

WikiLeaks: Controversial to Say the Least

IT 103, Section C01

Vitaliano Mendoza

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Vitaliano Mendoza
Student

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Introduction

The date October 4th, 2006 marks the launch of one of the most controversial websites ever created, WikiLeaks. The concept behind this new information technology resource, created by Julian Assange, is to publish and make available information that government agencies and transnational corporations want to remain under-wraps. Simply, the site functions through anonymous people (often referred to as whistle-blowers) with access to confidential or classified documents sending these documents to the site either through the web or via mail. At the site's headquarters, volunteer editors conclude what information is dependable and the chosen submissions are then published online (Sutter, 2010). It's quite obvious why this site has been surrounded with so much contention; from legal threats, to ethical repercussions and social fears. WikiLeaks has become a guilty pleasure for people around the world, not only through the insightful stories it delivers but also for the discussions it inspires. Can such a website endure all these types of controversies and still be beneficial?

Development Background

WikiLeaks' development as a website is quite impressive; although in January 2010 it was temporarily shut down due to lack of funds, the site has been able to fund itself through donations for nearly five years. Hacking has never been a problem for WikiLeaks but it has been known to crash on occasion because of the volume of high traffic.

The most remarkable feature of this development has to be that WikiLeaks keeps servers on several continents. When it needs to pass important information, it does so through specific countries such as Sweden, Belgium, and Iceland because they have offered the website a measure of legal immunity (Sutter, 2010). WikiLeaks protects itself this way from numerous

governments even though others have still tried to find the website in violation of some laws, including the United States under the Espionage Act.

Legal Encounters

The United States Justice Department thought about pressing espionage charges against WikiLeaks after its initial leaks but legal precedents dictated otherwise. Prior, in 1971, an analogous case occurred in which the New York Times was summoned to court by the U.S. government for publishing the “Pentagon Papers,” a detailed report of the United States’ involvement and motives in the Vietnam War. The court reached a verdict, favoring freedom of press above the government’s call for secrecy (Miller, 2011). This case set an important precedent which would later protect WikiLeaks from legal action by the U.S. through the Espionage Act of 1917.

The U.S. government realized this and opted to provide a patch for the loophole by proposing the Shield Bill instead of taking the website to court. This proposition would amend the Espionage Act of 1917 and make it unlawful for anybody to deliberately publish classified information “concerning the human intelligence activities of the United States” (Stone, 2011, p. 105).

Although this bill appears to cover all the bases, there are some cases in which the bill cannot be applied. The Shield Bill would be able to be used against government employees who disclose secret material, but would infringe upon First Amendment liberties if attempted to be used against individuals who may wish to distribute said material after it has been released (Stone, 2011, p. 105).

This could result in some future problems for the United States regarding national security should the wrong classified files leak and circulate. A suggestion, should the Shield Bill

pass, is that the Act come into effect only when the United States' wellbeing is put in impending danger. For now WikiLeaks and its whistle-blowers seem immune to legal consequences in the United States of America. With the government's limited options on how to deal with WikiLeaks and the numerous news articles that follow its disclosures, there are some thoughts of increasing censorship of media outlets. This, thought by many to be unethical, is something the government may consider.

Ethical Issues

WikiLeaks has thus far remained unscathed from legal battles, but has caused governments to consider other ways to quiet the site down. Floyd Abrams, a veteran First Amendment lawyer, believes stricter censorship is a possibility. Mr. Abrams makes a great point in saying that, often times "democratic countries may change...their attitudes towards freedom of expression in an effort to stop what they view as harmful revelation of secret information" (Lunt, 2011). Censorship of media is highly unethical but governments haven't shied away from doing so in the past.

In 1978, United States' Congress passed the Sedition Act, making it illegal to criticize the President or Congress. Prior to this, during the Civil War, the government shut down newspapers for their critical opinions of the President's policies (Stone, 2011, p. 106). Censorship is a powerful tool, but from an ethical stand point, it is not an option.

Instead of from the government's side, my belief is that the ethical decision actually lies with the news organizations that run WikiLeaks' stories. My thoughts are that it is these organizations' moral duty to publish proper content that benefits its readers by informing them. By running WikiLeaks' findings, these outlets are making information widespread that is deemed dependable not necessarily accurate. Paul Greenberg, director of the journalism program

in the Tulane School of Continuing Studies, puts it well by saying, “As a journalist I believe the information should be out there; as an ethicist, I worry about the fact we don’t know if the material is accurate” (Rivet, 2011). Freedom of speech is a chief right given to us, so why not use it properly and honorably. Discussions of limiting this freedom in any way would cause social uproars.

Social Issues

When talks of shutting down WikiLeaks began, people emerged on both sides vehemently arguing their position. On the one hand, people felt that it was important to our country’s safety to shut it down, being that classified documents were released (Miles, 2011). On the other hand, people felt that any form of censorship is a breach of our right to the freedom of speech. I personally find the problem with this censorship is finding middle-ground and making sure governments don’t exceed reasonable boundaries.

Assistant Secretary of Defense for Public Affairs, Douglas Wilson, acknowledges the importance of social media because it “provides instantaneous, real-time ability to reach broad numbers of people and to communicate quickly and effectively” (Miles, 2011). The information shared over these outlets is what concerns him. While releasing the content itself may have negative repercussions, the benefits of this information and of being able to express yourself through freedom of speech can exceed them.

Benefits

Despite all the legal, ethical, and social controversies that seem associated with WikiLeaks, the benefits the website has provided are often over-looked. One key positive aspect of WikiLeaks’ released material is that it’s valuable to public understanding.

Another pro is that it has revealed marked flaws in the U.S.'s security. The governing body should concentrate on not allowing leaks in the first place. When "2.5 million U.S. government workers had access to the documents" that caused such uproar in November 2010 (when WikiLeaks released the cables), people began questioning how many government employees actually need such high government clearance (Bigwood, 2011, p. 11).

Lastly, a huge benefit is the readers of the content find it fulfilling when government representatives' official statements coincide with their true motives and actions. For example, when leaks surfaced and provided verification of Iranian and Hezbollah support of Shiite armed forces in Iraq, including their kidnappings of American soldiers, as the Bush administration had stated but many critics doubted, people were very pleased (Crovite, 2010). All these positives help improve the government and its citizens but more importantly, the relationship between them.

Conclusion

WikiLeaks will always be a subject of controversy in the many different categories that it can fall under. For starters, the website's ability to escape the law by uploading information through different countries servers is genius and in the United States in using the First Amendment to shield itself from the Espionage Act of 1917. Ironically, the site lead to a proposed amendment to fix this loophole called the Shield Bill. WikiLeaks has also been mentioned in conversations regarding whether it was ethical for governments to censor, as has been done before in American history, the site due to potentially harmful classified information. The website also has people questioning their journalist morals to either publish compelling news stories with WikiLeaks as a source or not to because they don't have the adequate resources to verify if the information provided is accurate. Social issues have been synonymous

with the site as well, regarding the suppression of freedom of speech when it is clear that censorship could affect social medias, an expanding method to communicate information quickly. The controversies overshadow the benefits that WikiLeaks has enabled, helping citizens gain confidence in their governments through reassurance. Whether this website continues in the future or is ultimately shut down, its existence has seen controversies that polarized countries in a positive manner.

Reference Page

Bigwood, J. (2011). After cablegate, enforced ignorance. *In These Times*, 35(6), 10-11. Retrieved July 10, 2011 from http://www.inthesetimes.com/article/7328/after_cablegate_enforced_ignorance/

This source was used for some insight on WikiLeaks initial leak. Also the main purpose for this source was a data fact used in the Benefits section of the paper.

Crovitz, G. (2010). Journalism scoops WikiLeaks; There's little of public benefit in the documents that hadn't already been reported. *Wall Street Journal* (Online). Retrieved July 10, 2011 from <http://online.wsj.com/article/SB10001424052702303284604575582692517152862.html>

This source was used in the Benefits sections to back up my claim of citizens being shown proof of government claims. The source talks about Middle East activities that the Bush administration claimed, but critics questioned.

Lunt, Andrea. (2011, January 26). Press freedom under threat in age of WikiLeaks. *Global Information Network*. Retrieved July 10, 2011, from <http://ipsnews.net/news.asp?idnews=54245>

This source provided much help in the ethical section of my paper. The article talked about governments using the leakage of classified information as possible means to justify censorship. It also had a little section about a pro-WikiLeaks government member's opinion.

Miles, D. (2011). Pentagon official addresses WikiLeaks, social media. *American Forces Press Service*. Retrieved July 10, 2011, from <http://www.af.mil/news/story.asp?id=123252121>

This source was useful for the social issues part of my paper. I quoted a great passage talking about social media and how it is expanding and efficient.

Miller, R. (2011). Is WikiLeaks 'the press'? *EContent*, 34(2). Retrieved July 10, 2011, from <http://www.econtentmag.com/Articles/Column/Media-Redux/Is-WikiLeaks-The-Press-74373.htm>

This source was mainly used to provide evidence for one of my points. It talks about the 1971 case, where the New York Times went to court against the United States government for publishing the "Pentagon Papers."

Rivet, R. (2011, January 25). Wikileaks exposes ethical dilemma for media. *Tulane University New Wave*. Retrieved July 10, 2011, from http://tulane.edu/news/newwave/012511_wikileaks.cfm

This source was another good article used in my ethical section of my paper. The work describes whether it is important to publish any information or only the ones that are accurate. This source help incorporate the media outlets ethical standings.

Stone, G. (2011). WikiLeaks, the proposed Shield Act and the First Amendment. *Journal of National Security Law & Policy*, 5(1), 105-118. Retrieved July 10, 2011, from http://www.jnslp.com/wp-content/uploads/2011/06/02_Stone.pdf

This source was another major component in my paper's legal section. Describes how WikiLeaks would not be affected by the Espionage Act. Also talks about the amendment proposed to it, called the Shield Bill.

Sutter, J. (2010). The technical muscle behind WikiLeaks. *CNN Tech*. Retrieved July 10, 2011 from http://articles.cnn.com/2010-07-26/tech/how.wikileaks.works_1_wikileaks-julian-assange-site-crashes?s=PM:TECH

This source was important to describe WikiLeaks format of development and some of the basic information regarding the website. It wasn't used much for arguments sake just for facts.