

Transcript

The Data Revolution – How Wikileaks is changing journalism

The Frontline Club

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Chair: Welcome everyone. Yes, I do think we should start on time. I do think we should end on time and I do think that as an audience, you're here for the content and I intend to moderate your thoughts, with our guests. So my role, I'm sorry, if you want to hear me, you're not going to, other than to move things along and to make it an interesting discussion. I'd like to ask our panel to introduce themselves. And would you kind of give them the same courtesy when it comes your turn, which it soon will, please say a little bit about yourself. Why don't I start with a woman who helped trigger one of the biggest cases of its kind in this country. She's the only woman actually sitting on the panel at the moment. Heather Brooke. Would you kindly, hello, would you kindly introduce yourself, and we'll move on.

Heather Brooke: Okay. I think this is a bit of a slacker job you're doing as chair that we have to introduce ourselves, but, so I'm an investigative journalist and also a campaigner for freedom of information. And I guess I came to my claim to fame is that I did the Freedom of Information requests and the court case that led to the MPs expenses scandal. And I've written a book which you should all come and buy at some point, The Silent State, which is moving on from MPs expenses. And it talks about secrecy, surveillance and the myth of British democracy.

Chair: And where can you get it? And how much is it? And can you tell me, um, why did your court case open the way to the release of MPs expenses? Not at great length, cause obviously we can read about it in your book, but could you tell us how did that trigger the release of information?

Heather Brooke: Well, it was, the reason I did that case, it was a replicant of a case I had done in America where I asked for my politicians expense claims and I was able to go into the state legislature and see all the raw documentation. This is before the age of electronic databases. That was just a series of big, giant box files, full of receipts of airline tickets and taxis and hotels. So when I came to Britain, I asked for exactly the same thing and they wouldn't give it to me. And then I ended up with the, with the court case. So I won after I won that case, all the documentation was scanned into, a computer file. However, parliament then refused to publish it. And it was only by that information being leaked, somebody downloaded all onto a disk and then it was sold to the Telegraph that it actually all came out into the public domain in its raw form.

Chair: Welcome. Mark Stephens. There's obviously big legal issues in this. Would you explain what your background is?

Mark Stephens: Yeah, I'm a media lawyer usually known for defending free speech and, journalists usually, or their media organisations, also known for making Freedom of Information Act requests on behalf of journalists and enforcing their rights.

Chair: And what, what era are we living in?

Mark Stephens: I think we're living in an era where we're trying desperately to use antiquated Victorian laws to keep up with an information age and the law is creaking somewhat badly.

Chair: Mark Stephens, welcome. Simon Rogers squeaking onto the stage.

Simon Rogers: Sorry.

Chair: You must be a journalist because you've come in at the deadline, welcome. You've got the job of saying what you do for a living.

Simon Rogers: Okay, I edit something called The Data Blog and [inaudible 3:18] of The Guardian. And, I guess work in this strange area of data journalism, quite a new thing, which Heather's obviously quite involved in, and it's basically using data to generate stories and getting information out of these kind of huge amounts of data that are out there on the web. And obviously this is a, it's one of the hugest we've had to deal with, this.

Chair: And this is the leak of 70,000 classified US military documents onto the WikiLeaks sites. On the screen, welcome Julian Assange. How would you introduce yourself?

Julian: Oh, I asked this question a few times. It's quite interesting. It's some debate about what we are and what I am, it's kind of interesting to attempt to ship as to whether we are engaged in journalism or whether we engage in activism or something else. And, can people hear me okay, I see some frowns.

Chair: It's probably at what you're saying.

Julian: That's all right. So I would define myself as a publisher predominantly that's what I do with most of my time, is organise other people are into analysis and writing and publishing, at making material available in such a form where it will have public impact. But I mean, I wrote, coauthored my first book when I was 25, and I was prosecuted for a magazine I did as a teenager. So I've also written a lot of words of the material. And of course that the last four years or so, I've been the editor-in-chief of Wikileaks and that'll also, I suppose, the principal publisher, although there's many other people involved. And during the, during that time, we've had a lot of success, although it is clearly still a concept that is evolving in different forms. But we can see that some aspects of it really have had tremendous success, compared to the amount of labour or money that has been put into them.

We sort of started out under the view, looking at the history of journalism and the history of human rights activism, that concealed information has an effect when it is revealed. And it is often concealed because the organisations that know it best, the organisations that are sitting

on it, understand that when it is revealed that there is kind of reform effect. And so the work, economic work put into concealing that information is a signal, an economic signal that human rights activists and journalists should preferentially go after it.

Chair: Okay.

Julian: Organisations consider that when it gets out there, it's going to do some good. And, and that's our experience.

Chair: And can I put you in the room on notice, it's your turn next and also panel, for questions and statements. And just one question from me before we throw it open, Julian Assange, you're, you're holding back some 15,000 documents because of, of your own security considerations. And you've been criticised for putting lives at risk with the, with the current release. Have you set a date for the release of those thousands of documents that you've been keeping back?

Julian: Well, we're about halfway through them. I mean, this is a very expensive process. You know, a lot of the recent criticism about Afghanistan was totally expected. Every time we take on one of these big organisations, they try and find various ways to criticise. And there may actually be some legitimate criticisms in this case, but, we did try hard to keep back some material where it was most probable that people would be had, and we are going through that. And it's an expensive time consuming process. And we're about 7,000 reports in. So far there has been no assistance despite repeated requests from the White House or the Pentagon, or in fact, any of the free press organisations that we partnered with for this material, decided to not take responsibility for actually getting the raw data out to the public, that is in fact, appears to be our role, is to get the raw data out to the public, as opposed to just the cherries the organisations decide is selectively, I give out in relation to their stories.

Chair: So you are going to keep with the release, just be brief, if you could just to get the discussion going, you are going to keep releasing documents from the Afghan War.

Julian: Absolutely.

Chair: Right. Okay. So over to you in the audience, uh, the broad topic is what does this do to journalism? Um, and if you don't have a hand up yet, which is understandable, we'll turn to the panel, um, firstly to you Mark Stephens, what does the significance of what Julian Assange has just told us?

Mark Stephens: Well, I don't think it's very interesting. I mean, we've got, is, uh, uh, I think a new challenge to the traditional form of journalism. And, one of the questions I wanted to raise with Julian is, are you accepting just any old data, to be dumped, uh, using wiki and encryption, onto WikiLeaks? Or are you actually operating as a journalist would in the sense that you're soliciting information or gathering information and making an active decision about what you put out, on the web?

Julian: Yeah. So the answer is neither, both in terms of our technology, in terms of our philosophy, we try and do something that is different. Now, we consider ourselves in the same way that lawyers consider themselves when they represent clients to the court, we represent whistleblowers to the jury of public opinion. And so it is, it is quite important that we maintain the integrity and impartiality of our process. So we have an editorial criteria. Others would say a criteria which is needed to be met for people to represent themselves to the court.

Our criteria is that information has to be a diplomatic, political, ethical, or historical significance, not previously published and be under some suppressive threat. So that is not founded necessarily under our belief that the public doesn't have by default a right to know everything rather than simply that we are resource constrained. And so we take on that material, which is of most likely to benefit our broader goals of reform in the world and producing a just civilisation. So it is that subsection of material, which is kind of stuff.

Mark Stephens: One of the things that you're focused on here is that you're actually making a decision. I mean, your criteria may be different to the traditional media who you've criticised, uh, and I pass no judgment on that criticism at all. What I do think is, is worth highlighting though, is that you are making an editorial decision before you put this information up. And if that's right, it seems to me it's much, much easier, Paddy, to, to make a decision to defend it. Cause it's not just anything that's being put up, it's, there's information, which you can decide whether or not to defend because you, what you're doing is, it's defending an editorial judgment and that's essentially what we're doing with traditional media.

Chair: So you think there is a new, there is a journalism app, there's a gatekeeper app going on by Wiki here, which is similar to what newspapers do although not the same.

Mark Stephens: Yeah. I mean, I'm sure he wouldn't like the association I may speak for himself, but...

Chair: He will.

Mark Stephens: Yeah, I'm sure he will. But I think that, I think that there is that gatekeeper element to it.

Chair: So sit on your hands if you would, Julian Assange, to the audience now.

James Ball: So yes, my name is James Ball. My question sort of relates to getting the raw data out there. WikiLeaks is stateless and has protections in forms of encryption and anonymity. How far can news organisations, which have sort of legal constraints, geographic constraints, and an arm is agile as WikiLeaks go in publishing raw data, and in what ways could they help with that?

Chair: Thank you for that. What do you do for a living?

James Ball: I'm a journalist.

Chair: Okay. Let's go around the whole panel ending up with you, Julian Assange. Simon Rogers, editor of The Guardian's data blog. Wiki's stateless, possibly trying to play with the rules, The Guardian and the other big broadcasters are not. Can you contrast them for our friend here?

Simon Rogers: I guess we're one of the organisations that cherry-picked some of the data having partnered up with, with WikiLeaks and I guess, but I think in a way that's kind of our role is to help select things which we think are interesting. What we chose as interesting is different to what the New York Times and Der Spiegel chose as interesting. We published a lot more of data than they did, we published all the ID instance and we also had about 300 odd events that were referred to in copy, which we then went to link to the report so people could read the copy and then see the, the data behind them. And this is really difficult, I know because we thought, I know that the people involved in the initial discussion with Julian certainly thought very hard about whether we should just publish the whole lot.

And I'm kind of in the middle because the Data Blogs as a whole publishes tons and tons of raw data. I think that's our, you know, often that's our job. We make, we select data for people, say this is interesting. What do you think? But obviously, we made a kind of a decision that, and then within that we chose come certain things to publish in this instance, because it's so huge, for a lot of people I think it's almost impenetrable to get round it. And so the tools that were on the WikiLeaks site were fantastic, ways of navigating around it. We tried to make it easier to navigate around as well. And on the legal side, I suppose, this is more for Mark, but I think certainly we are in a different position because we're based in London and you can find us.

Mark Stephens: I think that, yeah, that is, that is right, you are based in London, but the question is, will you always be? You know, if the legislation is passed in Iceland, I can see people moving. One of the things that I'm asked to do every day of the week, as a lawyer, and there are other lawyers in the room who are asked to do the same thing, which is basically to arbitrage between jurisdictions to find the most, beneficent, jurisdiction within which to reveal whether it's in relation to protection of sources or whether it's in relation to, not enforcing a judgment. I mean, I represented Rachel Ehrenfeld. I told her not to come and play the English courts because they were never going to allow her a fair crack. And now what we have got is the speech act signed into law yesterday by Obama, which won't enforce English, English, libel judgments. So, very good idea.

Chair: So you're saying that a traditional gatekeepers may move to be more stateless?

Mark Stephens: They may have to, and they may actually segregate themselves so that, you know, you may find The Guardian, still on York Way, but you'll find that the internet part or the data dump, you'll have to go work in Iceland.

Chair: Right. Tyrannosaurus. Tyrannosaurus. [??] So to you, Heather, you've, you've explained

how you triggered a release here. Would you respond to the, the question here? Would you compare the legislatures in the geographies of the world with the Wiki and that stateless world?

Heather: Well, I just came back from Iceland. I've been working on a BBC documentary about the Icelandic Modern Media Initiative. And I think there is a kind of economic, competitive edge that might be happening because of that law where more restrictive governments will see that there's greater freedom of expression and protection of sources being granted in one country. And just as we have this idea of libel tourism, where the UK's libel law can be picked up by lots of different people around the world because they find it very claimant friendly. They then choose to have their case heard in Britain. I think equally you could then see something like what Wikileaks has done where they've taken different laws from across the world and used that to their own advantage.

Mark Stephens: It's defense tourism.

Chair: Julian Assange, would you let the, you know, there's a lot for you to react, please don't react to it all, would you cherry pick yourself, from the arguments we've heard?

Julian: Wikileaks is not a stateless organisation. I mean, all of our parts are in some state, all of our people are in some state, we've won every court case in every state that we've been in. It is true that we do play some kind of arbitrage between these states and that prevents the interim abuse of process. So we can keep publishing during process of use proceedings. And when we get to the end of the proceedings, we win. So we're in quite good like that. Now, mainstream media organisations also play arbitrage in states, but they do it in terms of tax structure. And they put a lot of resources. Even The Guardian's tax structure is very complex.

I think that these organisations actually, historically don't give a damn about getting the truth out to the people, that's why they haven't bothered to structure the information flows in such way to take advantage of the various jurisdictions. But there've been the first off the block to do it for tax structure.

Now, the reason being is they have been relative monopolies in their own country. So, all they've being sort of incentivised to do is to simply have the loudest mouth within their country. And it is their external publishing, which is now providing an incentive to competitive incentive for these organisations to try and gain extra freedom of speech. We are, we are enabling other publications to do that.

Chair: Yeah.

Julian: I'll give you an important example.

Chair: Can it be a brief one at this point, cause we've got, do you mind that?

Julian: Yeah. The important example in the UK is Taskforce 444 was under a D-notice and

Taskforce 42. Now those are the kill or capture taskforce run by the UK in Afghanistan, Steven, the, the, I don't remember his last name now, but he authored Ghost Plane. In his Afghanistan book, he had the Taskforce 444 removed by his publisher as a result of that D-notice, and our publication of that data in public, permitted the Sunday Times to then publish the Taskforce 444 data. So we are shifting the envelope of what is possible, in various countries by bidding some kind of external publishing discipline.

Chair: Right. Okay. Okay. And bringing with it, the, the complaint in the Afghan case that there's lives at risk, which we may come to in the evening. Are you happy with the replies you've heard from, to you then next in the front row.

Karl Jaeger: Yes, I am Carl Jager, I'm the cofounder of a new planet, Our Future Planet.

Chair: Is that a, is that a, is that an actual orbiting planet, or is it a publication?

Karl Jaeger: It's an internet planet, to be honest with you, it has 20,000 citizens. It's a charity. Anyone can become a citizen, it's free of charge. So far, none of our citizens, we start from scratch. We've drawn a line in time. We've said to hell with the rest of our planet, let's go on the other side and have a new planet. And so that's what we've done. And we've got citizens all over the world who make suggestions as to how they would design a planet future if they start from scratch. So we have no nations because no one of our citizens has suggested we have any nations. So we just have a planet and we have no religions yet. And if you want to have a place where you can make a statement to the whole planet without any trouble, you could just go to Our Future Planet.

Chair: And we're not being rude by saying you're living on your own planet, are you, are you excited by things that are going on, Heather launched an action that changed our public life, Julian Assange has done something which we're arguing tonight might change journalism. Without going into it, are you saying this is new for you, Who's launched a whole new web community, if this is on that level?

Karl Jaeger: Oh, it's exciting. Yeah. We would welcome him to be part of Our Future Planet.

Chair: Okay. Right. We'll sit on that for the moment. You're welcome to, you're welcome to make comments. Would you pass the microphone to the blue man behind you with the glasses.

Ravi: Hello. My question is a bit more straight forward.

Chair: Would you give us your name?

Ravi: I'm Ravi, I'm a journalist. I like long walks on the beach, trips to the theatre, et cetera. I was just wondering, Julian, where you are, and what kind of pressure you're coming under from various governments to turn yourself in.

Julian: You would like a response to that, all of a sudden, everyone's eyes light up.

Ravi: I try.

Julian: Well as to where I am, no comment, but, there's, there is some pressure yes. I mean, there's something very serious that should be discussed here, which is the Pentagon in a 25 minute press conference last Thursday made the following demands.

Demand one, that we delete everything that we have published in relation to classified material from the United States.

Demand two, that we delete everything that we are going to publish, extraordinary demand for prior restraint from a United States government body.

Demand three, that we not deal with US military whistleblowers any more at all. These are demands from the largest military organisation in the world towards a press organisation. So they are serious. Over the past two weeks between, Gates, the Defense Secretary, Mullen the chief of the military, the Pentagon spokesperson, and Gibbs the spokesperson for the White House.

There has been nearly two hours worth of air time, given to making various claims and demands on this organisation. They're currently, apparently, as far as the Pentagon States, 120 people involved in the taskforce in relation to us just within the Pentagon, Those are serious demands. And so the question is, what is the response by the world press? Is it going to be a serious response or is it going to be putting their heads in the sand?

Chair: And to be fair, that wasn't the question posed the question was what pressure is coming on you and depending on said, it will make you do the right thing if you don't. So what are you going to do about that? Cause that claim that their concern is that Afghans are at risk because of what you've done.

Julian: Well, I mean, how do you know that's their concern?

Chair: Just repeating it to you because the question from the audience was, what pressure are you coming under? The answer is you can't go to the US for instance, isn't it?

Julian: Well, those, I just gave you, there's a example of a demand from the Pentagon. Uh, we have had a volunteer detained going through customs in the United States for four hours and asked questions, not being permitted to receive a lawyer, had their three encrypted telephones seized from them, the laptop seized on return, of course, everything was already pre-sanitised, so there was no possibility of any sort of disclosures involved.

There has been a produce [? 22:29] to Australian intelligence. There has been extensive surveillance of our people in various countries. There's diplomatic pressure that is occurring.

However, that's said, I don't think that there is, that that is going to work. It seems that the various state, Pentagon are pressuring, are not actually, that is the right way to go. And our political support is strong enough, though there are attempts to undermine that, to resist, that sort of pressure. And this, this organisation certainly will not be bowing, to threats by the Pentagon or anyone else.

Chair: Thank you. And camera, you may not have picked it up at the front, but a lady in the front said when I asked that subsequent question, that wasn't his answer. That was my answer. She's calling me to account for, you know, leading an interview. Was that an answer to your question in the middle there, without going on with another one? Was that an answer?

Ravi: Sure, I just wanted to know if you're getting knocks on the door from the CIA, really.

Chair: Okay. We'll come back to that. Can I just ask you to respond, starting with you, Simon, that I think Julian Assange said that what will be the reaction of the traditional press that if he is coming under pressure, do you say that's up to you mate, or do you feel a sense of responsibility to him given nature of the, of the claims that are being made at the moment?

Simon Rogers: That's what I mean. I think, you know, it's an amazing, it's an amazing thing, WikiLeaks, and, you know, we're a huge supporter of it. So, absolutely. I think, I, I think, you know, it's our role as a campaign for freedom of information, which is behind a lot of what we were about in terms of publishing raw data, you know, we should absolutely be campaigning for them.

Mark Stephens: Yeah. I mean, I think if, if, if the freedom of information, and openness was really, and truly we, we not only walk the walk, we talk the talk and we actually got the documents and the data dumps, actually, there wouldn't be a need for Wikileaks. The problem is that even though we have the laws that our government's not, not complying with it, they will shilly shally and they will delay and they will do everything they possibly can to stop us getting what is actually legitimate, legitimate information merely because it is embarrassing.

Chair: And is he being left on his own, do you think?

Mark Stephens: Yeah, I think he's being hung out to dry a little. I think it's very unfortunate. I think that there's a moral responsibility to anybody who has been using legs, whether to receive the information or to, to pass information over the transom, to, to help him defend, what's going on here.

Simon Rogers: We're obviously in a really lucky position because we get the, the wonderful thing of having information, but not being in the kind of dangerous position that Julian's in. So we're aware of that.

Chair: Heather?

Heather Brooke: I think there is a level of where, particularly some British journalists don't like this idea of data, raw data being made available, because there, there is, I mean, I've seen instances where, where a lot of journalists do just make stuff up, where they use anonymous sourcing and they can only get away with that in a very secretive system. So in fact, it's quite, I always thought it was odd about British politicians, the fact that they did keep, the way they didn't go along with what I was trying to do, which was the legitimate access of information through freedom of information, because by not answering my requests, which were made legitimately, they then created this whole black market for what should be a civic information available to the whole public. And so I think they've actually incentivised leaking by their overclassification and their secrecy.

Mark Stephens: But it's not just Wiki, is it its sources. I mean, very often we have sources coming to journalists because the source is so pissed off that the information isn't being handed out. I had information coming out of number 10 when they were not answering FOI requests, that the people in number 10 thought that they should be.

Chair: So just to, just to come to you in the audience, are you saying we used to speak a new kind of a fourth estate, which was the media loosely speaking is doing our Fifth Estate, a Fourth Estate-lite in being invented?

Heather Brooke: That the media has generally abdicated its responsibility as the fourth estate. And it's completely, in a number of ways, let down the public, it doesn't act for the interest of the general public as a whole. It's become corrupted by special interests and people in power. So it's, it's less trusted, I think, than it was as being the, you know, the hired gun of the public.

Mark Stephens: I'm not sure though, cause there's you just don't have the finance to do it. If you're, if you're, if you're in, if you're traditional media, you don't have the finances to actually take the fine.

Simon Rogers: Another side of that is actually a lot of journalists don't like data because they don't really understand maths, or kind of, what to do with it. And this is a new thing that a lot of journalists now they've got to learn how to use a spreadsheet. So yeah, with this particular thing, I had somebody come down from investigative team said, you know about spreadsheets, don't you, we've got quite a big one here and suddenly it's this thing with 92,000 rows. If they don't really know how to get the stuff out of it.

Heather Brooke: This is one thing I wanted to mention is that, I teach this course at City University Journalism Department. And it's all about how to teach journalists who are traditionally very math averse, how to use electronic data and how to analyse it because traditionally journalists just think stories come from humans or from paper documents. Nowadays they're equally and actually more likely to be found in electronic data. So they need to know how to, well, how to find it, access it and analyse it.

Chair: Julian Assange, we're going into a question in our audience now, and we'll be coming back to you, we've seen you nodding. We haven't forgotten about you.

Jane Brown: Hi, my name is Jane Brown from the One Click pressure group, we're internet based. Julian, I'd like to know your reaction on how Amnesty International et al. have handled the, the leaks for WikiLeaks, which many people think we should all have stuck together and helped each other out. And now we hear perhaps uncorroborated statements from Amnesty in the Washington Post, et cetera, really, doing the cause down, I feel, What, what comment might you have to make on this please?

Julian: Well, it's very interesting. There is, as we predicted, a back reaction and this particular example of Amnesty is just extraordinary. There is no statements by Amnesty International. And yet what do we see in the headlines? Amnesty International and other groups, et cetera, et cetera. What there was, was a low ranking person, a US citizen working in the UK Amnesty International Asian Interests section who together with a few of their contacts in some other groups sent an email to this organisation well after these allegations came out about not enough redactions occurring, well after the Pentagon decided that that was their talking point, sent an email to us to talk about that and said that they were analysing this data. In response, we said, that's fantastic that you are analysing the data and any examples of, where there's innocents named, please send them to us and help us work through this remaining 15,000 that we have, it's quite important.

They refused over three emails to name any other human rights concerns that they had with the material, or any other thing they were looking at. And during the course of this private email correspondence, which was never terminated on any will, it was rather was an ongoing process to find out how many bodies we could get from these organisations to go through the last 15,000, someone overtly leaked the correspondence to the Wall Street Journal. There was no official statements. The Wall Street Journal, then put that out. Why not just make a public statement? Something very odd and disturbing was going on that we had a series of correspondence.

Chair: To you in the front row, the panel, and two in the audience. You go first.

Lucy Bailey: Lucy Bailey, I worked for the News Hour program at BBC World Service radio. And I am very interested in what has happened around the Afghan War diaries, because having been a long-term admirer supporter of Wikileaks, this is what has actually made everything explode. This is what has made the American government pay you the compliment actually of spending so much time having a go at you. But it's ostensibly what they have fixed upon is the idea that the release of the 92,000 documents did actually put civilians at risk. And I wanted to know what has happened since those accusations, in terms of you going through the data that's already online, are there organisations helping you to do that? Whether anybody has actually found a lot of evidence that civilian informers have been identified. And if so, whether that's, this is a lesson that you can learn from, you know, maybe not putting quite so much data on, or maybe not taking the American government's classification of sources at face value, all this kind

of stuff. It seems to me, this is, has to be a learning process. And I would very much hope that Wikileaks was not going to be undermined in any way by this episode. And I'm curious to know what you and others have done about this.

Julian: Well, I mean, you have to be careful, first of all, why this is of course a serious issue, and I will speak about it. We must understand that we are following the Pentagon's talking points here, but during, and during the past few weeks, there's been allegations, seemingly credible ones by the Afghan government and others, that nearly a hundred civilians have been killed in Afghanistan. The Pentagon, yesterday, stated that as far as it is aware, no one has come to harm as a result of this release yet. And it's been what, nearly two weeks now, and that doesn't mean that nothing has occurred, that doesn't mean nothing will occur, but we can get an idea of what numbers we have perhaps likely to see in the future, that these are not high, and yet during that course of time, we need some continuous killing of civilians.

And the material itself documents the killing of approximately 20,000 people. We have to get things in perspective. Now that said, of course there's a lot for us to learn in this situation. One of the things we have learned is that human rights organisations, so called, or at least the people within those emails that we were receiving, and they might have questioned my motivations, are not inclined to contribute people, to help us with this very difficult task. That the Pentagon refuses to help us with this very difficult task, and that the mainstream media, with the exception of one individual from the Sunday Times, sorry, one individual from the Times, refuses to help us with this difficult task of going through the material. And we, a lot of people are innumerate. We are talking here about 92,000 documents, an extraordinary compendium of war, it is the product of war, and is the product of the very real killing of 20,000 people.

Out of that, we have the task of bringing this material into the historical record and trying to get some justice for the victims and potential future victims of this war on both sides. We're faced with no easy choices. We are faced with certain economic constraints. We are faced with the reality that publication often brings justice and justice delayed is justice denied. We can't sit on material like this for three years, with one person to go through the whole lot line by line to redact, we have to take the best road that we can. And in this case, that was listening to what the other press organisations were saying about material they'll find, and the particular categories that they are finding it in, looking ourselves and adding those categories to withhold and looking at how the US military is meant to treat sources and confidentiality.

Now it's regrettable that some number, the number has used have been inflated by several organisations, that some number of innocent people are named in that and may some, may face some threat as a result, but that is the constraints which we are under. I mean, for other material we are dealing with, we are now faced with this terrible conundrum. Do we go through it line by line? It will cost us approximately \$750,000 to do that. And there will be a delay in doing that, where will the money come from? Because all those people who are so ready to cast blame and, and pretend that they are concerned about the lives of Afghan civilians are not willing to step up to the plate to actually put the bat in for history. What do we do about that? It's not clear. It's a difficult thing. There are no easy choices for that...

Chair: Bear with me, I propose to ask for some comments from, from us all here in the room about what we've heard, but the three topics that are here tonight are, how are organisations changing the way public data is released? Are everyone's saying that changing it a lot. The second topic is, what do the release mean for the mainstream media and government media relations. I intend to move on to that now, but to ask, to solicit your comments on this release as we go on through the night. But let me ask you, first of all, everyone in the room has come for this second question as well. So I'm at what do these, this release, the war logs, what does it mean for relations between the mainstream media and government media relations?

Simon Rogers: Well, I suppose there's always been that feeling, isn't it, but, um, you know, why there's lying bosses lying to us and now suddenly we've got huge amounts of information that tells us exactly why and exactly what's been going on. And the incredible thing about the war logs is the, just the minute pitch of every day life in that war zone from the, you know, these terrible spending killings through to the, the, you know, these troops come pitching up a village of the humanitarian aid to find nobody wants to speak to them, nobody wants to go near them. And all that incredible detail is just must make this most documented war in history, I don't, probably somebody's gonna disagree with that, but I'm gonna say it anyway. I can't also, but also weirdly comes at a time when governments around the world, are all committing to opening up public data and public information, you know, this government, whatever you might think of is suddenly released tons and tons of information, huge treasury database onto the, onto us now. And it kind of in a way that throws the bat back to us, that having asked for all this information, we had to, you know, work out what to do with it, work out with the best stories and help people kind of navigate their way through it. So that's my take on it.

Heather Brookes: Well, I think a similar thing is that, well, first of all, it's, it's, it's finally showed a lot of journalists that they can no longer afford to be innumerate. Um, that it's a, you know, you can, you can do it, but you may not be employed for very much longer in the future because this is an age of electronic data. So if you don't know how to analyse it and deal with it, then you are really only half a reporter. So if you're looking for stories, you have to know how to deal with electronic data. Also I think it's about the way we as society look at the powerful, and I think we've often created these fairytales about people in power that they're somehow not human, they're, they're larger than life. They're, they're uberhuman almost. And what this, I think what this release does, it really shows you that we, we entrust these people, but they are actually fallible human beings. And I think we have to renegotiate how we, how we think about people in power and also take more responsibility that we can't just pass off all these decisions onto political leaders that we do actually have to get a bit more involved. It needs to be a bit more interactive.

Chair: Mark, hold your fire for now, cause there's a whole legal section coming up. To you and the audience, please.

James Starkro: I, wasn't gonna be a question, but should I pose it as a comment?

Chair: Give it a go.

James Starkro: James Starkro [?], I'm doubly a dinosaur, I write books, and I've been involved with Index and Censorship 72. And I saw you get a prize two, three, three years ago. So congratulations on your celebrity. The question of trust suddenly is somehow arisen in this. And, much of this information, as you were saying, was available in 2001. In fact, perhaps most of it, all of it, has trust in the written word been increased or decreased by what Wiki's doing, which is a matter of influence. And the second question, Del Ponta was, famously influenced by Madeline Albright to criminalise [inaudible 38:32]. She removing the universal from the Universal Declaration. Has this been a problem from you and, and, um, addressing the nature of your influence as an editorialist? I mean, you probably be, you don't agree with the PRC's concept of moral center.

Chair: Okay. Can you hold fire before you answer that Julian Assange, cause there was a big Q and A at this club with you, but do put that on your list to answer it. Can I deal with the first part of what you said, will people trust the written word as much? Can I just do a poll of, and the audience you've kindly come here that posed by the gentlemen in the audience, will you as readers and internet eyeballs and viewers and listeners, will you, as a result of this, the bleak, will you trust the written word as much?

Someone: Whose written word?

Chair: Whose written word? Well, I suppose the written word, what you, you asked that cause your fault, this question is you lived in the battle at the moment.

James Starkro: I'm assuming that there will be all sorts of different kinds of written words. And of course editorialists, Julian is not really an editorialists. He's using a editorial sanction a different way, but I mean, if we have the whole array of written words, which will be more trusted, I mean, is this discredit to the newspaper? The printed press.

Chair: Okay. The question is, would you, does it discredit the printer press in a way, would you say, would you put up your hand if you think it does, because they... Right, a minority of people agree with that statement?

Mark Stephens: I think, I think that's, over-simplistic by me. I think actually what you've got is a vast array of documents, which give verisimilitude or not to the interpretation given to the material by the journalist, it allows citizens to actually go in and see for themselves.

Chair: Okay. Lady in the middle here,

Jennifer Ralph: Thanks very much, Jennifer Ralph from Care International based in Afghanistan, a comment on your comments made, a few minutes ago regarding the release of the civilian names. It strikes me listening to you that this is a bit of an informant paradox. The source for the media is sacrosanct. You would do nothing to, you know, to, in any way disclose

the source of the person or people or organisations who are responsible for these leaks. And yet the informant once removed does not seem to be sacrosanct while it would take a few years to go through those documents of think of all the money that was, you know, that would cost, et cetera, et cetera. What is the difference between the informant and the informant once removed?

Chair: Okay. Hold that. I'm just taking comments from the audience and we'll remember it. Would anyone like to add to those comments, uh, on the substance of this release? Okay. To the panel, Julian Assange, Would you take that first?

Julian: The last question?

Chair: Yes, please.

Julian: Yes. We have thought about this. Because we have an institutional... a cultural respect for sources, does that come across to sources of spy organisations or sources of military? And to some degree we have to fight against our own instincts to protect those types of sources. Now, we make a promise to sources who come through us, and I believe in the end that is our role, and that, while we understand that the benefit of information going out, that we are in fact not obligated to protect other people's sources, military sources or spy organisation sources, except from unjust retribution. There are numerous cases where people sell information, I'm not speaking particularly about the Afghan material, where people sell information or frame others, or engage in genuinely dangerous behaviour, and actually, that is something for the public to know about, it is the public's right to know about that behaviour, and, unless one of our sources has explicitly instructed [audio cuts out 42:24].

Chair: OK, thank you, and Heather, here, sorry, the line's come down but we'll come back to you, don't worry, Heather Brooke, there was a big interest in who'd leaked the MPs expenses, was it this wobbly old usher here, was it this old man in stockings over there, and I don't remember if we found out who it was, would you give us the benefit of your experience to answer this question here, which was posed, hello, friend from Afghan Care? Hello, you're back in the room, it's a relevant question for Heather, is it not, what protection for sources in this data release, would you stand by while she answers it as well?

Heather Brooke: Should I answer it now? OK. Well, with the leak that I was talking about with MPs, I think the source is sacrosanct, and the problem was never, I mean, that was the initial frustration with that investigation was that the Speaker of the House, instead of investigating the actual fraud that was going on, he put all of his energy into finding out who did the leak, and there are some similarities with this case. The thing is though, I mean, I have some reservations about Wikileaks, but the main thing is that I kind of feel that it's good in a way because at least in this country the British government with me didn't know how good they have it because I did everything by the book and if they thought that, if they thought using the

Freedom of Information Act was problematic, look at what they have to deal with now, and I wonder if that's going to be an impetus on them, to release more information in a legitimate way, because the alternative is that, as I said, there does become this black market, there's an incentive to start leaking information.

Chair: Would you like to react to that? You can say no.

Jennifer Ralph: No, I take that fully at face value, but I'm based in a culture that is bourn of conflict, and if someone leaks something in Afghanistan and then their name becomes released, I think the consequences are significantly different there, or could be significantly different there than what they would be here. And I fear that in a case like this, when we say, nothing's happened in the last couple of weeks, it's a conjecture, you know, how, how can we make a decision based on the conjecture of what we think may or may not happen? So I take it at face value, your point. I think Afghanistan is a whole different ball game, however.

Chair: I wonder if you want to react before I move on to the next topic.

Simon Rogers: Yeah, no, I think, this is something we discuss a lot. I mean, we published 8,000 of the logs, and we did go through them all and we were paranoid about names, and we did do some redactions on the ones we published. Probably, in retrospect, maybe they didn't need it, but where there was a kind of question of doubt we did do that, and it was something we kind of discussed a lot, but I guess the other side of that is we're in a really great position. WikiLeaks gets all the risk and we get to cherry pick the stuff that we want to publish so I'm aware there's kind of a contradiction there. But I think there's a real, it's, it's, you know, suddenly it was ingrained in all of us, this kind of protection of sources, and it's especially something we were really conscious of, certainly with the coverage that we were doing.

Heather Brooke: There's a danger though that I see. And I don't think this is restricted to Britain, is that a lot of officials now use the cloak of privacy and national security as a kind of just default position. And so even with the MPs case, you know, their whole, their whole argument was based on and that, that the, the disclosure would be an invasion of privacy. And some of them even had the gall to say it would be dangerous to national security. And then, you know, you can see when the receipts come out that getting a new like kitchen and or Aga oven is not endangering the security of any British people, but it does the danger, that particular politician's, uh, political life. So I think that one of the big problem is that they, if they just use this, if they use that reasoning all the time about national security, it just becomes almost meaningless. And then you can't tell what is, when is it actually a danger to keep somebody's name private?

Chair: And, uh, you, you are the person who described as a paradox. You explained your fears in Afghanistan, but listening to how the you're nodding your head. Can I just say to you, do you agree that your, with your own question, this is, this is you've raised it informant paradox. You said it for a reason because you're worried, but you're nodding your head at this idea of everything Agas and fish tanks.

Jennifer Ralph: I, I, not in, in full understanding of what she's saying, but again, I, I'm not sure that actually relates to the case in Afghanistan and what we may find. And I know that this is not the, the role of the media to worry about, but what I do, what I do fear is that some people will stop trusting, being able to engage in, in informing whomever of whatever thing, whatever they, they have to inform because they fear that their name is going to be released on the internet. So that's not the media's problem I realise, but I think it's part of this, part of this context. And in fact, could change the nature of journalism, journalism as well.

Chair: Data data has no ethics does it. That's kind of what you're saying.

Jennifer Ralph: I think people have ethics and people rule data.

Heather Brooke: Well, there's a similar, I mean, there's another investigation that I've tried to do in Britain was which is about witness protection programs. And the police continually will never release any data about that. I mean, not the amount of witnesses they have under protection, not their budgets, anything. And that's all because of, they'll say it'll be endanger those people, but the, the, the converse is that there is actually a story to tell that possibly the police don't protect those witnesses very well, and that they don't spend enough money protecting them, that they actually make all these promises to the witnesses, and then they just leave them out to dry. And I, and I wonder if there's a similar thing happening with, with the US government and informants, do they do, do they make similar promises, which they then don't follow up on?

Mark Stephens: There is a thing here, which I think, you know, journalists are not being as honest as they could be here. They know, they would never burn their own sources. So actually what they're doing is burning the sources of spies, if you like. And so that at one level is a fairly unattractive proposition. And so I think there is an issue there, which needs to, to be dealt with because there's a confrontation.

Audience member: [inaudible]

Chair: That's not gonna work because not, everyone's going to hear you, so I'll give you the microphone, but I won't, I'm going to be cross with you. So say it again.

Audience member: I was just saying just the fact that these names were already in this data unprotected, does not suggest the US wasn't protecting sources itself.

Mark Stephens: Well, the problem was that the data was then given over unredacted. You could have actually used the data, in a redacted form. And, I think that that's the question, but I don't, I don't condemn people for it. I just say it's part of a learning process.

Chair: Let's move on to the third adamant, which brought you here this evening, which was what are the legal implications of the rent of the files of the release of the files? The first topic

we tried to cover was what was the release? Was the leak changing the way public data is released. Then we moved on to, what does it do for the mainstream media government media relations and the final and third with a roundup from you at the end is what are the legal implications? Mark, what are the legal implications of the war logs files release?

Mark Stephens: Well, I mean, clearly there are all sorts of legal implications. The fact that, uh, people have reportedly in America asked allied states to bring criminal proceedings against Julian Assange and the others associated with WikiLeaks, that they're looking for international cooperation over it, that there appears to be breaches of the Official Secrets Act, perhaps. There are all sorts of things, you know, maybe questions about data protection that also come into play. So there's a whole raft of issues which are potentially flagged up here.

Chair: And can you compare it to another part of your career? Was it like, you know, the introduction of the internet? Is it bigger than that? Is it bigger than what is it?

Mark Stephens: I think it's significantly bigger than that. I mean, what's, what would actually, we've got is a fundamental challenge to the rule of law. The rule of law is nationally based. There's very little effective international law in terms of this kind of activity. And that's why Wikileaks works, because if all the challenges between the different jurisdictions, it plays off between different countries and their different legal systems and it pays off to the advantage.

Simon Rogers: Can I to say that interesting kind of in addition to this, I've had two or three emails from researchers in the US and other places asking if they can get in trouble for using the data in their research. Which is interesting in that kind of talking about, maybe it kind of creates a climate of people worried about even kind of accessing the data itself.

Chair: Let's go to the, let's go to the phones, as they say, Julian Assange. Would you answer that question from your perspective, what are the legal implications?

Julian: First I just covered something that we had missed before, which was verisimilitude. And, you know, I've been pounding on that we should try and strive for something in scientific journalism. Like the reason that scientists are the most respected opinion leaders is because when the papers have published their paper published with the full data, and that allows other scientists in a competitive environment to shoot down from the bad papers. And we have seen cases where, for example, we Telegraph published a big document. We got hold of the document and we find out that the Telegraph, quotes taken from that document, they didn't publish, were changed. And that's an example of, um, media being able to lie to the public or twisting the story mentioned to the public accountability.

Chair: Let me just say, they're not here. Are they, but would you kind of go on with the broad question about the legal implications in why general, just so we get the discussion?

Julian: Yeah. So this extraordinary levels of fear we see in the United States are not represented anymore. The First Amendment is very clear in law, and that appears to be one of

the reasons that the United States is lobbying allies to outsource their censorship, because the First Amendment is quite clear. This is a form of if you like intellectual rendition, that the United States is trying to apply to other countries, and that has gotta be pointed out and resisted. This organisation has never lost the court case in any state. So, you know, I reject this view that we are stateless, we are able to arbitrage to prevent abuses of process so far. And maybe one day it will come down to a court case. In some places we will lose that, that day has not happened yet. Um, I am concerned that the level of fear that is not about the law, you know, that there's a deep instinct in men, that the law is simply whatever paid powerful people want. And that is either that is a true description of what, we are in the West, or it's not. And I hope to God that it's not, and if it is not, we should start acting like it's not, that the law is what the Supreme Court in the land says the law is. The law is not what a billionaire says it is. And it's not what some two-bit general says it is.

Chair: And under the international law, war is a term that can be used to describe a conflict. Isn't it? That law over the years, international law has codified war. Do you believe that your release might challenge international law on war and on conflict?

Julian: I, I have no, no, I, I have not looked at that to understand whether there is any codification that, I mean, the, what, what would you be suggesting, um, that we are engaged in an act of war, with this information?

Chair: No, no, I'm certainly not. I was just thinking that, the question, one of the questions that everyone's interested in is what's the legal implications of what you've done. You mentioned the specifically about the international world, and I was just wondering if you had a view on the international law. So I'm not accusing you of launching a war.

Julian: I mean, there doesn't seem to be any that simply looking at your experience, jurisprudence. It simply seems to be no legal implications whatsoever. Now that doesn't...

Mark Stephens: And actually Julian, that's got to be wrong. Isn't it, there are clearly legal implications, whether you feel that you're going to win the cases or not, there are cases that can, and probably will be brought against you partly out of this, maybe out of future cases, but they are going to be cases that are brought, and there'll be brought in courts of various countries. And I, you know, your very sexy soundbite of intellectual arbitrage as an intellectual rendition. I certainly understand that, but eventually cases are going to be bought. And what, what the purpose of those cases is exactly the purpose that you're talking about. It's about the chilling factor. It's about trying to chill down coverage of what you're doing and trying to re actually prevent it. If people really wanted to stop Wikileaks, why didn't they just go to ISP and block access at the ISP so that we, as members of the public, can't get to you. That's very, that's what they do with what they do with paedophile material.

Julian: And Iran and China and Thailand. They do.

Mark Stephens: Yeah, well, they do, they do it in our round and China and Thailand, but

they also do it in this country in relation to paedophile material and many other European countries. And as a result of that, clearly they could do it if they wanted to, somebody has made a decision not to do that.

Chair: Julian Assange, would you like to react to that from Mark?

Julian: Well, I, I think it is politically untenable. I mean, this organised, you know, I saw a quote by, in a Fox panel, that, why does Wikileaks only the publish material about the United States military. They should be, you know, they never do the tobacco industry. And so actually, if you go to WikiLeaks and Google for tobacco, uh, you will find something 280 references. There's, there's a sort of media distortion occurring in relation to what we do. I think we actually have widespread political support, looking at an extraordinary figure from the Pew Research Center, conservative media research, surveyed a thousand people last week, in resolving this issue. It was the number one recognised media story. Even more than, Chelsea Clinton's wedding. The interestingly six people, 6% of people wanted more information about Chelsea Clinton's wedding.

The vote, the support for Obama's Afghan policy, dropped some 11%, from 54 to 43%, the total coverage of war in the United States trebled during that week, the total coverage from 6% to 18% and, and getting to your, what you're asking, the majority of people under the age of 50 stated that it was in the public interest for Wikileaks to have released classified information about the Afghan war. Now that's extraordinary to me, I thought that would have only been about 20% of the population, but the majority of people under 50 and only the, and it's just slightly reversed for people over 50. So about 50% of the population believes that it was correct in United States for us to release information about the war in Afghanistan. And that is not something you would regularly pick up, see some vocal minority that is banging on about this issue and trying to equate patriotism with classified information. But that is not what at least 50% of the population thinks in the United States.

Chair: Thank you. And thank you for reacting with lots of different voices. It's probably hard to know what the intention of some questions is. And would you in the front have a question? I must declare an interest. You're a colleague of mine, but I will be strict with you. What are the legal implications of the release is where we've moved on to, with closing thoughts in about 15 minutes from everyone.

Chris Vallance: On the, uh, site on the War Diaries site...

Sorry, would you say you are?

Chris Vallance: Yeah sorry, Chris Vallance, Radio 4. On the War Diaries site there's a 1.4Gb encrypted file. Be lovely if you'd tell us what was in it, I suspect you won't, but how is using encryption like that a technique that you envisage being used to, to prevent things like a prior restraint, and other legal threats?

Julian: Yeah, so we have over a long period of time, distributed encrypted backups of material we have yet to release. And that means all we have to do is release the password of that material and it's instantly available. Well, you don't like to do that because there's various harm minimisation procedures to go through. So we understand the historical significance of the material that we have been publishing, the material that we will publish in the future about a number of different countries. And that duty to history is something that weighs heavily on us, that we, you know, if you had the Stasi archives in your pocket, that is a very heavy pocket in deed. And so we take precautions to make sure that that sort of material is not going to disappear from history regardless of the sort of threats to this organisation.

Chair: Okay. So, would you take this on next from us on the panel, Simon Rogers, that people are talking about technical and legal, what this, this release, what does it mean for the law and how much is it going to introduce new journalists, new lawyers who understand how and how to get it in and what encryption is?

Simon Rogers: I suppose the thing about the internet is, you know, there's this old thing about a lie being halfway around the world before the truth's got its boots on is kind of really amplified by the level. Then that also gives you is access to this kind of amazing information. And I, as far as I can see it, it just makes it almost impossible to stop it, you know, and how do you release it? It's like holding back a flood, and that's great for journalism. I suppose if all we have to look at next is how we handle it and what we do with it.

Chair: But what the lawyers do then?

Simon Rogers: What do lawyers do. Yeah. Hold back the flood? I don't know. I think, Mark said, help us, kind of find a way through it.

Mark Stephens: I think that there will be people who will try and do it, but I think they'll do it at the pinch points. The pinch points are the backbone of the internet. That's where they're going to start to do it. And unless you can actually move the material around more broadly than that, that's where they're going to start to interdict.

Chair: And Heather? And the question in the front here, thanks, Heather? Specifically on the junction between the, what technology allows this question about an encrypted file up there and what the law, how the law comes after you and you, you've trod your path through that.

Heather Brooke: I think we're really at a, at a pivotal point in history right now where the technology has given us the greatest chance to have, a real true representation of democracy, where we do get more access to information than we've ever had before. But equally technology is only a tool. And I think when you can see it in a lot of countries is they're using the technology to shut down information. So they're closing down ISPs, they have blacklists, you have the great firewall of China. So I don't think it's all one way. I mean, yeah, we could be on the edge of a great new world order of access to information for all, but equally I think that we could be in a kind of new totalitarianism where we're all under surveillance in a, in a greater

extent than we've ever experienced. So it's kind of up to, up to people ready to decide how they want it, how they can deal with the internet if they, if they can deal with the chaos of it.

And I think the thing about WikiLeaks, it's quite, it's quite a blunt instrument, you know, it's just shovelling stuff out there and it makes people very uncomfortable and I think they react to it and quite, in, in quite sort of extreme ways, they either love it or they hate it and they get, you know, the heat or they get, it just challenges, everything they've ever been brought up with about authority and all that sort of thing.

Chair: What does it do to you?

Heather Brooke: Well, I don't know because, as I've spoken to June assigns before, I, I don't like, I stay within the boundaries sort of traditional boundaries and that's why I use the Freedom of Information Act, but then I'm torn because the fact was that I got scooped by somebody who leaked it. So, I would like, I would like it to be a kind of lesson for politicians that the more they try to hold back the flood, the more it's going to lead to, to the sort of a blunt instrument of a WikiLeaks instead of a more sort of mature and thought out release to the public.

Mark Stephens: But the security services of all the countries in the world are all torn really because in, in, in, in many ways they want information, uh, out there in relation to totalitarian regimes or regimes which they are hostile to, but they don't want it out in relation to their own regime. So if you took, for example, you know, Libya or North Korea and, Julian Assange had dumped 92,000 pages from North Korea, would we be having this same level of concern at the moment? I suspect not.

Heather Brooke: I think it's interesting too, that in America and I'm American, but so you've got part of the American government, the State Department giving lots of funding to the Berkman Institute, all of all about how social networking can transform developing countries like Iran. So, you know, to use social networking, to kind of ferment revolt and stuff. And then you've got on the other hand, another arm of the American government, saying no, all this sort of, madness of the internet is terrible and we've got to like lock it down and start controlling it.

Chris King: Hi, my name's Chris King, I'm not a journalist. It seems to me that one of the things that was mentioned briefly earlier, it seems to me that WikiLeaks was instrumental or certainly important in getting the progress towards the Icelandic media laws, passed. What effect is that gonna have on WikiLeaks and other countries' legal systems and press, if that actually gets passed.

Chair: Now, thank you for raising that. And can we make this the last of the legal questions and then your audience, you can bring in your general comments and we'll close. You were nodding. I recognise an Icelandic journalist in the room. How much did Wikileaks changed the law in Iceland?

Mark Stephens: I think a, this is a very interesting idea. And I mean, you know, what we're

doing is taking the offshore banking business and turning it into the offshore word business. And, and it does seem to me that if it's good enough for people to avoid paying tax, it's good enough to avoid revealing sources and perhaps getting information out there. And I think what it will mean is that major news organisations, global news news players will start to migrate to places which are beneficial for them doing their business.

They're going to move away from countries where the cost is expensive. So they're going to move away from America because it has great First Amendment, but actually the damages awards that they, they, they, they, they have, are absolutely massive. I mean, the, the largest award made was in Texas and the MMAR case against Dow Jones for 670 million. I mean, it's, it's a potty amount, you know, cases in this country, modest cases in this country costs a million or two to defend. Of course the lawyers take most of that. And the maximum you can get in damages a couple of hundred thousand. So, you know, it really is a problem. And, and so I can see the incentive, the economic incentive, to move to locations, which are benign for the media.

Chair: So would you like to react to that, Julian Assange, sticking just to the law, but we've got general comments coming, if you could kind of stick with the discipline.

Julian: So the Icelandic Modern Media Initiative is very dear to my heart. And a lot of my intellectual thoughts went into that initiative and were taken up, passionately by people in Iceland and elsewhere, there were about 12 consultants from around the world who came to Iceland to help pursue that. And what, what we saw, looking at Sweden as one of the models is there's a new type of refugee in the world and it's publishers, publishers are now refugees. And, if the one internet service provider that we use in Stockholm, uh, we see that the American Homeowners Association publishes out of Stockholm because they're continually sued by property developers in the United States. Now there may be a First Amendment, that if it costs you millions of dollars to use it, it's worthless to activist organisations and other small publishers.

Similarly, Malaysia Today is no longer published in Malaysia, or the Chechen newswire services of course, not published in Russia. And that a movement of refugee hosting for publishers to publish elsewhere is an economic force that is sliding across the world and shows that something like the IMMI can work economically. And of course, politically, Qatar shows the power of having media based in your country and tied up with the destiny of your country. Politically, it's going to work for Iceland and economically it's going to work. And we can see that they're sort of the forces of darkness and the forces of Wyatt [? 1:08:40] in terms of legislative reform. We can either end up with the harmonisation of law on the internet as states collide and interact. We can end up with Chinese law, uh, or we can end up with Swedish, an amalgam of the First Amendment and some Nordic states. And that is the law that I want to see on the internet. And we are pushing for that legislative reform agenda.

Mark Stephens: The problem of course, with this is that, the Jihadi websites all moved to America because of the First Amendment, they've had to migrate out again. And of course the, the suggestion would be that, websites of that nature would go to these places. And that also presents a problem with its own.

Chair: Thank you. Forgive me, forgive me, forgive me, now let's move on to the general. I do, do, do, introduce what you wanted to say in your general remarks, Julian Assange. Members of the audience, let's move to a close, please bear in mind that Julian's waiting on something, which I interrupted him, just for the sake of time, the things that haven't been raised, the final 10 minutes over to you.

Audience member: Can I be slightly naughty? One very small question on the law, if I can.

Chair: No, you actually can't. I'm sorry. Everyone else is here. You can come back and ask them at the end. So general closing remarks. You can have, you can have a general remark, if you like

Audience member: Can I take Julian to task over science.

Chair: You can, in a minute, you can have a general remark.

James Perry: I'll, I'll turn it into a general remark. James Perry from the London school of economics. I just think that we've been a bit vague about what the law is and what I'd be interested in knowing and walking away tonight with is what in Britain is the most damning legislative instrument, against what Julian is doing and what is the act and the provision that we can all walk away with and look up.

Mark Stephens: Official Secrets Act.

Chair: So would you kindly tell him?

Mark Stephens: Official Secrets Act.

Chair: Would you kindly keep the microphone? I'm not trying to shut you down, just move you on. Is that a civil, or is that a criminal criminal of all the topics that brought us in here tonight? The ethics of journalism? Is that the thing that interests you the most? The law?

James Perry: Yeah. Okay.

Chair: And have you learned something from what everyone's been saying tonight?

James Perry: At least, in terms of what I can actually look up with some sort of tangibility, it's the Official Secrets Act, is it not?

Chair: Yeah. And will you answer the question that brought us all in here tonight? What'd you think WikiLeaks is doing to the law?

James Perry: I think the answer to that is one that will be answered when there's a test case.

The test case will come in Washington in Canberra, in Britain. And the answer to that question will be determined by a judge based on an interpretation of the act that's just been mentioned. And I don't think we can answer that now. It's for the judiciary to determine where the boundaries are.

Chair: Alright, Julian Assange. I know you'll want to react to that and you can just closing remarks from the audience and the panel.

Alexei Mostrous: Hi, this is Alexei Mostrous [?] from the Times. I'm sorry if I missed...

Chair: Everything.

Alexei Mostrous: Ah yes, sorry. I missed quite a lot. Do you think, can you just comment on, I'm interested in this refugee status point, if you, or anyone else is as refugee then, who, if anything, are you, accountable to, and, and what kind of accountability can we set up that is not bound by, by states? And that's the second thing, which I almost certainly have missed is what is the status of your releasing the remaining 15,000 documents?

Chair: Yeah. That was handled, right at the first thing, so Julian Assange, would you answer this other point?

Julian: Yeah. So the question about accountability, once again, all our people are in particular States and they are accountable to the States in which they live in. Now some organise it, many organisations use international structurings, to avoid paying taxes. This organisation uses international structuring, to reveal the truth to the public, and it's time that activist organisations and journalists who are serious about their endeavour of documenting history, use various states and laws to pursue that agenda. Now, you might complain that one state is not harmonious with another state, and there are influences between states, but we've always had this. And the consensus develops as a result of sort of international pressure, but we do see some forms of accountability in different areas, but there's a important vital philosophical understanding that must be seen that knowledge and the rights of the people to know what is happening in their environment is different to most other rights, because all other rights need the communication of knowledge to defend themselves every, every right that you've heard about, you've heard about is being communicated to you.

So the right to communicate knowledge is to some degree above all legislation. And that understanding is codified in the United States in the First Amendment, which takes the press outside of the legislative agenda. The legislative agenda, and indeed the constitution itself, is something that is formed out of the communication of knowledge by the people. If we have the legislative agenda with the judicial agenda regulating knowledge, we have the legislative agenda and the judicial agenda regulating itself, and there is no proper fixed [?? 1:14:20] regulation, and we immediately see corruption and we can see this with censorship lists. The first information to be censored on censorship lists is information about censorship lists and it spreads out the properties in ways to bypass censorship lists, that as soon as you have the

ability to regulate free flow of knowledge, systems become corrupt. So I would say that there must be a prima facie right to communicate.

In fact, we see that when we distribute mail, we expect that our mail is not going to be read in block if it says the wrong thing. We see that when we call our grandmothers, we don't expect that the government is listening in to the conversation, understanding whether we're saying the wrong word or not, and about to hang up. And we see that with email that we send to each other. And we see that when we are all in one room together talking. So in fact, the right to communicate knowledge is the founding right of civilisation and must be treated with great respect and where it curtailed there must be strong evidence for that could tell me and to the audience.

Ian Bowl: Yes, my name's Ian Bowl. I'm visiting from California. I'm a historian of technologies of information. I just wanted to thank Julian for coming out from behind the curtain on behalf of all of us who recognise a fully moralised voice in, um, in a world where present company excepted, what the press mostly represents, one has to say is a kind of stenography of power. We thank you for that. I just, I would like you to comment on the fear that I have for whistleblowers everywhere. I've read an account of a whistleblowing in the US and the story is very grizzly for those who do, who do blow the whistle. You know, obviously Afghanistan is a particularly special case and perhaps he could say something about the state of Bradley Manning as well right now. Thank you.

Chair: Okay. So I'll just remind everyone. Bradley Manning has been, is a suspect by the US military and the release of a, of a video that showed a, an attack and the death of people in people including a Reuters cameraman. And he's being moved from Kuwait to the US, can I ask you, you've introduced this as a closing remark, so bear in mind that this is how the time is going to be used, of all the topics we can, Julian Assange, will you answer that question about whistleblowers and about the alleged link to that question of Bradley Manning?

Julian: Well, the public whistleblowers do face enormous problems. I mean, in terms of employment, sometimes in terms of prosecution. However, confidential, whistleblowers, it's almost nothing. I mean, we of course, as press, we have been speaking about the crackdown on sources by the Obama administration, which is really quite extraordinary compared to Bush, I mean, we're now talking about four serious national security cases, but that's out of a population of 300 million.

Statistics were released showing that the FBI only opened 200 cases, in the course of the past four years or so. 18 of those resulted in suspects and none resulting in a prosecution. So actually if for confidential sources, the chances of being caught relative to population size is nothing at all. For public whistleblowers, it's a different story, and that is what it is vital to have a mechanism for people to anonymously communicate, safely communicate to the public.

In the case of Bradley Manny, a young 22 year old intelligence analyst who was in Baghdad who was being fingered by an unfaithful journalist as being the source of the helicopter video.

And there are some allegations that he's a person of interest to the leak in Afghanistan. He is a young man that is potentially facing 52 years in prison, or more depending on what the Grand Jury says. Now. He's very unlikely to get that. He may get 20 and serve 10 that's, something like that, or he may get off entirely. We're not sure. There is, he had a demonstration outside his prison last week. That was one with some 80 people. I believe there's a march in Washington or another area, this week. If the allegations against him are true and if use of the recorded statements, to that, journalist who the registered portrayed him are true, he really is the Daniel Ellsberg of our age and, and really is a hero.

But we see in the New York Times yesterday an extraordinary, deep politicisation nation of this young man, where all his stated political reasons for doing this are thrown out. And it's instead talked about how he once picked up a man at a gay nightclub. I think that that sort of behaviour by the New York Times is just disgusting. To take it as an extremely serious issue. This young man who is not really able to communicate to the press, who is effectively voiceless, and write like a tabloid, if this young man turns out to be Daniel Ellsberg, what a, what a slight on that organisation.

Chair: So closing comments now from you in the audience and the main issue if you want, which brought us all here tonight, what's it done? You start this, we'll go to the panel and back to the audience,

Cassie Verba: Cassie Verba, I'm a journalism student. Um, I think we'd all defend our rights as individuals to have personal secrets. And I was wondering, who else has the right to secrets? Do governments, do states, do leaders, do politicians?

Heather Brooke: Is this for the closing remarks?

Chair: You can even answer this and then, and then we'll come back to it. Okay.

Heather Brooke: Well, the, the strange paradox, and this is one of the whole points I write about in *The Silent State* is this is a situation we're in now where states feel that they have a right to keep secrets and they, they feel they've got a right to privacy and yet, totally inversely. They feel they've got a great right to invade the private person's private life and they're wrong. They're exactly running simultaneously. So as the, as the state sort of shuts down access to information, civic information, which we've all paid for the creation of it, and it's created in our name and supposedly for our benefit, it's also putting us all under massive surveillance in a way that we've never been before and largely kind of not thinking about our rights to privacy. So I think that's a really odd, I mean, one, one thing that this does raise is just the way we view privacy, which is coming into an, we're having a new exploration of what is privacy in this age, where we're all networked up and where the state and our private lives are in great proximity.

Julian: There's a simple phrase in Berlin, which answers this question, which is popular amongst citizens of Berlin, which is transparent government, not transparent people. And the need for transparency increases with the degree of power and individuals who are not powerful

who are put in positions of power, it doesn't matter whether they're transparent or not to the rest of the society, because their ability to abuse power is minimal and as power increases, transparency must also increase. Now, individuals, we should say, their rights are limitations on government. That is like the definition of right, the limitation of corrosive force that government can apply. And you don't have a right to stop people gossiping about you. That is not a right that you should be given, because that is, what you're saying when you say right, you mean ability to apply coercive force to stop someone else doing something and applying coercive force, it's an extremely serious matter, and it should be reserved for serious matters.

Chair: So Simon Rogers. Yeah, so I've gone...

Mark Stephens: Julian Assange is, is, is talking about privacy is thought about it, deeply, as have most of the people on this panel. I suspect what in truth was happening is that there's a Mephistophelian pact being made with privacy, but we're sleepwalking into that pact, we're not actually going in with our eyes open as a, as a society, as a community and as a people at large.

Chair: So closing remarks, Simon Rogers, why, what, what, what what's happened tonight that changed your mind? And what's the main lesson you've learned?

Simon Rogers: From tonight or from the week?

Chair: Both, everything.

Simon Rogers: One thing I was going to add to that, because they both send out much better than I could, as I think governments are just the worst organisation to decide which of their things should be kept secret. Yeah. If you look at all the stuff, you know, from MPs expenses to, you know, treasury coins release, you know, it's the Treasury fought tooth and nail against for years and years and years, actually, when it comes out, you know, it's, what possible justification could they ever have had for keeping it secret?

So, okay, on Wikileaks. I just think, there, there are, there are a few things, first thing, from my kind of point of view is that I think it's, you know, it's the end of the, the non-numerate journalist, you know, we're going to get more and more of a lot more of these stories. And if you can't handle data, then you know, you should be looking at maybe doing something slightly different, like gardening or something. And, I think, the other side of it is also there's, you know, previously there's been a lot of talk about, you know, the internet, I mean, the death of traditional journalism and mainstream news organisations and so on, and what this showed for me is actually there is a real, real role.

You've got, you know, great posts. We've got this guy, Declan Walsh, who was in Afghanistan, fantastic reporter. He can look at a lot of the stuff that is from Wikileaks and say, well, that intelligence report is, you know, fanciful or that I was at that incident, and I can remember it all. You know, it kind of brings something that we can add to it, to the story, to add to the data, kind

of, a context and analysis. And that's, I think is, is our role as a news organisation is helping people kind of navigate through this kind of more of a sea information, get what's useful out of it, and also kind of provide a real kind of expert view, which, you know, we have, so...

Chair: Mark Stephens?

Mark Stephens: Well, I think we have to remember that the law, is supposed to be reflective of the values and norms in society. And I think what we're doing is, WikiLeaks is clearly making a monkey of the law at the moment. And what it's doing is signposting this, uh, move away from the traditional media where we sit passively, you know, paper comes through our letterbox, some television or a radio radiates information to us to a situation where actually we're interacting with the media much more. It allows us to actually go out and search and Google up. And if you look at the correlation between news, news agenda and search terms, you will actually see that change in society is taking place. And I think Wikileaks is the big signposts to that. And to you, Heather, I explained that you had your own role in this as well, Would you give us some closing thoughts?

Heather Brooke: It's made journalists think about what, what they do. I think what exactly is your role as a journalist? Is it just to entertain? Is it to inform? If it's, to inform, inform about what just to, as that man said, be a stenographer for power, or is it to try and produce some kind of verification of what's actually happening?

So we're increasingly, I feel as a journalist sort of dailaged [?: 1:26:23] by all these public relations people and spin doctors, and we're given like we're given an official version of events and, and what the journalist is meant to do is kind of go beyond that and check increasingly using raw data to see if those, if that official version of events is actually matched up by, on the ground reality. And I think that's where, we, we increasingly see that data is one of the key ways to do that sort of verification. So as Simon said, if, if, if people aren't able to deal with data, then it makes them a very weak journalist.

Chair: And Julian Assange, I cut down a questionnaire and asking you to remind us about the timetable of the release of further documents in the Afghan War Logs. And what did you take away from tonight that might've been new to you?

Julian: Well, some of, for a journalist is a stenography of power is I think my favourite quote of the evening I'll be sure to remember that frequently, what a beautiful thing. But, I'd like to say on the law, I received drafting laws and being involved in that process, what we see with some rare exceptions is that lawyers look within the system and how to work things within the system and legislators look to see good legislators, look, to see how they can change the legal system to conform with the new reality. And actually who looks the long reach of history. Law is a description of practice is not the definition of what practice is to be.

And as the world interacts, we are changing what is easily, easy to do in an economical sense or in a moral sense or to a philosophical sense and law must then follow that practice. And

that's how international law arises or originally arose. If you have ships interacting with each other or countries interacting with each other. So that law must be seen as most correct when it follows what practice is and feelings or will of the people and companies and the world in its interactions.

Chair: And what is the time table for the release of the 15,000 documents?

Julian: Well, it is resource bound. And we are trying to get people to go through that material, and others. But I mean, if we have more resources we can get through more quickly, um, we can continually ask, to provide those resources. It says that it's not interested in a conversation about harm minimisation, which should be no surprise to those people here who are aware what the Pentagon has done in the last few weeks in Afghanistan.

Chair: So listen, I it's reluctantly, I'm going to call it to a close, but can I thank the panel? It's difficult to be in the position of Julian Assange, not just what he's doing, but to be in this outside source, it's difficult to hear who's talking at you, and thank you, wherever you are, and here on the panel with me, we've got Simon Rogers, from the Data Blog, Heather Brooke, and also Mark Stephens. Thank you very much.