

dominate

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Cause and Effect

Blaire Bayliss

Have you ever wanted to read minds? Or look into the future? What about become invisible and spy on strategy meetings? Well then prepare yourself, because this article will be as good as any of that.

All debates, even values debates, ultimately come down to the question of cause and effect. If we do this, what happens? If we do that instead, does anything change? This article serves to provide you with a list of real world relationships between cause and effect. These are the policy outcomes that occur and the psychological phenomena that have been experienced after a decision between censorship and free press. Additionally, this article serves to highlight the main strategies behind any and every case combination and providing potential arguments against them, spiking your opponent's arguments before the season even begins. If you've ever wanted to see into the future to know what your opponent is going to do, just read on!

Censorship → A Wary Press

It's simple logic—when there are serious consequences for taking an action, people become more careful about taking that action. That's exactly what we see when we analyze the popular effects of press regulation—following censorship and/or heavy fines being imposed for failure to comply with the regulations, the press and the media become more careful about what they publish.

For example, the *New York Times* stated that it held its story regarding NSA wiretaps for almost a year before they were released and the Associated Press waited for government clearance before publishing a story on the conflict in Yemen.

While some may try to argue that the press is already weary and that journalists would never publish anything that would hurt their country, history serves to the contrary. Check out the Applications article for several examples of where the press made reckless decisions with national security secrets.

Censorship → The Streisand Effect

The effects of censor characteristics and audiences' initial agreement with a censored communication on attitude change and desire to hear a communication were investigated. Subjects were informed that a communication taking a position with which they had originally agreed or disagreed had been censored. The censor was either an attractive or unattractive agent and his expertise on the topic of the speech was either high or low. The results indicated that in all cases except one, censorship led to an increased desire to hear the communication and attitude change toward the position of the communication.

– *Journal of Applied Social Psychology*, July 31, 2006

The Streisand Effect is a psychological phenomenon by which people become more attracted to news stories after they are told that the stories have been banned, or contain information which they are not allowed to see. Sometimes called the Forbidden Fruit affect, people are attracted to things which they cannot have. News media is no different. The Streisand Effect was first discovered and named when singer Barbara Streisand attempted to ban and remove all pictures of her child from the media. After the paparazzi were told that the singer did not want these pictures to be taken, they tried that much harder to get pictures of her child...and the populace consumed the pictures with that much more frequency.

Censorship → The Turn of the Screw

No, censorship is not a famous novelette by a little known author. It is, however, considered by many to simply be a turn of the screw. The argument goes that once restrictions or measures are tightened during wartime, they will never be loosened again. Thus “snap decisions” or “knee jerk reactions” are heavily cautioned against, since they may very well change the course of policy as we know it and may well never be reversed.

This was the line of logic used by opponents of the Espionage Act. They argued that we must be careful to enact policies that we do not wish to keep, and must never enact laws in times of war that we would not enact in times of peace.

Censorship → The Rule of Law

The case of *New York Times Co. v. United States* detailed how censorship can uphold the rule of law. Government secrets and restricted documents are not allowed to be accessed by unauthorized entities. However, in the case mentioned, the Supreme Court of the United States ruled that the *New York Times* was allowed to publish these materials.

By allowing a newspaper to publish the materials, they allow even more non-authorized persons to access the material. In similar cases, by allowing the newspaper to publish the material, the newspaper was also not punished for owning and possessing these papers without authorization.

The Rule of Law is a philosophy which states that the law is king—no one is above the law. The law must be upheld, or else society will collapse. Censorship and/or press restrictions best uphold rule of law, since they best uphold the laws which are already in place.

Free Press → The Marketplace of Ideas

The Marketplace of Ideas was a concept championed by philosophers during the French Revolution. The idea was that so long as everyone is allowed to speak freely and provide their opinion on matters, the truth would eventually prevail. Under the interpretation of this resolution, that can specifically be seen in court. When the court makes a decision on freedom of the press vs. national security, many times it has to decide whether or not the printed materials had a significant effect on national security. If the threat is extreme and irreparable, harsher charges will be faced.

However, part of determining the effect on national security is finding out how many people read the article or information in question, and what the public response to that information was. In the event that this information faces prior restraint and is never published, determining the effect of the material in question is next to impossible. The marketplace of ideas is defeated, and court decisions are made based upon speculation regarding what could have happened. They lead the government to be overly-cautious, keeping the people in the dark for what is sometimes no reason at all. It prevents the people from having knowledge and understanding of their government, keeps governmental affairs hidden and promotes secrecy...sometimes for no reason at all. Freedom of the press upholds what should be the true standard for the government—there should only be secrets if it endangers the security of the nation in a clear and significant way. The Centre for Law and Democracy described this concept:

“The marketplace of ideas is defeated, and court decisions are made based upon speculation regarding what could have happened. They lead the government to be overly-cautious, keeping the people in the dark for what is sometimes no reason at all.”

In the context of the Principles, there are two purposes: defining the scope of information to which access may be refused on national security grounds (or, conversely, to which access must be provided); and as a key element in defining the circumstances in which individuals may be punished for releasing information relating to national security (i.e. setting the parameters for disclosures which may attract such punishment). These two purposes may be understood as two sides of the right to information: the right to access information and the corresponding obligation on public authorities to disclose that information (and consequent protection for doing so).

However, the same article discusses how in pragmatic and policy settings, this standard can be difficult to define and can sometimes be boiled down to nothing more than semantics.

In other countries—such as Canada and the United Kingdom—classification is simply an internal direction to civil servants and is not determinative with respect to either a request for the information or the question of whether or not an individual may be punished for disclosing it. In the United Kingdom, for example, the main test for applying sanctions under the Official Secrets Act is whether a disclosure is damaging, while it is a defense if the person did not know and had no reasonable cause to believe that the information fell into the relevant category or would be damaging. In theory, this approach to classification should lead to decisions about openness being made on the merits of each case. In practice, however, it tends to be characterized by an absence of procedural protections, which results in over-classification. This, in turn, has a practical impact on decision-making regarding disclosure, even if legally it should not.

Free Press → Accountability

First, there are what we might call “illegitimate” government secrets. In this category of secrets, government officials are attempting to shield from public scrutiny their own

misjudgments, incompetence, misconduct, venality, cupidity, corruption, or criminality. In a self-governing society, it is vital that such secrets must be exposed.

– Geoffrey Stone (Professor of Law) in *The Huffington Post*, May 21, 2006

The article goes on to talk about legitimate secrets—the ones the government has a reason for keeping, the secrecy of which helps to protect the nation and its citizens. But how do you tell the difference between legitimate and illegitimate secrets? Without public disclosure, there is no real way to tell the difference. Without investigation into the government's secrets, there is no way to know whether those secrets are legitimate or illegitimate. And without whistleblowers ready to alert the people whenever the government is keeping illegitimate secrets, the government could get away with any scandal, cover up or illegal action it wished. See the Applications page for examples of when these things have occurred in the past, and what the policy effects were.

Free Press → Tighter Security

How does the government know when it has a leak? How can they discover when someone is betraying their secrets? How can the government determine when their safety practices are insufficient?

The freedom of the press is one of the best ways to have your secrets revealed—but that's not always a bad thing. In some cases, having a minor secret leaked can prevent a larger leak from occurring in the future. In the case of Edward Snowden, his leak of the NSA's wiretapping practiced cause the NSA to re-evaluate their hiring practices as well as their cyber security practices. It caused experts to provide ideas and analysis on how the NSA could hide their secrets better in the future, and the current flight of Edward Snowden from America is causing authorities to find innovative new ways to get a criminal out of a foreign airport.

Freedom of the press typically means that national security is temporarily compromised. However, sometimes that temporary compromise to national security can pay off in the long run and ultimately help to protect national security.

The history of the United States shows that, in spite of the varying trend of the foreign policy of succeeding administrations, this Government has interposed or intervened in the affairs of other states with remarkable regularity, and it may be anticipated that the same general procedure will be followed in the future. It is well that the United States may be prepared for any emergency which may occur...

– U.S. Marine Corps, "Small Wars Manual" (1940)

The United States, in our relatively short history as a country, has amassed a long and elaborate history of foreign intervention. From 1800 to 1934, United States Marines staged no fewer than 180 foreign landings—a figure that reflects only part of the true expansiveness of US foreign intervention. Though the US's large wars (the Revolution, War of 1812, Civil War, Spanish-American War, World Wars, Korean War, and Gulf War) attract more major press and boast many of America's immortalized war heroes and stories, it's the small wars that have had a profound effect on the day-to-day fate of US interests abroad and the course of world affairs.