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Right to Print Wiki Cables

By Harold Evans

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No editor could resist the appeal of getting his hands on a quarter of a million official messages on the gritty details of how America conducts its foreign policy. And yet any editor with pretensions to responsible journalism must hesitate over publishing the WikiLeaks' cache of U.S. diplomatic cables raw.

As editor of The Sunday Times from 1967 to 1981, I not infrequently faced prosecution for publishing information the authorities or businesses preferred to keep secret. My colleagues were with me in feeling we had a strong public interest defense for the publications, and eventually the courts agreed. But how should we judge the WikiLeaks dumpings and more to follow? How far do they pass the test of good journalism?

Credibility must always be the first issue. When Abe Rosenthal, then-executive editor of The New York Times, first waded into the 47 volumes of the Pentagon Papers, the collation of Vietnam war policy documents from 1954 to 1968, his excitement was succeeded by doubt. "My greatest nightmare," he said later, "was that they were written by a thousand SDS [Students for a Democratic Society] kids in some loft in Harvard."

We can now presume from the official reactions to the WikiLeaks that the quotations are genuine, though it is never ever a good idea to relax one's skepticism. The character of the purveyor Wikipedia's Julian Assange hardly enhances confidence. Clearly, it is not the people's "right to know" that animates him and his colleagues, who remain anonymous while professing the virtues of transparency for everyone else. Their ambition is simply to damage America any way they can.

And yet, this is not a sufficient reason for an editor to reject the material or for the United States to seek indictments under the Espionage Act. Sources are often unsavory. The classic words on this were uttered in 1931 by Chief Justice Charles Hughes about Jay Near, the publisher of a Minnesota scandal sheet. Near had exposed a protection racket to the displeasure of crooked politicians. He was also a shrill bigot, anti-Semitic, anti-black, anti-labor and not above blackmailing petty crooks and politicians. Leading a 5-4 verdict for Near, Hughes declared: "The rights of the best of men are secured only as the rights of the vilest and most abhorrent are protected." Reckless assaults on public men had a baleful influence and deserved to be condemned, but government had grown so complex that a vigilant and courageous press was a primary need for public protection.

This is especially true in foreign affairs. The New York Times and The Washington Post were able to defeat President Richard Nixon's extraordinary prosecution and publish extensive extracts from the Pentagon Papers that Daniel Ellsberg had stolen because the justices accepted that in areas of national defense and international affairs the executive possessed great constitutional independence virtually unchecked by the legislative and judicial branch. "In the absence of governmental checks and balances," wrote Justice Potter Stewart, "the only effective restraint upon executive policy and power may lie [in these two areas] in an informed and a critical public opinion which alone can protect the values of a democratic government."

But there's the rub. An informed and critical public opinion cannot easily be formed when habits of secrecy are ingrained as they were for so long in Britain, or when patriotic emotions overwhelm press vigilance as they did in the United States before the Iraq war.

I believe that the newspapers that have published extensive extracts in context and with care to protect confidences were right to do so. The surprisingly vivid characterizations of foreign leaders will make life more difficult for American diplomats, but anyone who reads the carefully edited reports cannot fail to be impressed by the efforts of American diplomacy for peace and security. The president emeritus of the Council on Foreign Relations, Les Gelb, has seen both sides as a former official and columnist. "When you remove the gossip and obvious trivia that mesmerized the press," he writes in the Daily Beast, "you clearly see what the WikiLeakers never expected: a United States seriously and professionally trying to solve the most dangerous problems in a frighteningly complicated world, yet lacking the power to dictate solutions."

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