

## Connecticut Debate Association

December 11, 2010. King School and Pomperaug High School

**Resolved: WikiLeaks should be suppressed and anyone associated with it prosecuted.**

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### WikiLeaks 101: Five questions about who did what and when

Brad Knickerbocker, Staff writer, Christian Science Monitor, December 1, 2010

The WikiLeaks controversy pits one hallowed purpose of US government – preventing security threats from abroad – against another, that of protecting constitutional rights of expression by the media and individuals. Striking that balance has become difficult in an age of the Internet hackers, bloggers, self-appointed public policy watchdogs, and thousands of online “publications” marked by ideology and attitude.

So far, WikiLeaks has released more than 700,000 sensitive or classified documents about US military and diplomatic activity – 92,000 on the war in Afghanistan, 392,000 on the Iraq war, and now nearly 250,000 diplomatic cables that US officials say are damaging to foreign relations and intelligence operations. Within weeks, WikiLeaks says, it’ll release inside information on business interests – starting with a major American bank...

#### 1. Who is responsible for the leaks?

WikiLeaks describes itself as a “not-for-profit media organization” whose goal is to “bring important news and information to the public.” Launched in 2006, it is a loose network of individual leakers and advisers with a post office box at the University of Melbourne in Victoria, Australia. A shadowy, mostly volunteer organization, WikiLeaks operates on many servers and under domain names around the world. Much of its work is conducted from a rented house in Iceland.

Australian Julian Paul Assange is WikiLeaks' editor in chief and only spokesman. He is in his late 30s, studied physics, math, and computer programming, all of which made him an expert computer hacker. Mr. Assange seems to travel constantly, although not to the United States, sometimes altering his appearance to avoid being recognized or possibly arrested.

The other prominent name connected to WikiLeaks is US Army Pfc. Bradley Manning. Manning was a military analyst in Iraq, where, despite his low rank, he had wide access to sensitive and classified information. Among other things, he allegedly downloaded and leaked video footage of an attack by a US Apache helicopter gunship that killed Iraqi civilians, including two employees of the Reuters news agency. Manning was arrested in May and later charged with violations of the Uniform Code of Military Justice in conjunction with “transferring classified data onto his personal computer and adding unauthorized software to a classified computer system,” as well as “communicating, transmitting and delivering national defense information to an unauthorized source.

#### 2. How could so much classified information be stolen?

During the months Manning worked with the Army’s 10th Mountain Division in Iraq, it was apparently easy for him to find, download, and copy sensitive military information. Writing in an online chat, he claims to have had “unprecedented access to classified networks 14 hours a day 7 days a week for 8+ months.”

“I would come in with music on a CD-RW labeled with something like ‘Lady Gaga’ ... erase the music ... then write a compressed split file,” he wrote. “No one suspected a thing ... I listened and lip-synched to Lady Gaga’s ‘Telephone’ while exfiltrating possibly the largest data spillage in American history. Weak servers, weak logging, weak physical security, weak counterintelligence, inattentive signal analysis,” Manning wrote. “A perfect storm.” “No one suspected a thing,” he wrote to a former computer hacker who eventually tipped off the FBI and Army officials. “I didn’t even have to hide anything.”

Officials have told the Associated Press that Manning is the prime suspect in the most recent leak of diplomatic cables. He is now awaiting court martial at the US Marine Corps brig in Quantico, Va. He faces up to 52 years in prison.

### **3. How did the information become public?**

WikiLeaks provided the latest cache of 251,287 diplomatic cables to Der Spiegel, El País, Le Monde, and The Guardian newspapers. The New York Times, which had published earlier reports critical of Assange and Manning, was snubbed by WikiLeaks for this round of leaked documents. But the Guardian quickly passed along the leaked material to the Times.

In justifying the decision to publish reports on the leaked cables, New York Times editor Bill Keller offered this explanation: “We have edited out any information that could identify confidential sources – including informants, dissidents, academics and human rights activists – or otherwise compromise national security,” he wrote in response to questions on the Times website. “We did this in consultation with the State Department, and while they strongly disapprove of the publication of classified material at any time, and while we did not agree with all of their requests for omission, we took their views very seriously indeed.” He also noted that the Times chose “a small selection of the cables – about 100 in all, out of a quarter of a million documents – that we think provide useful source material for the articles we have written.”

Wikileaks claims to have fought off more than “100 legal attacks” in its life, in part because of what is described as its “bulletproof hosting”. The site is primarily hosted by Swedish ISP PeRiQuito (PRQ), which became famous for hosting file-sharing website The Pirate Bay.

### **4. What information got released?**

In July, WikiLeaks released some 92,000 documents on the war in Afghanistan, including information on civilian casualties, the strength of the Taliban, friendly fire episodes, and links between Pakistan’s intelligence services and the Taliban.

Three months later, WikiLeaks disclosed nearly 392,000 US Army field reports – the largest military leak in US history – dubbed the “Iraq War Logs.” Among other things, the information included details of torture and abuse of Iraqi prisoners, secret civilian death counts, Iran’s involvement with Shiite militias operating in Iraq, tensions between Kurds and Arabs in northern Iraq, and new information about three American hikers arrested along the Iraq-Iran border and taken to Iran.

Of the 250,000 confidential and secret diplomatic cables released Nov. 28, 15,652 are classified as “secret.” Of those, 4,330 also are labeled “NOFORN,” meaning they should not be seen by foreign nationals. The frankly worded cables revealed US spying on United Nations officials, included disparaging remarks about national leaders such as Italian Prime Minister Silvio Berlusconi and German Chancellor Angela Merkel, and recounted Saudi Arabia’s urging the US to attack Iran over that nation’s nuclear program.

### **5. Could this kind of leak happen again?**

Unless the US changes how it distributes and tracks sensitive information, the short answer is “yes.” After the terrorist attacks of 9/11, agencies began sharing information that previously had been “stove-piped.” At the same time, the number of individuals with access to classified information via the secure Secret Internet Protocol Router Network grew to nearly 2.5 million people (most of them at the Defense Department). Manning was one such person.

“Obviously that aperture went too wide,” Defense Secretary Robert Gates told Pentagon reporters recently. The Pentagon is now tightening controls on classified information. For example, classified computers will be “read-only,” preventing the use of thumb drives and other removable media to copy and walk away with sensitive data.

The State Department and other agencies, too, are tightening information-sharing. Moreover, the White House has directed government entities that handle classified information to review their “implementation of procedures for safeguarding classified information against improper disclosures.”

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## **WikiLeaks: Would First Amendment protect Julian Assange?**

By Peter Grier, Staff writer, Christian Science Monitor December 3, 2010, Washington

The First Amendment shields the publication of truthful information, legally acquired. But what if the information is gotten illegally? If prosecutors go after Wikileaks founder Julian Assange, it could be under

the 1917 Espionage Act.

Federal authorities are investigating whether WikiLeaks founder Julian Assange violated criminal laws in the group's release of government documents, including possible charges under the Espionage Act, sources familiar with the inquiry said Monday. Attorney General Eric H. Holder Jr. said the Justice Department and Pentagon are conducting "an active, ongoing criminal investigation." Others familiar with the probe said the FBI is examining everyone who came into possession of the documents, including those who gave the materials to WikiLeaks and also the organization itself. No charges are imminent, the sources said, and it is unclear whether any will be brought.

WikiLeaks founder Julian Assange and his organization have made lots of people in the US government angry. The Justice Department is threatening to prosecute them for publishing online a vast trove of secret US diplomatic documents.

But isn't there such a thing as free speech in America? Wouldn't the First Amendment protect Mr. Assange and WikiLeaks from Washington's threats? Maybe not. The WikiLeaks document dump in fact appears to fall into an unresolved area of US law. The First Amendment strongly shields the publication of truthful information, legally acquired. But what if the information is gotten illegally? That's another issue entirely.

You'd think that the Supreme Court would have settled this question long ago, given all the years that have passed since the First Amendment was adopted. But it hasn't. Supreme Court justices have not resolved the question of "whether, in cases where information has been acquired unlawfully by a newspaper or by a source, government may ever punish not only the unlawful acquisition, but the ensuing publication as well," concludes a Congressional Research Service analysis of the issue [PDF] published on October 10.

The closest the high court has come to ruling on this issue may have been the famous 1971 Pentagon Papers case, in which justices rejected a Nixon administration plea that they stop the New York Times and the Washington Post from printing a leaked top secret study of the history of US policy in Vietnam. It was a landmark ruling in regards to US press freedoms. But what the ruling rejected was the government's efforts to enjoin publication. A majority of justices appeared to indicate that it would have been possible for the administration to prosecute the two big US papers after they had printed the material. (Many of the judges weighed in with separate opinions, so it's not entirely clear what they would have agreed upon in regards to this particular issue.) The Nixon White House did not go down that road, however. And administration efforts to prosecute leakers Daniel Ellsberg and Anthony Russo were dismissed due to "prosecutorial misconduct."

If they do decide to bring a case, US prosecutors today would likely charge Assange or WikiLeaks with violations of the Espionage Act, a broad 1917 law. The language of this statute is sweeping. On its face it prohibits any person from communicating to anyone not authorized to receive it "any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States." The law says nothing about emails, but it was passed at the end of World War I, remember.

"The unclear language of the statute threatens to impinge upon rights protected by the first amendment," wrote US Circuit Court judge Russell Winter in a 1980 opinion.

Court rulings in recent decades have indicated that to bring a case prosecutors might have to prove the communicator in question intended to injure the US. WikiLeaks founder Assange may have fulfilled this requirement by talking in interviews about his desire to undermine with his actions what he sees as corrupt aspects of US policy.

"He's gone a long way down the road of talking himself into a possible violation of the Espionage Act," said Floyd Abrams, an attorney who represented the New York Times in the Pentagon Papers case, in a recent National Public Radio broadcast interview.

It's still possible that judges could rule that the First Amendment protects WikiLeaks' actions, of course. Freedom of speech is a basic US constitutional right. What Assange and WikiLeaks may have done, however, is set up a lawyer's dream of a case which would allow the Supreme Court to resolve a conflict between two

basic rights – the right to speak, and the right of the US to hold close its secrets.

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## Public interest defense

From Wikipedia, the free encyclopedia

In the context of secrecy laws, a **public interest defense** is a defense which allows a defendant who disclosed classified or protected information to avoid criminality, if he can establish that the public interest in disclosure of the information outweighs the public interest in non-disclosure. This is aimed at protecting whistleblowers of government misconducts.

The inclusion of the defense has been a subject of debate in the legislative process of the Official Secrets Act 1989 of the United Kingdom. The defense was finally not included in the Official Secrets Act. The defense was also absent in secrecy laws in other countries based on the Act.

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## Prior restraint

From Wikipedia, the free encyclopedia

**Prior restraint** is a legal term related to  censorship in the United States referring to government actions that prevent communications from reaching the public. Its main use is to keep materials from being published. Censorship that requires a person to seek governmental permission in the form of a license or imprimatur before publishing anything constitutes prior restraint every time permission is denied. Prior restraint has often taken the form of an injunction or other governmental order prohibiting the publication of a specific document or subject...

Prior restraint is often considered a particularly oppressive form of censorship in Anglo-American jurisprudence because it prevents the restricted material from being heard or distributed at all. Other forms of restrictions on expression (such as suits for libel, slander, defamation, or actions for criminal libel) generally involve punishment only after the offending material has been published. While such punishment might lead to a chilling effect, legal commentators argue that at least such actions do not *directly* impoverish the marketplace of ideas. Prior restraint, on the other hand, takes an idea or material completely out of the marketplace. Thus it is often considered to be the most extreme form of censorship.

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## Has release of Wikileaks documents cost lives?

By Katie Connolly BBC News, Washington, 1 December 2010 Last updated at 03:17 ET

The latest release of Wikileaks documents - a trove of US diplomatic cables which offer, among other things, unflattering and candid assessments of world leaders - has deeply angered American officials.

Secretary of State Hillary Clinton said Wikileaks' actions undermined US foreign policy efforts and amounted to "an attack on the international community, the alliances and partnerships, the conventions and negotiations that safeguard global security and advance economic prosperity".

New York Congressman Pete King has called for the US Attorney General to designate Wikileaks a terrorist organisation and to prosecute founder Julian Assange for espionage.

Much of the criticism of Wikileaks, though, revolves around the notion that releasing such information risks lives. Identities of informants could be compromised, spies exposed, and the safety of human rights activists, journalists and dissidents jeopardised when information of their activities is made public, the argument goes. US military officials contend that allowing enemies access to their strategic and operational documents creates a dangerous environment for American troops serving abroad.

On Saturday, US state department legal adviser Harold Koh wrote in a letter to Wikileaks that the most recent document dump "could place at risk the lives of countless innocent individuals" as well as "ongoing military operations". He accused Wikileaks of endangerment "without regard to the security and the sanctity of the lives your actions endanger". But is there any real evidence of this peril?

## Justification for secrecy

The problem for officials like Mr Koh is proving direct links between the information released and any loss

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of life. After the release of an enormous haul of US defence department documents in August, Pentagon spokesman Geoff Morrell told the Washington Post: "We have yet to see any harm come to anyone in Afghanistan that we can directly tie to exposure in the Wikileaks documents."...

After this latest release a Pentagon official, who wished to remain anonymous due to the sensitive nature of the material involved, told the McClatchy newspaper group that even three months later the US military still had no evidence that people had died or been harmed because of information gleaned from Wikileaks documents.

Daniel Ellsberg, the former military analyst who in 1971 released the Pentagon Papers which detailed government lies and cover-ups in the Vietnam War, is sceptical of whether the government really believes that lives are at stake. He told the BBC's World Today programme that US officials made that same argument every time there was a potentially embarrassing leak. "The best justification they can find for secrecy is that lives are at stake. Actually, lives are at stake as a result of the silences and lies which a lot of these leaks reveal," he said. "The same charges were made against the Pentagon Papers and turned out to be quite invalid."

### **Unknowable effects**

Mr Ellsberg noted that with this release, the newspapers involved co-operated with the US government to ensure that the information they published did not imperil lives. New York Times executive editor Bill Keller told the BBC that although his newspaper did not always agree with the advice of US authorities, it had carefully redacted the published documents to remove identifying information. "Our hope is that we've done everything in our power to minimise actual damage," he said.

Carne Ross, a former UK diplomat at the United Nations, told the BBC that the effects of Wikileaks were largely unknowable at this point. "I don't think it has been proven that this is dangerous to US troops, for instance. I haven't seen that case made very clearly," he said. "What I think this means is that we need to look at our own mechanisms for democratic accountability and foreign policy. We need to be much, much better."

One thing the experts appear to agree on is that the leaks will make it more difficult for US diplomats and human intelligence operatives to do their jobs. Although that does not present an immediate threat to American lives, strained international relations may create a more dangerous world. "They embarrass governments with which the US co-operates," Max Boot, a senior fellow at the Council on Foreign Relations, said of the leaks on the BBC's World Today programme. "At the very least, they will make governments like Pakistan and Yemen and others, which are collaborating with the US in the battle against terrorism, more reluctant to co-operate. It's harming some of the vital activities that the US government, the UK government or others engage in, which are protecting us against terrorism."

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## **Warfare Through 'A Soda Straw'**

By Gabriel Schoenfeld, 23 June 2010, The Wall Street Journal

Mr. Schoenfeld, a senior fellow at the Hudson Institute, is the author of "Necessary Secrets: National Security, the Media, and the Rule of Law" (Norton, 2010).

Reports are circulating that Wikileaks.org is poised to publish a classified U.S. military video of a May 2009 U.S. air strike on the Afghan village of Granai in which as many as 140 civilians, including many women and children, may have perished. In April, the website -- an online repository of leaked information -- posted a U.S. military video of a 2007 Baghdad firefight in which two Reuters cameramen and as many as 10 others were killed. It has already been watched by several million viewers...

Such videos bring wide attention to horrendous incidents of war. Did Wikileaks perform a public service by releasing them?

The benefits of maximum openness are indisputable. Our democracy rests on informed consent, with emphasis on the word informed. The electorate relies upon the free flow of information to make considered choices about policies and the men and women who conduct them. In decisions about war and peace, the public's interest in information is at its zenith. The video of the Iraq firefight brings horrifically before our eyes the reality of war in ways that make us confront the basic questions of why and how we fight.

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But there is another side to the coin. The display of videotapes in which our forces make mistakes, or do even worse, has costs that should not be denied. For one thing, the leaked Iraq video, as Secretary of Defense Robert Gates has remarked, provides the public a view of warfare "as seen through a soda straw." Wikileaks, itself a highly secretive operation run by Australian journalist/activist Julian Assange, actually posted two videos: a full-length version of the firefight, and a shorter version edited into nothing less than a propaganda film with the caption "collateral murder."

Neither drew attention to what U.S. ground forces found when they came upon the grisly scene following the helicopter gunfire: namely, AK-47s and rocket-propelled grenade launchers (RPGs). Wikileaks's caption noted that "some of the men appeared to have been armed" but also added, insouciantly, that "the behavior of everyone appeared to be relaxed."

But it is precisely the presence of weapons, including RPGs, that goes a long distance toward explaining why cameramen for Reuters -- pointing television cameras around corners in a battle zone -- were readily mistaken by our gunships for insurgents. The video makes plain that in this incident, as in almost all military encounters in both Iraq and Afghanistan, our soldiers are up against forces that do not wear uniforms -- a violation of international law precisely because it places innocent civilians in jeopardy. Responsibility for civilian deaths in such encounters rests with those who violate the rules of war.

The Wikileaks videos also do not reveal the hundreds upon hundreds of cases in which American forces refrain from attacking targets precisely because civilians are in harm's way. That is today an iron rule in Afghanistan, and one for which our soldiers are themselves paying a price in increased casualties. Yet even with the greatest care, armed conflict cannot be sanitized. In almost every war America has ever fought, things on occasion go badly awry. In World War II, instances in which Allied forces massacred captured enemy soldiers were not unheard of. While such cases were a blemish on our military honor, broadcasting the facts to the world and thereby stiffening enemy morale would have been unthinkable in the midst of the great global conflagration.

Although our current struggle does not compare to World War II, there can be no doubt that the dissemination of military videos -- far more potent in their impact than written dispatches -- can have a profound affect upon our soldiers, inflaming opinion against them in the battlefield and placing their lives at risk. Such videos also undermine the larger counterinsurgency mission of winning hearts and minds. That is why the military keeps them classified. And that is why our laws allow for the punishment of those who violate their oaths and leak secret information, as Spc. Manning is alleged to have done.

Our country depends upon openness for its vitality. But it also often depends upon secrecy for its security. The two imperatives are always in tension. Wikileaks has brought the tension to the fore.

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## **WikiLeaks lists sites key to U.S. security**

By **Tim Lister**, CNN, 12-6-10

(CNN) -- WikiLeaks has published a secret U.S. diplomatic cable listing places the United States considers vital to its national security, prompting criticism that the website is inviting terrorist attacks on American interests. A State Department spokesman said the disclosure "gives a group like al Qaeda a targeting list."

The list is part of a lengthy cable the State Department sent in February 2009 to its posts around the world. The cable asked American diplomats to identify key resources, facilities and installations outside the United States "whose loss could critically impact the public health, economic security, and/or national and homeland security of the United States."

The diplomats identified dozens of places on every continent, including mines, manufacturing complexes, ports and research establishments. CNN is not publishing specific details from the list, which refers to pipelines and undersea telecommunications cables as well as the location of minerals or chemicals critical to U.S. industry.

The list also mentions dams close to the U.S. border and a telecommunications hub whose destruction might seriously disrupt global communications. Diplomats also identified sites of strategic importance for supplying U.S. forces and interests abroad, such as in the Strait of Hormuz, the Persian Gulf and the Panama

Canal.

The cable is classified secret and not for review by non-U.S. personnel.

The United States and Great Britain condemned the disclosure.

"There are strong and valid reasons for classifying vital information, including the identification of critical infrastructure that is important to not only our society and economy, but those of other countries," U.S. State Department spokesman P.J. Crowley said. "Without discussing any particular cable, the release of this kind of information gives a group like al Qaeda a targeting list," he said. "This is why we have condemned WikiLeaks for what it has done."

British Prime Minister David Cameron said in a statement that the publication is "damaging to national security in the United States, Britain and elsewhere." The list is "a gift to any terrorist (group) trying to work out what are the ways in which it can damage the United States," said Malcolm Rifkind, chairman of the Parliamentary Intelligence and Security Committee in Britain. "It is grossly improper and irresponsible" for Julian Assange, the WikiLeaks founder, and his website to publish that information, he said....

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## **WikiLeaks R Us**

By Daniel Henninger, Wonder Land, The Wall Street Journal, 2 December 2010

There is one certain fix for the WikiLeaks problem: Blow up the Internet. Short of that, there is no obvious answer.

This summer I was in a movie line behind two guys, and one said: "I hate Facebook. I wish it had never been invented. But I can't live without it." Welcome to the WikiLeaks problem, which was born along with the Internet itself. What we can't live without may kill us.

In October, the Secret Service arrested a Malaysian man in New York who had 400,000 bank-card numbers. He'd hacked them out of the Cleveland Federal Reserve and other financial institutions. Last year a contractor remotely inserted a potentially destructive "logic bomb" on Fannie Mae's servers that could have erased a lot of its data.

What about your co-worker? Two years ago, a worker in the City of San Francisco's technology department created a password that let him access virtually all the city's files and business on its FiberWAN network, while blocking access to everyone else. They caught him, but for a while he held the city hostage, refusing to give up his key to the city.

Can Bank of America say with certainty they haven't been robbed of the data Julian Assange claims to possess? No, they can't. Once you input anything into the digital ethers, it will never be "safe" or "private."

Sun Microsystems' co-founder Scott McNealy famously said: "You have zero privacy. Get over it." We know that. What we don't know, or won't admit, is that the idea of confidentiality -- State Department cables, the design for weapons systems, health records -- has eroded, perhaps permanently.

Everyone from Hillary Clinton on down is "shocked" at the cables dump. But if last year one had polled experts on the architecture of data systems about the probability of this event, most would have said it surely would happen, eventually...

Private companies already offer solutions to protecting data systems. "Data-at-rest" and "data-in-motion" programs look for anomalies in emails and other data moving through networks or resting on hard drives. SIM (security information management) software tracks network intrusions. It's pretty good, the way climatology is pretty good.

But there's a maddening paradox that this technology poses to any organized group of people trying to use it for good ends: How to set up protocols that will haul in the bad guys without hampering the creative work of everyone else?

If the U.S. (or Europe) has one big comparative advantage left, it is an information advantage. Out of the organized serendipity of many smart people bouncing information-laden ideas off each other, good things happen here. Whether workers in a knowledge society are creating advances on cancer or software for the pilotless drones killing our worst enemies, they need lots of information, need it now, and need to "talk"

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about it on the network with colleagues. That means "odd" but legitimate events are going to occur on one's data network. Separating all the odd from one bad is hard.

China's security solution is to suppress the flow of information, let creativity be damned, and steal from us. (The New York Times's Thomas Friedman yesterday asked: "What if China had a WikiLeaks?" The three-word answer: They'd execute him.)

The Pentagon, State Department and our banks are at risk because it is hard to define who or what should be monitored. Then each institution would have to create an Orwellian "monitoring" office. Oh wait, we already did that -- the Department of Homeland Security. Problem solved.

After 9/11, non-communicating, "stove-piped" federal agencies emerged as a top problem. To open the cross-agency information flow of classified information they created SIPRNet. Now the State Department has pulled the plug on SIPRNet. Ponder this: The CIA never joined SIPRNet and took heat for that. Count me as glad that Assange doesn't have access to data on the agency's anti-Taliban drone program.

Two big things transformed the postwar world: nuclear fission and the Internet. Nuclear fission gave us clean energy and the atomic bomb. The Internet? With WikiLeaks, we arrive at the Internet version of putting the nuclear genie back in the bottle.

There may be no obvious fix for the paradoxes of this inherently vulnerable technology. But we also can't survive in a digital state of nature. The Internet "A-bomb" will go off eventually. Here's a thought for our befuddled national leadership: The first time humans concluded that they needed to deter bad people from taking advantage of civilization, they set common rules. If people broke them, they put them away.

Pfc. Bradley Manning, charged with downloading all that data for Assange, is sitting in a Quantico jail. He could get 52 years. He should. And that's just for starters, if we hope to live with the Internet genie.

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## **Turn Yourself In, Julian Assange**

By Christopher Hitchens, Fighting Words, Slate, Updated Monday, Dec. 6, 2010, at 12:14 PM

### **The WikiLeaks founder is an unscrupulous megalomaniac with a political agenda.**

In my most recent book, I reprint some words from a British Embassy cable, sent from Baghdad to the Foreign Office in 1976. The subject is Iraq's new leader. His quiet coup d'etat is reassuringly described as "the first smooth transfer of power since 1958." It is added, as though understatement were an official stylistic requirement in official prose, that although "strong-arm methods may be needed to steady the ship, Saddam will not flinch." It's not absolutely certain whether these words were used just before or just after the "smooth transfer" had been extended to include Saddam's personally supervised execution of half the membership of the Baath Party's ruling political bureau.

I came across this cable after it had been declassified a few years ago, and I reprinted it because it very accurately reflected the tone of what I'd been told by British diplomats when I was visiting Iraq at the time. And I ask myself: What if I had been able to get my hands on that report when it was first written? Not only would I have had a scoop to my name, but I could have argued that I was exposing a political mentality that—not for the first time in the history of the British Foreign Office—chose to drape tyranny in the language of cliché and euphemism.

But what else, aside from this high-minded ambition (or ambitious high-mindedness), ought I to have considered? A democratically elected British Parliament had enacted an Official Secrets Act, which I could be held to have broken. Would I bravely submit to prosecution for my principles? (I was later threatened with imprisonment for another breach of this repressive law, and it was one of the reasons I decided to emigrate to a country that had a First Amendment.) The moral "other half" of civil disobedience, as its historic heroes show, is that you stoically accept the consequences that come with it.

Then there is diplomacy itself. One of civilization's oldest and best ideas is that all countries establish tiny sovereign enclaves in each other's capitals and invest these precious enclaves of peaceful resolution with special sorts of immunity. That this necessarily includes a high degree of privacy goes without saying. Even a single violation of this ancient tradition may have undesirable unintended consequences, and we rightly

regard a serious breach of it with horror. We found out everything we would ever need to know about Ayatollah Khomeini and his ideology when he took diplomats as hostages.

The cunning of Julian Assange's strategy is that he has made everyone complicit in his own private decision to try to sabotage U.S. foreign policy. Unless you consider yourself bound by the hysterically stupid decision of the Obama administration to forbid all federal employees from downloading or viewing the WikiLeaks papers, you will at the very least have indulged in a certain amount of guilty pleasure. In a couple of major instances, the disclosures are of great value to the regime-change die-hards among us. More Arab regimes want Washington to take on Iranian President Mahmoud Ahmadinejad and more urgently than anyone had guessed; I would very much rather know this *now* than 20 years later. Iran was able to acquire some missile capacity from North Korea; so would Saddam Hussein have been if we had left him in his so-called "box." We already know that his envoys were meeting North Korean missile dealers in Damascus before the threat of the coalition's intervention caused the vendors to return hastily to Pyongyang. The latest leaks complete an important part of an important case...

Attempts to prosecute Assange will, I predict, be either too little or too late, or both, or worse. There is a good reason the Espionage Act of 1917 has such a rusty and unused sound to it. It was a panic measure passed during a time of Wilsonian war hysteria, and none of its provisions will serve in the cyberworld. Meanwhile, the very word *Interpol* has been a laughing stock for decades in law-enforcement circles, and, though I find it easy to picture Assange as a cult leader indulging himself with acolytes, the sex charges against him don't appear to amount to rape and have a trumped-up feel to them. They also give him an excuse to recruit sympathy and stay out of sight instead of turning himself in.

And that, of course, prosecution or no prosecution, is what he really ought to do. If I had decided to shame the British authorities on Iraq in 1976, I would have accepted the challenge to see them in court or otherwise face the consequences. I couldn't have expected to help myself to secret documents, make myself a private arbiter of foreign policy, and disappear or retire on the proceeds. All you need to know about Assange is contained in the profile of him by the great John F. Burns and in his shockingly thuggish response to it. The man is plainly a micro-megalomaniac with few if any scruples and an undisguised agenda. As I wrote before, when he says that his aim is "to end two wars," one knows at once what he means by the "ending." In his fantasies he is probably some kind of guerrilla warrior, but in the real world he is a middle man and peddler who resents the civilization that nurtured him. This Monday, in two separate news reports, the *New York Times* described his little cabal as an "anti-secrecy" and "whistle-blowing" outfit. Such mush-headed approval at least can be withheld from the delightful Julian, even as we all help ourselves to his mart of ill-gotten goods.

*Christopher Hitchens is a columnist for Vanity Fair and the Roger S. Mertz media fellow at the Hoover Institution.*

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## **Dictators, Democracies and WikiLeaks**

By Elliott Abrams, 1 December 2010, The Wall Street Journal

Why are diplomatic cables secret at all? It's a fair question to ask as we assess the WikiLeaks disclosures and the damage they may do. Overall, there are very few surprises in these cables. Anyone who regularly reads this newspaper, follows congressional debates, or watches cable news will know that there is tension between the United States and Afghan President Hamid Karzai, that the Arabs want us to stand up to Iran, that Fatah hates Hamas, and that we are having trouble getting countries to accept the people we want to release from Guantanamo.

Huge numbers of embassy cables are labeled "unclassified" or "limited official use" and deal with mundane matters. But the WikiLeaks trove shows why the State Department insists that some must be "confidential" or "secret," a higher classification: They contain descriptions of American strategies and bargaining positions, or frank assessments of foreign leaders and regimes with which we must still work...

In most cases, cables are marked secret not because the U.S. requires it but because those speaking to us -- the foreign leaders across the table -- do. They are not keeping secrets from us, but from two other groups:

their enemies and their subjects.

Regarding their enemies, foreign leaders need secrecy for self-protection. The weak plead with us to save them, but to their enemies they also plead -- that they are not enemies, that they too dislike the Americans, that they all have common interests, and so on. The WikiLeaks disclosures make that game harder now.

We find the king of Bahrain telling American officials privately that the Iranian nuclear program "must be stopped," while in public he carefully avoids any comment that might anger Iran's aggressive leaders. The ayatollahs may have suspected what the king, a Sunni, was saying in private. Now they know, and they may decide to create trouble between him and his restive Shiite-majority population. The danger and possible damage are clear.

The second and most important reason foreign leaders ask for secrecy is that they are protecting themselves from their own populations. Dictators and authoritarians don't tell their people the truths they tell us; their public speeches are meant to manipulate, not to inform. Instead of educating their citizens, as one might have to do in a democracy, they posture and preen on state-owned television stations and in state-controlled newspapers. Their approach is striking: Tell the truth to foreigners but not to your own population.

So in Yemen, for example, we see President Ali Abdullah Saleh discussing action against al Qaeda and insisting, "We'll continue to say the bombs are ours not yours." He is seeking to avoid the charge that he is cooperating with a foreign, non-Muslim power which is killing Yemenis, that he is handing his country over to the infidels.

Cables reporting on U.S.-German, U.S.-French, or U.S.-Canadian consultations are different -- those governments say to their parliaments what they say to us. A leaked report of a conversation about Germany's possible indictment of CIA agents is embarrassing neither to Washington nor Berlin. U.S. and German officials discussed their respective interests, including how public opinion and elected legislators may react. In a conversation with our deputy ambassador, the German deputy national security adviser "also cited intense pressure from the Bundestag and the German media. The German federal Government must consider the 'entire political context,'" he concluded. That's how foreign policy is made in a democracy.

The juicy leaks rarely involve our democratic allies, but rather countries in which free elections, free speech and a free press don't exist. There, public affairs may be discussed candidly only in the royal palace or the U.S. Embassy -- behind closed doors, to be protected in a secret cable.

So the WikiLeaks disclosures make interesting reading in London, Ottawa and Tokyo, but in the capitals of some weak and undemocratic American allies they are a very unpleasant surprise. We can easily denounce the gap between private and public discourse in such countries, and the lack of real public debate on key security issues. But when we consider the identities of some of the people they fear -- the ayatollahs in Tehran, terrorists in Hamas and Hezbollah, al Qaeda itself -- we see that the WikiLeaks disclosures are less likely to promote more open government than to give aid and comfort to the enemy.

Mr. Abrams served as an assistant secretary of state from 1981 to 1989 and as a deputy national security adviser from 2005 to 2009.

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## **Information Age: Julian Assange, Information Anarchist**

By L. Gordon Crovitz, 6 December 2010, The Wall Street Journal

Whatever else WikiLeaks founder Julian Assange has accomplished, he's ended the era of innocent optimism about the Web. As wiki innovator Larry Sanger put it in a message to WikiLeaks, "Speaking as Wikipedia's co-founder, I consider you enemies of the U.S. -- not just the government, but the people."

The irony is that WikiLeaks' use of technology to post confidential U.S. government documents will certainly result in a less free flow of information. The outrage is that this is Mr. Assange's express intention. This batch includes 250,000 U.S. diplomatic cables, the kind of confidential assessments diplomats have written since the era of wax seals. These include Saudi Arabia's King Abdullah urging the U.S. to end Iran's nuclear ambitions -- to "cut the head off the snake." This alignment with the Israeli-U.S. position is not for public consumption in the Arab world, which is why leaks will curtail honest discussions.

Leaks will also restrict information flows within the U.S. A major cause of the 9/11 intelligence failures was that agencies were barred from sharing information. Since then, intelligence data have been shared more widely. The Obama administration now plans to tighten information flows, which could limit leaks but would be a step back to the pre-9/11 period.

Mr. Assange is misunderstood in the media and among digerati as an advocate of transparency. Instead, this battening down of the information hatches by the U.S. is precisely his goal. The reason he launched WikiLeaks is not that he's a whistleblower -- there's no wrongdoing inherent in diplomatic cables -- but because he hopes to hobble the U.S., which according to his underreported philosophy can best be done if officials lose access to a free flow of information.

...Or as Mr. Assange told Time magazine last week, "It is not our goal to achieve a more transparent society; it's our goal to achieve a more just society." If leaks cause U.S. officials to "lock down internally and to balkanize," they will "cease to be as efficient as they were."

This worldview has precedent. Ted Kaczynski, another math-obsessed anarchist, sent bombs through the mail for almost 20 years, killing three people and injuring 23. He offered to stop in 1995 if media outlets published his Unabomber Manifesto. The 35,000-word essay, "Industrial Society and Its Future," objected to the "industrial-technological system" that causes people "to behave in ways that are increasingly remote from the natural pattern of human behavior." He's serving a life sentence for murder.

Mr. Assange doesn't mail bombs, but his actions have life-threatening consequences. Consider the case of a 75-year-old dentist in Los Angeles, Hossein Vahedi. According to one of the confidential cables released by WikiLeaks, Dr. Vahedi, a U.S. citizen, returned to Iran in 2008 to visit his parents' graves. Authorities confiscated his passport because his sons worked as concert promoters for Persian pop singers in the U.S. who had criticized the theocracy.

The cable reported that Dr. Vahedi decided to escape by horseback over the mountains of western Iran and into Turkey. He trained by hiking the hills above Tehran. He took extra heart medication. But when he fell off his horse, he was injured and nearly froze. When he made it to Turkey, the U.S. Embassy intervened to stop him being sent back to Iran.

"This is very bad for my family," Dr. Vahedi told the New York Daily News on being told about the leak of the cable naming him and describing his exploits. Tehran has a new excuse to target his relatives in Iran. "How could this be printed?"

Excellent question. It's hard being collateral damage in the world of WikiLeaks.

Mr. Schoenfeld, a senior fellow at the Hudson Institute, is the author of "Necessary Secrets: National Security, the Media, and the Rule of Law" (Norton, 2010).

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## **Why I Love WikiLeaks**

### **For restoring distrust in our most important institutions.**

By Jack Shafer, Slate, Updated Tuesday, Nov. 30, 2010, at 5:48 PM ET

International scandals—such as the one precipitated by this week's WikiLeaks cable dump—serve us by illustrating how our governments work. Better than any civics textbook, revisionist history, political speech, bumper sticker, or five-part investigative series, an international scandal unmasks presidents and kings, military commanders and buck privates, cabinet secretaries and diplomats, corporate leaders and bankers, and arms-makers and arms-merchants as the bunglers, liars, and double-dealers they are.

The recent WikiLeaks release, for example, shows the low regard U.S. secretaries of state hold for international treaties that bar spying at the United Nations. Both Secretary of State Hillary Clinton and her predecessor, Condoleezza Rice, systematically and serially violated those treaties to gain an incremental upper hand. And they did it in writing! That Clinton now decries Julian Assange's truth-telling as an "attack" on America but excuses her cavalier approach to treaty violation tells you all you need to know about U.S. diplomacy.

As WikiLeaks proved last summer, the U.S. military lied about not keeping body counts in Iraq, even though

the press asked for the information a million times. Indeed, the history of scandal in America is the history of institutions and individuals routinely surpassing our darkest assumptions of their perfidy.

Whenever scandal rears its head—Charles Rangel's financial dealings, the subprime crash, the Valerie Plame affair, Jack Abramoff and Randy Cunningham's crimes, Bernie Kerik's indiscretions, water-boarding, Ted Stevens' convictions, the presidential pardon of Marc Rich, the guilty pleas of Webster Hubbell, the Monica Lewinsky thing, the Iran-contra scandal, the Iran-contra pardons, the savings-and-loan fiasco, BCCI, and so on—we're hammered by how completely base and corrupt our government really is.\*

We shouldn't be surprised by the recurrence of scandals, but, of course, we always are. Why is that? Is it because when scandal rips up the turf, revealing the vile creepy-crawlies thrashing and scurrying about, we're glad when authority intervenes to quickly tamp the grass back down and re-establish our pastoral innocence with bland assurances that the grubby malfeasants are mere outliers and one-offs who will be punished? Is it because our schooling has left us hopelessly naïve about how the world works? Or do we just fail to pay attention?

Information conduits like Julian Assange shock us out of that complacency. Oh, sure, he's a pompous egomaniac sporting a series of bad haircuts and grandiose tendencies. And he often acts without completely thinking through every repercussion of his actions. But if you want to dismiss him just because he's a seething jerk, there are about 2,000 journalists I'd like you to meet.

The idea of WikiLeaks is scarier than anything the organization has leaked or anything Assange has done because it restores our *distrust* in the institutions that control our lives. It reminds people that at any given time, a criminal dossier worth exposing is squirreled away in a database someplace in the Pentagon or at Foggy Bottom. Assange's next stop appears to be Wall Street. According to the *New York Times'* DealBook, WikiLeaks has targeted Bank of America. Assange foreshadowed this scoop by telling Computerworld in 2009 of the five gigabytes of data he'd acquired from a B of A executive's hard drive; this month he told Forbes of an "ecosystem of corruption" he hopes to uncover. Today, he reiterated his intention to take on banks in an interview with Time.

As Assange navigates from military and diplomatic exposés to financial ones this year, his Wall Street targets won't be able to shield their incompetence and misconduct with lip music about how he has damaged national security and violated the Espionage Act of 1917 and deserves capital punishment. But I'm sure they'll invoke trade secrets, copyright, privacy, or whatever other legal window dressing they find convenient. Rather than defending their behavior, they'll imitate Clinton and assail Assange's methods and practices.

As the Economist put it yesterday, "secrecy is necessary for national security and effective diplomacy." But it "is also inevitable that the prerogative of secrecy will be used to hide the misdeeds of the permanent state and its privileged agents."

Assange and WikiLeaks, while not perfect, have punctured the prerogative of secrecy with their recent revelations. The untold story is that while doing the United States' allies, adversaries, and enemies a favor with his leaks, he's doing the United States the biggest favor by holding it accountable. As I.F. Stone put it, "All governments lie, but disaster lies in wait for countries whose officials smoke the same hashish they give out."

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