



What is the effect of WikiLeaks for Freedom of Information?

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Introduction

WikiLeaks is an international non-profit organization working for transparency which publishes news leaks based on their ethical, historical and political significance. WikiLeaks was founded in 2006 by Chinese dissidents, journalists and mathematicians, and start-up company technologists from the United States, Taiwan, South Africa Australia, and Europe. An Australian Internet activist, Julian Assange, is described as a director of WikiLeaks.

WikiLeaks was originally launched as a [Wiki](#) site, but it has moved towards a more traditional publication model and their texts are edited only by editors. Their database covered more than 1.2 million documents by 2007.

On their website WikiLeaks states [Article 19 of the Universal Declaration of Human Rights](#) as a basis their work by defining the human rights of expression and receipt of information regardless of frontiers as civil rights. The WikiLeaks web site further defines "principled leaking," as necessary to fight government, individual and corporate corruption. Julian Assange also has compared his actions to Daniel Ellsberg and the Pentagon Papers case as an example of why principled leaking would be necessary for good government. ¹

What do the recent WikiLeaks documents address?

The most high-profile documents hosted by WikiLeaks are either US based documents or they focus on alleged US government misbehavior. Many of them relate to hidden war crimes or prisoner abuse. The following sections describe the content and value of leaked publications and public reactions on the leaks.

In March 2007 WikiLeaks published the US military's operating manual for the Guantanamo prison camp (*Standard Operating Procedures for Camp Delta*). The manual indicated that some prisoners were placed outside the areas which members from the International Committee of the Red Cross were allowed to visit. This was something the military has repeatedly denied.

In July 2010, WikiLeaks released [Afghan War Diary](#), a compilation of more than 76,900 documents about the [War in Afghanistan](#) which were not previously available to the public. These documents indicated that the deaths of innocent civilians at the hands of international forces were covered up.

In October 2010, WikiLeaks released a package of almost 400,000 documents called the [Iraq War Logs](#) in coordination with major commercial media organizations. US officials confirmed that this was the largest leak of US military secrets in history. The "war logs" showed alleged evidence of torture that was ignored, and that there were more than 109,000 violent deaths between 2004 and 2009 including 66,081 civilians. ²

On November 28th 2010, WikiLeaks began releasing [US State Department diplomatic cables](#). The [New York Times](#), [Le Monde](#), [Der Spiegel](#), [The Guardian](#) and [El Pais](#) in co-operation with WikiLeaks published the first articles which revealed that over 250,000 confidential documents had been leaked to WikiLeaks. During the same night the first 219 documents of the diplomatic cables were published on the WikiLeaks website. According to WikiLeaks, all cables will be published during the coming months. By the 4th of December 2010 over 800 cables had been published. ³

The diplomatic cables originated from [Siprnet](#) (Secret Internet Network), a closed network of the US Department of Defence. Over the past ten years US Embassies worldwide were plugged into Siprnet in an effort to increase information sharing. Documents were available on Siprnet for over 2 million people including all military staff. About 100,000 of the leaked cables were labeled "confidential", about 15,000 had the higher classification "secret", but there were no documents classified as "top secret" on the [classification scale](#).⁴

Reactions to diplomatic cable leaks

Leaking the content of US diplomatic cables caused dramatically harder reactions in different countries than any other of the earlier actions of WikiLeaks. It made also civil rights organizations reconsider their stand on WikiLeaks.

On December 6th US Attorney General Eric Holder announced that WikiLeaks was under criminal investigation and that there could be prosecutions of individuals for leaking classified documents. Julian Assange, director of WikiLeaks, was arrested 7th December 2010 in Britain and accused of sexual assaults in Sweden. However, he was released 16th December against bail for a home arrest. No charges due to the leaks have been filed so far against him.

WikiLeaks also became as a target of attacks and blocks. Immediately after the documents were published, a denial-of-service (DoS) attack was carried out against the WikiLeaks website. WikiLeaks was blocked by government organizations and service providers in China, UAE, Australia (on a black list), Switzerland (by a US service provider) and in the USA (from Federal Government staff, Library of Congress, Department of Education). Also, in California WikiLeaks was temporarily blocked from all DNS addresses after the cable leaks.

Several financial institutions, including Swiss PostFinance, [PayPal](#), [Bank of America](#), [Visa](#) and [MasterCard](#), closed WikiLeaks' accounts shortly after the cables were published. These events were followed by DoS attacks against MasterCard and Visa which were organized by activists defending WikiLeaks. As a consequence of this attack Facebook and Twitter also closed the accounts and pages used by hackers.⁵ As such, these reactions increased concerns about the tactics of WikiLeaks.

Direct censorship by blocking was not the only restrictive reaction against WikiLeaks. In USA university students as well as government staff and prospective employees were warned by the State Department not to read, print, comment on or make links to WikiLeaks.⁶ The reasoning behind this warning was that the data in WikiLeaks is still officially held as classified.⁷

Government reactions to WikiLeaks

US government reactions to WikiLeaks have hardened over time. Concerning *Afghan War Diary*, the Pentagon pressured WikiLeaks to return all documents. The *Iraq War Logs* leak in 2010 was condemned by the US and UK who suggested the disclosures put lives at risk.

The leak of the diplomatic cables in November 2010 naturally caused more reactions in different countries than any other items WikiLeaks had published, since it also touched sensitive political issues for different governments.

US policymakers have been both critical and supportive of WikiLeaks' actions. Secretary of State Hillary Clinton decried immediately [the illegal publication of classified documents from government computers, and defended the need for "confidential space" for diplomatic conversations](#). In addition, she noted that people's lives could be endangered by confidential data disclosures.⁸

However, other governments' reactions were considerably milder concerning the possible impacts of the leaks. According to US Defense Secretary Robert Gates the leaks were embarrassing but he estimated that they would only have "modest" consequences for US foreign policy.⁹

German Interior Minister Thomas de Maizière described WikiLeaks as irritating and annoying for Germany, but not a threat. However, he also defended governments' position to hold secret information, saying "Governments also have to be able to communicate confidentially. Confidentiality and transparency are not mutually exclusive, but rather two sides of the same coin"¹⁰

In Finland politicians' reactions were controversial. Minister of Foreign Affairs, Alexande Stubb, described the leaks as regrettable and stated "I support transparency and public diplomacy. However, some information between states can be sensitive. This is certainly a difficult situation"¹¹

Former Minister of Foreign Affairs, Erkki Tuomioja, emphasized that leaking of diplomatic cables was based on stealing of data and he saw WikiLeaks activities in this case as questionable. On the other hand, one member of the parliament, Annika Lapintie (Left Alliance) proposed a Nobel Prize for WikiLeaks.¹²

Divided opinions among civil rights organizations

WikiLeaks has also become a dividing and controversial issue also among civil rights organizations. Many organizations agree on the undeniable value that WikiLeaks has had by indicating violations of human rights and civil liberties. According to Glenn Greenwald, lawyer and civil rights activist, the amount of corruption which WikiLeaks has exposed is unique in history and there is no other organization that comes close to WikiLeaks regarding exposures of misuse of power.¹³

Many civil right organizations have so far openly supported the work of WikiLeaks because of these reasons. The reasoning behind their support is based on the fair rules and justified functionality of democracy and civil society. If secrecy of administrative documents is used to cover government misbehavior, especially inhuman conditions and killing of people, there must be legal grounds to overcome formal borders of secrecy. This has seen as a justified way to protect democratic society and citizen against secret arbitrary government power.

However, the leaks of diplomatic cables made some civil rights organizations and activists back off with their full support for WikiLeaks. The *Afghan War Diary* leaks had already been harshly criticised by Reporters without Borders. They accused WikiLeaks of "incredible irresponsibility." Although they admitted that WikiLeaks "has in the past played a useful role" by exposing violations of human rights and civil liberties, the case of *Afghan War Diary* was to some extent different. WikiLeaks was accused of revealing the identity of hundreds of people who collaborated with the coalition in Afghanistan and making them vulnerable for further violence.¹⁴

Although there is largely an agreement about the value of leaked information, the strategies, tactics and mistakes of WikiLeaks have gained critics. It has also been questioned if the impact of the leaks will lead in an opposite direction than was expected: towards more secrecy and increasing restrictions. Stephen Aftergood, director of [Federation of American Scientists](#) Project on Government Secrecy comments: "It has invaded personal privacy. It has published libellous material. It has violated intellectual property rights. And above all, it has launched a sweeping attack not simply on corruption, but on secrecy itself. And I think that's both a strategic and a tactical error. It's a strategic error because some secrecy is perfectly legitimate and desirable. It's a tactical error because it has unleashed a furious response from the US government and other governments that I fear is likely to harm the interests of a lot of other people besides WikiLeaks who are concerned with open government. It may become harder to support protection for people who disclose and publish classified information after WikiLeaks."¹⁵

Altogether, debate on WikiLeaks has become very complex. There seems to be a pressure on taking sides for or against WikiLeaks or giving statements for them. However, it will require an analytic discussion to recognize both pros and cons in their activities.

It is somewhat difficult for civil society organizations to make clear statements for several reasons. Firstly, WikiLeaks' political activities have taken different shapes during last years and even many transparency activists are not behind all of them. While it is unquestionable that leaks about war crimes and prison violence have given valuable information for society, it is harder to judge the value of data from large amount of diplomatic cables.

It would require weighing an undeniable efficiency of WikiLeaks' actions and validity of concerns they have revealed against their provocative and questionable ways of political action. "There is an alternative mechanism for progress", suggested Stephen Aftergood, "So it's really not a question of WikiLeaks or nothing. It's a question of a smart, well-targeted approach or a reckless shotgun approach."¹⁶

Impact of the cable leaks on intellectual freedom

What is the possible impact of WikiLeaks? Is it going to increase or restore the space of free speech or advance transparency of public documents? Or is it going to have the opposite effect and make governments strengthen their restrictions and increase different forms of Internet censorship?

There are several valid concerns and evident signs about stricter legislation and more in depth surveillance practices which may find their grounds on WikiLeaks. Shortly after cable leaks three US senators (Ensign, Lieberman, Brown) introduced a bill aimed at stopping WikiLeaks by making it illegal to publish the names of military or intelligence community informants. According to Brown, The Securing Human Intelligence and Enforcing Lawful Dissemination Act (SHIELD) would prevent anyone from compromising national security in the future in a similar manner to WikiLeaks.¹⁷

Another bill under discussion would give the US government extended rights to wiretap all online communication and Internet traffic including foreign-based service providers. The wiretapping bill would also require software developers which enable peer-to-peer communication to redesign their service to allow interception.¹⁸ Concerns have been raised if WikiLeaks is used to gain support for this legislation.¹⁹

In early December 2010 US senators Joe Lieberman and Dianne Feinstein invoked the 1917 Espionage Act and urged its use in prosecuting Julian Assange. Liebermann also extended his invocation to include the use of this Act to investigate the *New York Times*, which published WikiLeaks' diplomatic cables. Naomi Wolf, journalist and civil rights activists, warned about the consequences of this practice: "Assange, let us remember, is the *New York Times* in the parallel case of the Pentagon Papers, not Daniel Ellsberg; he is the publisher, not the one who revealed the classified information -- then any outlet, any citizen, who discusses or addresses 'classified' information can be arrested on 'national security' grounds", concluded Wolf.²⁰

Another a crucial issue is the protection of sources. What will happen to journalists' rights to publish leaked information? US lawyer and civil rights activist. Glenn Greenwald condenses this concern soundly: "Put simply, there is no intellectually coherent way to distinguish what WikiLeaks has done with these diplomatic cables with what newspapers around the world did in this case and what they do constantly: namely, receive and then publish classified information without authorization".²¹

The consequences of losing a right to protect sources may lead to extreme transparency, but does it lead to the kind of transparency which would support democracy and civil society? American journalist, Claire Berlinski reveals the faulty logic of this kind of philosophy in her statement: "The hypocrisy and double-standard of journalists, in particular, who fail to understand why the government must sometimes protect its sources of information is mind-blowing. Journalists, of all people, should understand this better than anyone else. Many sources would lose their jobs, their reputations, their liberty or their lives for talking to journalists

on the record. If the people who spoke to us didn't think we could keep their names out of the story, they would never open their mouths again. Would that make the world more transparent?"²²

Library and information field and WikiLeaks

According to the ALA (American Library Association), WikiLeaks relates to many policy issues including access to government information, censorship and the blocking of web sites, government secrecy and the over-classification of government information, treatment of whistleblowers, government transparency and the legalities surrounding classified information. Presently, it looks like WikiLeaks has raised dozens of political and legal questions which will take time to respond to.²³

Also, in the library field there have been controversial approaches to WikiLeaks. Library of Congress have blocked access to WikiLeaks, which has raised a vivid debate on censorship among libraries.²⁴ Consequently, ALA has compiled a proposal for a resolution to support accessibility to WikiLeaks and library associations in other countries are considering the same.²⁵

From FAIFE's point of view it would be valuable to focus on the direct and indirect censorship effects of WikiLeaks in different countries, organizations and libraries. However, as indicated, WikiLeaks may also be used as a case to support such new bills, surveillance practices and use of technologies which extend capabilities of censorship and data surveillance. Unfortunately, there is not yet much evidence of the development trend towards another direction: to strengthen transparency and increase the space for freedom of speech within the aftermath of WikiLeaks.

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Footnotes:

- ¹ Wikipedia (English). Wikileaks
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- ² BBC. Wikileaks: Iraq war logs 'reveal truth about conflict. BBC News (bbc.co.uk), 23.10.2010
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- ¹² Wikipedia (Finnish). Wikileaks
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- ¹³ Is WikiLeaks' Julian Assange a Hero? Glenn Greenwald Debates Steven Aftergood of Secrecy News / Democracy Now (Video & transcript), 3.12.2010
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- ¹⁴ Siddique, Haroon, Press freedom group joins condemnation of WikiLeaks' war logs. The Guardian (guardian.co.uk), 13.8.2010.
<http://www.guardian.co.uk/media/2010/aug/13/wikileaks-reporters-without-borders>

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- ¹⁵ Is WikiLeaks' Julian Assange a Hero? Glenn Greenwald Debates Steven Aftergood of Secrecy News / Democracy Now (Video & transcript), 3.12.2010
http://www.democracynow.org/2010/12/3/is_wikileaks_julian_assange_a_hero
- ¹⁶ Is WikiLeaks' Julian Assange a Hero? Glenn Greenwald Debates Steven Aftergood of Secrecy News / Democracy Now (Video & transcript), 3.12.2010
http://www.democracynow.org/2010/12/3/is_wikileaks_julian_assange_a_hero
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<http://thehill.com/blogs/hillicon-valley/technology/131885-senators-unveil-anti-WikiLeaks-legislation>
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<http://www.emergingissues.ala.org/wikileaks/wikileaks-and-its-relationship-to-ala/>
- ²⁴ Why the Library of Congress Is Blocking Wikileaks
<http://blogs.loc.gov/loc/2010/12/why-the-library-of-congress-is-blocking-wikileaks/>
- ²⁵ Revised version: Resolution in Support of WikiLeaks (12/29/10)
<http://connect.ala.org/node/124678>

But Morozov argues that the effects of that freedom of information have mostly played out where the State Department least expected it, in the democratic world. Forbes: How do you interpret the State Department's simultaneous push for "Internet Freedom" and its anger towards and embarrassment at the hands of WikiLeaks? Evgeny Morozov: There are two ways to read it. One is that the State Department is very naïve. I see potential for WikiLeaks, but the power structures they oppose are likely to react in ways that may not necessarily be conducive to greater democratization. So while I share the spirit of WikiLeaks, and there's definitely stuff to admire there, it wouldn't be the first time that people with benign intentions may cause unintended results. Andy Greenberg. The push for "freedom of information" is not restricted to online spaces, but it appears to be born from such spaces, with the concept itself shaped by the presence of the Internet and its effect on networked societies. Focusing on WikiLeaks, the Pirate Party, Anonymous, and Iceland, I describe the emerging coalescence of "freedom of information" advocates pushing for a simultaneous liberalization and homogenization of freedom of information regulations across democracies. Discover the world's research. Within this context, the emergence of actors such as Anonymous and WikiLeaks signals the 'emergence of a freedom of information movement' (Beyer, 2014), which has also found its concretization within the conventional channels of party politics and... Leaks of classified information to the press have only rarely been punished as crimes, and we are aware of no case in which a publisher of information obtained through unauthorized disclosure by a government employee has been prosecuted for publishing it. There may be First Amendment implications that would make such a prosecution difficult, not to mention political ramifications based on concerns about government censorship. Hopefully, this information will help counter much of the fear that our government's so-called "war" against Wikileaks has generated. Freedom of information accepts that there are some things where you need to strike a balance. The free for all says isn't this exciting, we didn't know it " never mind the casualties. Life is much more complicated than that. "That doesn't mean that public authorities shouldn't sit up and take notice of what's happening with WikiLeaks. Even if you're working within the structures of freedom of information, things may get out. It's as well to recognise that fact." He said the revelations would inevitably impact on how governments work, but urged ministers not to react by trying to control information more tightly. "One response is that they will clam up and not write anything down, which is nonsense, you can't run any organisation that way. The other is to be even more open.