

A World of (wiki)Leaks:

*Secrecy and Access
in a Democratic Society*



April 2, 2010, Braker 001

National Security and Civil Liberties Program

Tufts
UNIVERSITY

THE INSTITUTE FOR
GLOBAL
LEADERSHIP

ALLIES
ALLIANCE LINKING LEADERS IN
EDUCATION AND THE SERVICES

ALLIES -- Alliance Linking Leaders in Education and the Services

The Mission and Evolution of ALLIES

In the aftermath of 9/11, the urgent need for innovative, multilateral solutions to a challenging new security environment motivated The Institute for Global Leadership and its students to begin what evolved into a core IGL initiative, the Alliance Linking Leaders in Education and the Services (ALLIES). ALLIES would provide an environment where emerging young leaders of Tufts University, a leading liberal arts university, and the preeminent military academies of the United States could come together to contend with complex global issues, and in the process, dispel their preconceptions and learn from one another. In the five years since its inception, ALLIES students have succeeded in creating such an open dialogue, one necessary to create mutual respect and comradeship.

Forums, Events, and Partnerships

In the course of the academic year ALLIES has been honored to host the cadets and midshipmen from the United States Military, Naval, and Air Force academies at Tufts at a broad range of IGL forums, including "The Politics of Fear"; "South Asia: Culture, Complexity, and Change"; "Iraq: Moving Forward"; and "Our Nuclear Age: Peril and Promise." In turn, the academies have hosted Tufts students at their prestigious international affairs conferences, such as the Student Conference on US Affairs at West Point and the Naval Academy Foreign Affairs Conference. Further, each year ALLIES convenes its own multi-day conference, the Intellectual Roundtable, which is attended by students and faculty members from all ALLIES branches along with military officers, government professionals, academics, and other practitioners. This past year, the Intellectual Roundtable was hosted by the Air Force Academy and included a Simulation Exercise in partnership with the National Defense University's Center for Applied Strategic Learning.

Workshops and Joint Research Projects

With the Academies' input, we have also convened special programs on Afghanistan and Nuclear Proliferation in North Korea, allowing students to participate in policy workshops with experts in the field. Additionally, Tufts students have teamed up with cadets and midshipmen on annual Joint Research Projects (JRP), which have students studying counterterrorism at the Royal Military College in Jordan, working with a Buddhist NGO in Sri Lanka on post-tsunami reconstruction, and preparing humanitarian assistance/disaster response (HA/DR) operations in Guatemala. During the summer of 2009, a joint delegation traveled to Chile to research the transition from military to civilian rule following the Pinochet era, working under the close mentorship of Judge Juan Guzman, the internationally acclaimed lead lawyer in the human rights case against General Pinochet. In 2010, a joint delegation traveled to Uganda to conduct field research on the state of post-conflict reconstruction following the civil war that ended in 2006. The group worked closely with the Stockdale Center at the U.S. Naval Academy, as well as partnered with USAID and international and local NGOs. That same summer, another joint delegation conducted research in Ukraine on the relationship between government corruption and military modernization. All of these joint research projects underline the continued importance of civil-military cooperation in areas of conflict and change around the globe.

The National Security and Civil Liberties Project

While keeping with a global perspective, the National Security and Civil Liberties Project brings a specifically domestic focus to the issues of civil-military relations, as it explores the compatibilities and contradictions inherent in the pursuit of security goals and upholding the Constitution of the United States. The Project's conferences and simulations are designed to hone our students' critical thinking skills, to sharpen their ethical and normative sensibilities, and to educate them in the nuances of Constitutional and international legal issues. During this year's panel discussions, we prompt students to consider difficult questions about accountability, legitimacy and the exercise of power by government, citizens and the media so that, should they find themselves literally or figuratively in the line of fire one day, the decisions they make will be informed by an awareness of these complexities.

2011 National Security and Civil Liberties Conference

We convene this year's conference, **A World of (wiki)Leaks: Secrecy and Access in a Democratic Society**, largely in response to issues raised by WikiLeaks, an organization which publishes leaked information from often anonymous sources.

With the tension that often arises in the pursuit of national security and the protection of civil liberties, the Institute for Global Leadership's National Security and Civil Liberties Program, an integral initiative of the Alliance Linking Leaders in Education and the Services (ALLIES), was created to provide opportunities for future leaders to understand and explore this conflict.

This year's conference focuses on the role of media. Questions the conference will pursue include:

- What information should exist in the public domain and what information, if released, would endanger American lives and American security?
- Does the ultimate authority to regulate this concern fall upon the government or media outlets?
- How should the media balance the priorities of a market-based industry with the responsibilities of being the gatekeepers of public information?
- How does the media influence the public's perception of the efficacy and necessity of national security policies?
- Is protecting national security and civil liberties a zero sum game?

Schedule

Saturday, April 2, 2011 | Braker Hall, Room 001, Tufts University

1300-1315 | Opening Remarks: Chelsea Brown
National Security and Civil Liberties Program Co-chair

1315-1500 | Panel 1— The Fourth Estate:
Media Accountability and Government Transparency

1500-1645 | Panel 2— Freedom of Information and the National Security Apparatus

1645-1700 | Concluding Remarks: Katherine Monson
National Security and Civil Liberties Program Co-chair

Panel 1, 1:15-3:00pm

The Fourth Estate: Media Accountability and Government Transparency

The “Fourth Estate” is a term coined in the 18th century to communicate the importance of an emergent independent press. Today, it encapsulates wide range of media outlets—TV, radio, newspapers, etc.—that operate in democracies all over the world. A free press continues to be considered so integral to a democratic society as to constitute a de facto “fourth branch” of government because it serves as an effective two-way conduit of information and opinion between citizens and their representatives. Yet conflict arises when information is deemed too sensitive to exist in the public sphere.

This panel will explore the status of the “Fourth Estate” in light of the controversy generated by the publication of classified government documents. Panelists will be asked to consider the media’s role in revealing, analyzing and communicating security policies and decisions. How does media’s responsibility to inform measure up to the government’s responsibility to protect? Has Wikileaks gone too far or not far enough in forcing government transparency? Who may be held accountable if leaks of information endanger American lives?

Panelists

David E. Sanger is the Chief Washington Correspondent for *The New York Times*. Sanger has been writing for the *Times* for over 28 years, covering foreign policy, globalization, nuclear proliferation, and the presidency. From 1999 to 2006, he served as White House correspondent for the *Times*, covering the Clinton and Bush presidencies, including 9/11 and its aftermath, and the wars in Afghanistan and Iraq. In the fall of 2010, he played a central role in the publication of the Wikileaks documents in *The Times*. He has been a member of two teams that won the Pulitzer Prize and has been awarded numerous honors for national security and foreign policy coverage. His first book, *The Inheritance: The World Obama Confronts and the Challenges to American Power* (Harmony, 2009), was a bestseller.

Vaughan Smith is a news pioneer who founded the Frontline Club in London in 2003 as an institution to champion independent journalism and promote better understanding of international news and its coverage. During the 1990s, Smith worked as an award-winning independent cameraman and video news journalist covering wars and conflict in Iraq, Afghanistan, Bosnia, Chechnya, Kosovo and elsewhere. During that time, he also ran Frontline Television News, an agency set up to represent the interests of young journalists who wanted to push the envelope of their profession. As a freelance cameraman Smith won, either individually or as part of a team, 28 news awards (many of them for “The Valley”, a film which Vaughan produced about the Kosovo War, which remains the most acclaimed documentary ever shown on the UK’s Channel 4 Television). In 2007, Smith was the joint winner of a Guardian Media Innovation Award for his independent blog from Southern Afghanistan. Smith has recently been making headlines for giving refuge to Julian Assange, the founder of whistle-blowing website Wikileaks, first at the Frontline Club and then at his country house.

John Taylor “Ike” Williams joined Stern Shapiro Weissberg & Garin in 2010 as Of Counsel. His practice emphasizes intellectual property and First Amendment litigation and the creation, production, and licensing of intellectual property, particularly in the areas of publishing, film, television, and new media. He is the co-author, with E. Gabriel Perle and Mark Fischer, of the widely used *Perle & Williams on Publishing Law*. He was a member of the National Endowment for the Arts Literary Panel for many years and served as the Chair of the Boston Lawyers Committee for Civil Rights and Co-Chair of the Fine Arts Work Center in Provincetown, Massachusetts.

Ben Wizner is the Litigation Director of the American Civil Liberties Union National Security Project. He has litigated numerous cases involving post-9/11 civil liberties violations, including lawsuits challenging the CIA’s “extraordinary rendition” program, lawsuits challenging unlawful airport security policies, and, most recently, a suit challenging the government’s authority to use lethal force against U.S. citizens without due process. He has written widely on issues relating to detention, military commissions, state secrets, and accountability for torture. He has also appeared regularly in the media, testified before Congress, and traveled several times to Guantánamo Bay to monitor military commission trials.

Freedom of Information and the National Security Apparatus

The collective body of institutions charged with protecting the United States from danger, damage, or loss is referred to as the national security apparatus. These institutions have long operated with a certain degree of secrecy in order to protect intelligence sources, enhance candid communication, and maintain a strategic advantage. The post 9/11 security environment has pressured this arrangement as the need to enhance sharing of intelligence between organizations has changed standards for access to confidential materials. The vulnerabilities that result from these competing priorities are complicated further by the demands of operating in a liberal democracy, which demands government transparency and accountability.

The panel will explore the relationship between secrecy and security, investigating how access to information is controlled and regulated. Panelists will be asked to consider how a balance can be struck between the seemingly contrary goals of protecting national security and maintaining government accountability and transparency.

Panelists

John E. Holloway provides technical/operational advice to the Director of the Integrated Information and Communication Technology (ICT) Support (IIS) Directorate within the Office of the Assistant Secretary of Defense, Networks and Information Integration (NII). He is responsible for keeping the Director of IIS informed on issues concerning information sharing of the Departments' international contingency and stabilization operations policy as it pertains to the Sea Services. He is also the Directorates' LNO for PACOM and works closely with SOUTHCOM. Holloway is the Directorate's interface with the UN OCHA Civ-Mil and Emergency Response Sectors. He tracks all natural and man-made disasters that the DoD responds to (Haiti, Indonesia, Libya, Japan). Mr. Holloway retired from the U.S. Navy in 1988 as a Cryptologic Technician (Radio) Chief Petty Office after 20 years of service. While on active duty, Mr. Holloway was active in special operations in Okinawa

and Vietnam. While serving three tours at the National Security Agency, Mr. Holloway was a senior analyst within the National SIGINT Operations Center Maritime Watch as well as a Surveillance and Warning Supervisor within the National Security Agency's Special Support Activity, where he received numerous classified Letters of Commendation for Presidential Support and for both overt and covert operations.

Nate Jones is the Freedom of Information Act (FOIA) Coordinator at the National Security Archive, an independent non-governmental research institute and library located at The George Washington University. He oversees the thousands of FOIA and Mandatory Declassification Review (MDR) requests and hundreds of FOIA and MDR appeals that the Archive submits each year. He acts as liaison between Archive analysts and government FOIA officers and serves as the Archive's FOIA counselor to the public. He is also the editor of the Archive's blog and manages its social media. He authored the Archive's 2011 FOIA Audit, *Glass Half Full: Freedom of Information Change, But Many Federal Agencies Lag*.

COL Bentley Nettles is a qualified Information Operations Officer (IO), Functional Area 30. In the Information Operations arena, COL Nettles has served as the IO Team Chief for Field Information Support Teams deployed in support of CJTF 180 as part of Operation Enduring Freedom (2003-2004) and III Corps in support Operation Iraqi Freedom (2005-2005). COL Nettles is a qualified JAG Officer who has served in Bosnia as the Operational Law Officer for SFOR 7 (2000) and the American Representative on the International Claims Tribunal in Sarajevo. As a JAG Officer, COL Nettles has served as the Chief of the Criminal Law Division, 49th Armored Division; Administrative Law Officer for the 49th Theater Information Operations Group; and the Staff Judge Advocate for the 36th Infantry Division.

Benjamin Paganelli (Lt Col [ret] USAF) is a partner and senior consultant with Viable International Applications (VIA) Unlimited, a research and consulting firm focused on success in the international community. In 2004 Paganelli attended the NATO Planning School and began his assignment as the chief air planner to NATO's International Security Assistance Force (ISAF), Afghanistan and in the same role for the development of NATO's first rapid response force (NRF). Paganelli joined the faculty of the United States Air Force Academy in 2007 and was named an Assistant Professor of Political Science in 2009. He is a combat veteran of Operations Northern Watch, Southern Watch, Iraqi Freedom, Enduring Freedom, and ISAF.

Past Events in the National Security and Civil Liberties Program

Mock Senate and Mock Supreme Court Hearings in Washington, DC | March 21, 2007

In February 2007, the international legal scholars of the Law Library of Congress participated in the IGL's EPIIC International Symposium, "Global Crises: Governance and Intervention." The questions posed by the eminent legal scholar Dr. Louis Fisher of the Law Library of Congress, regarding the Constitutional authority of the Presidency, as well as by Professors Stephen Wermiel and Daniel Marcus of the Washington College of Law on Fourth Amendment protections, prompted debates that would be resumed that March in Washington D.C. Students from Tufts and the military academies were convened for three days of lectures and a capstone mock Congressional hearing that challenged them to think about "inherent" presidential powers and understand their impact on the Constitution, separation of powers, and checks and balances. The hearing centered on the controversy surrounding the eavesdropping on communications by the National Security Agency, and called on students to assume the role of policymakers grappling with such a contentious issue.

Mock Senate Hearing in Washington, DC | April 20, 2006

The purpose of this exercise was to give students the opportunity to engage in dialogue regarding the renewal of the Patriot Act. Additionally, students had the opportunity to understand the policy process in Congress and to actively participate in a role-playing simulation of a US Senate hearing.

In light of the renewal of the Patriot Act, EPIIC students from the Institute for Global Leadership at Tufts University sought to further explore the practical and legal basis of the Patriot Act. At this pivotal time in U.S. politics, the nation was engaged in a heated debate over the fundamental responsibilities of the government, both in protecting civil liberties and in preserving national security. This hearing examined the framework of the American Constitution – Article 2 – regarding the structure of the government. Had the role of the executive branch changed in recent years? Did the legislative branch have an adequate ability to check executive power? How did partisan politics and constituent concerns measure in the government's policy-making process? The mock senate hearing was a significant opportunity to understand the fundamental issues of civil rights, national security concerns, and the ability to apply them before midterm elections.

Guantanamo: How Should We Respond? | October 5, 2006

"Guantanamo: How Should We Respond?" was a national teach-in hosted by the Institute for Global Leadership at Tufts University in collaboration with the Seton Hall Law School. It was an unprecedented collaborative effort between the academic, medical and military communities. The Guantanamo teach-in explored the national and international implications of indefinitely detaining hundreds of individuals deemed enemy combatants.

Participants featured Dr. Jean Mayer Global Citizenship Award Recipient Alberto Mora, the former General Counsel for the U.S. Navy, the most senior civilian lawyer for the Navy and a rank equal to that of a four-star general; and Dr. Jean Mayer Global Citizenship Award Recipient Michael Posner, the President of Human Rights First. Mr. Mora was recognized with the 2006 JFK Profile in Courage Award for the moral and political courage he demonstrated in his effort to end U.S. military policy regarding the treatment of detainees held by the United States as part of the War on Terror.

For more information: www.tuftsgloballeadership.org