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Prosecuted: For telling the truth

Few Americans have heard of Katharine Gun, a former British intelligence employee facing charges that she violated the Official Secrets Act. So far, the American press has ignored her. But the case raises profound questions about democracy and the public's right to know on both sides of the Atlantic.

Ms. Gun's legal peril began in Britain on March 2, when the Observer newspaper exposed a highly secret memorandum by a top U.S. National Security Agency official. Dated Jan. 31, the memo outlined surveillance of a half-dozen delegations with swing votes on the U.N. Security Council, noting a focus on "the whole gamut of information that could give U.S. policy-makers an edge in obtaining results favorable to U.S. goals" – support for war on Iraq.

The NSA memo said that the agency had started a "surge" of spying on diplomats at the United Nations in New York, including wiretaps of home and office telephones along with reading of e-mails. The targets were delegations from six countries considered to be pivotal – Mexico, Chile, Angola, Cameroon, Guinea and Pakistan – for the war resolution being promoted by the United States and Britain.

The scoop caused headlines in much of the world, and sparked a furor in the "Middle Six" countries. The U.S. government and its British ally – revealed to be colluding in the U.N. surveillance caper – were put on the defensive.

A few days after the story broke, I contacted the man responsible for leaking the huge trove of secret documents about the Vietnam War known as the Pentagon Papers more than three decades ago. What was his assessment of the U.N. spying memo?

"This leak," Daniel Ellsberg replied, "is more timely and potentially more important than the Pentagon Papers." The exposure of the memo, he said, had the potential to block the invasion of Iraq before it began: "Truth-telling like this can stop a war."

Katharine Gun's truth-telling did not stop the war on Iraq, but it did make a difference. Some analysts cite the uproar from the leaked memo as a key factor in the U.S.-British failure to get Security Council approval of a pro-war resolution before the invasion began in late March.

MEDIABEAT '03 | NORMAN SOLOMON

The government of British Prime Minister Tony Blair quickly arrested Ms. Gun. In June, she formally lost her job as a translator at the top-secret Government Communications Headquarters in Gloucester. On Nov. 13, her name surfaced in the British news media when the Labor Party government dropped the other shoe, charging the 29-year-old woman with a breach of the Official Secrets Act.

She faces up to two years in prison if convicted.

Ms. Gun, who is free on bail and is to appear in court Jan. 19, has responded with measured eloquence. Disclosure of the NSA memo, she said Nov. 27, was "necessary to prevent an illegal war in which thousands of Iraqi civilians and British soldiers would be killed or maimed." And Ms. Gun reiterated something that she had said two weeks earlier: "I have only ever followed my conscience."

All the realpolitik in the world cannot preclude the exercise of the internal quality that most distinguishes human beings. Of all the differences between people and other animals, Charles Darwin observed, "the moral sense of conscience is by far the most important."

In this case, Ms. Gun's conscience fully intersected with the needs of democracy and a free press. The British and American people had every right to know that their governments were involved in a high-stakes dirty tricks campaign at the United Nations. For democratic societies, a timely flow of information is the lifeblood of the body politic.

As it happened, the illegal bugging of diplomats from three continents in Manhattan foreshadowed the illegality of the war that was to come. Shortly before the invasion began, U.N. Secretary-General Kofi Annan pointed out that – in the absence of an authorizing resolution from the Security Council – an attack on Iraq would violate the U.N. Charter.

Ms. Gun's conspicuous bravery speaks louder than any rhetoric possibly could. Her actions confront Britons and Americans alike with difficult choices:

To what extent is the "special relationship" between the two countries to be based on democracy or duplicity? How much do we treasure the substance of civil liberties that make authentic public discourse distinct from the hollowness of secrecy and manipulation? How badly do we want to know what is being done in our names with our tax money? And why is it so rare that conscience takes precedence over expediency? ■

This article originally appeared in The Baltimore Sun.