TRANSCRIPT
Executive Session on WikiLeaks

Sponsored by the Joan Shorenstein Center on the Press, Politics and Public Policy
Harvard Kennedy School
Thursday, February 3, 2011, 9:00 AM – 2:00 PM
Longfellow Room, Charles Hotel Pavilion

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ALEX JONES: Good morning. I'm Alex Jones. I'm the Director of the Joan Shorenstein Center on the Press Politics and Public Policy here at the Kennedy School, and I want to welcome you all and thank you for coming. I'm glad that the weather cooperated at least in some respects, so that some of you who we were afraid might not be able to come have been able to come, and that's wonderful. We'll be joined throughout the morning and early afternoon by some more folks.

But we have a terrific group to discuss something that is clearly a very important issue, and one that is very timely. Some of you may have seen this morning that Julian Assange has been nominated, quite seriously apparently, for the Nobel Peace Prize. How you feel about that may color your view of WikiLeaks in a general kind of way, of course, but I think that the issue is one that is not one of him as a personality, but as WikiLeaks as an institution, and as one that is something that can be, you know, replicated by others. WikiLeaks was born in the fall of 2006. That's when the WikiLeaks organization filed for the domain name.

And they began doing their work of releasing documents that had been sent to them by whistleblowers not long after. But for several years really, literally for several years, two or three years, what WikiLeaks did was treated in government circles, unless you were one of the targets, with kind of a benign indifference and bemusement almost. WikiLeaks tended to be viewed by the news media as a fourth paragraph reference to something that was posted on WikiLeaks and the story was something that evolved from the posting itself. But the organization really didn't get that much attention institutionally.

But then, in 2010, with the release of video on the shooting of civilians and some journalists by American soldiers from a helicopter, the attention certainly of the United States became riveted on WikiLeaks. And that has only become heightened when a few months later, WikiLeaks had a huge data dump which led to stories in *The Guardian*, *The New York Times*, and *Der Spiegel*, and has continued essentially being a foundation of stories and revelations that have been on the one hand embarrassing, and on the other

hand, have raised the issue of whether this is really genuinely something that is a menace to diplomacy, to the nation state, to the idea of secrecy, and if there is no genuine secrecy in a world that includes the technology to distribute information so instantaneously and widely, where does that leave us as a world?

I think that the arguments back and forth about the journalistic issues, the security issues and so forth, are ones that are both new and also familiar. I think a report in bookings captured it rather well. This was published in December. “With the Internet, we tend to like to believe that everything is new all the time. The difference with WikiLeaks, as opposed to earlier battles between the open web and government is a difference in degree. The amount of data is greater, the collaboration with news organizations is new. The impact of that data is greater. So the real question is, when does a difference in degree equal a difference in kind?

And have we reached the moment where difference in degree has now tipped over into a difference in kind?” Our purpose in organizing this today was to address a number of questions assembling a group of people whose opinions we respect very highly. We are recording this. We do intend to publish a transcript. What you say is on the record as far as we are concerned. If some of you have some issues with that, I would hope that you would let me know right away. But I wanted to let you know at the beginning that the concept of what we do at the Shorenstein Center is to make information available and make thinking and discussions of important issues in our sphere something that we are able to use to spur more thought and more discussion.

So, it is an on the record discussion. We hope that we will be able to address a number of issues. These are some that have occurred to me at the very beginning of our conceiving this, that we hope that we will get to today, and others as well, that you may want to raise, that are not ones that I’m mentioning. Has the existence of WikiLeaks and similar websites that publish information added a category to journalism? Can publishing classified documents on the web be considered journalism or is it something else? What is the appropriate response to WikiLeaks from governments? From the press? Should the

press be for or against the prosecution of WikiLeaks? Of the sources such as-- Of such documents? Is Daniel Ellsberg different from the soldier who leaked the video about the helicopter slaughter of civilians in Afghanistan?

Is he a whistleblower or is he a trader who should serve a long sentence? What is the prospect for laws that would make it a crime for *The New York Times* and other news organizations to publish such documents? Can they be protected without also protecting those who would divulge secrets? Genuine secrets. If the United States is a champion of free speech and the first amendment, how do we deal with WikiLeaks? Does harsh response make us look foolish or hypocritical? Does a lax response encourage more damaging leaks? What is the proper balance? And what is government's proper role in protecting information such as was released by WikiLeaks?

Do we want ironclad secrecy? Isn't unshared information what led in part, to 9/11? We're going to start with hearing from three people. First, Jonathan Zittrain from the Berkman Center. After Jonathan, David Sanger of *The New York Times* who was one of the principal authors of the articles in *The New York Times* that have appeared about WikiLeaks and using WikiLeaks material. And next, Nick Burns, from here at the Kennedy School. And then we will open the discussion. Because I believe that there will be an awful lot of questions and thoughts that this group is going to want to share. First, Jonathan Zittrain.

JONATHAN ZITTRAIN: Thank you, Alex. And good morning. I teach Cyberlaw at the Law School, partly the Kennedy School, and the computer science department. So, aside from just having a usual citizen's interest in what's going on with WikiLeaks, I bring to it the curiosity of somebody who studies the development of the Internet and the ability to regulate it and the activities taking place over it. To me, this has been one of the few times when what has been captured in the public eye, as exemplified by what's on FOX 25 News at 10, has actually mapped to what I think is genuinely interesting and raising lots of good questions. So, it's been a watershed moment to see a topic that everybody is so taken up with, and for me to feel the same way as well.

It may overstate it only slightly to say that perhaps among those of us who study Internet stuff, we may have implicitly thought that we were in Fukuyama's *End of History*: that the Internet was cool and great, but sort of just drifting along in its greatness, getting bigger, louder and faster. Not expecting any drastic changes to the way it operates. And I'm not so sure of that anymore. Now, of course, a lot of that has to do with recent events in Egypt and Tunisia, pulling the plug of the Egyptian Internet taking a potential 80 million people off the network over a period of a day or two. That is not unrelated to what we see going on with WikiLeaks. Between those two events, I think it's fair to say that this has been an extremely busy and watershed six months for those of us who think about the Internet.

When we do, we tend to divide things into layers. That's how the net itself was built. The ones relevant here are at the very bottom. You have what's called the physical layer, the actual physical objects. The wires, or wireless communications that make the Internet possible and the activities over it. One layer above that is the logical layer, the ways in which the signals are organized into something resembling an Internet. On top of that, you have the so-called application or content layer, the things that people can do and build on top of that. And each layer, we might say, is "generative."

It's something where you can build in almost any number of directions, and you can be nearly anyone. And that tends to lead to some punctuated equilibrium. Some unpredictable step functions for which the last may well have been Sean Fanning, local to Boston, inventing Napster. In a single blow, really changing the balance of power with the music industry, which reacted, I think, with appropriate panic and terror to what Napster represented. So quickly, just one person could change things, even though all of the atoms had been there to build the molecules all along. From a technical standpoint, it wasn't that surprising. In some ways, we see that echoed in the WikiLeaks situation. I'm going to quickly walk through the three layers and then say what sticks out to me as some of the most interesting unanswered questions.

At the application layer, it's worth noting that WikiLeaks does not itself represent any form of technical innovation. There was a day when the Wiki in WikiLeaks was supposed to represent a Wiki: a content management system whereby anybody visiting the site can contribute to a shared document in successive edits. Just as one can do with Wikipedia. I should note, by the way, Wikipedia, in the public eye, has had to go on its own low-grade public relations campaign, desperately trying to say that just because the word "Wiki" is in the name WikiLeaks doesn't mean that the Wikimedia Foundation and any of its Wiki star properties have anything to do with it. As we're on the record right now, Wikipedia has nothing to do with WikiLeaks.

There's actually a similar confusion going on with something called easyDNS and everyDNS. EveryDNS was actually responsible for one of the links in the chain to WikiLeaks.ch, the Swiss version of the WikiLeaks website. It came under a denial of service attack that started affecting every website that the DNS server was relating to, not just WikiLeaks. They ended up delisting WikiLeaks so that it was hard now to get to the WikiLeaks site, thanks to everyDNS pulling it. It turns out easyDNS is an entirely separate company, but it just got very quickly reported as easyDNS doing this. EasyDNS then caught it from the net freedom types and from others under pressure to say that they should keep the site down, even though they had nothing to do with it. They ended up lending aid and assistance to WikiLeaks with the wonderful quote, "We've already done the time, we might as well do the crime." [Laughter] Amazing the way some of these confusions can kick in.

So, you might say that WikiLeaks itself has gone through about three phases at the application layer. The first, as I said, tried to incorporate the wiki and the practices around that importuning the public to come and help edit pages, including pages about or relating to documents that WikiLeaks was leaking. That was their "Kenya phase." The big first leak of WikiLeaks had a bunch of documents to do with corruption in Kenya which made a bit of a splash for those who follow the politics of Kenya and that region.

But the wiki/crowd analysis model itself was not particularly successful. The acts that attracted notoriety were simply the release of documents. By the time the "Collateral Murder" video, which Alex referred to, was released in 2010, the wiki part was vestigial. It had very little to do with anything on the site, yet the name remains. The second phase then represents more of a publishing function. The editing of the video, the titling of it, reflected an ideology of sorts by the publisher, WikiLeaks, rather than just "Hey, we take data in one end and we push it out the other end."

You might say the third phase is represented by the release first of the Afghan War Diaries, and then the Iraq War Logs, and then the cables that are the subject of so much controversy today, the State Department cables. In that case, again, no wiki involved, and not a ton of editorializing by the organization. This was bulk. This was where Alex was talking about a difference in degree becoming a difference in kind. The number of cables in the third release is just about a quarter of a million. Those who have had a chance to work with WikiLeaks from the media have affirmed that that really does appear to be the case. WikiLeaks has released only a fraction of those cables, and then in coordination, sometimes bumpy, as those who've read Bill Keller's piece in the *Vanity Fair* piece have seen, with media partners.

So, for those who see it as sort of a bottom up insurgency, just one guy, *a la* Sean Fanning releasing Napster. I think that may well have fit the first model. It has fit less and less as WikiLeaks has evolved and sought to address criticisms coming from many corners about indiscriminate leaking of documents. This is so despite the fact that again, it's been pointed to fairly frequently, there have been one or two documents by Julian Assange that espouse his own philosophy. If you read these as primary documents, it's a philosophy that betrays a belief of great corruption among many governments including the United States, and a desire for transparency for its own sake. Not simply because sunshine is the best disinfectant, but because it will engender a counter reaction by these governments of paranoia, starting not to share information even within itself. The entities that can't share information within themselves, will themselves eventually collapse

because of their own paranoia. This at least, as of a few years ago, may have reflected some of Julian's own motivations for undertaking the project.

Alex asked the question that I'm sure we'll have a chance to talk about today, of how to view Assange. Clay Shirky says that Assange is sort of like a central casting Bond villain. All he needs is the hairless cat, and he fits the model. Of course, as Alex pointed out, he's also been nominated for a Nobel Prize. It's not a bad question, I think, and it's one I don't know that I have fully answered, although I've tried to make progress on it. If you think Assange is a hero or at least not someone who should be assassinated or arrested for doing his job, how can one reconcile Assange-as-hero with the conclusion that Bradley Manning is a traitor, if Manning is the sole source of the recent leaks.

I've not heard otherwise, but we haven't had it conclusively established either. It's not like Manning has entirely gone on record about it, and we haven't had a trial. So, I wouldn't want to totally presume that Manning is the source. But if he is, can we hold in our mind that he was absolutely wrong to release the data, but Assange is absolutely right, through his process with the media, to further disseminate it? There are ways, I think, to bridge that inconsistency. I'm not sure it's just the mere fact that Manning has kind of a contractual obligation to his employer not to release those documents. That opens up too, the fact that there've been comparisons between Manning and Daniel Ellsberg of the Pentagon Papers case.

I was on a panel with Ellsberg and Clay Shirky out in California a couple weeks ago. Ellsberg very much appreciates and reinforces the comparison with Manning. He says that Bradley Manning is a latter-day Ellsberg. Ellsberg at this event, in Silicon Valley, was treated as a hero. I don't think Manning is seen as a hero. Questions can be further raised about whether Manning would qualify as a modern whistleblower, or Ellsberg for that matter. Ellsberg's own leak of 43 volumes of the Pentagon Papers held back four volumes of diplomatic correspondents. In Ellsberg's statement at the time, those diplomatic cables seemed extremely sensitive, and he did not want to destroy the business of the diplomats.

These distinctions at the moment tend to be lost as people are making the comparison. For the government's part, as Alex said, there's a real question about how to treat such a thing. I almost think of it as the metaphor often used in terrorism, "Is this a war we are fighting or is it a police action?" Are the people who are our enemies in some ways our peers, and therefore we can imagine trying to strike, under the laws of war, some kind of meta accommodation with them, or not.

You could see under that framework, the way that at times the government has worked with *The New York Times* and other mainstream media to say, "You shouldn't have any of these documents. You should delete them all. But as long as you're not going to do that, we're willing to sit down with you and help you on a redaction process, even though in some ways, it clearly will validate the activity that you're doing." We have not seen evidence that the government has been willing to do that with Assange. Under the metaphor, he's more just a wayward citizen in need of arrest or an enemy combatant than a party with whom state has an unspoken role to be treated with as an equal.

Now, in much shorter terms, let me just dwell for a moment on the logical and physical layers. At the logical layer, there's been a second act to the whole WikiLeaks contretemps right now that has been, I guess in some ways to my technical mind, more interesting than the leaks themselves. That is the rise of denial of service attacks first against WikiLeaks and its partners, and by Anonymous and other vigilante entities against those who have been pressured not to support WikiLeaks, such as MasterCard, PayPal, Amazon, et cetera.

The fact that these attacks can happen so readily, often without attribution, are a lot of things that have been talked about by people worried about cybersecurity and, more recently in the past year, cyber warfare. This is the first time we've seen it happening in such a roving fashion. Now, to be clear, the attacks on MasterCard, Visa, and perhaps PayPal, were to their banner websites. When you use your MasterCard, you don't need to visit MasterCard.com. It's more a symbolic protest than anything else, although there

have been conflicting reports as to whether PayPal's actual payment servers came under attack through this denial of service process. It also raises the question of the extent to which, as a public safety matter, as denial of service attacks are becoming more and more common, websites and other entities huddling under a handful of corporate umbrellas.

The reason Amazon is involved at all is not because they sell books, but because they have a side business in bunkerized commodity hosting for anybody that wants to have a website. We're seeing in the technical environment, a clustering under these corporate caretakers. Those corporate caretakers can, in turn, be subject to pressure to protect a given site or take it down. It's a difference in the system. We no longer see as distributed a set of webhosts as we used to. These might be very commonly hosted, leading to one common, easily targeted point of weakness.

Finally, at the physical layer, I connect up with Egypt a little bit. We've seen with the U.S. government, some actions that come pretty close to content filtering and pulling the plug when necessary to prevent government employees from accessing the still classified though now very public cables. The Air Force blocked access to the website of *The New York Times*, because *The New York Times* had released some redacted cables. The Library of Congress found its access for the Congressional Research Service and others blocked to the WikiLeaks websites. At times, very crude filtering was put into place: Any website with a title that contained the word "WikiLeaks" would become inaccessible. I imagine this itself is symbolic, and there may be reasons for it. The documents are technically classified. It does show just how little our systems for dealing with this kind of thing have been able to properly adapt themselves in a reasonable way to what's going on.

I think I should probably end there, except to say for each of these problems identified, there may well be technical counter reactions. I've already described one in the logical space, having to do with clustered hosting in places like Amazon. In the physical space, I have the strong sense that certain solutions have been obscure and in search of a problem, and therefore not implemented, like ad hoc mesh networking (moving data from one

laptop or mobile device to another in the absence of an overall Internet service provider). These are obscure technologies that I don't think most of us thought we would have need or had an interest in taking off the shelf. Especially after the events in Egypt, however, there is much more attention being given to these things, and more generally to a range of applications that have to do with civil disobedience, distribution of information, as against the desire of major entities that want to see it get out.

I saw an anti-kettling application for the iPhone. In Britain especially, when there are protests, they get kettled into one zone. Only the British would use a tea metaphor of some kind for this. But there's now a real time app that's about to be put through the Apple App Store, we wonder if it will get approved, whereby if you are a protester in real time, you can report the barricades as they go up, and a kettling action and others with the app literally get compass points telling them in which direction to run in order to avoid a good kettling.

This is just to me a reminder that in all of these matters, every action produces a counter reaction. We are in a highly dynamic system, and at least from an academic perspective, we are about to see a lot of innovation coming out on both sides as the cats and the mice go at it with one another.

ALEX JONES: Thank you, Jonathan. David Sanger of *The New York Times*. He was in the very midst of this WikiLeaks coverage on behalf of *The New York Times*.

DAVID SANGER: Well, thanks. Thanks all for coming here today. And thanks, Alex, for inviting me. Alex called up and originally had the idea for this session. Since we've known each other since the days when we used to sit by each other in the Business Section of *The Times*, he put it pretty directly. He said, "I just want you to come up and for 20 minutes or so, explain why it is that you guys decided to divulge state secrets, harm national security, put people's lives at risk, all for the benefit of getting a few stories on the front page of your dead tree edition. And then we'll spend the rest of the day basically attacking each decision that you made." So, I said, "Fine." That sounded

good to me. And I really appreciate the fact that we've invited in so many people who have come from different life experiences and have different views on how all of this is done. So, I thought I would do three things in my allotted time here. First, the reporter in me makes it necessary, I think, just to lay out what happened, and what decisions we felt we were confronted with along the way.

Secondly, I'd like to describe as we went through that process, what standards we set for what we would publish and what we would not publish. And thirdly then, I just wanted to take on the criticisms that I've heard most commonly about our coverage, and give you my answers to those. I'm sure that as the day progresses, we will develop new and far more innovative criticisms. But just to put the headlines out there, and to answer something that Jonathan asked, *The Times* and the other media partners have the entire database of all 250,000 cables.

So, just to set one thing aside, it is not as if we were simply writing from individual documents that WikiLeaks was doling out. The editorial decisions about what was important, what was not, what was harmful to publish and what was not, was entirely ours. The second thing was that you all need to know, is that all of this was coming out anyway whether *The New York Times* published it or whether *The New York Times* passed on it. It was clear that *The Guardian* was going to publish it. It was clear that *Der Spiegel* was going to publish it. It was clear that other news organizations had been given access to pieces of it.

In fact, elements of it showed up even before we published. So, one of the things that we dispensed with early was an issue still being debated elsewhere: Had *The New York Times* not published this, would anything be different? And my answer to that in short, is no, but I think we would have probably seen a lot more harm done. And we would have seen more harm done because our big value-added to this process was picking out what was important, putting it in context, trying to explain what the cables say, and more importantly, what they don't say. And by engaging in a process with the U.S. government, which we did, about what harm the Obama administration believed could be

done, and then making independent editorial judgments about what we would publish. So, those are the three sort of major points I wanted you to understand.

So first, what did we do? Those of you who have read Bill Keller's piece in *The Times Magazine* this Sunday, which was also the introduction to *The Times*' E-book which came out Monday, and is called Open Secrets, will already know that all of this began when *The Guardian* approached us telling us that Julian Assange had come up with these documents.

And we knew early on that Julian Assange was going to be a difficult source to work with. And we knew from the beginning that we had no intention of, as the phrase you've often heard, "partnering" with Julian Assange. We had no interest in having him share in our editorial judgments, we weren't especially interested in his political views about what the cables did or did not show. We dealt with him as we have dealt with sources for 160 years. Daniel Ellsberg was a source. Some people at this table at various moments, have probably been sources. Intentionally or unintentionally.

Some sources are very easy to deal with, and some sources are an incredible pain in the rear to deal with. Bill's article, I think, left you a pretty good sense of where Julian Assange rates on that scale. But we're accustomed to that. We know how to deal with sources. This is what we do for a living. And we understand that every source comes to *The New York Times*, or many sources come to *The New York Times*, with an agenda. And that one of the important things to remember as a journalist is not be swept up in that agenda, and as well as you can, explain that agenda to your readership. Which is where we, and Julian Assange, got crosswise very quickly.

So, when Alan Rusbridger, who is the editor of *The Guardian*, first called Bill Keller and told him about these, we knew that the first two troves of documents were going to be fairly well limited to Afghanistan and Iraq. And we sent Eric Schmidt, who's one of our most experienced military correspondents, over to London just to make an assessment of what was there. Along the way, he had hilarious encounters with Mr. Assange, which you

can read about in the magazine piece. But his central mission was to assess whether or not this material was real. He determined it was. And whether it had been edited to fit some agenda, because you'll remember that video that Alex referred to. The part of the video that Julian Assange had posted showed what appeared to be the firing on a convoy for no reason. And when we later on saw additional parts of the video that Julian Assange did not reveal, we discovered that there was a picture of somebody towing along a grenade launcher, which gave a slightly different tinge. Now, it wasn't active firing at the U.S., there were a lot of problems in what you heard in the conversation from the cockpit, but it told us right away that Julian Assange was coming to this with an agenda, and was willing to edit this material.

And that is one of the reasons that it was so critical to us that we had to have the entire, unexpurgated collection of the material. Eric came back and described what he had. And we agreed in conversations that Mr. Assange would not be a party to the editorial process with *The Guardian* and with *Der Spiegel*, that we would all go in on our own, take a look at this material, compare notes, and publish what we thought was newsworthy. And it's important to note that what we ultimately thought was newsworthy was often quite different from what *The Guardian* and *Der Spiegel* thought were newsworthy.

Which tells you more about the differences in culture and news judgment in those newsrooms than it does about almost anything else. We also, in publishing those initial two groups of cables, ran a fairly lengthy profile of Julian Assange, who is to put it mildly, a colorful character. Mr. Assange did not care for the way he was profiled by *The New York Times*. And he immediately declared that we would be cut out of any future material—including what we all knew was around but had not yet seen, which were the State Department cables. Now, come late September, or early October, those cables were then turned over to *The Guardian* and to *Der Spiegel*.

And because we had all gone into this together, and because *The Guardian* wanted in particular, our judgment, our ability to convey news to the American public, and they also wanted our ability to hold fairly candid conversations with the U.S. government,

they shared the material with us. When Assange found out about this later on, he was enraged. Later on, however, it became clear that the material had spread beyond those initial two or three news organizations, and *The Guardian* felt that that had released them from any commitment that they had with Assange. We then went through this material. And Mr. Keller called me and a couple of other reporters. We started with a group of three or four, we built an extraordinarily elaborate search engine that we designed just for these purposes.

Our technology folks who had worked on the initial Afghan and Iraq material put this together. It enabled us to search not only by subject matter as you know, any good tech searcher would, but by what Embassy was sending the material, by who was receiving the material. If the cable was copied to the National Security Agency or to some other intelligence agency, it would flag that. If the material was classified for a longer period of time, say 30 years instead of what's the usual? Ten or 15?

MALE: Thirty is the usual.

DAVID SANGER: Thirty is usual. Much of the material here, and this was only at the secret level, so it was not-- There are many levels of classification above that. None of it was compartmentalized, none of it was even top secret. But much of it was for 10 years, I think, or 15 year classification. So, the system spit out at us the longer classification material. And quite frankly, a lot of it was of no interest.

For example, and our friends here who have been in the government can explain to us later why this is done, when embassies compile clippings from the newspapers of the country that they are serving in, and send excerpts to the State Department, it is classified as secret. Now, if somebody can explain that to me one day, I'd be grateful.

MALE: Everyone has to have some secret.

DAVID SANGER: That's right. And this does get at Pat Moynihan's great point in a book he wrote shortly before he died, that if you classify everything, you are diminishing the classification purposes for much of what you really care about. I would add what I would call the post-Moynihan WikiLeaks corollary for that, which is that if in your post-9/11 desires to share information, you put half a million people onto the network that gets all of this material, you have to expect it will leak. Half a million is how many people were on it as of last summer, a big increase from just a few years before when you could only get on the SIPRNet, this network, if you were senior director in the National Security Council or you were the undersecretary of state or had, you know, some similar clearance.

That changed. The material became available to half a million people, which tells you how a private serving in Kuwait might have been able to get access to it if that story is the case. I argued at one point to a friend of mine in the U.S. government that anything to which half a million people have access to should be rolled in shopping carts into our front page meeting. Because it's going to get out.

So, one day the whole database of 250,000 cables arrived. We quickly realized that we were overwhelmed by the amount of data, even with this fabulous search engine.

And we quickly called for reinforcements. And got them. And over the period of two or three weeks, we went in to go search for those subject matters that were most in the news or issues which we felt we needed to have great clarity on. Those ranged from North Korea to Iran to dealings with China. Clearly we didn't spend enough time with the material on Egypt, but it actually would have very little predictive value of what was going on. We went in to get an understanding of negotiations, including the START Treaty, because there was much material on that.

We went in to search for an understanding of how the Bush administration dealt with issues versus how the Obama administration in its first year, dealt with issues. And this really only did cover the first year of the Obama administration. The cables ended on

some day in late February of 2010. So, we gathered this together, we wrote our stories, we wrote a big lead—all that was ready to go in the paper if all of this leaked out elsewhere. Which we thought it was almost certain to do. Surprisingly, it did not.

And then, after much discussion with editors, lawyers and others, we had to decide how much time we would give the government to review this material with us. And we decided that the answer was one week. Because we wanted to give enough time to have a serious conversation about what they were concerned about, but we did not want to get into a prolonged debate with the U.S. government about whether or not we could or should publish this.

And so, we told them what the publication date was, we told them what roughly the topic matter we planned to go through, and since we came to them on the Monday of Thanksgiving week, and everybody wanted to go off to their Thanksgiving, we did not ask them to go through all 250,000 cables. We emailed them the 100 or 150 cables that we were writing our main stories from. So, they had a narrow, clear set of cables to examine. And by the time we sent those to them, we had already begun to redact material and names from them.

By the Wednesday night before Thanksgiving, three or four of us ended up in a windowless room in the State Department. We were told it would be a small meeting, it turned out that it was small and that there were only three or four of us, but there were 20 of them. And it was everyone from the State Department to the DNI's office, the CIA, the FBI, a number of military officials, and a bunch of people against the back wall who would never tell us who they were.

And lots of good note takers. This was an interesting, off the record meeting, but I think it is fair to say in the summary, that after what Nick and his previous job would refer to as a full and candid exchange of views, we came to some understanding of what they were asking for, which was basically the redaction of anything foreign. That was not likely.

And we laid out what our standards were. And we had basically three broad categories of standards here.

Here are our three broad categories. First, we had no question that we were going to protect any individuals who had spoken to U.S. officials in oppressive countries. Whether they were dissidents or sources for the Embassy or whatever. We knew that their publication of their names would get them jailed or worse, and we did more than simply take out their names. We took out times of meetings and places of meetings. So if, for example, the Chinese had cameras focused on the entrance of the U.S. Embassy, they couldn't back up and figure out who was going in and out of the Embassy at a given time.

Second, we agreed that we would try protect ongoing—ongoing being an important point—American intelligence programs collection and military operations. We, for example, withheld publication of a cable that described in great detail, an intelligence sharing program with a foreign country that had taken years for the United States to set up. And there was a legitimate argument made to us that its revelation, in such great detail, or how much information was being shared, would halt the program. The issue was not the very fact that the meetings were taking place. Rather, it was the depth of the exchanges that could undermine that program.

We kept that cable out and we were very careful in how we wrote about it.

There was a third category which we insisted on printing, over the government's objections: candid comments by senior officials of foreign governments. This would include, for example, the King of Saudi Arabia warning that in dealing with Iran, the best American policy was to "cut off the head of the snake" or the King of Bahrain urging that the United States bomb the Iranian nuclear facilities, even though there was some likelihood he would condemn the U.S. shortly after any such military action. Or the suggestion that senior South Korean officials were in detailed discussion with the United States about what would happen in the event of a North Korean collapse. One of the cables described South Korea's plans to buy off Chinese acquiescence to Seoul taking

over the entire peninsula in the aftermath of a North Korean collapse. There were many examples like this, and in those cases, by and large, our decision was that if a senior official of a country was talking about these possibilities with the U.S. government, that that should be published. It was news. We understood that it would be embarrassing, but that embarrassment was a very different thing from undermining American national security or more importantly, putting the lives of individuals at risk. And it is on this point, this decision, that I'm sure we'll end up focusing much of our debate today.

So, what are the big critiques that we hear about how we went about going to do this? I've heard four.

One, that we did harm for no reason. That we didn't really learn anything from these documents that we didn't already know. Secondly that we put lives at risk by identifying people named in the cables or over the longer term, by making it harder to build alliances. The third critique is that we sullied ourselves by dealing with Julian Assange, who is not a journalist and who had an agenda to embarrass the United States. And fourthly, that we had no right to make these decisions ourselves. This is the "Who elected us" question about the press. And so, I thought just in conclusion that I would run through those.

First, that we "did harm for no reason." That there wasn't anything new here. This is the only argument of these four that I dismiss as completely mystifying if not somewhat ridiculous. It is one thing for me to write a story in *The New York Times*, even on the front page of *The New York Times*, that says that Middle Eastern leaders are nervous about the Iranian nuclear program. It is a very different thing to write a story that quotes the King of Saudi Arabia or the King of Bahrain, or senior officials in Dubai, or anybody else who is in a leadership position in the Middle East expressing their fears. And in fact, the fact that we did publish this, has had an interesting result. All of a sudden, the Arab press, though now consumed rightly so with what's been happening in Tunisia and Cairo and elsewhere, has suddenly felt freer to write about the Iranian nuclear program. Previously, they were very cautious about doing so, because they didn't really understand what their government's position was. But now that they realize that the King was

describing his concerns about the Iranian nuclear program, the press suddenly feels free to do so as well.

And so, while there may have been some harm done, and we can debate today what that was, I think that there was also some good done as well. Tunisia would be another example of this. Did we all know that the Tunisian government was corrupt? That was not the best kept secret in government. However, once the Tunisian people saw that even the U.S. government understood about their leader's swimming pools and caviar, while the rest of the country is living on two dollars a day, they were angry. There is good reason to believe that it helped prompt the uprising there. Now, that isn't my judgment, it's actually the judgment of senior members of the American diplomatic corps, who have made that pretty clear privately to me and have begun to hint so publicly as well. Is this something we could have anticipated? No. Was Tunisia in the initial coverage provided by the United States? Not a word. Because I wasn't smart enough to go look for the Tunisia stuff and neither were my colleagues.

But as that material came out, it had an unanticipated effect. So, I think there was news here.

Second, there is the argument that we put lives at risk by identifying people or making it harder to build alliances. Certainly not by identifying people. I've described to you the path that we went through on this. But what was most interesting was that when we took the redaction request that the State Department had funneled to us and made our judgments, we conveyed to *The Guardian* and to *Der Spiegel*, and they conveyed to WikiLeaks what the requests were. They also conveyed which requests *The New York Times* had decided to go along with. Which was most of them, with the exception of that last category I described.

And both *The Guardian* and *Der Spiegel* followed our lead. And as far as we can tell, and we have not been able to do a comprehensive survey, WikiLeaks has as well, in the 2,000 or so documents that they have so far made public. Perhaps that is one of the reasons that

they haven't just thrown open the entire trove. (The other reason is that many of their computer systems are down right now, I think.)

Third, there is the argument that we sullied ourselves by dealing with the likes of Julian Assange. Well, as I suggested at the beginning, not all of our sources for news stories are easily compared to Mother Theresa.

We have had at various times, as sources, people who turned out to be war criminals. W have had corrupt politicians who have later gone on to jail. We have had Mother Theresa. And so, you get accustomed to dealing with each of them, and you use some good judgment to filter what you're hearing and what can be backed up by fact. You filter out the news, and you filter out what you don't believe. And I would wager that those of you who do still do get the hard copy edition of *The New York Times*, that's what you're paying your two dollars a day for. You are paying, at least in part, for our collected news judgment.

And now to the fourth argument: that we have no right to make these decisions ourselves. This gets to that issue that Jonathan raised and that Alex raised, which is who's liable here? Well, certainly if there was a government employee, and I don't know for a fact that there was, but I've read the same accusations you have, who downloaded this material in violation of whatever commitments he made to the United States government, there is certainly a legal issue there that the United States government is going to have to sort out in the criminal process or in a court marshal process. Currently they are doing that. I fully understand that.

But if you then go the next step and say we are then going to establish laws that would restrict a publication's ability to actually publish material, leaked or non-leaked, then you get into all kinds of interesting moral and constitutional questions. There's all sorts of leaked material in the world. Some of them are classified but authorized leaks. How many times during the course of justifying the war in Afghanistan and Iraq did the Bush

administration provide classified material about terror incidents that they believed they were able to forestall? Several times.

How often do we get threat information about North Korean missile capability or Iranian missile capability? Or what many officials believe is going on in a foreign government that may have hostile intent for us. That happens very frequently. Most government officials try to discuss that subject matter based on unclassified information, but the fact of the matter is that given how over-classified most things are, it would be hard to have an intelligent conversation that truly did not touch on material that is classified someplace. And in most cases, people don't even know all of what has been classified. But at the moment that you're classifying news clips, it's fair to say that a lot of conversations are covered by overbroad classification.

On the question of why we claim the right to make these decisions about what to publish, I understand that there is nothing more arrogant and infuriating than when reporters step out and say "Who elected us? The Founders." Because the Founders clearly had no concept of leaks on the scale of WikiLeaks. And some of the Founders themselves attempted some pretty extraordinary press censorship methods once they got into office.

But the reality is, that there's a reason the first amendment was put in place. And there was a reason that the words "The government shall make no law," are inscribed in that amendment. That does not mean that there are not kinds of reasonable rules of the road. And it doesn't mean that a responsible news organization is going to publish everything. With the full knowledge and agreement of the leadership of *The Times* I withheld for more than three years news of an American covert program to help protect the security Pakistani nuclear weapons. Because we were persuaded by the U.S. government that early revelation of the program would enable al Qaeda, or the Taliban, to launch an attack to gain access to Pakistan's weapons.

And we held on to the story and held on, and by the time we actually decided we had to publish it, I went back to the government. The first thing a senior official in the Bush

administration said was, “Oh yeah, we forgot to tell you. You can run that now.” You know? So, these kinds of things happen. We held for a year because we were still trying to figure out its implications and the details, the story of a program that President Bush had put in place to route around congressional rules and eavesdrop on American citizens who were in communication abroad. But ultimately, that story ran over the objections of the president of the United States and many others.

Now, at the time that we were holding the story, we were still trying to learn a lot more about it. But we also had an administration that was telling us at that time that the program had been judged to be perfectly legal by their legal scholars. And in fact, we determined later on, there was no legality. There was no agreement on the legality of that, even within the Bush administration. So, a subject that we can go take on a little bit later. So, these decisions are made all the time. They are not easy decisions to make, and they defy clear, unambiguous rules. You come to them with the best judgments that you can. We don’t always get those judgments right—

ALEX JONES: Nick Burns was going to respond, especially respond to David’s remarks, but he had to go. He’ll be rejoining us and will get his opportunity a bit later. I thought about trying to steer this conversation thematically, but I thought that there are so many issues embedded, that I would rather have a more free-flowing kind of conversation that would allow you to address things that are particularly important from your perspective. I do want to begin though, the more general conversation, by giving two people who have the perspective of government from having been in government. As well as being great scholars of government, who are with us.

The first opportunity to respond, and framed as they wish, in terms of what occurs to them as the most important things that are in play. But especially the issue that Bookings raised, which I think gets to the heart of it. And whether a difference in degree has created something different in kind. Are we still having the same fundamental discussion between the press and the government that we had at the time of the Pentagon Papers? Or has something genuinely fundamentally changed because of technology and because of

what technology now makes possible and what WikiLeaks has demonstrated can be done. First, Joe Nye. Would you speak?

JOSEPH NYE: Thank you, Alex. I, as once chair of the National Intelligence Council, I was able to see a lot of things which to this day I've never spoken of and have never come out. So, I am very sensitive to the issue. And what I'm going to say might run against what I introduced as having seen. Let me pick up David's point about did it do any harm. And the answer is clearly, some. It's hard to find evidence of this, but for example, the Singapore Defense Minister, who's otherwise pro-American, cautioned people in Singapore government, "Don't speak freely to Americans."

I'm sure there's some equivalent at various levels around the world, and it would be surprising if there isn't. But I do think the answer that Bob Gates gave and that Keller quoted on Sunday is right. Look, people have got to do business with the United States. They're going to do business with the United States. They may not do it in quite the same channels. We may be driving some things out of diplomatic channels into intelligence channels or other channels, but the business of working together with governments is going to go on. So, some damage? Yes. But not overwhelming. And perhaps the question of the weight is would the damage that we would do to ourselves by trying to change this be greater? And I think infinitely greater. In other words, if we were to try to set up something which abridged the current system we have of treating journalism, it's more than the first amendment. After all, the '71 *Times* case, as Alex has pointed out to me before, was about prior restraint. And but we have in general, adapted a convention that you know, once *The Times* or a reputable paper gets it, we don't interfere other than the gentle suasion that David described.

If we were to try to change that, I think we'd do enormous damage to ourselves. Both in terms of our own domestic constitutional practices, but also what we're trying to stand for. Of openness on the Internet and freedom of information. And right now, we're kind of inconsistent on this. The idea of prosecuting Julian Assange or going after Julian Assange is a terrible mistake. First of all, it glorifies Assange. We ought to get away from

Assange if we're going to understand this. If Assange had never been born, something like this would have happened anyway. I mean, I just think it was, as Jonathan said, it was in the DNA of the net.

And so focusing on Assange is a mistake. And what we should do is ask ourselves if we prosecute Assange or make a fuss about Assange, are we going to do ourselves damage? And my answer to that is yes. Much more damage than Assange did by the leaking of the cables. What we really should note is the reason that more damage wasn't done by the Wikileak disclosures is because it didn't get into the really good stuff. There is, in the State Department, a channel called "No Distribution," No-Dis. No-Dis cables were not included in the SIPRNet. So, when in the period after 9/11, in this effort to have everybody talk to everybody, when state cables were put on SIPRNet, they didn't put No-Dis on, thank goodness.

Also, intelligence is not on SIPRNet, and there are just infinite numbers—not infinite, but a very large number of categories of compartments in intelligence. So, once you get to something called Top Secret, which was not in the WikiLeaks files or on SIPRNet, within Top Secret, there are compartments, compartments and compartments which are based on need to know. And can be highly restricted. And that type of information didn't get out. Those are the areas, particularly those affecting source and methods and ongoing operations, where the government really should have secrets. I mean, there should be some things which are kept classified. And both for endangering lives, in relation to sources and methods, and in terms of allowing operations which otherwise would be defeated simply by publication of them.

So, I think the moral of this story that I draw from the point of view of a net assessment, is yes, some damage was done. Not major damage. And the fact that we do have compartments that are not breached or that didn't get leaked in WikiLeaks tells us where we ought to be focusing our attention in terms of dealing with this problem. Which is not on Assange or WikiLeaks or trying to catch horses that have left the barn and destroying our own principles. We should be focusing how the government manages its networks.

The idea that you took state cables, even if only at the secret level, and dumped them into SIPRNet, and then didn't monitor it, is absolutely outrageous.

You could set up, as corporations do, systems where somebody without a certain authorization, like a Private Manning, is basically after the first screen in which he downloads something he's not authorized for, his screen goes blank or gets a notice saying "You are not authorized." And the second thing is somebody knocks on his door and it's his sergeant saying, "Why were you downloading this which has nothing to do with your duties?" And that is the real failure here. Which is that what the government has to learn is that trying to catch the horses that have left the barn will do ourselves enormous damage.

Changing our own internal systems so that we manage our databases better and monitor them, is where we should be focusing. And it's also legally a place where you could make a decent distinction. I think Bradley Manning, you could say that, well, he clearly violated a law. You can also pass a law saying when somebody violates a law of disclosing classified information, it may be permitted if you are doing it for some very large cause. So, you have a whistleblower exemption. So, perhaps on those videos of the shooting from the helicopter, Manning might have availed himself of a whistleblower law to protect himself. But the idea of taking 250,000 cables— this is where the difference in degree is a difference in kind. And that, I think, is something we should have a law to discourage. And I think Manning, if Manning was, as Jonathan as a good lawyer properly said, if the alleged Manning allegedly disclosed this, I think he should be prosecuted. I think Assange shouldn't be.

I think Assange, we should just let go. Forget it. In the sense, the less attention to Assange, the better. Manning, I think, has violated a clear law, can't use a whistleblower excuse because it was such a mass disgorging. And I think that's where we ought to focus our attention, which is how do we manage our databases, and how do we draw the line between certain things which will be leaked or gone out which we will accept as a norm, and others which violate a norm?

ALEX JONES: One of the things that is implied, I think, in the idea of a difference in scale, is not just the number of documents, but the mechanism by which we now, with a push of a button, someone can disseminate in a world of infinite sort of connectability, a genuinely top secret piece of information. And part of the argument that David was making was that it was out there. It was out there. And so, one of the things I guess, that is the game changer and how do we as a government, we as citizens, we as journalists as well, deal with the idea that something that is a genuine secret is published on the web?

Does that mean that it is no longer a secret? And is there a difference in kind, as I say, in a situation in which something like that can happen, without the participation of *The New York Times* or some other news organization, which until relatively recently, was necessary for that kind of information to be put, if not in the public's face, certainly in a situation where public attention could be called to it.

JOSEPH NYE: Well, I think once it's out, you have a choice if you're in government, what you do with it. I mean, when I was in the State Department in the '70s, the progressive magazine published an article on how to build a nuclear bomb. And we looked it over and had experts look it over, it was pretty good. I mean, it gave you lots of diagrams, drawings, it was largely on track. And they disclosed a couple of secrets which are now in the public. Radiation coupling, for example, between the original explosion and the secondary explosion, which hadn't been known.

And the question is what did we do with that? We could have brought a big fuss against the progressive magazine. You know, made a big thing of it. Or we could have largely ignored it. And we chose to largely ignore it. By making a big fuss about it, once it's in the public domain and you make a big enough fuss about it, you're telling somebody, "Hey, this really is good stuff." Whereas, there are lots of diagrams by MIT, PhD students and so forth, about how to do a nuclear weapon, and we never commented on those. And so, by not commenting, we let this progressive magazine article drop into this general fog of information, instead of fog of war. And it might be that there's some cases

where if something is a major secret document, or a top secret document is leaked, where that's the right way for the government to deal with it.

I don't think it's necessarily the right way for the press to deal with it. I think the press ought to follow the kinds of questions that David raised, which is, is this something where their editorial judgment makes a difference? Where if they ignore it, it goes away, and if the government says "Please ignore it," it goes away. But if not, providing that context that the editorial judgment of the press makes is very important. So, it basically is going to be a hard call case by case.

MALE: Alex, if I can just make two quick points on this. It's interesting to note that Daniel Ellsberg, when he did the Pentagon Papers, his backup plan for publishing if *The Times* and *The Washington Post* would not do it, was the Harvard *Crimson*. Now, sadly for the *Crimson*, that never sort of came out. His backup plan today, would I suspect, not be the *Crimson*. He would put it up on the web and it would be out there much more broadly. To Joe's point about letting things get lost in the ether, we have seen this happen.

An example that Will and some others here will remember, when Israel bombed a site in Syria in 2007, the U.S. government and the Israeli government spent an enormous amount of time not answering any questions about whether anything happened at all, and what it was. And it took us four or five weeks of really hard work to publish a story we were very proud of at the time, that indicated that this was a Syrian reactor, nuclear reactor that was being built with North Korean help.

And later on, the National Security Advisor to the U.S. told me that one of the reasons that the U.S. government never responded to our story, was exactly what Joe said. There had been a number of reports out there, including a number of completely false ones, and they just were hoping that a story, that even though it was a two or three column lead in *The New York Times*, would just sort of get lost in the wash.

ALEX JONES: Graham Allison has not only been a distinguished part of the Kennedy School, but also in government and is also probably the world authority on loose nukes, an area of great sensitivity in and of itself. Graham, what is your take on what, if anything, is genuinely new here? And what the proper government response to this is?

GRAHAM ALLISON: Thank you, Alex. I think it's an extremely important topic. I have about 10 points to make, but I'll try to make it just a few sort of shortly. And I think the most important question is if anybody should be sent to jail, should it be Sanger? [Laughter] And I propose that we take a hand vote on that. Since he and I were teaching a course this fall, which he carefully orchestrated the release of the WikiLeaks to coincide with the final class to make it work perfectly. We took a vote there, but I won't tell you how it came out. I voted not, until the exams were graded. [Laughter]

So, I think the Wikileak is like a Rorschach test. Where stuff is thrown up against the wall and then people try to interpret it. Or even better, there's a metaphor from a great organizational theorist, Jim March, called the "garbage can." In March's theory, a "garbage can" issue comes along from time to time into which people pour all sorts of anxieties they have about everything else. And most of their opinion is about these anxieties and concerns that they had independent of whatever happened there. I think being poured into this is a lot of anxiety about what's happened to the press and what's happened to the government, and what's happened to the relationship between the press and the government, and what's happened to secrets. So, all of this, I think, is all sort of in a boiling pot. Which I think is a great reason for such an effort to try to work on it.

And I think David helped in reminding us that most people's opinions about this are much stronger than their understanding of the facts of just what happened. I would say most of the criticism I hear is why did *The New York Times* publish this as if the alternative was that these would not be published. Well, that's an interesting debate to have, but as David said, that wasn't the debate that was open for *The New York Times*. The question was not: "Shall we publish this or not?" Assange had already made the decision to release these documents into the public domain.

I told David, “You even articulated a stronger position,” which is, “We believe we can even reduce the amount of harm.” We’re not denying there’s going to be harm, but we can reduce the amount of harm by some redactions that we think maybe the others will follow. I think actually there’s an interesting factual question, how much of the redactions have followed or how many more now have come out? Because I think some of the things that were redacted have come out.

But in any case, I think *The Times* is able to avoid the more complicated questions here in this case. In the next case, maybe they’re going to get 250,000 documents only themselves. And they have the only access to it. Then, they have a different set of questions about how they would go about publishing. That’s my first one. Second point, what’s the difference between WikiLeaks and the Woodward leaks? Every day, as David says, *The New York Times* publishes many top secret quotations or substance from top secret cables. Way, way above these. Okay?

In Woodward’s book, he publishes Obama’s “eyes-only” memo to the people who were part of the Afghan deliberations. Okay? These are about seven miles above what’s going on here. Now, I don’t approve of that. I have a very old-fashioned view of government. I think people should be able to deliberate in private, but I would say that’s not the world that we’re living in, and so, this needs to be compared with the world that we are living in, as compared to the one that we’re not.

And you may say, well, okay, if everybody in a deliberation is talking to Woodward, because he’s somehow been elected or anointed to be the person to write instant histories about what went on, then if they decide as long as you’re above an assistant secretary, you can be classified. Or as long as you’re a secretary, you can be classified. But the government doesn’t say that. The rules don’t say that. The law doesn’t say that. I think we’re already in a murky stew. Finally, and then maybe I’ll come back on others, I’d ask has this done some serious harm?

I think the answer is yes. If you go to the King of Saudi Arabia, or as I was talking recently to the former Chancellor of Germany, and asked them, “Are they going to talk to the Ambassador candidly about their views next time?” Forget about it. Schroeder, the former Chancellor of Germany, who has an extremely good understanding of the nuance of Russian politics, said when the Ambassador called him up to come talk to him, he said, “Read my speech. I don’t need to talk to you.” He said, “Now, what will the impact of that be?” And I think Joe got it exactly right.

It will narrow the channels, and narrow the channels away from the State Department. Actually, we need more diplomacy in our foreign policy, not more “Let me just talk to the military guy,” or “Let me just talk to the intelligence guy.” For example, if we’re trying to understand what’s going on in Iranian politics, our Gulf allies serve as an excellent source of information. Are they going to talk candidly to the Ambassador? I don’t think so. So, this ends up affecting the channels, and then ultimately, as I think the current goldfish bowl in Washington does, narrows the circle of decision makers in general. You get a smaller and smaller circle of people who talk candidly to each other. And if you think that candid discussion and deliberation in which you can change your mind, in which you can have arguments and you could have difference, it’s a point of view, is a valuable part of decision making. I think this will be harmful.

To put it in press terms: The press has a great interest in confidentiality. They promise me as a source that I will be a confidential source. And if David burns a source, the next time he goes back to him and says, “You know, I’m so sorry that I identified you this time, but please talk to me candidly the next time,” I’d say forget about it. You know, you’ve already identified yourself. And I think that’s what this process has done for a lot of American diplomacy, unfortunately.

ALEX JONES: Do you think that is something that will be enduring? Do you think it is something that could be mitigated, for instance, by State Department assurances that this kind of confidential document would be in the categories of State Department documents that were not among those released? I mean, this was not the State Department that

burned. This was not a situation I would say analogous quite to David burning a source. But it is like someone got David's notes and did a--

GRAHAM ALLISON: That's right. Sent your notes back to *The Times* central and if they--

ALEX JONES: And somebody eavesdropped. Now, if *The Times* goes back to that source and says, "We fixed that problem, we are sorry for that." I mean, how much of that damage would be undone? And realistically, is it not in the Germans' interest as well for that kind of candid interaction take place, for instance?

GRAHAM ALLISON: I think Joe's point is right, as Gates said, that people end up having to deal with *The New York Times*. So, I got burned once, and nonetheless, I want something from them, so I'll give them something a little bit different. But I think that's the right analogy. I think you can earn back.

But if I were now trying to get a read on the internal developments in Iran, or if I wanted to learn about the bank accounts of Iranians in Abu Dhabi and Dubai from sources in the region, I would not send the Ambassador. I'd send an intelligence officer who's got relationships with intelligence officers in the Gulf, I might send a military guy, I might send a special envoy. So, now I'm shrinking the process. I think what the Wiki cables show is that the State Department, they're not perfect, but they seem to be doing a pretty good job.

ALEX JONES: But Graham, what I'm trying to get your sense of, is whether the issue is the technology that allows this kind of information to be disseminated by one of this half a million people who might have access, or whether it is the idea that people don't treat confidentiality with the kind of regard and seriousness that they might have. The fact is that what Woodward does has nothing to do with technology. That's Woodward getting access.

This had an enormous amount to do with technology. And is that a game changer? Is that something that, hypothetically, if WikiLeaks had not happened, if the glut of this technology had not allowed these 250,000 documents to be released, would we be talking about the German government being concerned? Is the issue that there was a data dump?

GRAHAM ALLISON: I think that's a fundamental question. Have we been on a slide to greater and greater penetration of the government by the press? And the effect of that has been to have secrets less and less secret. And I think it's had an impact on the quality of the deliberative process in our decision making. And I think that's a fundamental question. In any case, I think that's been happening. I think it also has had some effect on the way in which people deal with us.

But I think WikiLeaks is kind of one of these bolts of lightning that lets you see, "Woah, the technology has now gotten us so far advanced, and so far out, that when I talk to somebody, I need to be extremely reserved." Unless I have confidence in that person. And then, that person's going to write a report. Okay. So, then they're going to give it to somebody. Again, try to imagine the analog that *The Times* had all of its best reporters' notes on a central server, and somebody had dumped the notes. And now you're going back, working to explain, "Wait a minute. We are—" And actually, even in *The Times* case, it wouldn't work. I mean, the analogy's not a good one because all these other press guys are out there doing the same thing.

I think the impact of the Wiki will in part, as Joe and Jonathan said earlier, be to the managers of the system to say, "Don't manage a system so stupidly. You've got to control it more and more." But it's a cat and mouse game. I think we haven't seen the last of the Wikis. I'd say we'll see, you know, people thinking, "Well, gee, I can do something like this." I know the banking stuff that's presumably going to come up. Other such things. Then I think you'll end up in some instances, exposing very bad behavior.

Maybe guys that have bank accounts in Switzerland or something. So, whistleblowers, I'm in favor of some kind of cut out for, though I understand that's an ambiguous

criterion, but I think for the rest. I suspect this is a big event. It's not just a continuation. It's a big event. And that the net impact of it will be negative, I believe, in terms of the quality and candor of conversations, and therefore the ability to get the best assessments of other parties who can see things I can't see. And then, even on the deliberative process, although, the deliberative process was already being eroded more by the Woodward leaks than by the WikiLeaks.

ALEX JONES: I want to now invite others of you to join this. Micah?

MICAH SIFRY: Yeah, hi. Micah Sifry with Personal Democracy Forum. Thank you, this is really fascinating. I sort of feel like I'm sitting at a country club, on the patio, and a streaker has just run past. And we're mostly debating how we can fix the fences instead of why is it that people are streaking and gee, he looked like he was having fun. We haven't talked about the fact that this is a change in kind. Because WikiLeaks is not based in the United States. It's not *The New York Times*. It's not subject to the laws of the United States alone.

To the degree that some of its servers were based on Amazon, the government regrettably through Joe Lieberman, was able to pressure Amazon into kicking them off without due process, without any reasonable cause at all, which I think was a shame. But WikiLeaks was completely unharmed by that. In fact, they gained. They just spread to more places. It is a transnational media organization, and while it's getting all the attention, I forget who it was who said that if Julian Assange was never born, this would have eventually happened. Now it's happened and the technique of doing it has been taught to many people. So, it isn't just WikiLeaks, it's OpenLeaks, it's-- I can rattle off a half dozen other, you know, Balkan Leaks, Brussels Leaks, EndoLeaks, Local Leaks. This is a change in kind.

MALE: HarvardLeaks.

MICAH SIFRY: Oh, is there a HarvardLeaks? [Laughter]

MALE: Give me 48 hours.

MALE: Wait, I just registered the domain. [Laughter]

MICAH SIFRY: Well, since this is a public event, my notes are public and they are being read by people in the web right now. So, it is a difference in kind. And I think if we don't face that, we're talking about how the State Department can improve its security procedures is sort of focusing on just fixing one piece of the fence, while the rest of the fence is down. We're in a new world. These conversations are going to be more open.

It's true that maybe the private diplomatic conversations that states used to rely on are now somewhat damaged, but I would look at the plus side, which is the public engagement, the public attention, the public involvement, this is disruptive to be sure. And I don't think we can know where exactly it's taking us. But I think it behooves us to really admit that this is not-- You can't get the barn doors closed. The barn doors have been blown off.

ALEX JONES: Susan Crawford?

SUSAN CRAWFORD: Thanks for having me. I'm Susan Crawford. I work on Internet policy and I think what's been fascinating about the WikiLeaks moment in our history is not WikiLeaks itself, but the reaction to WikiLeaks from institutions. The government, the press, the diplomatic corps. And question-- I think it's fascinating to see who's calling for new laws, new institutions, new asymmetries of information in response to WikiLeaks. And how the other side of that argument views those three questions. So, let's start with the new laws. There doesn't appear to be any link between Assange and Manning as far as we can tell.

And so, Eric Holder says, "Well, you know, we're not just relying on the Espionage Act, there may be other statutes we'll look at." Really trying to find a way to go after the

source here, when I agree with Micah and with Jonathan, than technology is here to stay, there's nothing we could have done to have stopped this. But the real push for new laws. On the other side, the WikiLeaks side, there is a tremendous appetite for reversing asymmetries of information.

You know, it is as Micah says, a little alarming that we sit so calmly discussing this phenomenon, when in Egypt and in other countries, there's a tremendous uproar, in part, engendered as David said, by the diplomatic cables that have been released. So, on the new laws point, a real push in the U.S. for some kind of even transnational address over something to be done with Assange and with other leakers. On the technical WikiLeaks side, we're non-state actors, there is nothing we could do. I think on the new institutions point, there's something more interesting that could happen.

I'd like to be constructive and flexible in response to a difficult question. Here, *The Times* sat down so carefully with our government to consider redactions before the information was released. In the UK, there is the idea of a third-party actor, not the government, not the press, that actually considers whether questions, whether particular stories should be published, and tries to mediate between the government and the press to work through those difficult problems. I think we're going to see much more of a call for that kind of institution. A non-state, non-government mediator who can really consider the difficult national security questions involved in publishing particular information.

Because Julian Assange discovered that he still needed the organized press in order to get this story out, and David tells this so clearly, that the very first data dump didn't get much attention. You know? It really took the involvement of *The Guardian* and *The Times* and the editorial radar screen function of the major press to get important stories there. And so the Press, as an institution, I believe has been enriched by this entire event. Because let's turn to the asymmetries of information here. *The Times* is considering opening up its own drop box for leaks. Right? That's a very important development. So, they'll be able to get encrypted communications, protect the people who have communicated with them,

and then using its deeply engrained, rich editorial function, give us stories that are meaningful.

On the other side of that argument, the asymmetries of information side, is a tremendous push for online freedom from the WikiLeaks actors. So, established institutions have said we need new laws, we need new institutions to crack down, and we better cover all of the USB drives of U.S. government computers with glue. So they're locking down. And if the government—the enormous security function inside the government—had its way, no one would be using the Internet. They'd all be in locked caskets in the basement when it comes to communicating online. So, I think it's a positive development to put some pressure on that, to have that enormous security complex recognized that they're keeping too many secrets, they're keeping them poorly, as Joe says, and there needs to be rebalancing of these functions. So, for me, the context of whether new laws are needed, new institutions, and new asymmetries really points to some enriching developments for the press, for the government, and for the leakers who still need the press in order to make their stories be heard.

ALEX JONES: Susan, if I may just very briefly address and expand upon something you said. Really, the state of thinking and especially the state of legal thinking and strategic thinking about these things really is right back in 1971 with Daniel Ellsberg. Because Daniel Ellsberg did want to get the information out and he did take it, or allowed *The New York Times* to have it. *The Times* went through an anguished sort of deliberation about whether they would, their lawyers quit and so forth. And then they published it and nothing happened.

I mean, Punch Sulzberger thought he was going to go to jail. In fact, there was no response at all. It appeared on the front page of *The New York Times* on a Sunday, and silence was the response. And he went to London greatly relieved because he thought he was headed for Leavenworth. And then Henry Kissinger basically told Richard Nixon that if he did not respond to this, if he did not protect the ability of the president of the United States to deliberate, than all of the people like the Chinese who they were trying

to negotiate with at the time, would have no more trust in him. And persuaded basically Nixon to tell George-- To tell the Attorney General to stop *The Times*. And it was the battle over stopping *The Times* that brought attention to these documents. It was not the publication itself.

The publication itself was, as I say, a non-event. It was history. It was about the Johnson administration fundamentally. But the battle over whether *The Times* and *The Washington Post* and *The Globe* and others had the right to publish it made it a cause célèbre. I mean, I bet there's not one person in 10,000 in this country that actually read the articles, even at the time, that were about the Pentagon Papers. But they were very well aware of the fight. And the fight was about prior restraint, not about whether *The Times* had the right to publish them or could not be punished for publishing them.

In fact, the Supreme Court ruling was an invitation to the government to go after *The Times* for violation of the Espionage Act. Which, based on, you know, which is exactly what Joe was saying, they decided in their good judgment that they would not do. They did go after Daniel Ellsberg, not successfully. But they went after Daniel Ellsberg nonetheless. They never went after *The Times* or *The Post* or these others, even though the door was left open. So, that's where we are now. We are in a situation where the vulnerability of *The New York Times* under the Espionage Act for publishing classified documents has never really been tested.

What has been tested is the right of *The Times* to go ahead and publish. It can't be stopped from doing that. But that does not mean that it couldn't be published. I think that the thinking on these new laws, I now-- Some of the things I've been reading about are the idea of suborning to steal documents might be something that was created as a mechanism for trying to keep this from happening. One of the things that journalists sometimes have a very difficult time explaining to people is that they are perfectly happy for Daniel Ellsberg or a Manning to break the law, to steal documents. But the press, because it has not stolen them themselves, is not in that ethical quagmire of theft. Which the specific guidelines of *The New York Times* forbids. David Sanger, if he had had you

know, the ability to steal these documents, could not have done it. At least I don't think so. Am I right?

DAVID SANGER: Under our rules, no. No.

ALEX JONES: But the fact that they were stolen by someone else and then turned over to *The New York Times* by the journalistic set of ethics and practices as it has evolved over time in this country, is considered to be legitimate information that is not tainted with the idea of theft. Now, is that a distinction without a difference? I'll leave that to you.

SUSAN CRAWFORD: Well, the real battle here is a titanic battle over the government's approach to the Internet. And so that this sort of a subcategory, how they're going to go after *The Times* or other actors, there is an internal battle over whether the United States should be pushing global Internet freedom and the ability to communicate and the ability then to use a source and publish things however you want to, on the one hand. Or, on the other hand, whether the threat of cyber warfare and our ability to conduct war ourselves is so important to the United States' future, that we should encourage balkanization efforts around the Internet.

I have a perfectly authenticated Internet, have the ability as Egypt has just shown, to shut down Internet communications at times of enormous turmoil. It is that deep cultural battle inside the government which informs the rest of these discussions. I think that one side of that battle would say "Of course you don't go after *The Times*, they're acting as publishers have always acted, receiving information from sources. To go further would be inappropriate." The other side of the battle would say "This, you know, amounts to treason. We've got to find some way to go after Assange, at least. And if you get Assange, it's very difficult to draw the line between Assange and *The Times*."

So, I think the question over whether Assange is addressed by the Department of Justice is just a tip of this iceberg of enormous concern over the Internet, and what our approach to it should be.

JONATHAN ZITTRAIN: I wanted to constructively push on David's argument that everyone's doing it, it was already out there so that *The Times* was relieved of the ethical dilemma in large part, because it wasn't as if that would cause a sea-change in the information out there. In torts, we teach an old saw of a case involving two fires, each negligently and independently set on either side of a cottage. And of course, both end up roaring through. And the first defendant says, "If I hadn't set my fire, the other one would have gotten it. So you can't blame me. The cottage was toast." And the other one says, "Well, you can't blame me. The first fire got there and I just went over a burned cottage." So, neither is liable.

We learn in a wonderfully archaic opinion that that doesn't quite cut it for reasons that are obvious. Or maybe not. The students do struggle with it for a bit. And we even see this configuration exploited perhaps, by WikiLeaks, in that WikiLeaks, once it had exclusive possession of the cables, chose not one, but several newspapers to work with. Which greatly changes your dynamic, because now you can say, "Well, *The Guardian*'s got it. We've got to get it out." And *The Guardian* says, "Well, *The Times* has it, so." So, I think that argument both proves too much and proves too little.

We know that some of the un-redacted cables are at this point out there. There's a shady character named Israel Shamir, who I think is Belarusian, and maybe his son was part of WikiLeaks for a while. He's been dribbling out cables that aren't redacted and haven't been published by the group of papers and by WikiLeaks. And there's a Norwegian paper called *Aftenposten*, which somehow got its mitts on some of the cables and has been publishing them, in part, un-redacted. Nobody knows *Aftenposten*'s source, but it might be because some of the original tranche has been stored on a server.

This raises the question of, once somebody like WikiLeaks or *The Times* has it, would it be in the interest of the government to consult with them on IT, on how to best secure the raw materials for redaction. Because you can bet that even if you don't want the Russians to have the data, they've probably got it by now from some of these intermediaries. But despite those un-redacted things being out there, *The New York Times* still sat down in a windowless room with the government.

That shows that there's still some sense that there's out there and then there's really out there, and in the middling zone of merely out there, it doesn't seem to affect the equation. My thought would be *The New York Times* should say, "This deserved publication. And if we're the only ones with it, great. It's not only publication, but it's a scoop, and we stand behind it. And we will only publish that which is fit to print, which is both newsworthy, but not harming interests that, on balance, shouldn't be harmed." And I imagine that's the case in naming a victim of sexual assault, where even if it's out there, *The New York Times* still hews to its own standards.

With *The New York Times*, we hear rumors—I think we read the same blog entry—that *The New York Times* is wanting to get into the leak business. *The New York Times* has always been in the leak business, but it's worth asking, why didn't Bradley Manning go to *The New York Times*? Like, what are we, chopped liver? He's going to Julian Assange with the goods? Like, I've got to say, if I were going to leak, I think I would go to *The New York Times*, but I'm old fashioned that way.

So, you could see as a matter of branding, *The Times* actually wanting to say, "We are going to own this, we want the scoop. So, the next Bradley Manning, not that we are encouraging you in a way that would give rise to accomplice liability, but let it be known that there's this email address and encryption protocol. And we're just going to visit every so often and see what we find." I am curious from David the extent to which you see this as a potential growth industry, given Alex's and others' points that USB keys, CDs labeled "Lady Gaga," all this stuff is out there, why shouldn't there be more of an official function now? That we'll take the raw data, you, the leaker, don't even have to go

through it yet. That's just too much trouble for you. Just put a pipe with what you've got access to, send it to us, and we'll do the rest. I'm curious how much you see that as a future of a function for the paper of record?

DAVID SANGER: I'll be really quick in my answer, because I want to go on and hear some more of these. But you know, *The Times* has been in the leak business since 1851 without such a portal. And so, I think, you know, whether one's created or not, and the only thing I've heard about it is actually from that same blog. I've heard nothing internally about it, which tells me something, I think.

MALE: Was quoted on NPR yesterday as saying that they haven't made up their minds.

DAVID SANGER: Yes, I heard that as well. But whether you create one or not, people around the world know what we publish and know what we don't publish. And I suspect that documents will still end up coming to *The New York Times* whether there's a way to put it through a leak portal or some other way. But I think on your earlier point, Jonathan, I think you sort of proved my point. Yes, there are other cables that are dribbling out.

Yes, they are coming from a server someplace in the world, and we don't know where it is. And I think that that makes it clear that had we not published a word of this, this material would all be out anyway. And I think the question you're asking is did we add to the megaphone effect of this? And the answer is undoubtedly, we did. But we also added to the judgment element of this. You know, Will sent me a story just the other day, and maybe he can talk about this in his comments. Just yesterday, that ran in a British paper and based on a single cable or two, which if wildly misinterpreted, could lead you to believe that there were warnings out there of a dirty bomb attack somewhere in the world at some point with--

WILL TOBEY: It was worse than that. The headline was "al Qaeda on the brink of a nuclear bomb capability."

DAVID SANGER: Right. And when you read into it, you discovered it had nothing to do with nuclear bombs. It had to do with radiological weapons, which are completely different. We have looked at that cable. We had determined that it was from a single unreliable source, that it didn't tell you anything about future risk that you didn't know from reading Graham's book, or many other books and articles that have been published on this. And I passed on it. You know? We moved on to something that was more interesting. Now, you can argue that if you go on Google now, you'll find this cited and repeated in many different places.

Has it had much effect in the past 48 hours? No, because I think that having not gone through the vetting process of one of the major papers to declare that this was significant and new and important, I think it sort of got lost out in the stream of news. And I think to some degree, that validates what I think part of our process here was. Which was figuring out what was really news and figuring out what wasn't. Did we miss things? Absolutely. In any cache of 250,000 documents totaling 241 million words, I bet we missed stuff. Including Tunisia, as I said earlier. —And that's not an exclusive list.

So, there will be more coming out. And we have no control over what else does come out and what people do and do not redact. We did the best we could to persuade those people who we thought would be a big part of the megaphone, that a certain amount of this material was damaging and some thought should be given to how it's presented.

ALEX JONES: Will?

WILL TOBEY: Thank you. I'm Will Tobey and I'm a Senior Fellow at the Belfer Center. My background primarily has been in the government, so my comments really have more to do with one side of the ledger than the other. So, I thought I would talk for a moment about the costs. And I think some of them have been identified, but others remain to be discussed. To me, it seems that there are six different costs. First, U.S. sources were endangered. I know that David has talked about a redaction process, but that didn't apply to all.

And even the redaction process has been imperfect. I'm familiar with a cable in which a Georgian national was identified as a former Olympian, and by the type of business that he worked for. My guess is that security forces won't have much trouble going to get that individual if they wish to do so. Second, U.S. diplomatic efforts have been undermined. This has been discussed at some length, but there was mention of the Gates quote cited by Keller in his article. I would note only that both Gates and Keller have an interest in diminishing the impact. Gates, because he wants diplomacy to continue, and Keller because he doesn't want to seem like such a bad thing has been done.

Third, ongoing military operations and intelligence operations have been endangered. There is a specific operation that requires the cooperation from another government in order to stage air craft. That's been discussed in the leaks. And could very well be at risk because that government was sensitive about the operation taking place. Fourth, unfriendly governments have been potentially undermined. We've already talked about Tunisia and Egypt, but we don't really know the ultimate impact. It could spread much more widely, and it's unpredictable and random and can therefore not really be regarded as a benign effect. Fifth, and I think if Nick were here, he might talk to this, but the careers of dozens if not hundreds of U.S. diplomats have been disrupted. There are many people that I know that are sitting in places in embassies right now, waiting for reassignment, because they simply are no longer effective given what's been revealed about their opinions. Sixth, in some cases at least, and I'm looking more at this, but sensitive information has been disclosed.

So, specific vulnerabilities to specific types of terrorist attacks in specific places, like a biological terrorism attack in a specific country, have been highlighted as huge vulnerabilities. If I'm al Qaeda, I might regard that as useful information. What do you do about this? Well, that's a much more difficult question, and I come to the conclusion that it's a bit like a snow storm. It's always inconvenient, it's often destructive, and it's sometimes even deadly for people. But the costs of the remedies are probably greater than the costs of the doing of the business.

ALEX JONES: Do you have a hierarchy of those six?

WILL TOBEY: I presented them roughly in declining order of importance, but I would certainly admit that it's arguable among them.

ALEX JONES: Thank you. Andrew?

ANDREW RASIEJ: Thank you. Andrew Rasiej from the Personal Democracy Forum. I have to say, I'm still shocked that I can actually say without any fear of being laughed at, that politicians still don't know the difference between a server and a waiter. [Laughter] I have been saying that for about 10 years. And thought I could end-- You know, at some point, that joke would not get a laugh. It's obviously that it still does. I'm also reminded of the time when I was one of the first entrepreneurs in technology invited to *The New York Times* editorial room for a meeting with Bill Keller and a few other editors.

And I suggested to Bill in 1999 that they take the URL of an article from *The New York Times* and post it under the byline in the printed edition of the paper. And he told me he thought I was insane. That *The New York Times* printed edition would never publish any URLs of websites or other information. I also, and I plan not on attacking your *Times*, David, because I have a great deal of respect for you and the paper. But I ran for public advocate in New York, 2005 on a platform to make New York City wireless and to connect citizens to each other so they could petition their government and hold it accountable and other ideas which never made it to the paper, by the way.

But the editorial board, in my endorsement interview, spend 30 minutes of my 45 minutes asking me if I could explain to them what Wi-Fi was. So, I've been spending a lot of time, you know, pulling on politicians' sleeves and other institutions of power, suggesting that they rethink this. And I'm going to go a little farther than Susan in saying that there needs to be a reorder. I think that there needs to be a realization that the genie is out of the bottle, and it is not going to get put back in. And what we haven't discussed is, and

everyone's comments have resonance in different ways, but what we haven't discussed is really the responsibility of the government in this particular case.

Because I see WikiLeaks not as a feature, but rather as a symptom of decades of government opacity, and a lack of building of trust between its citizens and its leaders. When a government is spending more time making sure that it can hold onto its mechanisms from power, than it does building in methods of accountability so that its citizens can hold it accountable, and you can think about this in other institutions, namely the Roman Catholic Church and others. Then, you're going to start seeing a breakdown where people like Bradley Manning will appear and I think it could be successfully argued that Bradley Manning is actually a political prisoner at this point.

Many people don't actually know the story of Bradley Manning having lost confidence in his superiors because he was investigating insurgents that were arrested, making a case for them to stay incarcerated in Iraq, and discovered that a number of them had been arrested for anti-government activities when they were in fact, democratic proponents promoting more transparency from the Maliki government. He also, when he came upon the video that you all reflected on earlier, he was shocked by the video, but he didn't realize what the implications were until he Googled the date, and found an article in *The New York Times* from six months before where the Defense Department stated that the two Reuters reporters were killed in a fire fight, when it was clear that there was no fire fight. And so, he added himself to a long list, including the Tillman story, or the weapons of mass destruction, or you could sort of go on and on about the ways in which we've lost a certain amount of trust in our institutions of power.

You know, when Hilary Clinton spoke on Meet the Press last week, she used a very interesting line. She said, "There's too much information." I found that a strange use of words because she, obviously, and as Susan's pointed out, has a little bit of a problem right now. Because on one hand, she's promoting Internet freedom and doing it with a great deal of vigor, and on the other hand, she is also saying "But not against us, please." And so, maybe what the U.S. government should do and the State Department should do,

is, if information is a currency, then maybe they should take the 250,000 pages of documents and just release them all now and save us the trickle and the pain of all the information coming out by dribs and drabs, and *The New York Times* or others analyzing it and telling us what's important about it.

Just to add, just to build on Susan's point, the technology has moved way beyond our laws and regulations. And we need to rethink what it means when nine billion people are going to have a device in their hands that are going to make the iPhone of today look like a briefcase cell phone from 10 years ago, in about five years. Printing presses in everyone's hands changes the dynamics.

Secondly, we haven't discussed and it should be discussed extensively, is that there are no standards for how Internet companies react to, or are reacting to this particular crisis or issue. Joe Lieberman rattles his saber and Amazon throws WikiLeaks off their site. PayPal—it's easier today to make a donation to the Ku Klux Klan. You cannot do it via PayPal, you cannot do it for WikiLeaks. Although, yesterday we saw that WikiLeaks was back online maybe. We're checking that out as we speak. But you know, many people and many companies don't-- Well, first let me say, many companies don't have standardized terms of service. What Twitter recently did with allowing, informing their customers that their information is being requested by the government is not a standard practice. And we need to develop those standards. And people then need to be informed by them. And as people are informed, we should all take note that we, ourselves, are seduced by the beauty and the elegance of the technology. How many of you have actually read the terms of service of Facebook?

MALE: I would never get that time back. [Laughter]

ANDREW RASIEJ: And by the way, did they leave a check box that informs you when they change their terms of service so you can go back and reread it?

MALE: Not so much.

ANDREW RASIEJ: Not so much. You know, I always laugh when I go through a toll, going over George Washington Bridge or Lincoln Tunnel, and I see all these Mercedes-Benzes and Lexuses sitting in the cash lanes. And I'm wondering, why don't they have EZ Pass? And then, I asked a couple of friends of mine who don't have EZ Pass, and they told me that the reason why is because they don't want to be tracked by the government.

But while I'm watching these people in their Mercedes and their Lexuses, they're all sitting on their cell phones, and maybe they don't realize that their license plates are in fact being recorded every time they go through a toll. The public isn't aware that we're in this somewhat of a dance of death between privacy and data. We applaud the ability to follow our friends, we applaud the ability to find better information, and every time we sign up for a terms of service, it gets more and more elegant, but every time, we give up something and we don't really realize what that is.

Most Americans don't think about it. I was shocked to learn that if you have a cell phone on your person and you're stopped by a policeman and he finds it, he can search it without asking you for permission or a warrant. Well, I mean, I'm just saying, I hadn't thought about it. You know? I hadn't thought about the fact that if I put a password on my phone, I wouldn't have to give up my password to the police officer unless because of self-incrimination. But if it was un-password protected, they could look through it.

MALE: Who says?

ANDREW RASIEJ: Well, there have been a number of cases--

MALE: In California.

ANDREW RASIEJ: In California recently, where the court ruled that the police have a right to look through an electronic device. EFF. We'll send that link around so you can--

ALEX JONES: Is it considered comparable like, to looking in the glove box?

ANDREW RASIEJ: Well, let me give you a better example, which is people, if you have documents in your home, you can protect them from being searched. A warrant needs to be issued for the government to look at documents in your home. But, if you put your documents in a cloud, you don't have the same protections. And so, we have a society that's selling cloud computing as a wonderful time saver and organizer. But we don't understand the implications.

I'm not promoting it, I'm not suggesting that that's good, I'm simply saying that we have moved past, we're at a point of no return. That policy makers need to spend more time with young people who are living and breathing the architecture of the future as they think about these issues. That we have a vacuum of vision and leadership at the top of our political system and our economic system in understanding how critical technology is to the economic wellbeing, and eventually, to the physical wellbeing of the planet. And that any attempts to try to make sense of WikiLeaks using existing constructs of journalistic principles or otherwise, I think may have some merit academically, but in practical terms, is going to have very little impact.

And I just want to add one last comment, which is to the issues on journalism, I'm just curious what the journalists think. Is it really the job of journalists to make sure that it doesn't undermine the diplomacy of the U.S. government or any government, especially if that diplomacy is duplicitous? Which I think it has been for the most recent future.

ALEX JONES: Andrew, two quick things I'd like you to expand on if you would just for a moment. One is, imagine this five-year-from-now iPhone, and what is significant about what you see coming. And two, do you mean that you don't think that the gatekeeper role such as it exists for something like *The New York Times* and the mainstream press is relevant in this conversation? I mean, is it beside the point?

ANDREW RASIEJ: I think it's obsolete. I think to try to answer the question, both your questions in the same way, which is that with all the cell phone cameras and all the connectivity there is, there is actually the ability now for the public to watch itself and watch the government. And newspapers and government officials need to start thinking of citizens not as passive voters or passive receivers of information, but rather as partners who may actually know more about a specific topic or situation than they do.

And that there is going to be a realignment, whether you want to-- You know, the topic of this particular session is not crowd sourcing or what does it mean when so many people are involved in a collaborative process of seeking the best information. But it seems pretty clear that as more and more people are empowered with these technologies, the way in which we are going to be able to get the best information distributed to the most amount of people, so that people can make informed decisions, and I'm not talking about the rule of the crowds, but that there will be people who will build reputations based on their deliberation and a search for a neutral point of view over time, will make the institutions that we expect today to keep us safe, obsolete.

ALEX JONES: And what about this iPhone of five years from now that you referred to?

ANDREW RASIEJ: The question is whether we're going to have it on Verizon or on AT&T [laughter]. Or hopefully, if Susan's correct, on a choice of 20 different providers. Or a mesh network, so we don't even have to worry about it. You know, I think it's fascinating what's happening in Egypt today with the way in which people are collecting information. Just to your point on the iPhone, there's another important point I should add to this, which is that we don't teach media literacy in schools properly.

There's a new skill set that I call videracy, which is where young people and some older people now, have the ability not only to understand complex ideas in video as it's delivered, but are able to create them without using any text at all. But that we don't teach critical thinking about video images in our schools. So, for example, people running

away from guns being fired on the streets of Iran, clipped together in a various form of video, people are not asking, “Well, are the shadows in the right place?”

Because there’s no narrative here that would make a timeline match up with the images that are there. Or, people aren’t asking the critical questions. If you take a piece of a speech by Undersecretary of the Interior, it gets blown up as racist on the morning news the next day, and we’re not asking the critical questions, what is the whole speech and where is it in context? We are not teaching an equal level of media literacy that’s commensurate with the speed of this technology and the speed of the iPhone.

ALEX JONES: Well, one of the things that’s been alluded to here is the ability of governments increasingly to try to control, and the technological ability that seems to be growing that would make that increasingly impossible to do. So, hypothetically, with this technology of five years from now, would for instance, the Egyptian government be able to shut down the communications technology that is linking all the people of Egypt?

ANDREW RASIEJ: I think there’s going to be attempts to do that.

NICCO MELE: There’s actually an active effort right now to build a mesh network--

ALEX JONES: That’s what I mean. I mean, is that the kind of change that would be transformative, though?

ANDREW RASIEJ: It may be, but you know, Seymour Hersh wrote a piece in *The New Yorker* a month and a half ago about the military making the argument that they should take control over the Internet, away from the FCC and away from Homeland Security because our infrastructure is at risk. So if I’m wrong about the government’s perspective and realizing that they can’t keep up with the technology, there could be an attempt where the cure is going to be worse than the disease, and we’re going to see an attempt by governments to create a lockdown.

Now, to Nicco's point about the mesh, yes, there will be attempts to circumvent it. This is the cat and mouse game or the whack a mole game that we referred to earlier. But in the same way that it is illegal to set up an FM transmitter that's over a certain power size without getting a license from the FCC, it may be illegal to participate in the mesh network in certain countries that are trying to control information. In essence, Alex, what I really want to try to say is that we are in completely unchartered waters. And instead of protecting our stakes from the perspective of the past, we should be working together on trying to understand how to build equity with this technology in the future.

ALEX JONES: Nicco, Alex, Kevin, I'm going to get to you and Sandy. I feel like I owe Nick an opportunity to speak to this, because he was not able to respond to what, especially what David said. But Nick, if you would.

NICHOLAS BURNS: Thank you very much. A pleasure to be here. And the first thing I wanted to say, I wanted to apologize for walking out in the middle of my friend, David Sanger's presentation. I had a commitment I had to meet between 10 and 11. David knew that and Alex did ahead of time. So, my apologies to David.

MALE: You had a commitment to do *On Point*.

NICHOLAS BURNS: I did. Yes.

MALE: What did you tell them? Tell them what you told them.

NICHOLAS BURNS: Yes, professor. [Laughter] We had a vigorous discussion of U.S. policy towards Egypt. I won't bore people with it now, but I'll entertain you with some of the highlights later.

MALE: We can watch it or we can hear it tonight live at I think seven o'clock? Eight?

NICHOLAS BURNS: Seven o'clock.

MALE: If you get it from your iPod.

MALE: Or we can drain him out at lunch. [Laughter]

NICHOLAS BURNS: So, with all this talk of futuristic technology, it may appear that I come from this antique world called diplomacy, but that's the world I come from. I was a U.S. diplomat for 27 years, three months and nine days until my retirement in 2008. And I've been at the Kennedy School since then. And so, what we thought we'd do this morning, after listening to Jonathan's very good presentation, and David's, is I would just try to give a very brief perspective of how a former diplomat might think about WikiLeaks, and might think about the fact that 250,000 cables from all of America's 266 embassies and consulates, were leaked to *The New York Times* and other media. And the first thing I want to do is just engage and just give you some caveats.

What I'm about to say is not an attack on David Sanger, because he's a very close friend and I have great respect for him. Second, one of the positions I was fortunate to have in my career, was State Department Spokesman for two and a half years in the mid-1990s for President Clinton's administration. And I developed a genuine respect for the press in that capacity. And I'm convinced on the basis of my government experience, that government needs the press to contest the government. And to keep the government honest and to open the government up to explain itself to the American people as much as that is possible.

And if you haven't read Bill Keller's very fine piece that David referred to, the cover story in the Sunday *Times Magazine* on Julian Assange, Keller quotes Hugo Black's judgment in the Pentagon Papers 40 years ago: "The government's power to censor the press was abolished, so that the press would remain forever free to censure the government. The press was protected so that it could bear the secrets of government and inform the people." So, I'm not here to contest that decision 40 years ago, or that principle. I think our democracy depends in it.

The last thing I'm not here to do, is to offer legal judgments, because we have people far better prepared to do that. I'm not a lawyer. So what can I do? Let me try to illuminate the importance of diplomacy and the problem that WikiLeaks, this particular episode, presents to people who are diplomats on behalf of governments, ours and any other government. Diplomacy in my judgment, diplomacy among governments is built on trust among diplomats. Among people. Among human beings. And that's one good reason why we classify cables and make them secret or top secret or confidential. Because we can't violate the trust of other people to whom we speak. And if we violate that trust, then we engage in an exercise of negating our own values, and negating our own objectives. So, preserving the integrity of discussions is really important to the basic fabric of what diplomacy is.

Governments have another reason to keep secrets. National security. The reason I say this is because I've been intrigued by the debate on the Internet, at this university, around the country and around the world since David Sanger sprang these cables on us. And that is that some people are saying, "Well, it is an antique and older notion that government should have secrets. Why should governments have secrets in a democracy?" And I'm here to say that I would hope that reasonable people could agree that some secrets are still important to keep.

What should be secret? A few examples.

Our nuclear codes, the codes to our nuclear weapons. Now, that sounds obvious, right? When I was spokesman, when the press would harass me, David and others, nearly every day, and they wanted to pry more and more and more into the workings of the Clinton administration, I would sometimes say, just to get them off my back, "I'm not going to give you the codes to our nuclear weapons." Just to prove a point. Essential defense information and defense technologies that are critical to the advantage that we have technologically, vis-a-vis our enemies and our potential adversaries. Particularly on chemical or biological or nuclear capacity.

The secrets that others tell us in confidence, sometimes at the risk of their lives or of their fortunes, or of their positions—planned strategies to deter an outlaw regime like Iran, like North Korea—intelligence information.

Those are just a few examples that I thought of this morning when I thought about this discussion, that I think reasonable people would say, "Yes, we need to keep that information classified, secret, or whatever other classification it is." That, I think, is an obligation that the press has to understand. And that the American public needs to understand.

And what can government do? What's the responsibility of government in the WikiLeaks episode, specifically, and more generally? It's true, I think, although there are others here who might contest this, that government over-classifies. You know, there are thousands of pieces of information and thousands of cables, thousands of memos, and the default mechanism to protect yourself in a rigorous bureaucracy, is to classify it, not to declassify it.

And President Obama, when he came to office, with the help of some people from this university who have gone down to Washington to work for him, has said, You know, we really ought to rethink that model of behavior inside our government. We ought to be encouraging a certain class of information that is truly unclassified, like press reports. I love David's example of this morning. I never classified press reports in any of the embassies in which I worked, but if we are classifying press reports, well that is—that's the first thing government needs to do. The second thing government needs to do is to make sure that people have access to this information on a need-to-know basis. If it's true what Bill Keller—and I have no reason to believe it's not true—I think he said the Pentagon told him that 500,000 people in the U.S. government had access to this particular cache of information that was then leaked, 250,000 cables. That's not rational—that 500,000 people should have access to that information. I know that the U.S. government is working on that issue right now.

Another ancillary issue is this—we normally classify documents on a 30-year basis. So anything that Will or I wrote or Graham or Joe or Kevin in our government careers wrote, that's classified, that's going to go into a presidential library for 30 years. It will then possibly be declassified and made open to researchers and historians and Harvard professors. It may not, depending on the source of that information.

And the president has said again at the beginning of his administration, shouldn't we rethink that? Shouldn't we have a sliding scale by which we judge information, maybe some information can be declassified in a five- or 10- or 15-year basis, not all information on a 30 basis. There's a lot that government needs to do and reflect upon in light of this WikiLeaks issue that *The New York Times* has given us.

So here's what bothers me about the way that *The New York Times* handled the Assange documents. And I say this with great respect and friendship to David. As a former government person, I consider them to be stolen documents. Because—you know there's an allegation that Bradley Manning took those documents and gave them to Julian Assange—that will have to be adjudicated in some kind of court proceeding whether it's military or civil. And so I'm not here to cast legal judgment on Bradley Manning.

But let's just say that story turned out to be true, I don't know if it's true or not, but if it turned out to be true, those are stolen documents. Bradley Manning and all of us who work for the government had a legal obligation to protect that information, not to give it to *The New York Times*, not to give it to *The Guardian* in London, not to give it to anybody. And so I consider them stolen documents.

I don't consider this—and all I know is what I read in the newspapers about WikiLeaks because I left the government nearly three years ago—I don't consider this a case of a principled person leaking documents to expose government perfidy or a crime or even an unjust war. I don't think the Daniel Ellsberg comparison works for me. Now Daniel

Ellsberg obviously is making the comparison himself, I guess he has a right to do that. I don't see it.

And I think of the scale of this case, 250,000 documents. You're looking at the bulk of the work of 266 diplomatic outposts of the United States over what, David, a four or five year period?

DAVID SANGER: Well some of the stuff goes back to 1966, but it's very spotty. I would say that the bulk of it was probably in the past four or five years.

NICHOLAS BURNS: So you're looking at a large percentage of the work that is done privately in confidence on a classified basis for our government. And again I do understand Bill Keller's position. What he writes on Sunday is, "There's a tension between a newspaper's obligation to inform and the government's responsibility to protect." And we all know that and we all struggle with that. And we work on a respectful basis. And I don't disagree with Bill there.

But *The Times* did have a choice to decide not just to print ultimately the 250,000 stolen documents that fell into *The Times*' website for six billion people to read. So what other options did *The New York Times* have? What might it have considered?

Number one it could have refused to publish any of the documents. Now as David said, what good would that have —as I understand David's position, David said, "Well but other newspapers were going to publish the documents and maybe not as responsibly as *The New York Times*."

And I don't contest David's point, but *The New York Times* is an American institution. Shouldn't *The New York Times* editors, at least have considered—what is our obligation to our country, our government, our system in this case? And I don't want to prejudge the situation, but I'd ask David, "Was that an option? Was it discussed for more than 10 seconds as you looked at this?"

Second option, did you have to print all the documents? David said this morning they have 250,000.

MICAH SIFRY: They've only printed a few hundred.

NICHOLAS BURNS: They printed a few hundred, they have the capacity to print all of them. But a few hundred documents is a lot of documents. In fact, I can't think of a precedent in my own career where a hundred documents or 150 documents have just come into public view on highly sensitive issues. So why the judgment to print a couple of hundred and potentially 250,000?

Third, did you consider deeply the motives of Julian Assange who it seems to me to be either an anarchist, well certainly an anarchist, but deeply anti-American. And did you consider that you might be hostage to the games that he was playing on a global basis against our government and against our country?

Final point. When the documents appeared, I really felt violated personally. I got a call from a fellow at our school at the Belfer Center who said, Just read about your meeting on WikiLeaks with various Middle East leaders. And these were meetings that were classified. These were confidences that I had kept and told no one about outside our system and here they were ready for six billion people to take a look at them. So from the perspective of a former diplomat, it was not a great day. I thought it was a sad day for our country, that our leading newspaper had chosen to divulge this information.

In sum, I think there's been enormous damage already to American diplomacy. I don't agree with what was written in the Keller article—that it's not going to be as damaging to American diplomacy as some would say. I think there's already been a damage to our country and perhaps we can't even calculate it. It's going to drive people not to write things down and that's not good for the process of orderly decision making and

government on a rational basis. And it's not good for historians who won't really have an insight on the most sensitive issues perhaps into what people were really thinking.

And I guess I'd say finally, does *The New York Times* have a basic responsibility to exercise better judgment and to deny themselves the opportunity to publish our secrets on such a massive scale? Several hundred documents is a massive scale.

Now, finally, I don't exclude my own government, and of course me, when I was serving the government from responsibility. We need to protect our information more effectively, limit the number of people who have access to information in our government, and I assume that's all happening now. And it should. So, a lot of lessons to go around from what I considered to be a fairly sad chapter in our history. Thank you.

DAVID SANGER: Well Nick, as always, raises just the right points and when he tells you that we do this back and forth as friends, it is not the way two senators say, "My friend from so and so." We actually really are friends. So I take each of these very seriously and let me just try to take them in order and Nick if I have left any of them out or gotten them wrong, interrupt me and tell me.

So first question is, could we have chosen not to publish the documents and did we have a lengthy conversation on this subject? We did have a lengthy conversation on this because of the central issues that Nick mentioned at the beginning, which is these were stolen documents. That doesn't necessarily mean they were stolen by Bradley Manning, I don't know who they were stolen by, but I assume that they didn't fall off the back of a truck. So that was a significant issue.

It is frequently an issue when you are publishing non-public information. Usually non-public information leaves a corporation or a government in some strange way or another. And so you'd have to ask yourself the question, if you didn't publish these, what else in the world are you saying journalistically you're going to cut yourself out of.

This conversation was cut short by the certainty that WikiLeaks and that other newspapers were going to be publishing these. And the certainty that they were in the hands of some non-journalistic entities as well. By the time we got these the chain of custody was long, diffuse, and we didn't even realize and don't really fully understand to this day, where all of these documents are.

So we didn't have to reach the hardest question, which has come up here in a number of places. Which is, what would we have done if we were the sole recipient of the material? And I'm not sure I can answer that question. But just as the Supreme Court at times decides it's not going to answer a question that's not right in front of it, we decided at some point that we had to move on with our editorial process and we weren't going to try to answer a question that was not in front of us.

Your second question was, did we have to print all the documents? Well we didn't print all the documents. There are, as we've all agreed, 250,000. We published at this point under 200. That is a tiny fraction, it's a big number if you think in the comparison that you did of the way documents sometimes make it out, which is usually in ones or twos or threes. Although I would argue that in the case of Iraq, many more came out long before WikiLeaks documents surrounding the decision to go into Iraq.

But we published them very sparingly and then only after we had gone through first and made sure that we have redacted them with great care. Now, what would have happened if we had said, "Okay we're not going to publish these documents. We're not even going to look at these documents because they're stolen material. And we're not going to write stories about them."

So think forward to the next couple of weeks. *The Guardian, Der Spiegel*, other newspapers imposing their editorial judgments instead of ours, published them on their front pages. We would then have a choice. Ignore all of the news that is out there, which I think would have looked a little silly. Or go write stories based on *The Guardian* and *Der*

Spiegel's interpretations of what they had seen. And maybe write those stories without even looking at the original documents.

I don't think that's a sound journalistic choice and I also don't think it's a sound national security choice. Because we would not have known what we might be divulging that could actually do very serious harm. We would have cut ourselves out of that important judgment factor -- redacting names that we all agree should not appear, or descriptions of ongoing operations could put lives at risk.

And not only that, but we would have been substituting our editorial judgment for *The Guardian*'s or *Der Spiegel*'s or some other newspaper's. We would not have had the time to conduct a full search to figure out if cable X was contradicted by cable Y and thus needed to be balanced. I don't think that would have been a wise journalistic decision. I also don't think it would have been good for the United States.

Did we consider deeply the motives of Julian Assange? You bet we did, as I wrote in an essay that's in that Open Secrets book, Julian Assange came to this project with the thought that he was going to reveal the duplicity of American foreign policy. And I think what most people who have read this have concluded is, he did just the opposite. We actually learned from these cables that you and your colleagues mostly did what you said you were doing.

That doesn't mean that there weren't private conversations, that there weren't ways that you moved away from specific goals, stated goals of the U.S. But by and large cued very closely to them and very impressively. And as one of our British colleagues said with all of the sarcasm that he could muster and only the British could, "Who knew that American diplomats could write?"

I think that in going through those documents we ended up not making ourselves hostage to Julian Assange. We ended up bringing our own editorial judgments to the material and

the judgment we came to was actually pretty much the polar opposite of the one that I think Julian Assange wanted us to come to.

Nick, you felt personally violated by the publication of this, I understand that. I've got a lot of friends, colleagues, who were quoted in these ambassadors around the world, some of whom I knew long before they were ambassadors or even in the foreign service. They have called up feeling equally violated by this. My only point is, you would have felt violated whether it appeared in *The New York Times* or whether it appeared someplace else.

Now at the core of your argument is the question, isn't *The New York Times* because it is an American institution, doesn't it share a concern about the security of the United States? And the answer to that is absolutely. We have reporters who are out on the line around the world. Our main offices are in Times Square and two blocks from the White House in Washington. If we the country gets attacked by terrorists, it's a good bet we're getting eviscerated first.

So yes, we have a deep personal interest in this and we have a deep personal interest in the fact that many of the terror groups that are seeking power around the world do not view the first amendment rights that we've been talking about here today as their number one priority in the world. Far from it.

We have reporters who have been killed, we have reporters who have been kidnapped, we have reporters who have been injured, we had two reporters detained last night by the Egyptian forces. They were fortunately released this morning. So yes, we do have an interest in this. But that's why we engaged in that lengthy process that I described. And I think this would have been a lot worse experience for the national security of the United States had we not engaged in that process.

ALEX JONES: Okay Alex.

ALEX KEYSSAR: I'm Alex Keyssar, I teach here at the Kennedy School and I'm an historian. I confess I'm more confused about this issue now than I was at nine o'clock, which is probably a sign that it's been a good session.

But it seems to me there are two questions lurking around. One: Is what has happened new or not? I don't want to speak to that at length, but I'm not convinced that it's new. It seems to me that governments have been trying to keep secrets for a long time, and that other people have been trying to get a hold of the secrets. Even granted the changes in technology, I'm not quite sure that it's new.

But the second question, which I have a few more comments about, has to do with how we evaluate this: how do we assess it, what kinds of policy changes might we want to make in light of this? I don't think we can answer those questions out of specific, historical contexts or even without a long term historical view.

I would begin by suggesting something that I certainly cannot prove: that in the history of the world, more harm has been done by excessive secrecy than by the leaking of secrets. I think that that is probably true, if unprovable.

Second, with regard to the specific context in which leaks occur, suppose we were in the 1970s and there was a leak of secret documents from the Soviet Union, highly classified documents about Soviet intentions. Well for one thing, the Bradley Manning of that case probably would have been welcomed to lunch at Congress. And the whole phenomenon would have been assessed differently—because of the political context.

Well one can say that we're not the Soviet Union in the 1970s and that's surely true. But the question is, where along the spectrum of the behavior of governments does leaking become something that we view positively rather than negatively? When does it become morally permissible for secret documents to be made public? I'm confused about how you come up with criteria to answer those questions. I don't think you can decontextualize them, so that in some sense the judgments may ultimately be political.

The other piece of the context that I guess I'd like to add into the discussion is that over the last number of years, at many Shorenstein Center events, there's been a different theme —which has been the decline in the reporting capacity of the American press and the decline particularly in the capacity of the American press to do investigative reporting. This has been a theme that we've been talking about endlessly.

That theme or context would lead one to conclude that one might want as a matter of policy to encourage leaks, simply because part of the traditional guardian role of the press has lost a great deal of its capacity. *The New York Times* may have retained much of its investigative capacity, but there are a lot of other newspapers and a lot of other organizations out there that no longer have the ability to go looking for information. Shouldn't that also be figuring into the way in which we assess leaks?

I think that was a little bit of what Joe was trying to get at very early on when he was talking about the desirability of some whistleblower protections. Because in a sense we may need whistleblowers and leakers more now than we did 30 years ago, given the nature of the American press.

MALE: Interesting. Thank you. Kevin.

KEVIN RYAN: Thanks Alex. I'm the Executive Director at the Belfer Center, Executive Director for Research. And I'm a retired U.S. Army officer who served in operational duties and intelligence duties. I served at the U.S. Embassy in Moscow as Defense Attaché. So I have some experience with the cables and the secrecy elements.

I appreciate the difference made earlier between intelligence and those reporting channels and what really is the bulk of, as far as I can tell, the WikiLeaks cables which are not intelligence centered.

But I wanted to make a point about harm or damage from this and then add two questions to the list that you had come up with. And first I am in favor of less secrecy and I think that's something that Nick Burns just mentioned. I think those of us who work in it for the length of our career, realize that there's a lot of fluff in there and we don't need all of that. In fact since getting out of the military and then spending most of my time on Google, I can tell you that there's a lot better information outside the SIPRNet and the classified chains.

I think less secrecy also plays to our greatest asset which is the ability to share information within the government. And I know that that may sound to those who have served in the government as, "Oh my God, is that really what we're depending on." Is that we can share information, but we actually do that pretty well.

And so in my opinion the biggest harm, I'll say internal harm from this release is not the fact that more secrets have been shared, but the fact that fewer secrets are being shared now. And I asked a person that I have some respect for over in the war zone what's been the impact of the WikiLeaks on your operation. And this is the email I got back:

"WikiLeaks did impact us immediately and pretty significantly. State Department disconnected from the SIPRNet, which pulled their cables off the SIPRNet and we no longer have access to them. They were, are very useful to the more political social economic issues that we cover, so that's a significant loss for us. Information sharing with the State Department through personal contact is very difficult to impossible because of the institutional and personal barriers at our level."

So this comes from, I would say an operational field unit, but not at the squad level. And it indicates at least one of the impacts of the release. I'm not blaming *The New York Times* or anybody specific, but just the release in general means that information is not being shared as openly as it could have.

At a time when we're talking about strategic corporals and people making decisions at the lowest levels and needing to be out there as not just combatants, but mayors of towns advising people on political situations. This is a big impact to be cut off from information which they normally would not be privy to.

The two questions that I want to add deal with the remaining documents. I think it's been, the point's been made here that out of a quarter million documents, that only a fraction of them have been released. So my question is, what's the responsibility to the government to pursue restrictions on the remaining documents that have not been released?

And then maybe one question which goes directly to the news people, what is the responsibility of the U.S. government with regard to news agencies, or if Julian Assange is the source, then sources who might have colluded with the original source, this Private Manning if that's who it was, if he was the source. If there was some collusion with that person, the first tranche is here, here's how you get the second tranche Private Manning, this is what else we need. Then is there some legal step the government should be taking?

MALE: I think that there may well be a legal step, but I think that Joe's point was that, is that a good political step? Is that a good idea? I don't have the answer.

But I want to ask you one follow-up question to something you said. I take your point about the operational impact because these people are now no longer able to get the information through the State Department's web operation. Is it possible for, is that because the information is just been shut down because access has been totally shut down or is it because this information is sensitive and the expectation is that if it is out there it would be vulnerable to a second WikiLeaks kind of release.

In other words, is the State Department once again over-classifying effectively information or is this really a matter of a fear that this was something that should never have been done in the first place?

KEVIN RYAN: I think everybody for the reason that Nick Burns pointed out, continues to over-classify and will continue. I mean I'm not telling you who this came from because I'm over-classifying because I'm being cautious.

And I probably shouldn't say, but I've already downloaded several WikiLeaks cables. You know I got Ambassador [00:27:37] meeting with somebody or at least a cable that he signed off on in my hands. And it's not clear even today what the legal ramifications of possessing this is. If you're not a U.S. government employee maybe less. If you have a security clearance like Jonathan mentioned, does this endanger your security clearance, I don't know.

But over-classification I think is going to stay. I think the impact that is the second part here that you mentioned. Just as a reaction to, you know what can we do to stop the hemorrhaging and try to figure out where to go next, is we've split those cables out away from the DOD's SIPRNet, which makes it harder to get that information.

The only way to get this dynamic and the synergy going at the lower levels is to have this information lying out in front of us. And if you don't have it there, then you have to know enough to go ask for it, and you don't get that dynamism anymore. And that's where we are at the moment.

GRAHAM ALLISON: Let me go to a figure on this if I can. Because I think Kevin's made an extremely important point and for those that are not part of the space it's hard to get it. But I'd say prior to 9/11 intelligence agencies in the State Department operated in a natural way that organizations behave. Which is, I find the information and I control the information and I don't share the information because I get rewarded for having listened to something or learned something or otherwise.

And so a major finding of the 9/11 commission was that all this stuff had been stovepiped and that if you had actually looked at this dot here and that dot there and some dot somewhere and drawn a line you would notice that somebody reports from Phoenix that

there's guys learning to fly airplanes, but are not interested in landing. But that piece of information is in one channel and here's another piece of information about two guys who were part of a previous attempt to hijack airplanes for bombing have shown up in L.A. That's in another stovepipe and they're never connected.

So reaction. Share information across a wide spectrum. That was the conclusion. So what was this, if this guy was on this, if the allegations are correct, how can he possibly have access to this kind of information? The answer is, you're trying to share as widely as possible because somebody there operating may find a little piece of information that's related to a little piece of information. This is a hard intellectual challenge to figure out, what should be controlled and what should be shared.

Inevitably the government will do it in the way of large, dumb organizations. So think large, dumb model two organizations, that's the life of government. Somebody puts out a general rule. They can't say, "You should have the information that you really need," because I can't figure out what information you need. I don't know whether this fellow who Kevin cites who's operating in the field needs to know some information or it's just interesting gossip for him. He should be fighting the war, why is he trying to figure out what the ambassador said to somebody else?

On the other hand, if the ambassador or somebody working in the embassy learns something about the politics of the province in which he's operating, it might be extremely relevant to what he's trying to do.

So this is a tradeoff and what's now happened understandably, and then it'll adjust with more intelligence, but right now if you were the Secretary of State or if you were the State Attorney of Defense, you just simply say, "Stop it." So it's kind of got to a stop, it'll get revised and the question is how to get it revised to the point that you can have some things controlled with a reasonable need to know principle. And you'll keep the rest – I suspect in the way of government, having made a huge mistake to stovepipe everything previously.

We corrected that on 9/11 by dumping everything in the same pool. We'll now go back and make the next mistake, which won't be exactly like the stovepiping before, but it will be similar.

MALE: Well if we assume for the moment that there's inevitably going to be the risk of leakage if you have wide distribution and the risk or the cost of what is lost from wide distribution if you don't. Where is the weight of value in that equation if you're going to have to recognize that inevitably in the world we're living in now, this can happen. I mean would it have been a mistake a year ago before the WikiLeaks leaks had happened?

MALE: I think maybe this is what Joe had said earlier. If you look at the current systems in government, you have the State Department's network which was the most poorly managed, predictably. So the State Department does not have the most technical, swiftest intel in general.

MALE: Or money.

MALE: Or money or everything. So generally if you look for organizational malfunctions you would say State is your first place to look. [laughter]

MALE: DOD overwhelms things with money, but at least so far the top secret network maintained by Defense has had no equivalent link. And I believe that the top secret system in Defense does have some sort of a tracking system. That if somebody's downloading a lot of stuff a light goes on.

So if you were to do this for analogies, think of banks or think of Harvard or think of a doctor's office. You could have either the systems more controlled or less controlled. And I think in the intelligence community it's been a more controlled system, in the Defense Department it's been a more controlled system.

Now everybody is today working both sides of that problem. Some people in the intelligence community, they're thinking, "Gee, how about the intel Wikileak. I could become famous too or infamous." And especially if this guy's not prosecuted, there'll be less. If this guy goes to jail, the next person who's thinking, I don't want to be that much of a hero. I would love to be a hero, but I would not like to go to jail. So a large part of this is the way the legal system ends up operating.

ALEX JONES: Nicco.

NICCO MELE: I wanted to just in the light of this exchange go up a level because I just wonder if it's possible to keep secrets that are stored digitally, just period. I hesitate to admit it in this room, but I have 15 years of kind of hanging out at the peripheral of hacker life. And Brian Krebs who was a *Washington Post* journalist for a number of years has a blog on security and cyber crime and posted on Monday about a very prominent and well respected hacker who is selling access to a wide range of Department of Defense, Foreign Service, intelligence agencies, starting at $500 for the Cent Com log in. Right?

MALE: Not classified sites. They're the public –

NICCO MELE: Sure, sure, sure. But just as an entry level, if you get into some of these communities a little bit, I think that there is – even with the advent of photographs being able to be stored and distributed digitally, I think there's a question of how hard is it – it looks to me like it's getting very hard to keep any secrets.

ALEX JONES: I think your general proposition is correct. And that's why the government has to think much more clearly about which things really should be secret and which aren't. Let's take Nick's nuclear codes. You do air gaps on things and you then, when you've air gapped something, then you have to ask, "What about human access to it?" So somebody doesn't stick in a thumb drive and get into the system. And

you also have to ask about malicious software and how it's constructed. And that gets to the question of trusted foundries in terms of the chips that you're using.

So there are a variety of things that go into this. But there are some places where secrets are extremely important as, again Nick's nuclear codes. Where you may have to sign-in in a special way, go to a special place to read something. You may have to, as you walk into read something you have to sign that you've been in there. You go in you read it, they count the number of minutes you've been there, you're watched, and you sign as you come out of the room, and there's a guard with you all the time. And this is for people with absolutely top access.

NICCO MELE: Sure but it's not digital, right?

ALEX JONES: No, but your point was is it possible to keep secrets. The answer is it's much more difficult, it's not yet demonstrated that it's totally impossible. And I would submit that there are some secrets that ought to be kept. And what we should be doing is not worrying about Julian Assange because they'll be another Julian Assange as I said earlier. And the price of going after Julian Assange is to do us damage in another dimension we care about.

It's to think of how do you decide which secrets are truly important and deserve that special treatment. Because it's going to be harder and harder to do.

NICK BURNS: Well thank you and I would just really begin where Joe and Graham left off. I think they've really focused on an important issue. It may sound not so important if you don't live in government, but for government, we need to not over learn the lessons here. I think that a moderate course—we've got to continue to share information across government agencies. 9/11 told us that. But we've got to do it at a higher level. And as Joe says perhaps on a more restricted basis, issue by issue.

That can be done, it can be done technologically. But conceptually it can be done as well. That's how I'd answer your question. But I like the questions that Joe and Graham have posed.

I just wanted to add a few things listening to this fascinating conversations. I'm for less secrecy and more openness in government. I think in a democratic society we have an obligation, people in government, to be as open as we can. And I think President Obama, he hasn't gotten a lot of attention on this, but from the start of his administration he's essentially been saying, "Let's try to make the government more visible and transparent to the American people."

I fear that this crisis—and it's a crisis for the U.S. government—that WikiLeaks is going to operate against that very good intention that the president started with. I hope the president will stay with it. It's very important for the functioning of our democracy, particularly as a number of people have said, you can't put the genie back in the bottle. Young kids, my own kids, are more information savvy than I will ever be. And they're going to expect that their government, there's a degree of openness there that perhaps we were not accustomed to during the Cold War.

I would say to Alex, this is new from my perspective. The scale of it, okay whether it's 159 or 260 cables or potentially 250,000, that's new. The immediacy. Now some people are saying, well maybe these cables helped in Tunisia. Well maybe, maybe not. And how about the 1,000 other issues these cables cover. Are they going to help or hurt the real interests of our country?

The responsibility has got to rest first with the government, to improve its systems, improve its operation, think through this on a rational basis, try to achieve some balance between openness and the necessity to protect secrets. But I do think it's new and I think—I haven't read the essays that have been done by *The New York Times*—but maybe they're instructive from the press's point of view, the governments have to think

through why this happened. And how we can prevent it in the future. Because there will be more Julian Assanges as Joe says, we can be sure of that.

I don't think, Alex, that governments can ever encourage leaks. You sign up for government service, you sign a document, a legal document that I will not divulge secrets. People must not divulge those secrets or else the government cannot function on any rational basis.

So I don't consider this to be a case of a heroic story of a whistleblower. I think the people who did this did enormous harm to a government that did not deserve that harm and had done nothing to warrant that kind of abusive treatment of someone taking 250,000 cables—I'm not speaking of *The Times* now at all. I'm speaking of the people who actually took the cables and spirited them out to Julian Assange. That did enormous damage.

MALE: Let me ask just two quick questions to get your response. One is, if the issue is a betrayal of trust, you've got the Bob Woodward problem. Because as Graham was, I think when you were gone, Graham was talking about how some of the things that appear in Bob Woodward's book were classified far above anything that was released in WikiLeaks. And what about the calculated leaking of information, of classified information by the government which we also know happens.

NICK BURNS: I don't have anything good or intelligent to say about the Bob Woodward problem.

The second one, you know the individuals in the government decide what's going to be classified and what's not. And the people who run the government—the president, the Secretary of State, the Secretary of Defense—they can decide to take a classified piece of information and to decide they're going to declassify it and make it public.

The best example I can think of, and Joe can speak to this better than I can because he use to work in this realm, are the national intelligence estimates. I think, Joe, they had always been classified. The Bush administration made a decision to publish some unclassified NIEs— they published themselves.

JOSEPH NYE: We published a few of them.

NICK BURNS: You did. Okay. So Clinton and Bush. But this is, I think, a rather new phenomenon. They made a decision, we're going to actually—and I'm going to let Joe explain this—we're going to actually decide that on complicated issues where we're not maybe winning the battle for public understanding, we're going to publish our own case and that's rather new.

JOSEPH NYE: In the Clinton administration, the national intelligence council felt that there were, sorry I working with my boss, felt that there were some things which were classified in estimates that didn't need to be. There are some estimates that really had to be classified. There were others, what will be the effect of AIDS on Africa? What will that do to different armies in different African states? How will that effect the prospects of conflict in Africa and so forth?

We couldn't see any reason why that should be classified. Or putting the other way around, you could write it in such a way that the benefit you do by distributing it in the public is much greater than any costs of leaving out certain things that might disclose sources and methods.

And so we declassified a number of estimates in the Clinton administration on that sort of ground. The difference is in the Bush administration they declassified certain things like the justification for going to war in Iraq, basically to cover their tails. So the declassification in the Clinton administration was quite different from the declassification of estimates from the Bush administration.

NICK BURNS: I was making the point that that's been faulted by the Obama administration.

MALE: The first kind still happened. There was one NIE recently on global warming for example that was fully public. But the routine release of executive summaries of more sensitive ones which happened during the Bush era has not happened at least to date in the Obama era.

ALEX JONES: We've been going for three hours. We're going to eat and talk at the same time. But we are going to, let's take a break, have some lunch, and then we will resume our conversation and you will all get your opportunity.

SANDY ROWE: I want to go back to Andrew's comment about the gatekeeper role of the press being obsolete. I would argue that the public and our audience think of our role differently. They clearly want to see us as more of a partner, not as their gatekeeper. Fundamental things we have thought about journalism—how it is defined and how it is produced— have changed. The vetting and editing is not only done by journalists today and we haven't really absorbed the implications of that. And I think we have to. If journalists are not the mediators in the flow of news, then you have an entirely different playing field, and I think that's what we have.

ALEX JONES: We were talking at the break about this very subject. Would you speak just briefly as you were to me?

MICAH SIFRY: Sure. What I was saying to Alex during the break, building on your point about the changing role of journalism, we think about this in this context of scarcity versus abundance. Okay? The old media system operated under constraints of scarcity. Print, cost of paper, television, you know, limited air time. And so the gate keeping role is, first of all, it was capital-intensive even to own a paper or a broadcast station. But technically, you know, given that you had limited space or limited time, you really did have to filter in advance.

And nobody could really compete with your ability to do that unless they could get their own printing press. Now we have a completely abundant media system where the cost of creating, sharing, transmitting, storing, et cetera, is you know, rapidly declining to almost zero. And so that filtering role is a very different one. I think that the challenge is not just to do data-driven journalism, but it's also to help readers who aren't just readers, they're also participants, make sense of what's important, but to do it in this understanding that there's just a fire hose of data and information. And raw, you know, people tweeting about what they're watching right now and asking their own questions. And that the theory of the gate keeper is like I was saying before, that you have a fence and only some people can get through at that gate. The fence is down. What we need are curators who act as hubs for a way of making meaning out of the world. And we have to recognize that they're not just *The New York Times* editors anymore. Boing Boing, a blog that you know, is written by six freelancers as far as I know, maybe one or two of them actually make a living from it--

MALE: And science fiction writers.

MICAH SIFRY: Science fiction writers. Cory Doctorow is the number-one read blog in the world. And if you get featured there, you're very happy as an author, for example. Far more happy to be promoted there than you would be maybe in a book review in *The New York Times*. Well, or equally happy. And The Huffington Post. If you get front page on The Huffington Post, it will crash your servers. And that didn't exist four years ago. So, the changed situation is that the people who thought they used to be gate keepers are now dealing with tremendous competition, and they're also dealing with people who are no longer just an audience.

And my suggestion is in that context, accept that there is going to be a massive abundant flow of information and set yourself up as a smart curator, and invite your audience to help you curate. So, if I were *The New York Times* for example, in this context, I would be like, "My God, I've got the smartest readers in the world." Or one collection of the

smartest readers in the world. “What are all the ways we can make better use of that immense talent pool?” But, you know, it’s a slow process.

MALE: Well, would you characterize what *The New York Times* did as described by Bill Keller as curating or gate keeping?

MICAH SIFRY: Oh, hmm, that’s interesting. Yeah, no, it was curating. I mean, they accept that they were not the sole place where this information would flow out, and they decided to apply their practices in a somewhat transparent way. Credit to them for doing that, and telling us how they were doing it. And so we can make a judgment. If I don’t think *The New York Times* is doing as good a job on WikiLeaks continuing dribble release of cables, I can go to *The Guardian*'s site, I can go to *Der Spiegel*, I can go to *El Pais*. And they recognize that.

MALE: And is that what made the curator role different in this case from the gate keeper role with the Pentagon Papers that *The New York Times* had?

MICAH SIFRY: Well, very much so. Daniel Ellsberg has said that if he had the papers today, he would have put them on the Internet. He didn’t like having to go through--

MALE: I mean, is the multiplicity of outlets potential, is that the thing that makes the role of a *New York Times* different--

MICAH SIFRY: Absolutely. That is why that role is obsolete. As well as the role of being the booker for the *Today* show, as well as the role of being the editor of *The New Yorker*. None of them are as powerful as they used to be.

MALE: You know, here’s an interesting footnote to the Pentagon Papers story, is that when *The Times* was enjoined and quit publishing, Ellsberg went to all three television networks because he wanted the material out. And they all turned him down flat. It was

only *The Washington Post* and *The Boston Globe* and *The St. Louis Post Dispatch* that had the stones. Nick?

NEIL LEWIS: Sure, hi. I'm Neil Lewis, I was a correspondent for *The New York Times* for 24 years, the last 15 of which I sat next to David Sanger in a cubicle. I wanted to discuss the issue of sources and how you deal with sources, and the notion that whether *The Times* will get in the business of trying to become WikiLeaks by having stuff sent to us. We are in that business. We're open to sources, and I still speak in the first person, because my pension is heavily involved. [Laughter] --My employer. And there are changing rules, though, about sources.

Over the years in talks I've given to audiences about ground rules, I often say "off the record" is a sacrosanct pledge, telling the audiences that it means it's between me and them. That it's the highest level journalistic confidentiality, one that I would never violate, I tell the audience, except in extreme cases where I make a concerted effort to determine whether it will substantially enhance my career. [Laughter] It's very dismaying that sometimes the audiences think I am serious. And I hope no one did here. I wanted to go over a couple of things about that. Sources, there's been a lot of attention to motivation of sources and I'd like to suggest that I think that should be greatly diminished.

Sources may have lots of motivations, but especially sources that bring you hard material, it matters less and less, if not negligible to what the material is. Those cables, if they had been given to *The Times* not by Julian Assange, but by Roger Ailes or a lecturer at the Kennedy School, they would still be what they were. Motivation does not matter in some cases. Journalists are like prosecutors, we like to have the information come. We want to examine the motivations because that may reflect on the credibility and legitimacy of the information. But that is not such a deciding factor.

And I think Bill Keller in his magazine piece, really went to great lengths to separate *The Times* from the motivations of Julian Assange. But I tell you, it wouldn't have mattered if

he had different motivations, I believe. Because they were in fact, 250,000 cables. The Pentagon Papers analogy, I think Ellsberg is in fact manning in the analog business. And when he, when *The Times* first considered this, and Alex is a great expert on this, *The Times*' lawyers said in fact, what Nick Burns would have liked. The newspaper should say, "This is stolen property. Return it. You can't take stolen property." So, I spoke to Nick at the break, he had to leave. I also covered him occasionally. Not as closely as David, but I have great and high regard for Nick Burns, so I said I was sorry he was leaving, because I was going to criticize him and he gave me permission to trash him in absentia. But his indignation over the publication by *The Times* struck me as a bit archaic. It had sort of the whiff of 19th-century British diplomats disdaining espionage saying, "Gentlemen don't read other gentlemen's mail."

I mean, this is the real world, and I was surprised to hear him say that. And as the consensus here is of course, as we say in the cliché business, "You can't put the toothpaste back in the tube once the barn door is open," something like that. Like I said, I was an excellent writer. As to the issue of prosecution of Julian Assange, I think putting on my political reporter hat, all of the comments and noises made by Eric Holder about "We're really going to search for ways to prosecute Julian Assange," I think that's 90% political. I think in the atmosphere immediately in the wake of the publication in *The Times*, the outrage on the Hill and everywhere else, and some outrageous statements were made about decapitating Assange or worse.

There was worse, right? I think the Attorney General felt obliged to make some statement about taking action. I have a couple questions for my colleague, David. One of which he answered already, but I'll, so I'll modify it. But he and I also chatted at the break. One of the incidents he cited to demonstrate the restraint of *The New York Times* and a mainstream press about not running out and just publishing things, was *The Times* publication of a story of an eavesdropping program run by the NSA, in which citizens' telephone calls were listened to. And he mentioned quite rightly that we delayed publication of that for actually a little more than a year.

And he cited it as an example of restraint, which it truly was. But I'd like to tell you a little bit more background of this, and David has urged me to do as I think of it as an example of something else, of the periodic way we have to learn lessons. The reason that story was delayed was not, in one way, not so admirable. In essence, when *The Times* uncovered that story and wrote the story and first went to the government—as you know by now, that's what we do—we were exhorted greatly not to publish it with a usual parade of horribles. Blood will be shed, national security will be harmed, people will die, operations will be blown. And we complied. A dimension of that is the individual who was involved in dealing with the government was importuned by friends in the government. And I offer it without more detail to say it was an example of how sometimes reporters get too close to government officials.

It was an individual who was especially close to the Secretary of State at the time, had a university connection. This is the reporter, the journalist trying to be responsible. "We're going to be responsible. The government says this is a terrible thing. We don't just run out and publish. In a year's time, *The New York Times* published that story, won a Pulitzer Prize, and offered the explanation that what had happened in the interim was that we discovered, as David said, that the government had lied to us about a particular thing. That the government had initially told us that the program had been vetted legally and thoroughly, and deemed not in violation of any law, and not unconstitutional.

And we discovered through reporting, that in fact, there was a rich debate in the government with some lawyers objecting to the program. To me, I find that kind of a hollow after the fact rationale, because who cares what their lawyers thought? Their lawyers thought torture was acceptable. On its face, the NSA program was extralegal. It violated on its face, the FISA law that required the government to go to a court. They may have had a rationale, but on its face, it was a problem. I always think the principal reason or the decision at the time to publish this story changed, was because the reporter, the principal reporter on this story, had a contract to write a book about Bob Gates.

And he suggested to editors that he might, once the story was suppressed at *The Times*, he might put it in the book. And this alarmed them greatly. Understandably. And then he drew back on whether he would or wouldn't, and eventually the editors realized that they would look pretty foolish. Now, it raises this very interesting and vexing question. If you work for *The New York Times*, or any other organization, you're in the organization, your work is subsidized by them, your reporting is subsidized by them, so you submit yourself to their decision process. And if they decide rightly or wrongly that something's not worthy of publication, should that be the final word? What would have happened was he would have put it in a book and had to resign or been fired from *The Times* in his own sort of whistleblower kind of thing. But anyway, *The Times* went ahead and published that story to great acclaim, a Pulitzer Prize. Some of the people who had been arguing for suppressing it went rushing up to the limelight to get credit for it.

FEMALE: In the way all monitors--

NEIL LEWIS: In the way all organizations. So--

GRAHAM ALLISON: So, you've just revealed a secret.

NEIL LEWIS: I think I did. So, here are my questions for David. He justified some of the publication by saying, one of the points he said was we had the whole cache. They weren't holding part of it. So, we could look at the whole thing and it wouldn't be analogous to that altered video tape of the shooting. My first question is, what if Assange gave us two-thirds and said, "I'm giving you two-thirds," would we have not still had the dilemma of saying as you've said in other explanations, "If we don't publish it, someone else will. And if someone else will, we're just going to be a limpet mine and take it off them and have to do it." So, the source still did have some control, and I don't think we could have said no.

But the second was one you did answer in part about if it got published by other papers, we would have had to do that. What if he went, hypothetical, what if he went and instead

of *Der Spiegel*, *El Pais*, *New York Times* and *The Guardian*, what if he gave it to *The New York Post* and *News of the World*? What would we have done and what would the world have done? And I'm suggesting, and I mean only suggesting, that it might have faded because depending on where it appears, that adds or detracts from its credibility. That's it.

SANDY ROWE: May I tack a question for David on this track?

MALE: Sure.

SANDY ROWE: The possible rationale mentioned that rings hollow to me is the whole notion of, "Well, it's going to be published anyway." I doubt that was a primary factor. Our bias is so strong to publish information of importance to citizens, and obviously that is the right instinct for the press to have. Even if that rationale of "others will publish" is offered in decision making, I can imagine Keller saying, "I don't care what everybody else is going to do. We have to decide what we are going to do."

That's the way we all decide. Because once you have the information and you have verified it, and you believe it is important, then you are going to find a way to publish. You're going to mitigate harm if you can, and go through the number of steps that *The New York Times* did to do it. But I think the notion of whether there was a real chance at the point *The New York Times* had the information and had verified it of not publishing, I'm doubtful.

DAVID SANGER: Three great questions. First, I have to tell you that I miss the 15 years of sitting next to Nick, because anybody here who has ever worked in a newsroom will tell you that the compensation that we get for low pay is high repartee. And on deadline usually, high and off -color repartee. So, it's great to see Nick again and to hear these questions. Nick's first question. What if Assange gave us two-thirds of the cache or whatever? It's a very good point, and it's very possible that the cache that *The Times* obtained was not everything. And that has less to do with Julian Assange, I think, than

whoever the original source was. Whether it was Bradley Manning or someone else. We don't know what search he did or whoever downloaded it did, and I think the bigger risk factor for us there probably wasn't Assange, because this amount of data completely overwhelmed the relatively small operation of WikiLeaks. And we have no evidence that he pealed things away.

When we did send cables over to members of the government to ask about redactions, one of the questions that we asked was "When you look at your own copies of these cables internally, do they seem to match up? Did something disappear, like what happened with that video tape?" And we got no indications. And I asked the question a number of times and several of my colleagues also asked that question. We never got any pushback at all of "Hey you're missing the second half of the cable where they tell a completely different story."

Now, that doesn't answer your question, Nick, which is did we get all the cables, but we did what we could both technologically and with questions like that to determine whether or not we were being given partial data here.

Second, would it have made a difference if *The New York Post* and *The News of the World* had published this, and might the whole issue have faded if they had? My suspicion is that Julian Assange probably knew that not only would it have faded if he'd given it to *The New York Post* and *The News of the World*, it might have faded if he had just thrown everything up on WikiLeaks.

Because people would wonder whether or not he had edited it selectively, because it would not have had the vetting that came from three respected news organizations in *The Guardian* and *Der Spiegel* and *The Times*. And the whole thing might well have faded. So, I think that this answers the question to those who want to say that news institutions like *The New York Times* are irrelevant these days, I think this tells you, "No, we're highly relevant." Now, does that mean that we are still the sole gate keeper? No. There are many other ways as pointed out with near zero transaction costs to publish this stuff.

But there is still something in American society and I think global society that wants the information passed through the eyes of experienced journalists to explain it. Otherwise, WikiLeaks could have just put all 250,000 out there and frankly, people probably wouldn't have known where to begin in digging through this stuff. And I think that meant that we had an important role. Maybe a different role than in the Pentagon Papers, but still a fairly critical role.

Third, to your question about our bias to publish. Yes, we definitely have a bias to publish. And you know, if you read the beginning of Bill Keller's article and also the intro to the book where you know, he gets the call from *The Guardian* and they say, "Are you interested?" And he says, "Yeah, I'm interested," as any good editor or reporter would say. Would we have ended up publishing this stuff if no other publication had it? I suspect yes, but we never had to reach that point.

It was a decision, you know, it's a really interesting debate to have up here on the campus, but it was not something we spent a lot of time on. Because remember, the one we had gotten this most directly from was another publication. We hadn't even been given it by Assange. We were given it by *The Guardian*. So, it was clear this was getting out not only by WikiLeaks, but by other papers.

MALE: Is Tom Fiedler-- Yeah?

SANDY ROWE: But your decision didn't rely on the other papers?

DAVID SANGER: No, but it was with the knowledge that that was the reality we were going to deal with. And that short-circuited the bigger debate about would we do this on our own. Because it just wasn't the situation we were facing.

TOM FIEDLER: I was going to pick up on the same point here. I think your explanation, David, was really eloquent. You now know by the way, when Alex invited

you and said your role here will be to get picked to death by everybody, he's absolutely right. So--

DAVID SANGER: I've known Alex long enough that I knew that was exactly what was going on.

TOM FIEDLER: Yeah, so there you go. Now you know, you did the crime, now this is your time. Right here. This is it right here. Just a couple of quick points on the curation role. Because I think that really is when you talk about what has changed, what is different today from the Ellsberg case, I mean, clearly that just jumps out. The idea that, and I didn't know this, that Ellsberg was prepared to go to the Harvard *Crimson* if he couldn't get out. That really tells you how solidly the fence was holding in those days. That you really needed some kind of an organization that owned a press in order to get that information out.

Of course, that doesn't exist today, but your other point, and I would just underscore it, is that this role as curator, which is I believe now what news rooms are going to be doing and thrust into, is as important as the role of gate keeper. I think, Andrew, you mentioned that when nine million people, or it's at nine billion people, soon to be, have a printing press. In effect, they have the access there, what is the role of journalism? Well, the answer is the role of journalism is that it is going to be-- It'll have access to those nine billion or in reality, obviously fewer than that, but it's when everybody is shouting, nobody gets heard.

And that's the world that we're entering into today with the ability to communicate. So, what is needed, what people are going to be looking for, is someone who will be able to-- We've used lots of different words. Filter may be one, but I like curator better because that implies you're bringing some experience, some wisdom to the filtering process. So, when everybody is shouting, somebody will listen to those voices that are worth putting out there. And then, smart people will listen to those people who are the curators. And

that really is the role that we now find ourselves in as journalists. And it's a very, very important role. And I would say equally there. And I believe--

DAVID SANGER: I have modest pushback at the phrase *curator*, because we're not the Library of Congress here. So, if somebody comes in and says, "I'd like you to give me, so that I can borrow please, all of the cables on Nigeria," okay? Because we have not had time to go through and perform the important task of redaction, we're not just opening the floodgates out here to the 250-- Yeah, so we're a curator, but we're not a library out here. And believe me, I've only gotten a few hundred emails from people who want me immediately to go look at this problem or that.

TOM FIEDLER: Well, I take that point. Also, the news media will be originating content also, which a curator doesn't do. So, there's a variation on it. But the idea that the process that news organizations hold to validate and verify is I think as important or more important than the role of gate keeper. I want to make two other quick points, though. Well, it's kind of separate from this. One was on the idea that we are trafficking as journalists in stolen documents. And the other one about the magnitude of this. The second one is a little easier.

If your typical journalist, regardless of the organization that they work for, came across any single piece of this whole trove of information, in the course of covering a beat or dealing with sources and so forth, and went back and decided "Is this going to be worth publishing after I run it through the validation test?" Frankly, I don't think anybody would see that this was new. This is the old-- This is exactly what you do as journalists. It's the fact that we were delivered, journalists for *The New York Times* and others, were delivered a trove of 250,000 pieces of this that is causing us to say something major has gone on. But I don't know that any individual piece, when given to a reporter, would have caused very much handwringing at all, including the pieces that turned out to be fairly significant, about what the Saudi King thought about what we ought to do. If that had come out as an individual piece, I think that would have ended up somewhere in the news and in a prominent place. And again, there wouldn't be a lot of concern about

whether it came from Julian Assange or wherever. A good reporter could have dug that up by herself or himself.

And the last piece, the idea of the stolen documents, and Andrew, this is something that you mentioned. And it's very philosophical, but to talk about these as stolen documents implies that they were owned by somebody else. And therefore, when the journalists got them, they were trafficking in stolen goods. Well, I think this isn't an usual situation for editors of newsrooms to find themselves in. And even at the smaller level of newspapers, *The Miami Herald*, where I was, and *The Oregonian* I'm sure, where Sandy was, it would be very frequent, very common, where our reporters would come across documents that were thought to be secret. Grand jury deliberations would just be one. Or intelligence that police came up in investigations.

And so, you ask yourselves, yes, if we publish grand jury deliberations, we've committed a crime. At least, in a very strict reading of the law. But the test we use is, "Well wait a minute, who actually owns that information?" And in our democracy, the people in government are custodians of information. And yes, they follow certain rules and regulations about how they're supposed to act out on that custody, but the owners of that information are the people. And we, as journalists, believe we are representing the people, and that's what the first amendment says to us.

So, we don't do a lot of handwringing over the whole idea that we're trafficking in stolen information when somebody gives us a document that someone else had stamped "Secret" on, because we start from the standpoint that this information belongs to the people. And yes, the person who put that stamp on it is a custodian of it, but we're going to think about whether the people ought to have known about it, because this is about the people's business ultimately. And I think we go about that, I believe *The Times* certainly did here, in a very careful and thoughtful way. And by and large, that system has worked for us for a long time. But I just want to make that point that when we use a phrase like we're dealing with stolen documents, that this was somehow a crime, which you know,

I'm sorry Nick isn't here, because maybe he would push back on me on this. I find that frankly both wrongheaded in history, and offensive to the way our democracy is set up.

ROBERT CALO: Sure, hi. Bob Calo, I'm a Fellow at the Shorenstein Center. I actually have one question that I'll ask first to David, but and then go on to just make a comment. And I'm just wondering if the idea that there's a financial story, a big financial story coming, at least that's the rumor, has that spurred any editorial work at *The Times*, for example?

MALE: You mean the Bank of America stuff?

ROBERT CALO: Yeah. In other words, if I was running financial coverage at *The Times*, and post-WikiLeaks, I'd say, "Hey, let's get on it." So, I'm just curious if that's happening. But the comment I want to make is that this is very destabilizing in many ways. And everything about digital culture is destabilizing. It's just that journalism has resisted, and I think government has, too. So other parts of the society, we're kind of five, 10 years down this road of values changing because of technology and digital culture. And I feel like this is just far away from the tsunami. So, you know, the waves have been breaking for quite a while. They're just finally lapping up on these shores. And I think it has a lot to do with whether or not-- What trust means. Is trust defined differently in digital culture versus, for want of a better word, I'll call establishment culture? In establishment culture, trust is you trust in mediated, edited, controlled information. And in digital culture, it's the opposite. You want to see everything. You abhor a secret.

From a diplomatic point of view, and I respect this, it makes perfect sense to me, you only trust someone who can keep a secret. I mean, that's just kind of common sense. But there's a whole chunk of humanity, especially younger humanity in terms of Americans, where you only trust transparency. Transparency is the real measure of where trust comes from. So, we have this kind of collision of values, of trust, that I think is at play here. And I'm struck-- I like Nick's idea of, okay, if it had been in *News of the World*, it would have played one way. If it had been a Sy Hersh story, it would have played another way.

The journalistic culture would have said, “Oh, it’s another Sy Hersh story, wow, he’s got great sources. How did he get all that stuff?” And that would be one kind of conversation. So, I do think there is a certain sense of the barbarians at the gate, here. Which is a discomforting aspect of what’s happening. And I think that you know, you can’t see around the corner, but you know, autoworkers didn’t understand why they couldn’t keep doing things the way they were going to do them. We probably covered those stories. It’s always struck me ironic that journalists have covered this story a dozen times.

People who cut timber in Oregon, people who work in manufacturing. Something has changed, the central processes are changing, but now that it’s here at our doorstep, we’re struggling with what it all means. So, that’s my sense of a fantastic conversation that I’ve really enjoyed. But as far as the Bank of America, I just wondered if there’s any heat on the financial editor at *The Times*.

DAVID SANGER: We’ve written some stories about the work being done at the banks, and it’s not clear to us that this data is about Bank of America or some other bank, and Julian Assange hasn’t said. So, I think we’ve written some stories about the concern within the banking community about this. But to the best of my knowledge, and I’m not in the Business section, we haven’t seen this database yet. And the rumor mill runs from it’s really interesting to it’s not at all interesting. So I really don’t know at this point.

ALEX JONES: Alexis?

ALEXIS GELBER: Alexis Gelber, a Fellow at the Shorenstein Center, formerly a longtime editor at *Newsweek*. David, I have a question for you, as so many others have had. But in Bill Keller’s piece, he is very thorough and in kind of gripping piece, he candidly acknowledges that the paper does not always get things right. And he alludes to the WMD story. Obviously, that’s a very different kind of story in terms of its substance, its sourcing, and the technology issues that we’ve been discussing today. But there were

huge national security issues involved, and did the shadow of that story factor into any of the considerations that went into evaluating the WikiLeaks information?

DAVID SANGER: Very good question, Alexis. I was deeply involved in the WMD stuff, so I can tell you, it was very different. The difficulty that we had in the WMD case prior to the invasion of Iraq and prior to the revelation of the documents, was that: (a), we didn't see the intelligence upon which the government was relying for its decisions, and (b) we were not able to evaluate the quality of that intelligence. What we suspected but could not prove, and thus, could not print, is that there was a lot of extending the trend lines going on within the intelligence community.

Because the last time they had seen reliable information about the status of Saddam Hussein's weapons program, was when the weapons inspectors left in mid, late-1998. So, here we were in 2002, 2003, trying to figure out whether they had new data or whether they were basing things on assumptions about how much Saddam Hussein could have done in the four or five years of the black hole. And in fact, they were just making assumptions by and large. They had some data, but it was from as we now know, unreliable sources like Curveball.

There are many things that I wish that I personally had done differently and more aggressively in the WMD case, and we certainly learned a lot of lessons from that. I also think, and this is a discussion which not everybody at *The New York Times* agrees, I actually think we did a more balanced job than we've been given credit for, because I think people have focused on a few stories written by a couple of reporters. I think when you go back over the totality of what we published from July of 2002 through the beginning of the war, you get a more nuanced picture.

But that is defensive sounding, and as I said, there are many things that we definitely should have done differently. This was such a different case. There, we were dealing with the absence of data. Here, in WikiLeaks, we were dealing with a flood of data. A flood so big that we still don't really know whether or not we have mined the database fully.

PAUL SMYKE: Thank you. Paul Smyke with World Economic Forum. Thoroughly enjoyed the conversation, and actually, Graham, just first wanted to say something. I think you were the chief critique or critic of the state department's information technology system. I seem to remember they did a very good job identifying unauthorized access to passport applications. [Laughter] A few years ago, and clearly those folks should have been promoted or transferred or what not, but there's hope still. One of the questions, Alex, that was originally sent around that you mentioned again this morning, was what is a appropriate response to WikiLeaks from governments and from the press? And coming from the vantage point of the World Economic Forum, I can't help but expand that question to the private sector, civil society, universities and academia as well. And I assume or at least hope that this same conversation is going on across the river at the Business School right now. And if it's not, I think everybody's going to need to get together and have the conversation. Because, you know, I think it's simply a new world. And whether a WikiLeaks style release is going to happen via WikiLeaks or via *New York Times* leaks or whatever it might be, we've clearly entered a new era.

And the question, and here, Jonathan or David, if either of you have maybe thoughts on this, is what are the implications for the private sector? What are the implications for academia and so on, given this? Because I take it simply as a given that every couple of years now or whatever for the rest of my life, there will be some massive disclosure of either moderately or severely embarrassing documents. In whatever realm it might be. And I'm sure that we'll hear a little bit more from my friend to the left as well. And then, David, I have to say, last week we were sort of poised for some type of leak to happen regarding the World Economic Forum. It wasn't done, so are you holding it back for another year? [laughter].

MALE: We had so many of our own staff in Davos, you know, there are-- Who knows what we would have done to them, right? Did you not see the article in *The Times* about

how much it cost? [Laughter] You couldn't have bought better publicity than that. [Laughter]

FEMALE: They did buy it.

MALE: Yeah, exactly.

MALE: That was not leaked actually.

PAUL SMYKE: Andrew did a great job relaying the facts. He missed one or two other angles.

MALE: Well, you've raised a very interesting point. And let me ask Jonathan, if you would respond, especially to the commercial and economic dimension of this.

JONATHAN ZITTRAIN: Well, it's a good question, and it calls to mind the Exxon-Valdez framework: There's going to be leaks as barges of information go from one place to another labeled "Private." If you're a firm, I think in the short term, your reaction may be, "Well, geez, how do I mitigate against this risk? What insurance could I buy? What prophylaxis can I obtain to make this not happen?" There, the mapping between the government's reaction and the private sector's may roughly be equivalent.

I would actually be sad to see the private sector feel the need to invest in the kind of systems the government has to protect its crown jewel secrets. As has been emphasized here, the crown jewels didn't roll out through an IT path. This is merely secret information. The kind of infrastructure you need to do that, literally two different boxes, one for classified, one for unclassified, a vetting process that is hugely intensive, polygraph testing, everything, it would be disappointing to see that migrate to the private sector through private contractors offering that kind of security.

Instead I suppose the other theme we've had around the table today for the public sector has been reconciling oneself to the fact of the occasional oil spill. I don't know if it's exactly a learned helplessness, but it's something that says reconcile yourself to it. Try to minimize the number of true secrets you need to keep, and then segregate out those crown jewels. It may mean in the private sector too, some advance in thinking around public companies and information that, at the peril of the Board of Directors and the management of the company, must be kept secret. That's different from secrets that a company might want to keep simply because to release them it would be embarrassing. I very much like the idea of thinking through what the longer term implications are going to be both for the public and private sector. Some hints may be drawn from the music industry and others that have had, not secrets they've wanted to keep, but information they've wanted to manage.

They've had a tougher business because they want the information to be ubiquitous for those who have paid for it. They want it to get out there, but then not to hop laterally to others who haven't paid. It may be that the kinds of digital rights management techniques that have not been so successful in the music industry, might have more purchase when you're trying to keep information secret within an organization. That might include watermarking. I mean, there's already old fashioned watermarking.

If you're reading a secret document, you may see a number superimposed on the page, so should you photocopy it, they're going to know whose door to knock on when it appears in raw form somewhere. Digitally, it's that much easier to embed a watermark that can't easily be identified by the consumer of the document. So, Bradley Manning downloads that document, it goes somewhere, there's much more of a chance they can find out that it was him if they can get their mitts on the document.

Although again, there was no problem identifying Bradley Manning as the source, because it wasn't some technical means that was used. It wasn't some highfaluting snooping for which the right reaction from WikiLeaks was ever more powerful encryption and cloak and dagger. It was that Manning appears to have discussed his

exploits in a chat room with somebody who then turned him in. I'll also be interested to see, and this could work both in private sector and public sector with many perils, the extent to which you could see spoofing going on. So, that there will be plenty of files on the peer to peer networks for music that you listen to it, and a quarter of it is the Madonna song, and then suddenly the song ceases and Madonna's swearing at you for stealing her music. That's meant to raise the cost of using these networks as against purchasing it. You could see a similar tactic here where maybe the private sector and the public sector would actually embark on a proactive disinformation or useless information campaign.

We've heard from David how hard it is to go through a quarter of a million cables, you could see dispatching so much fog out there, that you then have a lot of haystacks surrounding more needles of stuff that goes out. At the very least, it's been suggested that there's already been a bit of epistemic paralysis, not just Hilary Clinton finding too much information, but the public finding too much information. Everything is cued as a revelation, and the revelations are all deemed of equal profundity, whether it's just we caught Lucky Charms taking away one of the marshmallows without telling us, and you know, the cereal isn't what it used to be, versus, oh, by the way, Abu Ghraib.

People just somehow don't know how to weigh it. I could see an intentional disinformation or spoofing campaign by a government in order to protect against its own secrets getting out. For that, it makes me think about David's point about "Look, the mainstream media clearly has a role here because if WikiLeaks just dumped it, it wouldn't get the pickup." I think that's a very fair point, but I'm also surprised at how some of the bombshells dropped in the pages of mainstream media like *The New York Times* have not had the impact one might expect.

There have been some pretty big revelations, not necessarily from the WikiLeaks cables, but from the other stories that were mentioned. I don't know that they've actually had the impact that you guys might have expected when you broke the story. And for WikiLeaks itself, I think the impact has been quite small within the American public. The real rubber has met the road probably overseas and regionalized as respective secrets regarding

particular countries and their relationship to the U.S. have been dropped. For that, I don't know how much the fact that *The New York Times* was a channel for distributing that information mattered. It might well be that so long as it was deemed authentic, WikiLeaks or *The Guardian* or some other distribution mechanism would have been enough.

DAVID SANGER: Jonathan raised two important questions, I just wanted to grab at first. On impact of stories, I have about 100% perfect record of misguessing what the impact of our stories are going to be. So, two weeks ago, three weeks ago, not from WikiLeaks but from a major investigative effort we had underway, we published a very large Sunday story that started on the front page and went inside for a full page about the origin of the covert program against the Iranian nuclear program, the Stuxnet virus.

It was something in which we invested a large amount of time, but it was a story that was very difficult for other news organizations to match. And made more difficult, I think, by the fact that there's just not as many news organizations that have the manpower to go put the effort in there. And the story had a bit of a ride for a day or two, but much less impact than I might have guessed it would. Because it couldn't be matched. Now, WikiLeaks was different because once the cables were out there, everybody could write from the same cable. And that was part of what was going on in the repeater effect.

And that gets to the question why you had to publish the cable that backed up each of the pieces. And when you see these in the electronic book form, as the stories appear, they're actually hyperlinks to the specific cables, take you to it. On the question of the effects in corporations, I hate to say there's nothing new here, but there's nothing new here. Alex was around in the newsroom the year that he was doing a big investigation into a family that owned a newspaper chain that went away. And I was doing the investigation into the *Challenger* accident. Which was 25 years ago last week.

And so, 25 years ago this week, we had an insider who we found who had the documents to prove that the space shuttle had nearly blown up a dozen times in previous flights, and

that there was a huge fight on within Morton Thiokol, a corporation listed on the New York Stock Exchange and NASA about whether or not you could fly with what was known to be a very faulty design. And the various pressures on that. Now, this took us a lot of time to unfold, and we did get to it. But I keep thinking that in the digital era, I probably would have had those documents before the last shrapnel of the space shuttle hit the ocean. You know? Because all of a sudden people were out there saying somebody's going to get blamed out here. And so I think what's changed is speed. But in the end, corporations can't really protect themselves against data that they don't know is going to be controversial until something blows up literally or figuratively. And later on, you know, they're suddenly thinking, "Gee, maybe we should have protected that more."

NEIL LEWIS: And he won a Pulitzer Prize for that.

MICAH SIFRY: So, I just want to go back to the point about the role of the curators since David correctly pointed out, no, your job is not to sort of check the documents out to people the way a librarian might. But let me offer two examples of practically what that could look like. And I'm taking this from what *The Guardian* has been doing. Okay? The first one was when the British parliament expenses scandal came out. And by the way, there's a very interesting back story to that which I cover in my book.

It's after five years of FOIA requests by a crusading freelance journalist, parliament finally agreed that they would release these records, and then started redacting them internally, secretly, and a whistleblower inside that team decided this was an outrage and made a copy of the raw, un-redacted expense records, gave them to a former SAS officer, who then gave them to *The Telegraph*. But when *The Guardian* got its hands on that raw file, 500,000 records, they did something very smart.

And I'm not saying *The Times* could do this in the case of the WikiLeaks cables, but what they did is they put them up on the web and they invited their readers to help sift through them and tag them and categorize them so they built very quickly, a database in which

ones—what was an expense for gardening, what was an expense for a second house and so on and so forth—that they couldn't have done otherwise.

MALE: Because it was not national security information, so.

MICAH SIFRY: I agree. I agree. But here's how they're doing it now with the WikiLeaks cables. They've invited their readers to email them and tweet them questions with suggestions of what they should go looking for in the cables. And they periodically now are reporting based on the questions they're getting. So, what they're doing is they're tapping the distributed intelligence of their readership-- As you said, you didn't think that Tunisia might be important, so you didn't look at Tunisia.

But your readers might have said, "Hey, you know, what do these cables show about America's role in supporting all these repressive governments? And maybe we ought to look more closely." And had you asked your readers for help, you might have actually been informed on that story. So *The Guardian*, I don't think curation is quite the whole word here, right?

MALE: But *The Guardian*, how much of the documentation, the data, did *The Guardian* post?

MICAH SIFRY: They're in the same case as *The Times*. As far as I know, they've only actually posted the text of a few hundred or whatever it is. But they have the full database. So they are saying to their readers, "Help us mine this database. We're not going to just post it all, but we've got smart readers. Help us figure out where we should look."

MALE: You're saying help us suggest--

MICAH SIFRY: Exactly.

MALE: Suggest places, yes. And our readers have done that without our prompt. [Laughter]

MICAH SIFRY: I know they have. And what I'm suggesting to you is that I have more—and now I'm going to speak for what Robert called the digital culture community as opposed to the establishment culture because I think there's a hidden divide here—I have more respect for an institution that opens itself up to some kind of a dialogue and earns that trust that it should earn every day, and not just rest on its laurels. *The Times*, as Neil Lewis pointed out, made a horrible blunder on the FISA story, which many of us still remember. And we're all wondering about Bill Keller's judgment.

And you know, a lot of respect for what Bill Keller just wrote in *The Times Magazine,* I was offended by how he glided over his role in the case of the [00:58:13] story. He patted himself on the back for *The Times* having published that controversial story, with no mention that he had actually held it for a year until after the election, which lots of people think was a terrible stain on *The Times*' editorial judgment. Now, I agree, everybody can make mistakes. We all accept that. And in fact, I embrace institutions that admit that they are making mistakes and they're trying to do better all the time, but I think *The Guardian* is closer to this new world than *The Times* is, in its willingness not just to do it in the old way of getting tips from readers, but also open yourself up and let the readers see what other people are suggesting. And frankly, I'll spend more time on your website and you can sell more advertising so that you can have a Baghdad bureau.

MALE: Andrew?

ANDREW RASIEJ: So just a quick comment and then I want to add on to Micah's comments. I'm just curious what would have happened if Julian Assange had released the supposed Bank of America information first, and it had included for example, emails from Bank of America executives to people like Geithner or others who were associated with the TARP money about selling stocks in certain companies before the real information got out. What I'm trying to say is the reputation of WikiLeaks is deeply

colored by what they chose to put out first. And we have to always remember that you know, we're looking always through that filter. I actually, when I met Julian at our conference, I suggested to him that before he release anything that he build an advisory board of really smart, respected people, so when people looked under the hood of WikiLeaks, that there would be obviously people who other peers in the information world would recognize. I want to just try to emphasize the problem with the perspective of us trying to figure out how do we take the rules of the game as we've known it from a journalistic or from a government perspective, and apply it to this new world, and I want to emphasize that I think we're making a mistake.

I think you can't do it. We are no longer in a economy of scarcity. The media ecology has permanently changed. We are in an economy of abundance. A number of people have said it around the table today. So, what is the role-- We talked about, Micah just made the point about curator. When a plane crashes in the Hudson River—well, three years ago, if a plane crashed in the Hudson River, the first thing I would have done is I would have gone to either CNN or *The New York Times* website and refreshed, refreshed, refreshed, refreshed until I knew what was happening.

Well, today, that doesn't happen. Today, we go to Twitter and we look at Twitter and we know that it's not first responders. The first responders who are at the scene are actually the people on the scene who are recording this information. Whether it's the London Bombings, a plane landing in the Hudson River, whatever. So, then, after an hour, two hours, I will go to *The New York Times*, and I will look for an analysis. A slightly wider view of what really at stake. And I trust *The Times* to help me do that analysis.

And I would argue that *The Times* spends far too much time trying to maintain its position of being the first to report something, as opposed to recognizing that it has this unbelievably amazing opportunity to be this community organizer around information that people are interested in. And that they could nurture those communities and build even better reporting as a result of those communities. But I want to end with a short

story to make my point about *The Times* that had a great deal of personal relevance to me, and it will just, I think, make this case very clearly.

The morning of the crash of the Polish plane carrying the Polish president at Katyn, I was very concerned because I had some friends on that plane. My grandfathers were killed at Katyn forests. So, it's an important issue for me. And I read *The New York Times* quick report and I noticed that they had listed a quote by Putin that was made actually three or four days when Putin had gone there in a-- Actually did not want to be there when the president was there, went there earlier with the Polish Prime Minster.

And because he was under some pressure by the Politburo, he made a statement that was not an apology. He said something to the effect, "Here lie Polish and Russian soldiers in arms who fought the Nazis in World War II." And what he was trying to do is try to say, "Well, there were Russians who fought in this area and died fighting the Nazis," and tried to just to sort of appease and to sort of give something to the Poles. Well, as *The Times* reported it, it basically talked about the 15,000 Polish officers, and then ended with that quote, leaving the reader with a perspective that the Nazis had killed the 15,000 Polish officers.

So, I was aghast that that could—this was in the web version—and I was aghast that it would appear in a print version, so I started calling like crazy. And I managed to get to the Foreign desk and said, "Hey guys, you've got to fix that quote and put it in context, because you're implying that the Nazis killed these people." So they said, "You're right." And they, within two hours fixed it, and the next morning in the paper, it appeared properly. A day later, I started thinking, "Well, wait a second. What about that quote from Putin?" So, I actually went back four or five days and looked at the original article that had Putin in Katyn.

And there was the quote again, and the same mistake. So, I called *The Times* Foreign Bureau again, and I said, "Guys, if you're going to fix it here, you've got to go back and fix it there." And they said, "You're right." So they went back and fixed it again. And

that led me to ask the question, at what point does *The Times* say, does all this information, at what point do we say "We've done our best, please if there's something better, go for it. Fix it." And stop trying to be the be all and end all of every piece of information.

DAVID SANGER: We get reader mail every day correcting everything you can imagine. You know, we have a long list of corrections each day. And sometimes if stuff is wrong on the web, before it gets published in the newspaper we'll correct it on the web and then you'll see at the bottom, "An earlier posting of this story misstated X," and we'll have that there. The interesting question is does *The Times* make more mistakes now or is the fact that we are putting stuff up on the web certainly at a higher speed than we were, lead us to more mistakes? Or is the fact that we've got such an educated readership doing exactly what you did mean that we're finding more mistakes that always occurred but we didn't know it? And the answer to all three of those is probably yes.

ALEX JONES: The most dispiriting thing to me about the whole Jason Blair episode was the expression of the people who he wrote about completely fabricated quotes, fabricated where they lived, fabricated everything about it. And they saw it and did nothing about it because when they were asked "Why didn't you call *The Times* and say we never met this guy, this is not where we live, he didn't describe it right?" They said, "Well, we just thought that's the way they did stuff. That's just the way journalism was." That it was just made up, effectively.

And it never occurred to these people. And these were not typical *Times* readers, granted, but I think that there is a kind of a also still, a kind of awe about this stuff that makes people both on the one hand be intimidated by it, and simply accept that is just the way it is. And that they're helpless even now. I mean, I think that may be well changing in the culture you're talking about coming. But it still persists, I believe.

MALE: Just one small final point. So, Jonathan mentioned the issue of the record labels. So, the record labels used to dominate the music industry. And when Napster came out,

the RIA immediately started trying to shut down every, you know, as he described. Well, the record industry right now is a fraction of the music industry in size and scope. The music industry has completely changed, and I would argue that there is an opportunity for *The Times* and other smart journalists and publishers to recognize before it's too late that they can actually take advantage of this new culture and this new media ecology to the benefit of their mission. Faster and better than the institutions of the last 10 years.

ALEX JONES: Nicco?

NICCO MELE: I'll be brief. This has nothing to do with *The New York Times*. So, but I just want to go back to what, Jonathan, to your points about you know, DRM and other models for controlling information. And the point I was trying to make earlier when I said is there any hope for digital secrecy, I mean, I tend to think that actually baked into the very design to even the very word "digital," are ideas about data and control that lend themselves to total transparency.

The difference between digital and analog is in part that it's easier to copy, share, distribute. Easier and faster. And that when I think about even the adage that has been in computer science for decades, that information wants to be free, that there's baked into the very architecture of the technology we're using, a significant tendency, if not a requirement of sorts, towards openness.

MALE: Thanks, Nicco. Susan?

SUSAN CRAWFORD: Sure. Well, just to draw together a few themes here, technology isn't-- Democracy isn't itself self-actualizing, but it does put a lot of pressure on business models. And this entire discussion today has been about business models. The government has a business model which is to govern using some secrets, and WikiLeaks has forced it to reconsider this business model, I believe, to be more careful about what it says is going to be secret, to find better ways of sharing information so that it's much more effective than it is now. But there's still a role for secrets, and still a role for

government. Same on the journalism side. Great pressure on the business model placed by the Internet, and in particular, by this WikiLeaks episode. How are you going to deal with this flood of information? Micah raises the example of *The Guardian* asking its readers questions, trying to figure out with the help of others how to survive. But David keeps saying, and he's right, there is still a role for journalism.

What's fascinating is that both the business model of WikiLeaks, and the business model of *The New York Times* are under attack. WikiLeaks is running short of secrets, and running short of cash. People are finding it very difficult to give money to WikiLeaks. *New York Times*, our great newspaper, is under attack by digital forces and losing its command over advertisements. A fascinating output of all of this may be a different direction for online news that puts itself under the umbrella of a for-profit organization, much as *The Guardian* has done. So that real investigative--

MALE: Non-profit.

MALE: Non-profit.

SUSAN CRAWFORD: No, no. Non-profit as under an umbrella of a for-profit.

MALE: Right.

SUSAN CRAWFORD: Right? Which is the way *The Guardian* has worked this out. Now, I hope it isn't Kaplan Test Prep that supports the work of the great *New York Times*, but some direction that shields the investigative reporting from these economic courses and allows it to continue with the depth of precision it does. It's clearly necessary. And I think WikiLeaks is pointing to that.

MALE: It allows people to support it through--

SUSAN CRAWFORD: Through foundation.

MALE: Through contributions.

SUSAN CRAWFORD: Contributions. All different ways of giving money to these sorts of efforts.

MALE: Well, I'll tell you what. I'll empty out my water glass here and people can insert bills in them on the way out. But just a very quick plan. This is something Will and I were discussing before. One of my big concerns, and I know one of Alex's concerns and [01:10:10]'s concerns is that throughout American journalism, there is less attention to investigative work than there was before. And we've certainly seen a lot of American institutions close down their foreign staffs, and you have certainly seen some newspapers including *The Washington Post*, close down their domestic staffs, which is something I don't think any of us could have imagined.

The Times has been through some pretty rough times and things are looking a lot better this year than they were when I was up here doing a session with you guys last year. But I think what WikiLeaks told you was that in part, I think because of the way *The Times* managed some of this, we had an enormous staff of experts to be able to put into WikiLeaks. If you take a look at what's happening in Cairo right now, and you think about what the number of journalistic troops we have been able to drop in there in the past week, who know their way around Cairo and have been there and it tells you why it's important to invest in foreign correspondents.

Because we've got a lot of people who know that society really well. And they've been able to get at it. And so, I'm less concerned about *The New York Times* under this model, than I am about a lot of other institutions, including local institutions. As to the question whether WikiLeaks poses a challenge to us, the running joke inside the paper, since we're about to start up at some point this year charging for the Internet, was too bad WikiLeaks didn't come along on the first week that we were charging for web access. [Laughter] Because we would have been off to a really great start. Now, you know, it was said

humorously, but the fact of the matter is, what everybody describes as a threat, I think is for the best outlets in American journalism, still a great opportunity. Because I think people are so busy and so overwhelmed that more than ever, they want to go back to some place that they can trust has sorted through this stuff.

MALE: Are you certain that *The Times* is going to go forward with that experiment of paying, of charging?

MALE: I'm certain we're going to go forward with the experiment. Now, in what form it takes, how it changes, I mean, it's deliberately being designed so that they can turn the dial up and down depending on what the reader reaction is.

MALE: Will, and then Graham.

WILL TOBEY: Thank you, Will Tobey, Senior Fellow at the Belfer Center. And I should note at the outside, I'm here probably because of an invitation from David, so my questions are meant respectfully. But I was interested in testing a couple of the principles that have been articulated today. So, two brief questions. One, if a hacker compiled a list of confidential sources that *The Times* had used over the last five or 10 years and threatened to post that on the Internet, what would *The Times*' response to that be? And second, is *The Times* willing to publish the memos, emails, notes, transcripts, whatever, associated with the decisions to publish the WikiLeaks material?

DAVID SANGER: Two very good questions. On the first one, Will, I don't know the answer to that. Of what would happen if somebody came out with sources. It's such a diverse organization, and the nature of the place is such that you don't even discuss sourcing openly with colleagues, that I can't imagine a reliable list being put together.

WILL TOBEY: Well, give me a-- It's a hypothetical.

MALE: We call that fighting the hypothetical.

MALE: Well, here's a-- Let me make it real. Because this is really actually something that happened. You remember when the bomber was terrorizing people, sending stuff, sending package bombs around? He demanded that *The New York Times* and *The Washington Post* publish his manifesto, and they did. Because the threat was if you don't, I'm going to send out more. And if you will, I will cease, at least for--

MALE: Right. Isn't that how they caught him?

MALE: It is. Ultimately.

MALE: Because his brother read it?

MALE: Ultimately. But the point is that *The Times,* I mean, this was in consultation with the FBI, but it was a calculated and genuine accommodation to a terrorist. And it was something that *The Times* did reluctantly, but did because the cost of not doing it, I think, would have been terrible. Now, on the other-- What you're talking-- This was a cost to innocent people. If this hypothetical person demanded two million dollars from *The New York Times* or else they would publish these hypothetically--

WILL TOBEY: Or made no command. Just said, "I'm going to publish the names of *The Times*' confidential sources on the Internet."

MALE: Well, if they were going to publish it or published it and *The Times* could do nothing about it, then there would be nothing for *The Times* to do about it. I'm sure they wouldn't confirm that these were confidential sources. But I mean, I think that genuinely, there is a genuine risk of extortion, hypothetically, and certainly a risk of a kind of more subtle kind of extortion. If you published such and so that embarrasses such and so, then this is going to be the consequence of it. And could that shape a journalistic decision even at *The New York Times*? I believe yes.

MALE: And then you asked a second question which was publishing the notes back and forth. I don't know what our senior editors did. But I can tell you this, there wasn't very much put on paper or in electronic form. [Laughter] Now, why was that? We had correspondents all over the world working on these cables. And we were fairly well persuaded that either the U.S. government or other governments, the British government, the German government, think about all the different places this has been, were highly aware that this database was out there.

And so, with the deepest respect for the skills of the people who you used to work with, we assumed that anything that we wrote of substance about these individual cases would probably end up spitting out at Fort Meade some place. Okay? So, we were pretty careful even in it-- Particularly in our international communications because, for example, the Pakistan story that we wrote--

WILL TOBEY: So not much was written. Would you be willing to publish whatever was written?

MALE: You know, you're asking a question that's way above my pay grade. I know what my view of that would be, and I also know there wouldn't have been anything in there terribly embarrassing other than the fact that you would have seen how incoherent some of my initial raw copy was.

ALEX JONES: Graham, I want to invite you to respond, to be the first person to talk about the idea of what are the very quick questions that are unanswered and need to be part of an ongoing conversation on this subject. For those of you who have thoughts like that. Graham?

GRAHAM ALLISON: I think it's been a wonderful conversation, so I congratulate you and the Shorenstein Center for organizing that and for David for being the target. This is just like my class, and so he makes a wonderful target and he's also elusive.

MALE: An elusive one, yes.

GRAHAM ALLISON: Elusive, yes. And I think the way to translate Will's question, which I think is a great question, is I've got the tapes of all your telephone conversations about this. How would you feel about them being published? But I'd say for going forward, Alex, at least my suggestion would be that we've identified more questions than we've answered. That's not surprising. I don't know what your plans are for proceeding, but I wanted to identify three questions that I hope will be part of the mix going forward, that I don't think we've answered.

And I think it might even be useful to have them for a continuing conversation in whatever fashion you have. First question is should any documents be secret? Because clearly there's an opinion by some people, I believe, that the answer to that is no. And I think they should have to make the case for no. And let me give you a list. How about psychiatrists' notes on his patient? The confessions to a priest. The notes of a marriage counselor. The testimony to a judge in camera. The confidential source to a reporter. The names of U.S. spies in hostile governments. The names of dissidents—

MALE: In a repressive government resources. The names of mid-level officials in a repressive government were prepared to share information. So the question is should any documents be secret.

MALE2: Are there people who say the answer is nothing should be secret?

MALE: I hear an impulse in the discussion that it should all hang out.

MALE3: I don't think anybody in this room says that.

MALE2: Even Julian Assange doesn't seem to think that.

MALE: Well Assange comes pretty close.

MALE2: But for tactical reasons yeah.

MALE: Second question which I think –

MALE4: I don't think Assange comes anywhere close to that. He said transparency, more transparency for the more powerful. Less transparency for people with less power. He's been very clear about that.

GRAHAM ALLISON: The first question is should any be secret, and if so, by what virtue criteria and what process?

Second question is a more operational question which was raised here. Which is, in any case operationally, is there any hope for any digital documents remaining secret? Whether they should or they shouldn't, that's a different question. If they can't, we may be able to get out of the first question. I think there was an implication, if I heard earlier, that the answer was maybe no.

MALE2: I'm not as extreme on that. I'll be very quick. I think that the best antidote to this problem of being leaked is to narrow the gap between what you say and what you do. It's when people say one thing and do another thing that someone in their organization may be offended and that is the reason why it's so hard to keep the best secrets from getting out. Because as Ben Franklin said, "Three can keep a secret if two are dead."

But if there's trust that the mission is in alignment, people will keep those secrets. The problem is that the whistleblowers exist. They're not going away. And now they're on steroids. So it's fascinating that this issue of like your patient records or your confidential conversations with your lawyer always comes up when WikiLeaks gets discussed. Everybody takes this very personally.

But I think the main people who have the most to fear from this phenomenon are the ones with the most power who are being the least transparent.

GRAHAM: I obviously disagree, but I'm just putting the questions. Third question is, what is on the must read list about this topic? What should we read?

MALE3: [00:02:46] about to publish a book in about a week and a half.

MALE4: I would say that obviously the Keller piece over the weekend was a good one. But I found the most informative thing that I've read about the questions is John Lloyd's piece in the *Financial Times* on January 9, which is basically about how the industry's being transformed and yet how is it – it raised more fundamental questions for me than any other piece that I've seen, not providing education.

ALEX JONES: Well I can tell you what the Shorenstein Center is going to do. We are going to take this terrifically fascinating conversation and post it. We are going to try to make it accessible in ways that will entice people who have various interests in aspects of it, so that they can find what they want.

I am issuing at this moment an invitation to all of you in this room to do exactly what Graham has done and to send me thoughts about what the questions are that continue, that should continue to be asked and to take Micah and Andrew's point, we are also when we post the information about this conversation, going to be asking the audience and the people that consume, for their ideas about where we ought to go from here and what questions we ought to be asking.

MALE2: Can we do what they do in Congress, revising and –

MALE: Absolutely. As long as I'm paid.

MALE2: Just like congress.

ALEX JONES: Yeah precisely. This has been a very, very interesting conversation. I think it has been a useful conversation genuinely and one that I hope will be the beginning of something that will be ongoing. I want to thank all of you for your thoughts and your participation and for your reflection that was so serious and so illuminating. I think the best word that we have journalistically is that one. And I think there's some genuine light shed at least on the array of things that are involved and the perspectives that are wide ranging on where we are and where we ought to go.

Thank you all very, very much. I really appreciate it. And we hope to hear from you. Okay thank you.