

THE VIRTUES OF LEAKS

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Allow me to indulge in a thought experiment for a moment.

You know how the Vietnam War is still going on, right? No? You don't think about it very much, do you? I guess I can forgive you.

It can be hard to keep track of it all. These “wars” and “conflicts” and “military actions” and “hotspots.” Afghanistan and Iraq have been on our collective minds for more than a decade. The Arab Spring is still in the slow and occasionally violent process of congealing. A bloody civil war is raging in Syria with little sign of abating. Rhetoric against Iran is getting so hot that words alone could set off a munitions depot. When you come right down to it, the Vietnam War is passé.

Nevertheless, here we are. We've been told that our Marines and soldiers in Vietnam are nearly unharmed. They are not being maimed and killed in order to wage an unwinnable war against Communism. We've been told that the Reds are on the retreat, that our boys are beating them back. After all, it's not as though any damning documents have been leaked that expose the war as essentially futile.

But back to reality. Alternate history, as a genre of fiction, can provide us with insights into the current state of affairs in the world. My little attempt above describes a possible alternate world in which the Pentagon Papers had never been published without authorization. No, it is true that we would probably not still be embroiled in Vietnam. But I learned to take liberties with reality from the Johnson Administration.

The Pentagon Papers, as they came to be known after their publication in 1971, were a report regarding the then current state of affairs in Vietnam and the history of American involvement in the region. They exposed the Johnson Administration's lies about the course of the war. These lies were told to the American people to placate them. Daniel Ellsberg, who released the documents, was called “the most dangerous man in America” by Henry Kissinger.

When the question is asked, “Are unauthorized disclosures ever acceptable?” it should strike any thoughtful person as patent that they are, at least sometimes. And hopefully we also agree that they are occasionally required of anyone with claims to a conscience.

Those opposed would necessarily be taking an extremely paternalistic position with regard to relations between a government and its subjects. At the same time, they would mimic a slavering, gullible fool who would claim that whatever their master says is true, *prima facie*.

It would be as if Big Brother himself had come to power. Would anyone with the gall to expose a lie told by The Party be in the wrong? It is a truly disturbing thought that someone could side against Winston Smith in reading George Orwell's novel, but even though he never disclosed

any secrets, they would be defending The Party's right to lie. That would be the height of paternalism, and an affront to any substantial concept of democratic rule.

Orwell's *Nineteen Eighty-Four* may be on the more hyperbolic end of the argument, but its philosophical weight against the question is significant. Such is the power of a thought experiment.

More concretely, we have the recent examples of Bradley Manning and WikiLeaks. Whatever we may personally think of Manning, the imprisoned ex-Army Private who gave classified documents to WikiLeaks, or Julian Assange, the formerly itinerant spokesperson for WikiLeaks, whistleblowers serve an important role in affecting policy and fueling public discourse.

Without these people and organizations, institutions would be held accountable only by themselves and however precious few investigative journalists still exist in this day and age. If these institutions are allowed to insulate themselves from public scrutiny, we will never be able to honestly hold our governments accountable.

While the thrust of this piece is in defense of unauthorized disclosures, I must grant that not all possible disclosures are ethically defensible. Disclosures that may put lives in danger are surely of questionable merit, as are those made for purely partisan political purposes (Scooter Libby, anyone?).

Still, to say that unauthorized disclosures are never acceptable is to say that hypothetical leaks of Communist documents during the Cold War would also be unacceptable. Or leaks by the Imperial Japanese government, or Nazi Germany. Can we say that the unauthorized disclosure of U.S. Government documents is unequivocally unacceptable while similar disclosures by our enemies are acceptable?

Unauthorized disclosures are sometimes acceptable, and are occasionally required of conscientious citizens.