

By Glenn Greenwald

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*Note: The following is a transcript of a speech that Constitutional lawyer and Salon blogger Glenn Greenwald delivered for the Lannan Foundation on March 8. The speech was transcribed by the blog Contumacious.*

I've been speaking more at events like this and at various college campuses and the like over the last year. And one of the things that typically happens before the event, is that there's a lot of time and mental energy spent on figuring out what the topic of the speech is going to be, and what the title is going to be. The speaker and the sponsors of the event go back and forth over what will be an interesting topic, what's timely, what will be interesting to people. And then the title gets worked on and changed and edited. I have several speeches planned over the course of the next month, and there are all different topics and titles that were all worked out as part of this arduous process. What I found is that, as much time and energy that's spent on that process, it actually ends up being completely irrelevant, because I find that no matter what the topic is, I keep speaking about the same set of issues, no matter what the title is.

The reason why that happens is not because I have some monomaniacal obsession with a handful of issues I can't pull myself away from no matter what the topic is. That may be true, but that's not actually the reason. The reason is because political controversies and political issues never take place in isolation. They're always part of some broader framework, that drives political outcomes, and that determines how political power is exercised. And so it doesn't really matter which specific topic, or which specific controversy of the day you want to discuss, the reality is, you can't really meaningfully discuss any of them without examining all the forces that shape political culture, and that shape how political outcomes are determined. So, in order to talk about any issue, you end up speaking about these same, broad themes, that are shaping, and I think plaguing, the political discourse in the United States.

This is something that I first realized when I started writing about politics in late 2005. One of the very first topics on which I focused was the scandal about the Bush administration eavesdropping on American citizens without the warrants required by law. This was first exposed by the NYT in December of 2005, so it happened around six weeks after I began

writing about politics. I had this very naïve idea that this was going to be very straightforward and simple political controversy. The reason I thought that in my naiveté, was because what the Bush administration got caught doing [eavesdropping on Americans without warrants from the FISA court] is as clear as could possibly be a felony under American law. You can actually look at the criminal law that existed since 1978, when FISA was enacted. It says that doing exactly what the Bush administration got caught doing, is a felony in the U.S., just like robbing a bank, or extortion or murder, and that it's punishable by a prison term of five years or a \$10,000 fine for each offense.

The report that the NYT published was that there were at least hundreds and probably thousands of instances where American citizens were eavesdropped on illegally and in violation of the law. So, I thought that this was going to be a fairly straightforward controversy, because I had this idea that if you get caught committing a felony, and the NYT writes and reports on that and everybody's talking about that, that that's actually going to be a really bad thing for the person who got caught doing that. I know it was really naïve. I'm actually embarrassed to admit that I thought that, but that really is what I thought at the time. I also thought that basically everybody would be in agreement that that was a really bad thing to do....that thing that the law said for 30 years was a felony and punishable by a prison term and a large fine. And, as it turned out (and I realized this fairly quickly) none of that actually happened. It wasn't a really bad thing for the people who got caught committing that felony.

And, not only did everyone not agree that that was a bad thing, very few people actually agreed that that was a very bad thing. So, what I thought I was going to be able to do was to take this issue and write very legalistically about it, and demonstrate that what the Bush administration had done was a crime, that it was a felony under the statute and that the legal defenses for it that they had raised were frivolous and baseless and that would be the end of the story. Crime committed, investigation commenced, punishment ensues. So what immediately happened, when I realized that none of that was really going on, of course then the question became why. Why was my expectation about what would happen so radically different than what in fact happened?

So, then I needed to delve into that dynamic, that I began by referencing that determines political outcomes. I had to examine the fact that we have a political faction inside the U.S. [the American Right] that is drowning in concepts of nationalism, and exceptionalism, in tribalism that leads them to believe that whatever they and their leaders do is justifiable inherently because they do it, and in a complete lack of principle...this is the same faction that impeached a democratically elected president not more than 10 years earlier on the grounds that the rule of law is paramount and we can't allow our presidents to break the law. And, yet, here they were defending it.

And then I watched Democratic politicians, one after the next, go on talk shows to talk about this scandal, and they were all petrified of saying what the reality was, which was that what the Bush administration got caught doing was a crime and it was illegal. They were all afraid to say that. What they were really eager for was for the scandal to go away, for them not to have to talk about it any longer. And so that made me write about the cravenness of the Democratic Party, and the extent to which they are replicas of Republicans when it comes to national security issues, and the complete bipartisan consensus, where all of these kinds of issues are concerned, especially in the post 9-11 world.

And then I started realizing that there were journalists who were shaping the political discourse who were not only saying that they were fine with the fact that the Bush administration had broken the law, but were attacking the very few Democrats who actually stood up and said "I think it's problematic when the president does things that the Congress says is a criminal offense."

The journalist class, almost unanimously, was saying that the Democrats ought to avoid this for political reasons, and that on substantive grounds, Bush did the right thing because he had to protect us. Then I had to start writing about the media's allegiance to political power and their belief in the omnipotence of the national security state, and its ability to act without restraints.

And then it turned out that it wasn't just the government who was eavesdropping, but they were doing so in collaboration with the largest telecoms, the entire telecom industry, in essence, which was turning over all the phone records and emails of their customers secretly to the government, even though laws were in place specifically prohibiting private telecoms from handing over any information to the government without warrants because in the past, when the Church committee discovered the decades of abuses they found that AT&T had been turning over records to the government, that Western Union was turning over all telegraphs.

And so, Congress said not only the government is barred from eavesdropping on Americans without warrants, but private telecoms--it shall be against the law for them to turn over data without warrants as well. Of course, they did exactly that. That led to my having to write about the consortium between government and corporate power and how the surveillance state and the national security state have essentially become merged; and that the real power lies with the private sector because so many of these government functions have been nationalized.

Then, of course, the entire "scandal" ended by all of the perpetrators being completely protected. The Bush Administration was given an immunity shield by the Obama administration from any investigations to determine whether crimes were committed. And the private telecom industry was given retroactive immunity by the Democratic-led Congress in 2008 supported by Barack Obama.

In fact, the only person to suffer any legal repercussions from that NSA scandal was someone named Thomas Tam, who was the mid-level Justice Department whistleblower who found out that this was taking place and was horrified by it and called Eric Lichtblau at the NYT and exposed that it had happened. The person who was the only one to suffer repercussions was the person who exposed the criminality. The criminals were fully immunized.

So that led to my having to write about how the rule of law had been subverted. And, so, I realized that what I thought the scandal was about, what I thought the issue was about,...you know, nice abstract clinical little discussions about whether the law had been violated, and whether Article II theories were really viable, were actually relatively irrelevant. You could have that discussion, but it didn't make much of a difference. What made the real difference were these broader themes.

So, although the topic tonight is ostensibly Wikileaks and the controversies surrounding Wikileaks, if you look at what has happened in the Wikileaks scandal, it involves every one of the ingredients that I just described. That's why I can give a speech on the erosion of civil liberties in the U.S. (which I'm going to do in a few days). Tonight I'm talking about Wikileaks, but what I'm always going to end up talking about are the fundamentals of how political power in the U.S. is exercised and the way in which just outcomes are subverted because of these dynamics.

One of the reasons why I find Wikileaks to be such a fascinating and critical topic is because I think it sheds unprecedented light on how these processes work and how they have come to develop and evolve in the U.S. I also think there's so much at stake in the war that has arisen over Wikileaks and Internet freedom, and the ability to breach the secrecy regime behind which the government operates. For that reason, too, it's such a critical topic.

There are a lot of different ways to talk about Wikileaks, and Wikileaks is a complex topic. But, one of the things I want to do is just to sort of walk through, a little bit, the chronology of my involvement in Wikileaks and to talk about some of the realizations that I've had that may have

been somewhat known to me, but have really been cast into a very bright light as a result of what's happened in the controversy surrounding Wikileaks.

The first time that I ever wrote about Wikileaks , or ever really thought about WL was in January of 2010, a little bit more than a year ago, now. And this is a time when almost nobody had heard of Wikileaks , before they disclosed the first newsmaking leak, which was the video of the Apache helicopter shooting unarmed citizens and journalists in Baghdad. But, what had prompted me to pay attention to it and to write about it was that the Pentagon had prepared a report in 2008, a classified report, about Wikileaks that ironically though unsurprisingly was leaked to Wikileaks, which Wikileaks then published.

What this report said, it talked about how the Pentagon considered Wikileaks to be an enemy of the state; a grave threat to U.S. national security. It discussed a variety of ways to destroy Wikileaks: by fabricating documents to submit to them, in the hopes that they would publish forged documents, which would then destroy their credibility, like what happened with Dan Rather and CBS news and the Bush AWOL story; it talked about breaching the confidentiality between them and their sources so that their sources would get exposed and people would no longer feel confident in leaking to them.

I didn't have a really good sense for what Wikileaks had been doing, or what it was, but I figured that if there's any group being targeted that way by the Pentagon, that's a group that merits a lot more examination and probably some admiration.

So I started looking into Wikileaks and what they were doing, and at the time, although they hadn't made much news in the U.S., they had actually exposed a great deal of wrongdoing around the world. They had disclosed documents showing the involvement of government leaders in death squads in Kenya; they had shown the involvement of the Icelandic government in the financial collapse that destroyed that country's financial security; there was an Internet bill being discussed in Australia to shut down Web sites that were supposedly promoting child pornography, yet secretly on the list of targeted Web sites were a bunch of political sites that had been critical of the Australian government; they had exposed corporate toxic waste dumping in West Africa; the involvement, or the negligence of local officials in Berlin with regard to a trampling at a nightclub that killed 23 people. So they had been quite active in a whole variety of different ways in exposing wrongdoing.

The one document they had exposed involving the U.S. was a manual at Guantanamo for how

prisoners ought to be treated. This manual was nothing very enlightening. We already knew that severe systematic abuse and torture were taking place at that site. But, the mere fact that Wikileaks had shown that they were able to start shedding light on some of the world's most powerful factions, and exposing serious corruption, and had touched a little bit on America's detention regime, with this one document, was enough for the Pentagon to take them very seriously.

So, I wrote at that time about that report, and I had talked about all the potential for good that I thought Wikileaks could do. I had encouraged, in the context of my writing about it (and I also interviewed Julian Assange at the time), I encouraged my readers to donate money to the group because there were indications that they were somewhat impeded in some of the disclosures they wanted to do because of the lack of resources. I said this would be a great organization to donate your money to. They need it. They look as though they could really achieve a lot of good.

And after I wrote that, I received a lot of comments from people via email, from people in person telling me at my attended events, from people in my comment section, American citizens who said the following: "I understand and agree with the idea that Wikileaks has a lot of potential to do good, but I'm actually afraid of donating money, because I'm afraid that I'm going to end up on some kind of a list somewhere; or that eventually I will be charged with aiding and abetting, or giving material support to a terrorist group."

This was not one or two people who tended toward the pole of paranoia saying these things. These were very rational people, and there were a lot of them. Some long-term readers whom I knew to be quite sober in their thinking. The fear that they were expressing was somewhat pervasive. That, to me, was extraordinarily striking: that these were American citizens who were afraid to donate money to a group whose political aims they supported; who had never been charged with, let alone convicted of any crime who felt like they were going to end up on some kind of government list, or possibly be charged with aiding and abetting or giving material support to terrorism.

Although I didn't find those fears to be completely justifiable, in the sense that I thought those things would happen, I told people that I thought they ought to set those fears aside and donate money anyway, the fact that those fears existed; that that kind of climate of intimidation has been created in the U.S. when it comes to the most basic rights of association and free speech, which are the rights which are implicated by donating money to a political organization that you support; that that climate of fear and intimidation had been so great that people were self censoring and relinquishing their own rights was something that perhaps in the abstract I had

known about in the past, but really illustrated to me just how pervasive that had become.

Over the course of the next several months, because I was writing about Wikileaks more and more, especially as they began releasing the newsmaking videos and documents about the Iraq and Afghanistan wars, and I began engaging in debates on behalf of Wikileaks and arguing with those who were claiming they were a force for evil and should be punished and prosecuted, I got to know the people who were involved in Wikileaks, either currently or in the past. Especially among the people who had once worked with Wikileaks, but then stopped, there was a common theme that they all sounded when you spoke to them about why they stopped working with Wikileaks, including some who had been very high up in the organization hierarchy and who were well resourced, and people who are citizens of European countries.

What they said, almost to a person about why they stopped being involved in Wikileaks, and what a lot of people who still work with Wikileaks will tell you about why they are contemplating no longer working with Wikileaks is they will say: "I am extremely supportive of the organization's aims and mission, I am proud to have been a part of the things they have done thus far, but I have a paralyzing fear that one day, my government is going to knock on my door and not charge me with a crime (that I can confront and am willing to deal with), but they're going to knock on my door and tell me they are extraditing me to the U.S."

In other words, the great fear of almost every person now or previously involved in Wikileaks is that they're going to end up in the custody of the American justice system, because of the black hole of due-process-free punishment that they've seen created and that is sustained for foreign nationals accused of crimes against U.S. national security, because of the way in which people are disappeared without recourse to courts or any political protest.

It's amazing that we have spent decades, probably since the end of WWII, lavishing praise on ourselves as the model of justice for the entire world, the leaders of the free world, lecturing everybody else about what their system of justice ought to be, and yet the fear that so many people around the world have, is that they will end up in the grip of American justice. That to me was extraordinarily telling, as well.

Then, over the course of the next couple of months, when the controversy over Wikileaks was really escalated by the release of the diplomatic cables, I began doing a lot of public media debates over whether Wikileaks was a force for good or a force for evil, or whatever media morality narrative was, and how that was framed. I appeared on countless shows and television

networks. The reason I was so ubiquitous doing that isn't because CNN and MSNBC producers suddenly decided that they really liked me. It was because there were so few people to choose from who were actually defending Wikileaks, because the unanimity in the media was essentially that they were demonic and ought to be punished.

So, in order to have a debate where one person was arguing on behalf of Wikileaks and one was arguing against it (it was very easy to find someone who was against it you could more or less pick a journalist or a political figure out of a hat and that would be accomplished), what was harder was to find people who were willing to defend it. There were some but not many. So, I did a lot of these show, a lot more than I like to do, and is probably healthy for me to do. One of the things that I found, that was sort of striking was, I was usually on the show, the format of the show would be: there would be some journalist or a person who is on TV, an actor on TV playing the role of a journalist along with some kind of government official, some like Washington functionary.

So, I was on CNN and I debated Jessica Yellin, who's the CNN anchor, along with Fran Townsend, George Bush's former national security advisor; and I did an NPR show once with Jamie Rubin, who was Madeline Albright's deputy, and John Burns, the NYT reporter. That was usually the format. I did MSNBC with Jonathan Tapper who's a journalist who writes for the Washington Post editorial page, and Susan Molinari, a former Republican congresswoman.

Literally, in every single case, the person who was designated as the journalist, and the person who was there to represent America's political class, thought and argued identically. I mean they were completely indistinguishable in terms of how they thought about Wikileaks. They were all in agreement that what Wikileaks was doing was awful; that our government had to put a stop to it. The only concern that they had was that the government wasn't more careful in safeguarding secrets.

So, you had people who were claiming to be journalists who were on television outraged that they were learning what the government was doing and furious at the government for not taking better steps to hide those things from them. And you had these debates that would take place and I would be listening to them and I literally couldn't tell the journalist and the political official apart. And the reason that was so striking to me was because, if you think about it, if you put yourself in the mindset of what a journalist is supposed to be, not what an American journalist is, what an American journalist is supposed to be, what they're supposed to be interested in, is exposing the secrets of the powerful, especially when the actions which are being undertaken in secret, are corrupt or illegal or deceitful.



What Wikileaks is doing is exactly that. It is shedding unprecedented light on what the world's most powerful corporate and government factions are doing. Any journalist who ever had an inkling of the journalistic spirit, at one point in their life before that all got suffocated, you would think they would look at what Wikileaks was doing and reflexively celebrate it. Or at the very least, see the good in it. Yes, that what they are doing is what we are supposed to be doing, which is bringing to the citizens of the world the secrets that governments and corporations are trying to keep to conceal their improper actions. And yet there is almost none of that.

I mean, it made sense to me that people in the political class were furious at Wikileaks because people in the political class inherently see their own prerogatives as being worth preserving, and they want to be able to operate in secret and think that they ought to be. But, the fact that journalists were not only on board with that, but were really leading the way was really remarkable to me as I did these interviews because there wasn't even really a pretense of separation between how journalists think and how political functionaries think. I found that pretty striking as well.

A few other aspects to the Wikileaks controversy that I think are commonalities in how our political discourse functions: One of the things you had was almost a full and complete bipartisan consensus that Wikileaks was satanic. I don't think there has been a single democratic or republican politician of any national notoriety (other than I think Ron Paul and a couple of very liberal members of the house) who were willing to say that maybe Wikileaks isn't all evil in a very cautious way. Other than that, you basically had a complete consensus as always happens when it comes to national security controversies. Almost nobody was willing to defend Wikileaks.

Then what you had was a faction on the American Right, and some Democrats as well, who very casually, almost like you would advocate a change in the capital gains tax, or some added safeguards for environmental protection, would go on television and start calling for Julian Assange's death; like I think we need to send drone attacks, I think we need to treat him the way that Al Qaeda is treated. And maybe I was being a little unfair to Democrats and the debate between Republicans and Democrats were having at this time was should we kill Julian Assange or just throw him in prison for the rest of his life, even though he hasn't actually committed any discernable crime? But the ease and the casualness with which our political culture entails calling for people's death, you know we ought to kill this person even without any due process we ought to use drones, we ought to treat him the way we treat Al Qaeda, and the like I think is also reflective of how our political culture functions.

Couple other things that happened that I think are quite common which Wikileaks sheds light on: One of the things that started happening was that you have members of Congress of both parties writing laws, now to vest the government with greater power to prosecute people for espionage, and for other serious felony offenses for leaking classified information. So this is very typical when a new demon arises and here we have Julian Assange and Wikileaks the villain of the month, immediately the government starts thinking about how they can opportunistically manipulate the hatred, the two-minute hate sessions that arise out of this new villain to develop and seize more power for itself. And you very much see that.

And the last point that happens that is, I think, quite significant ... was the complete manipulation of law to advance the interest of the powerful. One of the things that I found to be striking about what's happened with Wikileaks is, there's this group, Anonymous is what they call themselves, and they're essentially a group of mostly adolescent hackers who have quite advanced computer skills for doing things like shutting down Web sites or slowing them down.

What they decided they were going to do was they were going to take a position in defense of Wikileaks. They said that they were going to target for cyber attacks and other kinds of cyber warfare any companies that in response to the government's pressure terminated their services with Wikileaks. There were a whole variety of companies that obediently complied with the government's request to cut off all services of Wikileaks: Paypal, Mastercard, Visa, Amazon, all of these companies made it impossible for Wikileaks to stay online or for them to conduct financial transactions to receive donations.

Anonymous began to target these Web sites. And the attacks were fairly primitive. They slowed those sites down for a few hours. Not very much damage. And yet, the Justice Department treated them like this Pearl Harbor on the Internet. Eric Holder said "We are going to devote unlimited resources to getting to the bottom of Anonymous and who they are." Turned out to be a couple of 16-year-olds in the Netherlands and Belgium doing the clichéd operating-from-their-mother's-basement type thing, but the fact that they had targeted corporate power on behalf of Wikileaks, an enemy of the U.S. government, meant that the full force of the law was unleashed in order to punish them.

But, a couple of weeks before those Anonymous attacks, there was a far more sophisticated, and a far more serious and dangerous cyber attack that was launched at Wikileaks, that basically resulted in their being removed from the entire network of Web sites for the U.S., the entire website that hosts all Internet Web sites for the U.S. could no longer sustain those attacks that were being launched in a way that would safeguard their other customers. So they removed Wikileaks from the Internet. That was when they had to search around and ultimately find a

different URL. Now that attack was really worthy of serious investigation because the complexity of the attack was really unlike anything that had really been seen before in terms of being right out in the open.

And yet, so far, for some really strange reason, even though that attack was every bit as illegal as the attacks that Anonymous had launched that merited such scrutiny and investigation from the Justice Department, Eric Holder, the Obama administration has never once vowed to get to the bottom of who might be responsible for the attacks that knocked Wikileaks offline, even though they're much more dangerous.

And so, what this really reflects is that the law becomes a weapon for the U.S. government for corporate power to use, to punish those who stand up to it the way Anonymous did in a very mild and modest way. And yet, at the same time, the law shields those who are in power or who are operating on behalf of those in power of to advance their interests as illustrated by the fact that whoever was responsible for the attack on Wikileaks, whether a government organization or a corporate entity, or some combination of both, broke serious laws, committed serious cyber felonies, and, yet, will never be investigated, let alone prosecuted by the Justice Department.

And it's all of these ingredients that I've just described that Wikileaks revealed, and that has shaped the outcome and driven the Wikileaks controversy are the same things I would talk about no matter what political controversy you asked me to talk about, whether it be civil liberties erosions; or what's happening in Wisconsin, or anything else. And that's why I say that the title, the topic, the individual episode that you chose to focus on, is valuable only as a window into how our political culture, how political factions all function.

The last point I want to make is why I think that Wikileaks is such a vital topic, not just in terms of the light that it shines on our political process, but in terms of what's at stake.

I actually do believe that the battle over Wikileaks will easily be one of the most politically consequential conflicts of our generation, if not THE most politically consequential. I think that we're just at the very incipient stages of this conflict, and that how it plays out is still very much still to be determined. I think what's at stake is whether or not the secrecy regime that is the linchpin for how the American government functions, will continue to be invulnerable and impenetrable or whether it will start to be meaningfully breached. And I also think that Internet freedom, the ability to use the Internet for what has always been its ultimate promise, which is to have citizens band together in a way that no longer needs large corporate and institutional

resources, to subvert and undermine the most powerful factions to provide a counterweight to them, whether that Internet freedom will be preserved.

And this is why I think that: we have in general, when you talk about politics and you look at political discussions, what typically is focused on are these internecine day-to-day conflicts that are partisan in nature. What are Republicans and Democrats bickering about? What reason today are the left and the right at one another's throat? What is it that's dividing the citizenry and making the citizenry divisive and unable to band together to defend their common interest? These are the kinds of controversies that fill cable news shows; that occupy pundits and political chatterers, and all of that.

By and large, all of that is completely inconsequential. In fact, I shouldn't say that. It actually is consequential. It has a purpose. The purpose is to distract all of us from what really matters in terms of how the government functions. What matters in terms of how the government functions has very little to do with whether Democrats or Republicans win the last election, or the next election. And it has very little to do with who sits in the White House, what individual occupies the Oval Office. I don't mean to suggest those things are irrelevant, they're not, they matter in marginal and sometimes more ways.

But what they don't have anything to do with is the permanent power faction that runs the U.S. and runs the governments with which the U.S. is allied, this consortium of government and corporate power that I talked about earlier. What's really interesting is, it used to be case that if you stood up in front of an audience and said that what really is running the government of the U.S. is not the political parties that win elections, but this secret consortium of government and corporate power, a lot of people would look at you like you were some sort of fringe paranoid maniac, it would be a self-marginalizing act to talk about that. But I don't actually think that's the case very much longer, and that's because a lot of mainstream sources have confronted those realities, because it's impossible to turn away from them.

I mean you could of course go back to the famous 1956 farewell speech of Dwight Eisenhower, who is hardly a fringe figure. He was a four-star, a five-star general, and a two-term elected Republican president and he warned about exactly that. He called it the military industrial complex, of course. But he described how the merger of government and corporate power in the national security state context was threatening to subvert democracy because it would become vastly more powerful and unaccountable than anything that was actually still responsive to democratic forces. And yet, it's odd that something that someone like Dwight Eisenhower warned about became for a long time taboo to talk about. I think in the post-9/11 world, this merger has become so overt, so conspicuous, so pervasive that it's impossible to

hide it any longer.

So earlier this year, or the end of last year, the Washington Post had a three-part series that got very little attention because it covered this topic too well. People just didn't know quite how to process it, especially people who go on television and talk about the news of the day. It was called "Top Secret America." It was written by Dana Priest, who's one of the widely hailed and highly decorated establishment reporters, along with William Arkin. What it describes is exactly what I just described, which is a vast apparatus of corporate and government power that is so unaccountable and so secret and so sprawling and so powerful that not even the people ostensibly running it know what it is composed of or what it does or what it entails. This is the faction that is truly exerting power in the U.S. when it comes to most of the significant policies.

So, people become confused, and frustrated and angry and confounded and disheartened when they elect a Democratic president like Barack Obama who ran on a platform of change and delivered so little of it; and who continues to extend and bolster the very policies against which he railed while he was running.

There are lots of reasons why that is, and part of it is because politicians are inherently unprincipled, and get into office and want to preserve their own power. They think that the power that other people exercise which was a threat, in their hands is not only something that could be trusted but could be used as a force for good. All of those reasons are true. But, what is really true is that this powerful faction that exists, this enormous consortium of government and corporate power is at least as powerful and probably much more so, than any single politician, even the "most powerful man on earth" or whatever we call the president these days. So, even if he wanted to change these things, and I think he doesn't, even if he wanted to, he probably couldn't.

What this faction relies upon more than anything else to preserve their power and to carry out the actions they undertake, is this wall of secrecy, this regime of secrecy. It is that secrecy that enables them to operate in the dark and therefore operate without any constraints, moral, ethical, legal, or any other kind. This is not a new concept. If you look at what political theorists have always talked about for centuries, if you look at what the Founders talked about, the gravest threat to democracy and to a healthy government is excessive secrecy, because people are human beings, and human nature is such that if you operate in the dark, you will start to abuse your power.

That's why, central to the whole design of our country, was that there would be these institutions that would prevent that from happening. They would be adversarial to political power. You would have the Congress that would investigate and exert oversight. We would have the media, the glorious Fourth Estate that would serve as a bulwark against abuse. We would have the courts that would ultimately hold people accountable under the constraints of law at least, if nothing else worked. And each of these institutions have utterly failed, especially, though not only, especially in the post-9-11 world to bring about any meaningful transparency to what the national security and the surveillance state is doing. They operate fully without accountability, without constraint and with total compunction to do what they want.

So, Wikileaks, is one of the very, very, very few entities that has proven itself capable of breaching that wall of secrecy. That is why it is one of the very few entities that has finally put some degree of meaningful fear in the heart of this national security state. For that reason and that reason alone is all I need. That is why I think a defense of Wikileaks has become so vital and so crucial and such an obligation on the part of anybody who believes that this regime of secrecy is so harmful.

Now if you look at the instances of serious government abuse over the past decade, and even longer, what you'll find is that the lynchpin, the enabler for all of them is secrecy. So, if you look at the Bush administration's creation of a worldwide torture regime, or its spying on American citizens without the warrants required by law, or Dick Cheney meeting with energy executives early on to formulate the nation's energy policies to benefit only that group, or how the government excluded any dissenting intelligence in the lead-up to the Iraq war to make the case as though it was somehow airtight, or even going back to Vietnam, when the government knew the war they were waging was unwinnable, even as they were assuring the American public they were making progress and then Daniel Ellsberg released the secret documents showing that.

It's always secrecy that enables this level of abuse. It's the same thing in all of the animal kingdom. Cockroaches at night scamper around in the kitchen and the minute you turn on the light, they run and hide. That is what transparency and light does to people.

One of the things about it is you can have whistleblowers, and we have had whistleblowers without Wikileaks, but there are a couple of features about Wikileaks that make it so unique and such a threat. One of the unique features is that it provides full anonymity. It doesn't even know the identity of the people who are leaking to it, unlike say, the NYT, which always knows the identity of their sources and thus could be compelled at some point to disclose it to the government. And they have been compelled to do so. Wikileaks does not know the identity of

who it is who's leaking to them, and unless somebody goes around and boasts that they are the leaker it's virtually impossible for the government, no matter how much force they bring to bear, to discover the identity.

More importantly, Wikileaks is a stateless organization. Unlike the NYT or the Washington Post or the Guardian or Der Spiegel, or El Pais or any of the other newspapers around the world, Wikileaks does not physically exist in any state, and therefore can't be subject to the laws of that state.

It can't, therefore, be dragged into court and compelled to disclose information about their sources, even if they had it. But, what's more important still about this statelessness is that unlike American newspapers, which will acknowledge as Bill Keller, the executive editor of the NYT recently did, in an article he wrote about Wikileaks, they will acknowledge that even though they try to be objective, their allegiance is a patriotic and nationalistic one. They are loyal to the U.S. government, and their editorial judgments are shaped by what advances or undermines American interests.

They therefore don't disclose things many times on the ground that disclosure will harm American policy, even though that policy is improper. So, the NYT learned that the Bush administration was spying without warrants and they sat on that story for a year because Bush told them to, until Bush was safely reelected. Or, the Washington Post learned that the CIA was maintaining a network of CIA black sites throughout Eastern Europe, a violation of every precept of international law on American treaties. Although they finally wrote about it, they concealed the specific nations where those black sites were located because the CIA told them that if they disclosed the nations it would prevent them from continuing to operate those prisons. So they withheld the information that enabled that illegal policy to continue.

Wikileaks doesn't do that. They have no allegiance to the U.S. government. Their allegiance is to transparency and disclosure. So, sources know that if they disclose something to the NYT, it's very likely that the NYT will conceal it, or will edit snippets of it and release only those in order to protect the interests and policies of the U.S. government. Wikileaks will not have that allegiance. They have a true journalistic purpose which is to bring transparency to the world.

And then, finally what you see is the reform potential with Wikileaks. The amount of information which has been released over the past year is extraordinary. And although journalists have talked about how there's "nothing new in these documents" was the claim made for a while to

dismiss its importance. On one hand Wikileaks is a great threat to national security and compromising all that was good in the world. On the other hand nothing they were disclosing was remotely new and it was all everything we already knew. That conflict never got reconciled. It didn't need to.

But, the reality is that the documents Wikileaks has disclosed has not only made huge headlines in the U.S., but in almost every country around the world. What's really interesting is that Bill Keller, the aforementioned NYT executive editor, although a hardcore critic of Wikileaks, in that article said, that some of the documents released by Wikileaks, allegedly disclosed to Wikileaks by Bradley Manning, exposed just how corrupt and opulent the royal family in Tunisia was, and that that helped fuel and accelerate the uprising in Tunisia, which was of course the catalyst for the rest of the uprisings in the Middle East.

So, if you look at the chat logs that have been disclosed, where Bradley Manning supposedly confessed that he was the source of these documents, what he says about why he did that was that he believed that only Wikileaks would provide the level of disclosure needed to bring about the kind of transparency that would make people, not just in the U.S., but in the world, realize the level and magnitude of corruption of the people in power. And that this could not help but trigger very serious uprisings and reforms: exactly what is happening is exactly what he said he hoped to achieve through this leak.

I have one more point that I just want to make, that I think underscores this whole controversy. And that is, as I said earlier, that I saw the Wikileaks controversy as a war over the regime of secrecy and whether it would be preserved or subverted and over Internet freedom as well. The people who are most threatened by Wikileaks are well aware of the fact that you can not stop the technology that Wikileaks has developed. Even if you did send a drone to kill Julian Assange and everybody else associated with Wikileaks, the template already exists. It's not all that difficult to replicate Wikileaks' system for anonymity and for disclosure.

In fact, there are other entities already popping up that will simply substitute for Wikileaks and replace what they're doing. The Pentagon knows that. The national security state knows that. They know that they can't create secrecy practices that will protect them against these kinds of disclosures, as well. So, their strategy is to escalate the climate of intimidation and deterrence, so that would-be whistleblowers in the future think twice and a third time and a fourth time when they discover illegal and deceitful actions about exposing it to the world.



So you see, in response to Wikileaks, and a variety of other whistleblowers, the Obama administration waging what is clearly the most unprecedented aggressive war to prosecute whistleblowers, people who exposed waste and corruption and lawbreaking in the Bush era, have been prosecuted with extraordinary aggression by the Obama DoJ, even though Obama, when he ran for president, hailed whistleblowers as patriotic and courageous, and said that whistleblowing needs to be fostered and protected, he's currently heading a war, the likes of which we have never seen, to put people who whistleblow, who expose the wrongdoing of the powerful, into prison, and to expose who they are and detect them.

On top of that, you have a war being waged on Wikileaks. The Justice department is obsessed with the idea of prosecuting Wikileaks, even though they have done nothing that newspapers everyday also don't do, which is expose government secrets that they receive from their source. And they've done things like subpoena the Twitter accounts of anyone associated with Wikileaks including a sitting member of the Icelandic Parliament who was once associated with Wikileaks, causing a little mini diplomatic crises, at least as much of a crisis as can be caused with Iceland.

You see as well what has happened to Bradley Manning ... what they want essentially to do, is to take that climate of fear that I began by talking about, that made so many people who read what I wrote petrified of donating money to Wikileaks, even though they have the absolute legal and constitutional right to do so. They want to take this climate of fear and drastically expand it. This is what the Bush torture and detention regime were about.

Everybody knows that if you torture people you don't get good information. It was never about that. Disappearing people and putting them into orange jumpsuits, and into legal black holes and waterboarding them and freezing them and killing detainees was about signaling to the rest of world that you can not challenge or stand up to American power, because if you do, we will respond without constraints, and there is nothing anybody can or will do about it. It was about creating a climate of repression and fear to deter any would-be dissenters or challengers to American power. And that is what this war on whistleblowing and this war on Wikileaks is about as well.

They don't want, more than anything, for anybody to get the idea that they can start doing what Wikileaks is doing, to start exposing those in power who engage in wrongdoing. That is their biggest fear, because they know that if that mechanism exists, they can no longer continue to do the things that they are doing.

So, this war on Wikileaks, this war on whistleblowers, is about forever ending really the one avenue that we've had over the past decade for learning about what our government and their corporate partners do, which is the process of whistleblowing. If they succeed, that regime of secrecy will become much more intensified. That deterrent will endure for a long time. But if Wikileaks is successfully defended, if these efforts are warded off, then one of the most promising means of bringing accountability and transparency that we've seen in a very long time, will be preserved. And that's why I talk about Wikileaks so much, why I write about it so much and why I think it's so important.