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“More than anything else, this is one more government failure.”

Damon W. Root | November 30, 2010

Roger Pilon, the director of the Cato Institute’s Center for Constitutional Studies, weighs in on the legal ramifications of the latest WikiLeaks’ document dump:

[O]ne can say with certainty that any government official who knowingly downloaded and then released classified documents to a person unauthorized to see or possess them, as Private First Class Bradley Manning is alleged to have done, can be prosecuted under any number of federal statutes. With respect to someone like WikiLeaks founder Julian Assange, however, the issues are more complex. Attorney General Eric Holder has said that the Justice and Defense Departments are conducting a criminal investigation, presumably under the Espionage Act of 1917. That is a vague statute that may be broad enough to enable the president, under his foreign affairs powers, to go after someone who disseminates such documents. But it has rarely been used, and never against a publisher.

The larger question, however, is how all of this was allowed to happen. Speaking from personal experience, during two brief stints at the State and Justice Departments during the Reagan administration I held a Top Secret clearance, which gave me access to highly classified materials. At that time, however, just to see those materials we had to go to the inner sanctums at State and Justice—areas that were shielded from any kind of eavesdropping—and then the materials were brought to us by agents who stayed with us while we read them. In light of that experience, I find it incredible that a young Army PFC could *download* this material and go undetected for long enough to disseminate it and boast about it afterward. More than anything else, this is one more government failure. Heads should roll, but mostly the heads of those who enabled so lax a system to exist.

Read the whole thing [here](#). More Wikileaks’ coverage [here](#).