**

#### *– Chapter 9, Threat Response Spy Files*

Le Chêne infiltrated an agent into a Humberside offshoot of CAAT called Hull Against Hawks. The group was important within CAAT, as it was on the doorstep of BAe's Brough plant that manufactured bodies for the Hawk fighter jets. Using the name Alan Fossey, he had become secretary of the Hull group shortly after moving to the town. In 1997, Fossey moved to Liverpool, where he had the special task of undermining the local religious peace initiatives against BAe's Warton plant. Allan Fossey disappeared when the spy files arrived at the CAAT office. The day before the exposure in the *Sunday Times*, he was expected at a large event, but failed to turn up. Nobody ever saw him again.

Fossey's profile is typical for an informer in that he made himself indispensable within the group. Without him, less work would have been done, fewer connections would have been made and fewer actions would have succeeded. At the same time, his position guaranteed that every detail about what was happening in the group would reach BAe. Fossey owned a van, which proved very useful in driving campaigners to gatherings and events. The group's meetings took place in his small flat in a new development by the marina. Le Chêne invoiced BAe for the £280 a month rent for this flat and paid his telephone bill, according to the *Sunday Times*. (Connett & Gillard, 2003a) In May 1997, Fossey participated in actions around the BAe annual general meeting (AGM). He was one of a small group of nine finalising details of the action at the CAAT office the evening prior to the AGM. He was one of the two people working late to complete a model Hawk to be used at the event. He brought his van to transport people, and he was one of the last to be removed from the hall where the AGM was held. His injuries and arrest were a set up, intended to add to his credibility. (ibid)

The Hull situation reports (sometimes titled SITREP in military fashion) reflect the progress made by Fossey towards controlling the Hull group. Each achievement improved his information position. He started a newsletter that was 'well received.' He kept a 'diary commitment' and tried to attend as many events as he possibly could. (ibid) Fossey was appointed 'membership secretary' of the newly set up Hull Steering Committee. Informally he was nominated liaison between the various sections of the group, coordinating their respective responsibilities on lobbying, blockades and other parts of the action. (EIC, 9 Jun 1997: 1734)

The consensus model of reaching agreement on difficult issues within the group also provided an easy way to be kept informed. One of the recurrent issues was how to deal with other groups that might want to take action that is more radical at joint events. When discussing the details of the Action day in June 1997, a picnic after a religious service, Fossey got support for his point 'that actions should not be arbitrarily undertaken, and certainly not without the collaboration of the committee.' (EIC, 13 Jun 1997: 1764) This arrangement ensured Fossey would get to hear anything that was going to

happen.

Having obtained his pivotal position, Fossey gained influence and authority over other members of the group. When, at one meeting, a campaigner had suggested leaping over a fence to 'occupy' an arms fair, Fossey cut the subject dead by claiming he had heard the event was being guarded by paratroopers. 'Just how he knew nobody asked' the *Sunday Times* reflected. (Connett & Gillard, op. cit.) Once he had established his position as a reliable organiser and activist in Hull, Fossey was transferred to Liverpool. There he played a crucial role in destabilising this successful project protesting against BAe's Warton plant. The reconstruction of this operation was made by Ciaron O'Reilly, an Australian activist devoted to the struggle for peace. He was one of the few people who came forward and published his experiences with one of Evelyn le Chêne's spies. (O'Reilly, 2003) O'Reilly's story is a valuable addition, because the available spy files cover just a small part of this period in Liverpool. His personal testimony offers some contemplation about how to deal with feelings of suspicion as well.

The story began with four women – the ‘seeds of Hope Ploughshares’ – on trial for disarming a British Aerospace Hawk fighter with hammers. Their defence was that they had committed this crime to prevent a larger one – genocide. A Liverpool jury accepted this argument and the women were acquitted in July 1996. To keep the momentum going the Liverpool Catholic Worker founded a living community with East Timorese exiles supported by an extended solidarity group composed of local people. The religious peace group and the exile community organised non-violent resistance at BAe Warton every three months from September 1996. (ibid)

The destruction of a Hawk plane with hammers, without anyone interfering, had been a major security flaw for BAe. Even before the four Seeds of Hope activists were acquitted, Le Chêne made an assessment of the ‘snowballing’ rationale behind the group. The idea was that each action resulting in arrests would lead to further and larger actions. The danger for British Aerospace was threefold, Le Chêne wrote:

- It could result in more physical damage being caused to the Indonesian Hawks if they ever gain access to the sites.
- It could undermine further Indonesian contracts.
- As the campaign escalates it will create new and more potent threats to BAe and make other existing protests grow. (EIC: 8 Mar 1996: 495)

Le Chêne urged her BAe Security contacts that ‘alternatives need to be discussed’ (ibid), but no records of this are available. However, the spy files indicate that the atmosphere within the group was carefully assessed, and Ciaron O’Reilly had Le Chêne’s special attention:

Addressee – eyes only. Post court appearance, Friday last. Ciaron O’Reilly is to return to Australia. There was no mention at the time whether this was because of being fed up with the UK of that he was about to take charge of Australia activity. (EIC, 27 Jan 1997: 1433)

Another member of the group is described as listless: ‘He genuinely does not appear to have any fence climbing ideas in his head at the moment.’ (ibid) Special notes on future plans of members of the groups are announced, specifically in the context of the court case. (ibid)

Several months later, in June 1997, O'Reilly approached Fossey about lodging some East Timorese in Hull as well. Le Chêne reported the event, and asked for a meeting with BAe to discuss this. (EIC, 14 May 1997: 1663) The plans were put on the backburner (EIC, 13 Jun 1997: 1764), but the contact between Fossey, the informer, and O'Reilly, the activist, had been made.

Fossey moved from Hull to Liverpool when the Liverpool Catholic Worker became a significant base for non-violent direct action against BAe. At first, Fossey did not have much influence but his role increased after O'Reilly went to Australia at the beginning of 1998. According to O'Reilly, Fossey dovetailed into the agenda of a couple of resentful parishioners and some recently arrived opportunists. Their agenda was to close the place down:

Much of the destabilisation had to do with discrediting my character in my absence and marginalising the working class scousers who had been the source of much of the hospitality and resistance organising. I think Fossey fed off the gossip and was involved in the secret meetings with the group that eventually brought the community down. (O'Reilly, 2003)

Fossey operated like a double agent. In early 1999, he met O'Reilly at Heathrow Airport on the latter's return from Australia delivering a banning order from the landlord, a priest. O'Reilly refused to open it and Fossey drove him to Liverpool. There was a different vibe in the Catholic Worker house, and non-violent resistance had pretty much dried up, according to O'Reilly. Fossey and the others made their move a couple of weeks later:

Fossey drove some of us to Preston for a day of reflection, and on to Barrow on Sunday. In the meantime, he hooked up with the crew facilitating the eviction of the Catholic Workers and East Timorese. When we returned to Liverpool on Sunday afternoon, the locks were changed and our bank account was cleared out by the group wishing to end the community. (ibid)

Ciaron O'Reilly added his opinion: 'That Fossey could over the course of two years infiltrate, operate, betray, and profit from an environment that contained East Timorese (who on many occasions fed, watered him) who had been tortured, witnessed massacres



and lost many family shows the depth of evil we are encountering in this work.’ (O’Reilly, 2003) Undermining the Liverpool Catholic Worker perfectly fits the strategy to drive a wedge between campaigners. Deploying Fossey meant BAe could gain reports on the situation there, but also ruin the project from within. With Ciaron O’Reilly away in Australia, Fossey seized the opportunity to slowly destroy the carefully built up and successful solidarity network.

Looking back, Ciaron O’ Reilly had had reservations about Alan Fossey from the beginning, he explained in an interview per email on 14 June 2006:

I was suspicious of him. I intuitively did not like him. But I was raised in a pretty strong Irish republican family, so I was putting it down to the cultural prejudices I was raised with. He was pretty whiney and apolitical. I could not place him, or what motivated him to prioritise the East Timorese. He was not religiously motivated so I could not work out why he was hanging around us. Initially I had suspicions in terms of how he was financing his lifestyle, as he was claiming to be on the dole and had the capacity to turn up all around England at varying events without any obvious way of financing it.

O’ Reilly’s doubts reflect the ambiguity experienced by many activist groups. How to deal with second thoughts about someone new? O’Reilly’s testimony reflects that uneasy feelings can be caused by a mix of unmet expectations or prejudices on the one hand and justified precaution on the other. It is often difficult to unravel such feelings. A combination of factors as in this case – no political or religious motivation, no clarity about financial support, no accountable background, the taking of many photographs – might have raised some red flags.



## **Appendix 7.**

### **Analyses of Case Studies**

The problem addressed in this research can be summarised as the corporate use of covert strategies to undermine criticism or activist groups. A company under fire wants to know what is coming its way. As the case studies in chapters 5 - 9 have shown, publicly available information is no longer sufficient for an assessment of the risk of becoming a target of critics. This appendix summarises the methods used to gather informal information about these critics, and reviews the kind of information that appeared to be of interest for corporations. Subsequently, the last part surveys the development of corporate strategies to counter critical campaigns.

These analyses aim to increase the security awareness of activists, NGOs and other potential targets of *activist intelligence and covert corporate strategy*.

#### **1. Ways to gather intelligence**

There are many ways to gather intelligence about activist groups, NGOs and other critical stakeholders. The methods vary and depend on a number of interacting factors, such as the target of surveillance, the background and experience of the information gatherers, the issue at stake and available budgets.

Information is gathered by specialised departments within the company or hired private intelligence agencies. Sometimes part of the work is outsourced to freelance spies. Information from publicly available 'open sources' is added to the intelligence to compile reports of events and files on targeted people and groups.

#### **Gathering intelligence & covert action**

The boundary between gathering intelligence and covert action is in practice hard to determine. Gathering intelligence involves covert operations in order to get access to information that is not 'open source', and thus not available in the public domain. Such information can be gleaned from attending meetings or action events, or from interviews under false pretences for instance.

Gleaning information requires role-playing, approaching activists and NGOs with a pretext:

- acting like a journalist
- acting like a sympathising documentary maker
- acting like a fellow activist
- offering facilities like a keeper of records, historian of the movement
- offering facilities like postal address for other groups

In the McLibel case, the private investigators hired by McDonald's committed criminal acts to lay their hands on information:

- tailing activists to find out their home address
- stealing (or 'borrowing') letters from the group's correspondence
- breaking and entering in to the group's office, (to take pictures, draw maps, assess security)
- seducing one of the group members in order to
  - Allay suspicions against herself
  - Procure inside information and
  - Get access to activists considered 'more radical'

### **Trust**

Each infiltrator or private investigator has his or her own ways of approaching targets, and of getting information. However, making use (or rather: misuse) of the open nature of most activists' groups and networks is a common factor. These networks based on trust, a faith in humankind coupled with a continuing need for volunteers and fresh blood, generally provide easy access – including access for those with covert intentions. To build their position on trust an informant or an infiltrator would:

- Trade on image as a long-term devoted left-wing political activist
- Use the fact that network of activists often is pattern of loosely knit connections
- Mention a joint acquaintance, often sufficient as an entrée.

- Use contact just required to introduce him- or herself to a next target
- Use praise and compliments for work done, to sweeten potential targets

Playing on trust offers possibilities to broaden the networks as well as the opportunity to map the connections between individuals and (activist) groups.

## 2. Types of infiltrators

Not all infiltrators have the same way of operating. They do not necessarily aim for the core activists, or the most radical people in the group. Sometimes a quiet position amongst the regulars of a group is sufficient to gather specific, or broad, types of information. Growing into a central role, from volunteer to paid campaign coordinator is an option too. The same infiltrator can have different missions at different occasions, varying from building up a group in one place to sabotaging its success in another. Distinguishing between various types or categories of infiltrators can help to increase the awareness of possible presence of spies. Three categories of infiltrators emerge from the case studies in this research: *the dedicated insider*, *the dedicated outsider* and *the professional outsider*.

Fossey, in the CAAT case (chapter 9), made a fast move towards a coordinating function within the Hull against Hawks group on the doorstep of the BAe plant in Brough. Here he was a typical infiltrator without whose presence and dedication less would have been accomplished, *a dedicated insider*. He provided facilities and volunteered time – just when it was needed most:

- A van to transport fellow-activists to demonstrations or nightly ‘incursion’ into the plant
- A flat to hold meetings (just as the van paid for by BAe, through Evelyn le Chêne)
- A phone line to mobilise people, do research and organise things (ibid)
- A photograph of himself manhandled, provided by BAe security to boost his image

- He would be the first one in and the last one out volunteering to make placards etc.
- He would be arrested just as the others to avoid suspicion

Within the Hull group, Fossey gained authority from his position as an active, responsible member of the group. He used this trusted position to improve his information position and to steer the direction of the group:

- The consensus model of reaching agreement on difficult issues provided detailed intelligence;
- He insisted on discussing solidarity actions from other groups held at CAAT events, so that he could pass on what would go down.
- He prevented people from climbing the fences of a BAe plant, by suggesting there would be armed guards (just how he knew, nobody asked).

In the McLibel case (chapter 6), the hired agents also fit the category of the *dedicated insiders*. Entry into the group was gained by attending public meetings. To be accepted as a full member of the group, the agents offered to help out where they could. They answered letters, took minutes, handed out leaflets, manned stalls and pickets, and they organised and coordinated larger events. In this case, this led to the strange situation that the spies all ended up distributing the challenged leaflet. Their presence had other, more disturbing effects too – as will be related in the next section of this chapter, under *covert strategies*.

Martin Hogbin (chapter 9) was a spy for BAe from beginning to end. He started filing reports on reconnaissance field trips as soon as he joined CAAT as a volunteer, and continued to forward information to Evelyn le Chêne until he was exposed. The early start makes it feasible that Martin was planted as a spy – as opposed to ‘turned’ from a sincere activist into a secret agent. He never made a secret of his past with the South African arms manufacturer Denel, and his story of a change of heart was convincing (a story that can be seen in a different light since Hogbin’s exposure). Working as the

campaign coordinator and one of the few paid staff at the CAAT office, Hogbin was a well-respected and trusted colleague and as such a *dedicated insider*.

When approaching activist groups, Schlicker (chapter 8) too traded on the trust built up through the years, no matter whether he was working for secret services or their counterparts in big business. Posing as a filmmaker doing a documentary about campaigning nobody thought it strange he would ask many questions. As a trusted companion, his documentary making was appreciated as a way to further the cause. He combined the two roles of *dedicated insider* and *professional outsider*.

Allan Fuehrer (from chapter 5) pretended to be a journalist who came to Europe to interview a variety of anti apartheid groups on their campaigns against Shell. The outlet that had accredited him was Pagan International company newsletter; he fits the category of the *professional outsider*.

Adrian Franks (chapter 9) was known for attending larger network meetings where activist groups decided future common strategies. By posing as the representative of a small, radical activist group based in the countryside of France it was relatively easy to be accepted in the loosely woven networks. Attending events of other rather radical groups (Earth First!, the Battle of Newbury) on both sides of the Channel added to his credibility. It was difficult to get an estimate of the people he claimed to represent. Although he tried to become a member of one or the other group over time, his distinctive mark was that of an elusive character. This part of his work could be categorised as that of a *dedicated outsider*. To be accepted he brought skills and contacts badly needed amongst activists building international coalitions, and he seemed to be prepared to take on a serious workload.

- He spoke English and French fluently,
- He claimed to represent hard to reach radical groups outside larger cities in France,
- He articulated his political interests according to the group targeted,
- He always pretended to be willing to broaden his scope.
- He volunteered to do researching and writing
- He volunteered to contact and to mobilise other people

- In the UK he claimed to be active mainly in France, and vice versa

The fact that he failed to deliver the work he volunteered, was most probably a part of his job as agent provocateur.

The digital characters (chapter 7), that evoked a smear campaign against two scientists critical of genetically engineered food, are of yet another category. Although all of the other informants and infiltrators merely represent a person playing a part, adopting a certain type that can be categorised, the digital provocateurs did not even exist as a human being. Behind their screen names were email accounts that proved to be connected to Monsanto and their PR company. The screen characters may have been an alter ego of the named employees within the companies, but even so, their concepts were conceived as a strategy to affect the public debate. As this on line smear campaign was not so much an information gathering operation aimed directly at infiltrating critical groups, it will be discussed as a corporate counterstrategy later in this appendix.

### **3. Grey Intelligence & Flex Power**

When gathering information about activists, their organisations and related NGOs, the companies involved and the private investigator services they hired made ample use of the connections they had within the police force and the intelligence agencies. McDonald's security department (chapter 6) was headed by people with long careers in the London Metropolitan Police who had maintained good contacts since. The founders of Hakluyt (chapter 8) had left MI6 to do for business what they had done for the government; their venture was said to have the blessing of the then boss of the intelligence agency. The privatisation offered the freedom to operate for transnational companies, without the fear of being accused of economical espionage, while maintaining access to sources of information within the system. Evelyn le Chêne's past and that of the directors of her – now defunct – firm implicate a similar old boy network (chapter 9). Both the security department of BAe and Le Chêne exchanged information with the authorities to assess and evaluate anti-militarist protests.



The exchange of information about activist groups as summarised in the case studies, took place at various levels:

- between (client) companies, private intelligence company (or individual agents), and the police (the Metropolitan Police, Special Branch and ARNI – animal liberation – desk).
- between (client) companies, private intelligence company, official intelligence agencies
- between (client) companies, private intelligence company, a free lance spy
- between free lance spy and intelligence agencies from various countries

The exchanged information included:

- identification of activists
- additional private details
- phone records
- information from other authorities such as the General Registry Office, Tax Office, Social Welfare, The Driver and Vehicle Agency in the UK, or its equivalents in other countries
- surveillance information
- assessments of any future public demonstration including
- estimate of number, the people and groups involved, police measures
- criminal records
- information from intelligence files

#### **4. Covert corporate strategies**

The information desired by corporations is not limited to concrete action scenarios but can be as broad (and vague) as long-term strategy discussions, impressions of the atmosphere inside a group, connections between organisations, networking opportunities and funding details.

The intelligence gathered was ‘processed,’ this is intelligence parlance for analysed and forwarded to the client accompanied by strategic advice and tactics to use. The client companies took advantage of this foreknowledge in many different ways; the important ones are summarised below. The advance warnings on the activities of the activist group allowed the company to act upon them, sometimes taking away the element of surprise that was to ensure the success of an event. The covert actions range from disinformation to sabotage, aimed at further undermining the opponent.

### **Manipulating the group**

Infiltration is not necessarily merely an information gathering exercise, the boundary between gathering intelligence and covert action is in practice hard to determine. The presence of infiltrators can affect developments within the targeted group. The McLibel case showed infiltrators distributing the challenged leaflet. Whether this was intentional or just a by-effect of an infiltration operation, calculated or not, is not known. But the relatively large percentage of spies had other effects on the group too. Some London Greenpeace meetings were attended by as many spies as campaigners. Because they helped out where they could, the spies evolved into regulars that could be counted on. The interest of the spies reinforced the anti-McDonald’s campaign. Because it was not very difficult to add topics to the agenda of the regular meetings, it was easy to influence the direction of the activities of the group.

The infiltration operation also created an atmosphere of suspicion, with private investigators at work, spies spying on spies, and activists trying to find out if they were infiltrated. Creating suspicion is a known by-effect of infiltration and could evolve into a counterstrategy as such to undermine the spirit and the endurance of any group.

### **Advance warnings on lobbying**

Intercepted correspondence between the Campaign Against Arms Trade and Members of Parliament and Cabinet Ministers offered BAe insight on discussion on British policy on arms sales to, for instance, Indonesia. With this information BAe’s in-house government relations team could be one-step ahead when lobbying in parliament.

### **Advance warnings on juridical procedures**

Going to Court to fight export licenses, or more recently, to oppose the UK Prime Minister's decision to stop the investigation into BAe corruption allegations, is a strategy of growing importance to CAAT. With the arms company alerted to the contents of correspondence on judicial reviews between the NGO and their solicitors – a breach of confidence – this way of contesting arms sales can be undermined.

### **Advance warnings on including celebrities**

Detailed advance notification on which strategic partner (like the Body Shop or a celebrity) would be prepared to join the opposition against so called torture trade, offers the arms producer the opportunity to try to prevent such alliances or to develop a campaign of their own.

### **Advance warnings on public events**

The companies involved, their security departments as well as the police and intelligence services welcomed any information that could improve their assessments of upcoming events, to decide on the forces to employ, the strategies to apply, and the handling of surprise actions.

### **Counterwork**

Various examples have shown that Evelyn le Chêne tried to counter CAAT no matter how small the opportunity. When she found out the BBC Foreign Desk forwarded BAe press releases to the campaigning group, she suggested excluding the BBC from the fax list altogether, or putting them at the very bottom – to win time. When CAAT campaigners requested a copy of the Defence Manufacturers Association members list, Evelyn le Chêne advised its Director General not to cooperate: 'having such a comprehensive and up-to-date listing of all the defence support industries would cut down their own research time by 100% and likewise their expenditure for it by 200%.' (EIC, 14 May 1997)

### **Anticipating direct action**

If BAe announced the delivery of Hawk-fighters to Indonesia just before the Parliamentary recess, the effect of CAAT's planned 'die-in' protest in front of White Hall would be reduced to zero. When activists wanted to be arrested to draw attention to their cause with the resulting court case, Le Chêne advised BAe to request the police not to press charges. A different occasion required a different strategy. Foreknowledge of secret plans to enter BAe plants on a large scale, resulted in advice to ambush the trespassers and serve them injunctions to prevent them from returning.

### **Sabotage**

Transferred to Liverpool, Fossey's role changed into that of a saboteur. His aim – as opposed to building up the organisation as in Hull – was to put an end to the successful local group and its direct action initiative. According to Ciaran O'Reilly, one of the key members of the group, Fossey facilitated the eviction of the community space of the Liverpool Catholic Worker.

- He used the absence of O'Reilly to undermine the latter's position.
- He functioned as an intermediate between the two factions within the Liverpool group, which was useful on several fronts:
  - to be kept informed of all developments
  - to play out the two opponents against each other
  - to make sure the others were away when the actual eviction was planned

### **Agent provocateur**

Apart from gathering intelligence, Adrian Franks' main goal was to counteract international coalition building of anti militarist groups and to sabotage the success of joint events.

- He repeatedly tried to incite people toward radical direct action, and more violence than they intended to use. This may have been to provoke police action at a picket line

- His radical style in speaking and writing kept important partners (such as Amnesty International) from joining the coalition because of an alleged lack of agreement on tactics and strategies.
- He did not deliver on research and work he had volunteered to do.
- He did not keep promises to mobilise people and to be present at an event held in Paris, France, which kept the amount of demonstrators low.

In his role, not following up his commitments, disturbing the meetings of the network, undermining coalition building, and provoking more radical action, Adrian was more than an infiltrator; he can be defined as an agent provocateur.

In the cyber-surveillance case (chapter 6), digital identities encouraged a mud slinging campaign against the authors of research published in *Nature* about contamination of maize with GE pollen. The publication was unwelcome to Monsanto, the large producer and promoter of GE foods. The campaign amongst scientists in favour of GE resulted in *Nature* retracting the critical article, and the character assassination of the authors caused them long-lasting work-related problems at their university.

### **The dialogue**

Each conversation or roundtable meeting, any dialogue between a company and some of their opponents, is – apart from a vital element the corporate counterstrategy – essentially an information-gathering session too.

To break a boycott against a company, Rafael Pagan (chapter 5) developed a wide-ranging strategy plan, with short-term and long-term goals. Starting a dialogue is central in this strategy; at first to prevent a boycott from gaining momentum:

- to stop an unproductive shouting match;
- to listen to what critics have to say;
- to gain the right for the company to be listened to as well;
- to answer criticism of the company.

In the long term, starting a dialogue as a strategy served to seize the moral initiative from the confrontationalists, in order to split the coalition supporting the boycott. Pagan used the following tactics to achieve his goal: to win the heart and minds of the 'realistic' partners in the campaign:

- chose a moderate group as the lever to create divisions within the coalition;
- work on their conscience (specifically with church groups);
- create an ideal situation for dialogue;
- to break the ice, choose the best informal venue for meetings;
- work on trust: share secret documents to convince opponent of company's dedication;

Similarly, Pagan intended to convince union leaders that the role of the company had been misrepresented by boycott rhetoric. To put a wedge between black organisations within the boycott coalition, Pagan set up a front group, a fake US black religious group opposing corporate disinvestment from South Africa, financed by US industry with financial interests in the region.

### **Divert attention**

Diverting attention from the issue – the boycott or the disinvestment campaign – can be part of a wider counterstrategy too. This could include efforts to channel campus unrest, for instance. Involving outsiders can be an effective choice from a company's strategic point of view. For instance, the Audit Commission in the Baby Milk controversy (chapter 5) had as an official task to ensure compliance with the WHO code and provide a complaint procedure. The commission turned out to be an effective PR and CSR measure to solve external issues with criticism, it also served to deal with several internal problems:

- to overcome resistance within the company against transparency in governing;
- to convince that compliance would restore the company's credibility;
- to bridge the gap between management and leaders of the boycott;
- the Commission released company from responsibility to deal with the issue.

The commission also worked as damage control and containment policy:

- to divert the media focus away from the activists;
- to cause disarray amongst boycott groups;
- to further erode the rationale for the boycott.

Because of the high success rate of the commission in solving issues in the baby milk controversy, Pagan suggested that Shell install an independent authority too, an Ombudsman to deal with the apartheid boycott.

**Appendix 8**  
**The Neptune Strategy**