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FULL

From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Wednesday, December 15, 2010 10:49 PM
To: H
Cc: Mills, Cheryl D
Subject: Fw: more wikithink

Worth a read.

From: Baer, Daniel B
To: Sullivan, Jacob J
Cc: Mills, Cheryl D; Klevorick, Caitlin B; Ross, Alec J
Sent: Wed Dec 15 22:28:21 2010
Subject: more wikithink

Jake

I am up in the middle of the night in Brussels and took a quick stab at stringing together some of the pieces of the "moral argument". I am not sure how coherent it all is, (caveat lector) and don't want to confuse efforts to pull together talkers for S, but thought I'd share.

This could be boiled down further into key points (and the below is meant to stand on its own as an argument but not be exclusive of others—re internet freedom and wikileaks, for example)

But I think it gets at some of what I think is missing...esp the bit at the end about the alternative---
D

- 1) Clear thinking demands avoiding simple analogies, or false syllogisms. Some have called WL whistleblowing. Some have lauded it for contributing to transparency. But the comparison and inferences don't hold up. Whistleblowing is when someone reveals an act of official wrongdoing, and because it is official wrongdoing we assume that it's in the public interest to know about this and hold the culprits accountable. Instead what WL is exposing, by and large, is a vast number of official acts of rightdoing—diplomats engaged often with partners from other governments or civil society, in solving the kind of practical problems that arise in a world made up of nearly two hundred nations. Many of the legitimate objectives of these officials—whether securing dangerous materials or negotiating agreements that will advance good governance and human rights—cannot be accomplished in a single conversation or interaction. Instead they are long-term ongoing projects that require trust, tactical sequencing of interactions, and above all, confidence. It's not the ultimate objectives that are confidential—indeed, they are quite public and leaders routinely outline them in speeches, world peace, security, prosperity, etc. Rather it's simply the case that accomplishing good objectives demands the kind of cooperative engagement that confidential relations permit, and so, while we can and should maintain a general commitment to transparency, we also can and should recognize that a responsible government that that is to be held accountable for delivering benefits for its people, will sometimes need to work in confidence in order to do so. Whistleblowing exposes misconduct that runs counter to the interests of citizens. Wikileaks undermines good conduct on behalf of citizens.

- 2) Absent a world government, it is the relations between states and peoples, whether through formal institutions or everyday conversations and connections, that provides global governance. The formal relations between states, made up of so many constellations of individual interactions, weave the fabric of a blanket of peace and stability, one which creates a permissive environment in which states can live up to their responsibility to provide for and protect people's rights. The Universal Declaration of Human Rights and the ICCPR and other documents international and domestic lay out the standards, but it is the quality of governance at both the domestic and international levels that determines whether or not people enjoy those rights in their everyday lives.
- 3) Some of those who are cheering Assange mistakenly believe that his action constitutes a speech act in a debate about good governance—that his action constitutes a kind of critique, a demand for a particular kind of better behavior. But it doesn't constitute a critique or a demand—this is not an exchange with another interlocutor about a particular position or action. The exposure of 250,000 cables isn't a critique of any one of them; it's an attempt to harm the medium itself—confidential communication among governments—rather than a rejection of the messages. This isn't part of a particular debate, it's an action that undermines a key pillar of the system of governance in which all debates can safely take place, in which individuals can, if they're lucky enough to live in the kind of places that Assange has spent his life, make specific criticisms of the government, march, speak out, protest, and do so with the protection of the rule of law.
- 4) In this specific case it is the communications of the United States that have been compromised. We regret the embarrassment this has caused with some of our partners. We deplore the risk it has imposed on innocent people on the frontlines of struggles against corruption or rights abuses around the world. But we are taking steps to manage the consequences, address them, and to make future incidents less likely. But the attack on legitimate confidential relations between governments is not an attack on the particular government in question, it's an attack on the constellation of relationships and interactions referenced above, the informal agreements, debates, discussions, etc through which governments around the world manage—imperfectly to be sure—to work out their differences and find common ground and common cause; to maintain global order and stability on which the security of their citizens and the citizens of other nations depends; to support and sustain the commercial networks that can augment global prosperity; to do, in short, what citizens count on their governments to do.
- 5) If wikileaks seeks to undermine this mode of international politics, it's not clear what it seeks to replace it with. A world in which every step of climate negotiations were exposed in real time would not be more prepared to confront the threat of climate change. A world in which every discussion among finance ministers were immediately publicized would not have fewer financial crises. A world in which every discussion of how to counter plots of terrorists or secure dangerous nuclear materials were on the front pages of the world's newspapers would not be more safe.