

# *INF 2181, Overview of presentation*

- Introduction
- WikiLeaks and Braman
- WikiLeaks and Schon & Rein
- WikiLeaks and Hacker
- Conclusion

# WikiLeaks

- What is WikiLeaks?

“WikiLeaks is an international public service that allows whistleblowers and journalists to get suppressed information out in the public domain as safely as possible.” (wikileaks.org)

- Who is Julian Assange?

- Editor in Chief / Spokesman for WikiLeaks
- Former hacker / internet activist
- Cryptography expertise



# *Information as a constitutive force*

- “Information is not just affected by its environment, but affects its environment as well.” (Braman)
- **Assange:** “We want to get as much substantive information as possible into the historical record, keep it accessible and provide incentives for people to turn it into something that will *achieve political reform.*” (Nystedt)
- **Gates:** “The battlefield consequences of the release of these documents are potentially severe and dangerous for our troops, our allies and Afghan partners, and may well damage our relationships and reputation in that key part of the world.” (Savage)

# *Braman's forms of power*

Table 2.1  
Forms of power

Form	Definition
Instrumental	Power that shapes human behaviors by manipulating the material world via physical force.
Structural	Power that shapes human behaviors by manipulating the social world via rules and institutions.
Symbolic	Power that shapes human behaviors by manipulating the material, social, and symbolic worlds via ideas, words, and images.
Informational	Power that shapes human behaviors by manipulating the informational bases of instrumental, structural, and symbolic power.

# *Instrumental power altered*

- Regarding the sources of WikiLeaks documents, a Taliban spokesperson said:

“We will investigate through our own secret service whether the people mentioned are really spies working for the U.S. If they are U.S. spies, then we know how to punish them.” (Wikipedia)

## *Instrumental power altered 2*

- Private Bradley Manning leaked “Collateral Murder” video
- This disturbing video may inhibit the recklessness of US troops



## *Instrumental power altered 3*

- In response to leaked military documents:

“Defense Secretary Robert Gates has said the breach probably will lead the Pentagon to limit the distribution of such material. Although that could help prevent future leaks, it could also restrict the flow of potentially lifesaving information to soldiers.” (Now Magazine)

# *Structural power altered*

- WikiLeaks dismantles security measures/protocols of the US government
- WikiLeaks challenges the authority of the media. Verification not of sources but of documents
- Assange: “[journalists are] a craven sucking up to official sources to imbue the eventual story with some kind of official basis.” (New Yorker)



# *Symbolic power altered*

- WikiLeaks exposes American propaganda in Afghan media
- 12 hours of PSYOP (psychological operations) Radio Programming on two stations in the province of Ghazni (Yahoo! News)
- This could potentially lead to the diminishment of American PSYOP

# Policy discourse

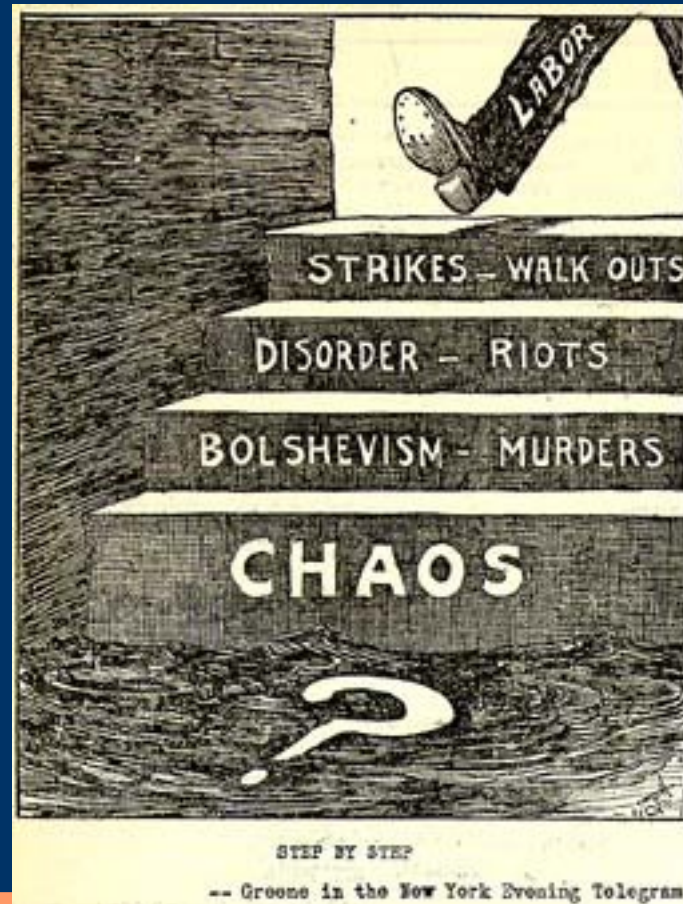
- “Normal discourse proceeds under a shared set of rules, assumptions, conventions, criteria, and beliefs, all of which tell us how disagreements can be settled, in principle, over time...” (Schon & Rein)
- **Gates:** “My attitude on [WikiLeaks] is that there are two areas of culpability. One is legal culpability. And that's up to the Justice Department and others. That's not my arena. But there's also a *moral culpability*. And that's where I think the verdict is guilty on WikiLeaks.” (Miller)
- **Economist.com poster:** “Exposure of government documents, particularly those related to war, is simply *the right thing to do*. Any individuals made vulnerable by these exposures were aware that their choice to involve themselves in international conflict places them in danger. That is the unfortunate result of their choices.”

# Constitutional disputes

- “As Kant and many philosophers after him have argued, questions of rights and duties are not reducible to an analysis of the consequences of action.” (Schon & Rein)
- “WikiLeaks would argue that, no matter the language in the statute, it would enjoy First Amendment protection from all prosecutions.” (Light)
- ... but history has shown that the First Amendment right has been reduced to consequentialist arguments over the years by courts using the **Espionage Act of 1917**...

# Espionage Act of 1917

- “It prohibited any attempt to interfere with military operations, support America's enemies during wartime, to promote insubordination in the military, or interfere with military recruitment.” (Wikipedia)



# *First Amendment contradictions*

- **Schenck vs United States, 1919:** “clear and present danger”
- **Brandenburg vs Ohio, 1969:** “imminent lawless action”
- As of 2010, “imminent lawless action” under the 1917 Espionage Act is still the test applied to First Amendment cases.

# *Espionage Act and WikiLeaks*

- “The Washington Post reported that the US Justice Department is considering use of the Espionage Act to prevent WikiLeaks founder Julian Assange from posting the remaining 15,000 secret war documents.” (OneIndia)
- **News headline:** “Pentagon seeks basis to use Espionage Act against WikiLeaks” (Daily Conservative)
- “The WikiLeaks case highlights the central flaw in espionage laws, namely that they are grossly outdated, drafted in an age when all information was tangible and not electronic. The laws never envisioned anything like the Secure Internet Protocol Router network (SIPRnet) that thousands of government personnel across the globe routinely use to access troves of classified documents.” (Light)

# *Policy drift*

- “Changes in the operation or effect of policies that occur without significant changes in those policies’ structure. The major cause of drift in the social welfare field is a shift in the social context of policies, such as the rise of new or newly intensified social risks with which existing programs are poorly equipped to grapple.” (Hacker)
- Espionage Act poorly equipped to handle new risks posed by WikiLeaks.
- Why is the “drift” largely benefiting WikiLeaks?

# More drift...

- “The question for policymakers becomes whether and how to respond to the growing gap between the original aims of a policy and the new realities that shifting social conditions have fostered.” (Hacker)
- **Original aims:** punishing foreign spies and/or dissenters *within the country* who are deemed to be harming the government.
- **New realities:** 1917 didn’t anticipate cyberspace and virtual organizations, Assange/WikiLeaks not even based in any one country, and the information was voluntarily supplied by citizens to WikiLeaks.



# ...so what can policymakers do?

- **Ensign:** “My legislation will *extend* the legal protections for government informants, such as the Iraqis named in this latest document dump, and will prevent an organization such as WikiLeaks from hiding like a coward behind a computer mainframe while putting lives in jeopardy.” (Chatterjee)
- “Formal policy change depends principally on whether the basic political structure and partisan context privileges the status quo.” (Hacker)

# Democrats against WikiLeaks



- “It's not the content as much as it is the names, operations, logistics, sources -- all of that information out in the public has the potential to do harm.” (Raddatz et al.)
- “We should condemn in the most clear terms the disclosure of any classified information by individuals and organizations which puts the lives of United States and partner service members and civilians at risk.” (YouTube)



# *Prominent supporters of WikiLeaks*

- American Civil Liberties Union
- Electronic Frontier Foundation
- Reporters Committee for Freedom of the Press
- In 2008, these stakeholders were successful in having the Bank Julius Baer lawsuit decision against WikiLeaks overturned. (Wikipedia)

# Hacker's 4 modes of policy change

		Barriers to Internal Policy Conversion	
		High (Low levels of policy discretion, strong policy support coalitions)	Low (High levels of discretion, weak support coalitions)
Barriers to Authoritative Policy Change	High (Many veto players)	<p><b>Drift</b></p> <p>(Transformation of stable policy due to changing circumstances)</p> <p>Illustrative Example: Erosion of Scope of Protection of Existing Public Social Programs and Private Benefits</p>	<p><b>Conversion</b></p> <p>(Internal adaptation of existing policy)</p> <p>Illustrative Example: Employers' Restructuring of Publicly Subsidized Voluntary Workplace Benefits</p>
	Low (Few veto players)	<p><b>Layering</b></p> <p>(Creation of new policy without elimination of old)</p> <p>Illustrative Example: Creation and Expansion of Tax Subsidies for Private Retirement Accounts</p>	<p><b>Revision</b></p> <p>(Formal reform, replacement, or elimination of existing policy)</p> <p>Illustrative Example: 1996 Welfare Reform</p>

# *Not drifting much longer?*

- “When the political barriers have declined in response to favorable electoral or political winds, conservatives have successfully layered new policies that embody new goals on top of existing change-resistant programs.” (Hacker)
- They're leaning away from the drift

# Conclusions...

- A balance to be struck?
- “The global environment for the governance of media and communication is based on the interaction and interdependence of a wide array of actors and processes taking place in *dispersed policy venues*.” (Raboy & Padovani)

# Questions

- Global media policy is about promoting “the recognition of principles and the evolution of norms that inform state-based policy-making, *as well as non-state based standard setting* self-governing arrangements.” (Raboy & Padovani) So keeping in mind the potential damage that WikiLeaks has caused and that it is next to impossible for any one country to impose regulations on the organization, should a “global media policy” be developed that has more power over non-state based organizations such as WikiLeaks?
- Where do you draw the line between government documents that should be kept secret and those that should be exposed?