

Some called it heroic.
Some called it treason.
Some hailed it as a blow for
democracy; others feared a whole-
sale invasion of personal privacy.
Whatever your point of view,
WikiLeaks' dramatic dump of
more than **250,000** secret
diplomatic cables to major news
organizations dominated public
discussion about the news media
during the second half of 2010.

A WELCOME TO WIKILEAKS

By Paul Knox



Editorial cartoon by Angel Boligán Corbo,
courtesy of the International Editorial Cartoon
Competition of the Canadian Committee for
World Press Freedom (CCWPF).

As the dust swirled, important questions were raised about the responsibilities of those who believe passionately in freedom of expression. Should we applaud WikiLeaks unequivocally and defend it against attack? Or should we be questioning its practices and seeking to hold it to account? Should all information, everywhere, be available to everyone at all times? And if not, where do we draw the line?

The simple answer is yes, we should welcome the courage and ingenuity of WikiLeaks' founders and volunteers. We should salute their commitment to freedom of expression, journalism and the flourishing WikiLeaks societies. WikiLeaks and similar enterprises facilitate whistleblowing and have raised global awareness about the benefits of transparency and access to information. The events of 2010 underscored the value of digital technology and the Internet as a tool for expanding the frontiers of information and free expression. They vindicated the use of well-established journalistic techniques in the analysis and presentation of news—in this case, the information revealed in the WikiLeaks cables. They demonstrated the benefit of allowing journalists to do their jobs unhindered, and thus bolstered support for their freedom-of-expression rights.

One measure of WikiLeaks' impact is the extraordinary extent to which governments and powerful interests have used it as a pretext for trampling those rights. Reports gathered by the International Freedom of Expression Exchange (managed by CJFE) tell of reprisals, crackdowns and Internet bans. U.S. government pressure led Amazon.com to stop hosting WikiLeaks' web operations, and also led PayPal, Visa and MasterCard to sever its financial lifeline. The U.S. military is accused of mistreating an imprisoned soldier alleged to be the source of WikiLeaks' material. Russia cut short the term of a correspondent for the *Guardian* of London who had written about unflattering references in the cables to Vladimir Putin, the current prime minister and former president. Saudi Arabia

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was just one of several countries blocking access to WikiLeaks sites. News websites that published the cables or links to them were attacked, possibly by government agents or sympathizers.

On a more basic level, the affair gave advocates of free expression fresh insight into the way power over information is exercised and the strategies necessary to confront it. It exposed hypocrisy, revealing private assessments that were at odds with those issued for public consumption, thus underscoring the importance of consistent, proactive access-to-information policies. It also demonstrated that when the best practices of journalism are applied to leaked information, individuals incidental to the issues in question are not likely to be harmed and the public interest is likely to be served. These developments are particularly welcome in Canada, where secrecy-obsessed governments show a growing desire to flout access laws by withholding information compiled and stored at public expense.

At the same time, the emergence of

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WikiLeaks led some to ask whether the group had been cavalier about the personal privacy and safety of those named in the cables, and whether it should be urged to adopt a standard of journalistic responsibility. Others wondered whether the right to free expression extends to those who bare government secrets.

There are elements of journalism in what WikiLeaks did, but whether it was or wasn't acting as a journalistic outlet is not a key issue. Free expression is a universal right—not one that is meant to be enjoyed only by those whose job description happens to include the word "journalism." Whistleblowing sites promote free expression by facilitating access to the kind of information we need to make judgments about our governments and current events; for this reason alone, they deserve support and protection.

Yet simple acts of exposure are not enough to hold the powerful to account. WikiLeaks grabbed headlines with massive dumps of cables and shocking footage of a U.S. military attack on civilians in Iraq. But it registered its greatest success when it teamed up with news organizations experienced at making judgments about official documents—what's important, what cries out for further investigation, what could put a marginal figure in peril.

It's not easy to draw a clear line between the right to free expression and that of privacy. Private lives and choices become newsworthy when they begin to affect public affairs, but not all the details are significant. It's hard to argue that a low-level informant for U.S. forces in Afghanistan, who may have co-operated under duress or may have been highly selective in giving information, is legitimate collateral damage in an open-government project. To their credit, some of those associated with WikiLeaks appear to have recognized the danger of posting unvetted military documents. Journalism has well-established practices for sifting the significant from the needlessly harmful; those who carry out acts of journalism would do well to become familiar with them.



A classified U.S. military video shows Iraqis being shot by U.S. Apache helicopters that killed a dozen people in Baghdad, including two Reuters staff, on July 12, 2007. WikiLeaks released the video to Reuters in April 2010.

As for violations of official secrecy, it's easy to overstate the danger. For decades, Canada's *Official Secrets Act* was rarely used. But in 2001, the federal government jumped on the opportunity presented by the Sept. 11 attacks to insert a tough section on secrecy into Bill C-36, the *Anti-terrorism Act*. It threatened prosecution for revealing information the government is "taking measures to safeguard," gave new surveillance powers to the state and broadened Ottawa's eavesdropping powers. In 2005, Privacy Commissioner Jennifer Stoddart reported to Parliament that Canadian authorities had developed a "voracious appetite for personal information and surveillance." Yet she found no evidence that the sweeping post-2001 powers had been useful in "detecting, preventing or deterring terrorist acts." More recently, the WikiLeaks cables that revealed the private judgments of Canadian officials have caused no discernible harm.

Instead of draconian secrecy laws, Canadians need a robust national access-to-information regime. Governments have a duty to manage information, and in certain cases, to hold it closely. Narrowly defined exceptions to the principle of open access are legitimate where law enforcement, personal privacy and national security are at stake. But information should be presumed public unless the government makes a convincing case for its suppression—not the reverse, as is so often the case currently.

In a system built on a foundation of respect for open government and accountability, governments would release on request most of the non-personal information they collect and compile. They would adequately fund the relevant processing units and order timely compliance with requests. Disputes between those seeking information and those holding it would



Editorial cartoon by Marilena Nardi, courtesy of the International Editorial Cartoon Competition of the Canadian Committee for World Press Freedom (CCWPF).

be resolved quickly by independent review. Officials would not be able to levy exorbitant costs as a back-door means of thwarting the goals of access laws.

Lacking such a regime, we turn to whistleblowers, journalists and their allies, not only for information that is sensitive and explosive, but for that which ought to be routinely divulged. We can expect more WikiLeaks-style attempts to bring official documents out of the shadows and into public view. We should welcome them, and help facilitate the publication of government information that is in the public interest. Freedom of expression and access to information are joined at the hip; the more we know about our world, the broader our range of ideas and creative expression will be.

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