

Merchant Country

 B

Merchant Country Desc

ICELAND

 B

Acquirer Country Desc

DENMARK

The merchant seems to be operating from a website called DataCell (datacell.com), which seems to have presence in both Iceland and Switzerland. Their home page gives instruction on how to be re-directed to the donation page for Wikileaks. We would appreciate if you could as a matter of urgency identify the merchant in your systems and ensure that payments are suspended for 7 days in order for us to reach a conclusion on the matter. Please confirm back via email that Teller AS is able to accommodate this request.

As discussed, Visa Europe has received a number of enquiries from national and international media following MasterCard's announcement to disassociate its brand from Wikileaks. Visa Europe will need to respond to these enquiries and we will do so as soon as you confirm that you can accommodate our request.

I suggest that we convene a meeting either in London or Copenhagen tomorrow or the day after. Please let me know your preference.

Yours sincerely,

 A

Visa Europe

CC:

 A

Boxes marked "A" contain names of individuals

Boxes marked "B" contain confidential proprietary information

## CASE COMP/39921 - DATACELL / VISA &amp; MASTERCARD

## VISA EUROPE LIMITED: COMMENTS ON THE COMPLAINT MADE BY DATACELL OF 12 JULY 2011

## 1 Introduction

- 1.1 Visa Europe Limited (**Visa Europe**) thanks DG Competition for the opportunity to comment on the complaint made by DataCell ehf (**DataCell**) of 12 July 2011 (the **Complaint**) and to respond to the questions raised in relation to it.
- 1.2 In essence, as we understand the nature of the Complaint, it is that Visa Europe has required Teller A/S (**Teller**) (a member of Visa Europe offering acquiring services in Iceland) to terminate its merchant services agreement with DataCell, on the basis that DataCell was accepting donations for the benefit of the WikiLeaks project. The Complaint also alleges that Visa Europe does not intend to allow its licensees to enter into any future merchant services agreement with DataCell. These actions, allegedly refusing DataCell access to Visa Europe's payment card network services, are said to give rise to an infringement of competition law.
- 1.3 In brief, Visa Europe's position is as follows:
- (a) Visa Europe has made expressly clear to Teller in a letter dated 18 January 2011 (see Annex 2) that DataCell can be offered a contract to process Visa payments either as a merchant or for third parties, provided only that DataCell agrees not to process payments for the benefit of WikiLeaks.
  - (b) This position is appropriate and proportionate in light of the alleged unlawful conduct of WikiLeaks, which, among other sensitive material, in 2010 published and refuses to return large amounts of material stolen from classified US military databases. Further, according to recent press coverage, it appears that the leaking of sensitive information is continuing.
  - (c) It is not uncommon for Visa Europe to deal with complaints that merchants are acting unlawfully or in a way that may damage the Visa brand, and Visa Europe has in place contractual and internal measures to address these issues. Visa Europe's Operating Regulations make clear that Visa Europe members must comply with all applicable laws and thus may not accept payments for illegal activities. Given the unusually high profile nature of the WikiLeaks case and WikiLeaks' activities it was particularly important that Visa Europe investigated and assessed the situation and took appropriate action.
  - (d) In this case, Visa Europe suspended the processing of payments for the benefit of WikiLeaks pending a more detailed investigation of how transactions involving DataCell were being processed. This investigation involved the following:
    - (i) A review by Teller of the contractual arrangements in place with DataCell, which confirmed that DataCell had been signed as a merchant, rather than, as was in fact the case, an aggregator accepting payments on behalf of third parties.
    - (ii) Without waiving legal privilege, Visa Europe obtained legal advice [**BUSINESS SECRETS** - details concerning Visa Europe's internal investigation into the processing of transactions by DataCell for the benefit of WikiLeaks].
- 1.4 In the circumstances, Visa Europe maintains that to continue to suspend DataCell from accepting payments for the benefit of WikiLeaks, while permitting DataCell to accept Visa payments for all other business activities that are carried out in accordance with the Visa Europe Operating Regulations and applicable law, is appropriate and proportionate. It follows that, in our view, this case does not give rise to any competition law issues or concerns. We elaborate on this position below.

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1.5 In the light of these points we consider that the Complaint does not merit further investigation and we respectfully ask the Commission to dismiss the Complaint without further action.

**2 Visa Europe's practice when responding to complaints about merchant conduct**

2.1 Whenever Visa Europe receives a complaint about a merchant being engaged in unlawful or unethical practices, it has two main concerns:

- (a) first, whether the merchant's activity is in fact unlawful and as such should not be facilitated by Visa Europe - not least because to do so could result in harm being suffered by third parties and could expose Visa Europe itself to accessory criminal liability; and
- (b) second, regardless of the strict legal position, whether there is potential for harm to the Visa brand by association with such a merchant or activity. Clearly this would not arise as a standalone consideration in cases - such as that involving DataCell - where there was a suggestion of illegal activity on the part of the merchant which Visa Europe might risk becoming an accessory to.

2.2 Visa Europe is regularly confronted by complaints of unlawful or unethical conduct by merchants, most frequently in the context of alleged third party intellectual property (IP) infringement leading to the sale of counterfeit goods and also in the context of certain types of pornography (which may not involve unlawful activity - or not in all jurisdictions - but which may, nevertheless, damage the Visa Europe brand by association).

2.3 When a complaint is made to Visa Europe concerning the conduct of a merchant, it is obviously impractical to wait until the conduct in question has been shown conclusively by a court (or otherwise) to be lawful or unlawful because during that time harm may be caused by continuing to facilitate payment services to that merchant (and Visa Europe itself may, once it is on notice, become implicated in the activity). However, on the other hand, Visa Europe does not withdraw its services lightly because that could damage its reputation with banks, merchants and customers.

2.4 For those situations that Visa Europe has to confront most commonly, such as alleged third party IP infringement, the alleged sale of illegal pharmaceuticals, or the dissemination of hard core pornography, Visa Europe has developed a procedure for dealing with complaints. In summary, Visa Europe's approach upon receiving a complaint of this nature is as follows:

- (a) It notifies the relevant acquirer of the complaint received and requests that acquirer to investigate the matter with the relevant merchant.
- (b) If it is apparent that the merchant is engaged in unlawful activity, the acquirer must either procure that the merchant stops that activity or alternatively terminate the services provided to the merchant. Visa Europe and/or the complainants are then notified of the outcome.
- (c) If either the acquirer or the merchant challenges the allegation of unlawful activity, the matter may be escalated. At this level, again broadly speaking, Visa Europe becomes more closely involved in trying to resolve the complaint, and if that is not possible, assessing its merits.
- (d) If it transpires, after Visa Europe's investigation, that unlawful activity appears to be taking place, Visa Europe notifies the acquirer. At that point the merchant should either cease its unlawful activity or the acquirer should terminate the services it provides.
- (e) If the acquirer refuses to terminate the merchant agreement then it may be fined by Visa Europe, according to the relevant provisions of the Visa Europe Operating Regulations.

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- 2.5 Visa Europe is currently engaged in this process, and is handling live investigations in the context of confidential complaints concerning **[BUSINESS SECRETS - example of a confidential complaint that Visa Europe is currently investigating and a description of Visa Europe's internal procedures in dealing with such complaints]**.
- 2.6 Similarly, in 2007 Visa Europe required a Dutch acquirer to terminate its acquiring relationship with a Dutch merchant involved in disseminating hard core pornography. The merchant submitted an appeal to a court in Utrecht on the grounds *inter alia* that the termination amounted to an infringement of EU competition law. The court found that the termination was lawful and this conclusion was upheld on appeal to a higher court.
- 2.7 Although the DataCell / WikiLeaks situation is a high profile and unusual case, Visa Europe was able to draw on its experience of dealing with other complaints of merchant conduct where illegality may arise. The main difference from responding to an allegation of IP infringement (as per the procedure described above) was that, as might be expected given the high profile of the matter, Visa Europe was more closely involved in this case from the outset.

**3 What happened in this case**

- 3.1 As the Commission will be aware, the activities of WikiLeaks attracted significant press coverage around the world during late 2010, when WikiLeaks released hundreds of thousands of documents stolen from classified US military databases in three large tranches: Afghan War Diary, the Iraqi War Logs and US State Department diplomatic cables. Further, according to recent press coverage, it appears that the leaking of sensitive information is continuing.
- 3.2 **[BUSINESS SECRETS - description of Visa Europe's internal procedures and confidential communications between Visa Inc. and Visa Europe]**
- 3.3 In light of the publicity attracted by the activities of WikiLeaks, Visa Europe conducted its own preliminary investigation which showed that while donations using Visa cards to WikiLeaks were facilitated through DataCell, the merchant was described as being Sunshine Press. This suggested that DataCell had been signed by Teller as a merchant when in fact it was carrying out aggregator services (apparently without Teller's knowledge) and that DataCell was acting outside the scope of its contract with Teller. Visa therefore contacted Teller by email on 7 December 2010 to request that payments facilitated through DataCell must cease pending Teller's investigation into the matter (please see Annex 1 for a copy of this email).

***The investigation by Teller***

- 3.4 Visa Europe has a contract with Teller under which Teller, as a member of Visa Europe, agrees to be bound by the Visa Europe Operating Regulations. Teller had a contract with Kortabjónustan ehf (who acted as an introducer for Teller for merchants in Iceland) and a merchant acquiring contract with DataCell.
- 3.5 The investigation by Teller produced certain information about DataCell, Sunshine Press Productions ehf (**Sunshine Press**) and WikiLeaks, which can be summarised as follows:
- (a) Visa Europe's understanding is that WikiLeaks is not a legal entity.
  - (b) Visa Europe does not have a full picture of the relationship between WikiLeaks, Sunshine Press and DataCell, but understands that DataCell provides technical services to WikiLeaks - including servers, hosting, and hardware - and donations handling services, collecting money donated by members of the public for the benefit of the WikiLeaks project. Visa Europe understands that WikiLeaks pays DataCell for the technical services it provides out of donations that DataCell collects for it, and that DataCell then remits surplus funds to WikiLeaks' order. Sunshine Press is described by DataCell as the "media arm" of WikiLeaks.
  - (c) DataCell, when it was offered payment card services by Teller, had been signed as a merchant rather than, as should have been the case, an aggregator taking payments on

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behalf of third parties. There are specific Visa Europe Operating Regulations applicable to aggregators, which are not onerous but are necessary to ensure third party payments are processed securely and in a way that does not undermine the integrity of the Visa payment system. Therefore for DataCell to continue its relationship with Teller, regardless of the issues surrounding WikiLeaks, it needed to demonstrate that it met the necessary requirements under the rules applicable to it under the Visa Europe Operating Regulations.

3.6 Accordingly, on 21 December 2010 Teller informed Visa Europe that it had told DataCell that:

*"if they wish to become a [processor for third parties] they must go through the normal certification process; and if they wish to continue the merchant agreement they must inform us on what they will be selling and set up their website according to the rules, i.e. PCI compliant and with prices on products, etc."*

3.7 In that letter, Teller also suggested entering into an acquiring contract directly with Sunshine Press. Visa Europe responded on 30 December 2010 to explain that all outstanding issues had not yet been dealt with, and therefore Visa Europe asked Teller to wait until Visa Europe had concluded its own investigation of the potential legal issues arising from WikiLeaks before taking any further steps.

3.8 Following further correspondence between Visa Europe and Teller, Visa Europe specifically confirmed to Teller by letter on 18 January 2011 that DataCell could operate to accept Visa payments as a merchant in its own right or to provide payment related services to members and/or merchants, provided that the suspension of Visa payment services facilitating donations to WikiLeaks remained in place. A copy of this letter is attached in Annex 2.

***Visa Europe's investigation***

3.9 Without waiving legal privilege in the advice that it has received, Visa Europe sought specialist legal advice [**BUSINESS SECRETS** - *details of Visa Europe's internal investigation*].

3.10 As the Commission may be aware, the legal position of WikiLeaks' activities remains uncertain. [**BUSINESS SECRETS** - *details of Visa Europe's internal investigation*]. For this reason, the suspension of the processing of payments for the benefit of WikiLeaks over the Visa network continues, although if it was finally determined that WikiLeaks is not carrying out any illegal activities then the question of suspension would no longer arise.

3.11 However, Visa Europe's position remains that provided DataCell complies with the Visa Europe Operating Regulations it is free to process Visa payments either as a merchant or for third parties, provided this does not involve processing payments for the benefit of WikiLeaks.

***DataCell's position***

3.12 On 9 June 2011, DataCell's Danish lawyer (Martin von Haller Grønbaeck of Bender von Haller Dragsted) sent a letter to Visa Europe, attaching an early draft of the competition complaint DataCell intended to submit to the European Commission (attached as Annex 3). This letter is significant for the following reasons:

- (a) The main focus of the letter was notification of DataCell's intention to bring proceedings against Visa Europe and others in the Danish courts for alleged breach of contract, liability in tort and breach of EU competition law.
- (b) It stated that unless Visa Europe and the other addressees paid DataCell €50 million in compensation (plus additional damages) it would file a law suit with the Danish Maritime and Commercial Court and lodge its complaint with the European Commission. The figure sought by way of compensation was not justified or supported by any evidence of actual loss.

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- (c) DataCell's lawyer also stated that in the absence of the payment mentioned above, he would coordinate an "aggressive media strategy" to obtain "maximum exposure and coverage" of the matter in the Danish and international press.

- 3.13 DataCell has not to date filed its threatened claim in the Danish court, nor responded to correspondence from Norton Rose on behalf of Visa Europe asking for further details of its alleged claim.

***Others involved in the process to date***

- 3.14 Visa Europe has kept the Icelandic Parliament and the European Central Bank (ECB) apprised of the progress of the investigations into WikiLeaks. Copies of the following correspondence are attached to this submission:

- letter of 21 December 2010 to the Icelandic Parliament (Annex 4); and
- submission of 11 January 2011 in response to questions from the ECB (Annex 5).

- 3.15 Visa Europe has not been in contact with MasterCard, PayPal or any other payment service provider about this issue. Although Visa Europe's position is public, its actions throughout have been the result of following its own process and taking its own legal advice.

**4 The Complaint raises no competition law concerns**

- 4.1 As explained above, DataCell's merchant agreement was not terminated due to of the activities of WikiLeaks. Rather, DataCell's merchant account was initially suspended for a short period of time pending initial investigations by Teller and Visa, and it was then offered the option of a new contract, either as a merchant or as a third party processor (whichever was appropriate), provided it agreed not to process payments for the benefit of WikiLeaks. This offer, which was confirmed to DataCell in writing on 18 January 2011 (well before any competition complaint was threatened or submitted) was an appropriate and proportionate response to alleged unlawful conduct that could potentially give rise to criminal liability for Visa Europe.

- 4.2 By taking this action, Visa Europe in no way prevented DataCell from continuing with any other business activities, including accepting Visa cards or processing Visa payments - only from accepting donations to WikiLeaks over the Visa network, pending determination of the legal status of WikiLeaks' activities.

***No concerns arise under Article 101***

- 4.3 Article 101 is not engaged in this case because Visa Europe's actions have not prevented, restricted or distorted competition in any market. This is for two main reasons:
- First, as explained above, DataCell has been capable since late December 2010 (as confirmed in writing on 18 January 2011) of entering into a contract with Teller (or indeed any other merchant acquirer within the Visa network) and offering services processing Visa payments for other third parties or indeed as a merchant in its own right. The only limit that remains in place is that relating to Visa payments for the benefit of WikiLeaks, and this has no effect on any other business that DataCell currently runs or wishes to operate.
  - Second, as regards WikiLeaks itself, throughout the period WikiLeaks has been and continues to be able to take payments through many other methods, (e.g., and as advertised on its website, electronic bank transfer, direct debit/standing order, Bitcoin, cheque and cash), should members of the public wish to make donations to it. The WikiLeaks website appears to be continuing to function, regularly publishing new "leaks" and editorial content.

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- 4.4 Notwithstanding our position that there is no restriction of competition in this case, in any event, Visa Europe's actions had a clear objective justification given that allowing payments to be processed for WikiLeaks over the Visa network could expose Visa to potential criminal liability and also damage the Visa brand. Visa Europe's conduct therefore did not create a restriction of competition under Article 101(1), and indeed met the objective and reasonable criteria set down by the European Court in such cases:<sup>1</sup>
- (a) Visa Europe's action was intended to pursue a legitimate objective - that of avoiding the use of the Visa network for purposes that could involve unlawful conduct;
  - (b) in order to prevent such unlawful conduct it was unavoidable that Visa Europe would have to take action to restrict the activities on the Visa network of those alleged to be involved in unlawful conduct; and
  - (c) the restriction in this case went no further than necessary, being limited to facilitating Visa payments for the benefit of WikiLeaks, and was therefore proportionate in the circumstances.
- 4.5 Further, the Article 101(3) criteria are clearly met by Visa Europe's application in this case of its approach to dealing with potential unlawful activity by merchants, as described in paragraph 2.4 above. This approach creates an obvious benefit for consumers in protecting them from unlawful and potentially fraudulent activity. The approach is proportionate and necessary to deal with such issues and does not eliminate competition in any market.
- No concerns arise under Article 102***
- 4.6 DataCell refers to Visa Europe's alleged "share of purchase value of transaction with general purpose payment cards" for Europe in 2010 as its only evidence that Visa Europe is dominant in the EEA. There are many obvious flaws with this approach, the first (recognised by DataCell itself) being that the market share figure relied on is not EEA-wide. However, there are more fundamental problems:
- First, although DataCell advances various hypothetical relevant markets, it fails to consider the market of primary relevance in this case: the market for the processing of donations to fundraising organisations. This is a market on which there are many options available as alternatives to card payments - including Paypal and similar services, electronic bank transfer, direct debit/standing order, cheque and cash. Taking into account these other options Visa Europe's share of payments would be significantly lower.
  - Second, the Commission's guidance, based on the jurisprudence of the European Courts, is that market shares, while a useful first indication, are only one of several factors that need to be considered in assessing dominance.<sup>2</sup>
  - In Visa Europe's case, the presence of strong, sophisticated and well financed competitors such as MasterCard and Amex mean that Visa Europe is not dominant even on the narrow market for payment card network services (which, as explained above, Visa Europe does not accept is a relevant economic market, either in this case or more generally).
- 4.7 For these reasons, Visa Europe believes it is not dominant on any relevant market in the EEA.
- 4.8 In any event, Visa Europe has not abused a dominant position - its actions were proportionate and objectively justified for the reasons explained in paragraph 4.4 above.

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<sup>1</sup> Case C-309/99 *Wouters* [2002] ECR I-1577 and Case C-519/04P *Meca-Medina* [2006] ECR I-6991.

<sup>2</sup> See, for example, paragraphs 13-15 of the Commission's Guidance on enforcement priorities in applying Article [102] of the [TFEU] to abusive exclusionary conduct by dominant undertakings OJ 2009 C45/02.



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- 4.9 Finally, there is no question of collective dominance in this case - there are no structural links between Visa Europe and MasterCard and they do not in any way present themselves or act together on any market as a collective entity.<sup>3</sup>

***There is no justification for interim measures***

- 4.10 Finally, in response to DataCell's request for interim measures under Article 8 of Regulation 1/2003, there is nothing to justify such measures in this case:
- (a) There are no grounds for a *prima facie* finding of infringement: for the reasons explained above, the Complaint gives rise to no serious concerns under either Article 101 or Article 102.
  - (b) The case is not urgent: over six months elapsed between the initial suspension decision and DataCell's Complaint to the Commission (December 2010 to July 2011). This length of time is not consistent with a case involving genuine urgency.
  - (c) There is no evidence of serious and irreparable damage to competition: as explained above, Visa Europe and Teller have made clear to DataCell that it could offer Visa payments provided it does not facilitate donations for the benefit of WikiLeaks. DataCell therefore has the ability to continue with the rest of its business should it wish to do so - no serious harm is occurring as a result of any conduct by Visa Europe. (Visa Europe also notes that the Complaint does not identify the serious and irreparable harm which DataCell claims to be incurring.)
  - (d) There are other forums for potential relief: DataCell has already threatened to bring proceedings in the Danish Courts but has not yet done so - if it wishes to obtain urgent relief it could apply under the Danish legal system.
  - (e) Relief would not be justified on balance in any event: even if the Commission were to find any grounds for awarding interim measures in this case notwithstanding the points set out above, those grounds should be balanced against the very significant potential harm such interim measures could cause to Visa Europe - including potentially exposing Visa Europe to criminal liability for facilitating payments to WikiLeaks.<sup>4</sup> On balance, Visa Europe would submit that interim measures should not be granted.
- 4.11 For all of the above reasons, Visa Europe respectfully invites the Commission to conclude that the Complaint raises no competition issues and does not merit further investigation or action at this time.

**List of annexes**

Annex 1: Email of 7 December 2010 from Visa Europe to Teller.

Annex 2: Letter of 18 January 2011 from Visa Europe to Teller.

Annex 3: Letter of 9 June 2011 from Bender von Haller Dragsted to Visa Europe, with attached draft complaint.

Annex 4: Visa Europe letter of 21 December 2010 to the Icelandic Parliament.

Annex 5: Visa Europe submission of 11 January 2011 in response to questions from the ECB.

**2 September 2011**

<sup>3</sup> Cases C-395/96 and C-396/96 *Compagnie Maritime Belge NV v Commission* [2000] ECR I-1365, paragraph 36. See also T-193/02 *Laurent Piau v Commission* [2005] ECR II-209, paragraph 110.

<sup>4</sup> See, for example, Cases T-24 and 28/92 *Langnese-Iglo and Scholler Lebensmittel v Commission* [1992] ECR II-1839, paragraphs 28-30.

**Reactions to WikiLeaks Document Release**  
*Updated August 2011*

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## Government Quotes

### Afghanistan

#### **WikiLeaks Reportedly Outs 100s of Afghan Informants**

*CBSNews.com*

July 28, 2010

[http://www.cbsnews.com/8301-503543\\_162-20011886-503543.html](http://www.cbsnews.com/8301-503543_162-20011886-503543.html)

“The leaks certainly have put in real risk and danger the lives and integrity of many Afghans,” a senior official at the Afghan foreign ministry told *The Times* on condition of anonymity.

### Australia

#### **WikiLeaks acts 'illegal': Gillard government**

*The Australian*

December 10, 2010

<http://www.theaustralian.com.au/in-depth/wikileaks/wikileaks-acts-illegal-gillard-government/story-fn775xjq-1225968584365>

“If you look at the fact that this information was held . . . on any description . . . on a secure and highly sensitive and classified database, which was clearly the property of the US, that information has apparently been accessed in an unauthorised manner, and has been provided, again presumably without authorisation, far and wide, then you would have to assume that there is a reasonable case that the act of sourcing the information did involve illegal events,” Mr. McClelland said.

### Canada

#### **World Leaders React to Wikileaks Release**

*The Epoch Times*

November 29, 2010

<http://www.theepochtimes.com/n2/content/view/46710/>

According to opposition politician Liberal Bob Rae, what matters is not so much what was said, but the fact that people will become less candid about security concerns if they think their e-mails and other documents could be leaked.

### France

#### **France Takes Down Wikileaks' Server, Assange Faces Numerous Death Threats**

*Hamsayeh.net*

December 6, 2010

[http://hamsayeh.net/index.php?option=com\\_content&view=article&id=90:france-takes-down-wikileaks-server-assange-faces-numerous-death-threats&catid=34:world](http://hamsayeh.net/index.php?option=com_content&view=article&id=90:france-takes-down-wikileaks-server-assange-faces-numerous-death-threats&catid=34:world)

France's Industry Minister Eric Besson said on Friday (12/3) that his country cannot host a site that 'violates the secrets of diplomatic relations.'

### **China urges US action over WikiLeaks revelations**

*AFP*

November 30, 2010

[http://www.google.com/hostednews/afp/article/ALeqM5gBdo9v\\_sLA\\_tXL-tySuxJ64HpV8A?docId=CNG.e3e0fba392991b957a4ae216fa0fcb88.351](http://www.google.com/hostednews/afp/article/ALeqM5gBdo9v_sLA_tXL-tySuxJ64HpV8A?docId=CNG.e3e0fba392991b957a4ae216fa0fcb88.351)

French President Nicolas Sarkozy, described in the missives as “thin-skinned and authoritarian ... naked emperor”, slammed their release as “the ultimate degree of irresponsibility,” his government spokesman said.

### **Germany**

#### **World Leaders React to Wikileaks Release**

*The Epoch Times*

November 29, 2010

<http://www.theepochtimes.com/n2/content/view/46710/>

A senior parliamentarian in Chancellor Angela Merkel’s coalition attacked WikiLeaks on Tuesday, likening the web service to the Communist saboteurs of the former Stasi secret police. Hans-Peter Friedrich, leader of the Christian Social Union (CSU) caucus in the German parliament, said: “No one has the right to damage our trust in the United States, which is needed to preserve peace and stability.” He charged that WikiLeaks’ motive for publishing 250,000 secret US diplomatic dispatches was “making money and acting important.” “It’s a kind of Stasi which I can’t stand,” he said, referring to the dirty tricks which the secret police practiced to discredit their opponents. The Stasi was shut down in 1989 when Communism collapsed. Friedrich said damaging US interests indirectly harmed German interests too. The CSU is a sister party to Merkel’s Christian Democrats.

The German government called the publication of the files in which Chancellor Angela Merkel and Foreign Minister Guido Westerwelle receive unflattering appraisals by US diplomats. “regrettable.”

### **Iraq**

#### **Foreign leaders play down release of diplomatic cables**

*The Washington Post/Boston Globe*

November 30, 2010

[http://articles.boston.com/2010-11-30/news/29290812\\_1\\_nuclear-program-nuclear-reactor-cables](http://articles.boston.com/2010-11-30/news/29290812_1_nuclear-program-nuclear-reactor-cables)

Iraq’s foreign minister, Hoshyar Zebari, called the release of the diplomatic cables “damaging” and “the timing terrible.”...“There is a mere chance for government formation,” Zebari said, referring to the ongoing struggle in Iraq to forge a lasting government. “And it’s poisoned by all these reports,” Zebari said.

### **Italy**

#### **Italy calls Wikileaks release “9/11 of diplomacy”**

*Reuters*

November 28, 2010

<http://af.reuters.com/article/libyaNews/idAFLDE6AR0D420101128>

The expected release of classified US documents by WikiLeaks will be the “9/11 of world diplomacy”, Italy’s foreign minister said on Sunday, urging Italian prosecutors to investigate the whistle-blowing website. Foreign Minister Franco Frattini, on a trip to Qatar, said he did not know the content of the files to be released but warned they would “blow up the relationship of trust between states”, according to Italian news agencies. “It will be the September 11th of world diplomacy,” he said. In an interview with state television earlier on Sunday, Frattini said the release would be the product of “a criminal activity that has already been prosecuted in 10 countries, including the United States”.

## Japan

### **Japan joins criticism of WikiLeaks**

*APN News*

December 1, 2010

<http://apnnews.com/2010/12/01/japan-joins-criticism-of-wikileaks/>

Japan, a key ally of the United States, joined criticism of the WikiLeaks website over its release of secret US diplomatic cables. “It’s just outrageous. It’s a criminal act,” Foreign Minister Seiji Maehara told a news conference when asked about his stance on the controversial website. “It is a government that makes decisions on documents, no matter whether they are unscreened or classified,” Maehara said. “[WikiLeaks] steals them without asking and then makes them public. I cannot see any value in the act at all.”

## Pakistan

### **Wikileaks disclosures: Pakistan rejects ‘mischievous’ leaks**

*The Express Tribune*

November 30, 2010

<http://tribune.com.pk/story/83830/wikileaks-disclosures-pakistan-rejects-mischievous-leaks/>

Pakistan on Monday ridiculed the Wikileaks disclosure that the Saudi monarch described President Asif Zardari as the biggest hurdle to the country’s progress, calling it “mischievous, misleading and contrary to facts”. “We consider the extremely negative reports carried on Pakistan-Saudi Arabia relations attributed to Wikileaks as misleading and contrary to facts,” said Foreign Office spokesperson Abdul Basit.

## Sweden

### **WikiLeaks Reaction in Europe Shows Dismay, Not Alarm**

*Voice of America*

November 29, 2010

<http://www.voanews.com/english/news/europe/WikiLeaks-Reaction-in-Europe-Shows-Dismay-Not-Alarm-110989624.html>

Sweden’s Foreign Minister Carl Bildt said the revelations will hurt international diplomacy.

## UK

### **WikiLeaks is threatening national security, says Downing Street**

*The Telegraph*

November 29, 2010

<http://www.telegraph.co.uk/news/worldnews/northamerica/usa/8167816/WikiLeaks-is-threatening-national-security-says-Downing-Street.html>

The Prime Minister's official spokesman said: "Clearly we condemn the unauthorised release of classified information. The leaks and their publication are damaging to national security in the United States and in Britain, and elsewhere. "It's important that governments are able to operate on the basis of confidentiality of information."

### **WikiLeaks: Army commander Colonel Stuart Tootal blasts memo dig at British forces**

*Daily Mirror*

April 12, 2010

<http://www.mirror.co.uk/news/top-stories/2010/12/04/army-commander-blasts-wikileaks-memo-dig-at-our-forces-115875-22760165/>

[Colonel Stuart Tootal of the British Army] said: "The leaks don't help anyone, particularly not the poor infantryman on the ground slogging his guts out."

## US

### **Text of US State Department letter to WikiLeaks**

Dear Ms. Robinson and Mr. Assange:

I am writing in response to your 26 November 2010 letter to US Ambassador Louis B. Susman regarding your intention to again publish on your WikiLeaks site what you claim to be classified US Government documents.

As you know, if any of the materials you intend to publish were provided by any government officials, or any intermediary without proper authorization, they were provided in violation of US law and without regard for the grave consequences of this action. As long as WikiLeaks holds such material, the violation of the law is ongoing.

It is our understanding from conversations with representatives from The New York Times, The Guardian and Der Spiegel, that WikiLeaks also has provided approximately 250,000 documents to each of them for publication, furthering the illegal dissemination of classified documents.

Publication of documents of this nature at a minimum would:

- Place at risk the lives of countless innocent individuals -- from journalists to human rights activists and bloggers to soldiers to individuals providing information to further peace and security;

- Place at risk on-going military operations, including operations to stop terrorists, traffickers in human beings and illicit arms, violent criminal enterprises and other actors that threaten global security; and,
- Place at risk on-going cooperation between countries - partners, allies and common stakeholders -- to confront common challenges from terrorism to pandemic diseases to nuclear proliferation that threaten global stability.

In your letter, you say you want -- consistent with your goal of "maximum disclosure" -- information regarding individuals who may be "at significant risk of harm" because of your actions.

Despite your stated desire to protect those lives, you have done the opposite and endangered the lives of countless individuals. You have undermined your stated objective by disseminating this material widely, without redaction, and without regard to the security and sanctity of the lives your actions endanger. We will not engage in a negotiation regarding the further release or dissemination of illegally obtained US Government classified materials. If you are genuinely interested in seeking to stop the damage from your actions, you should: 1) ensure WikiLeaks ceases publishing any and all such materials; 2) ensure WikiLeaks returns any and all classified US Government material in its possession; and 3) remove and destroy all records of this material from WikiLeaks' databases.

Sincerely,

Harold Hongju Koh  
Legal Adviser to the US State Department

**WikiLeaks release 'deplorable': Obama**

*The Sydney Morning Herald*

December 12, 2010

<http://www.smh.com.au/world/wikileaks-release-deplorable-obama-20101212-18trd.html>

US President Barack Obama has offered his strongest condemnation yet of WikiLeaks' "deplorable" documents dump, as supporters of Julian Assange called for demonstrations to press for release of the website's founder. In a call to Turkish Prime Minister Recep Tayyip Erdogan, Obama "expressed his regrets for the deplorable action by WikiLeaks and the two leaders agreed that it will not influence or disrupt the close cooperation between the United States and Turkey," the White House said.

**David Axelrod: WikiLeaks 'Put Lives At Risk' But US Foreign Policy Can 'Withstand' It**

*The Huffington Post*

December 9, 2010

[http://www.huffingtonpost.com/2010/12/08/david-axelrod-wikileaks-p\\_n\\_793898.html](http://www.huffingtonpost.com/2010/12/08/david-axelrod-wikileaks-p_n_793898.html)

[White House senior advisor David] Axelrod countered, "Our foreign policy can withstand what happened, but what happened was unacceptable and unconscionable. And it did put lives at risk."

**WikiLeaks are a bunch of terrorists, says leading US congressman as No10 warns of threat to national security**

*The Daily Mail*

November 30, 2010

<http://www.dailymail.co.uk/news/article-1333879/WikiLeaks-terrorists-says-leading-US-congressman-Peter-King.html#ixzz18CWtAsla>

One of American's leading politicians today called for WikiLeaks to be reclassified as a terrorist organisation after the latest release of top secret intelligence documents. Congressman Peter King, the incoming chairman of the House Homeland Security Committee, claimed that the data breach was "worse than a military attack." "I am calling on the attorney general and supporting his efforts to fully prosecute WikiLeaks and its founder for violating the Espionage Act," the Republican said. He added he had written to the Secretary of State Hillary Clinton to ask if the group could be classed as a terrorist organisation. "(The release) has put American lives at risk all over the world," he said. "This is worse even than a physical attack on Americans, it's worse than a military attack."

"By releasing stolen and classified documents, WikiLeaks has put at risk not only the cause of human rights but also the lives and work of these individuals," [White House spokesman Robert] Gibbs said. "We condemn in the strongest terms the unauthorised disclosure of classified documents and sensitive national security information."

**Hillary Clinton: WikiLeaks release an 'attack on international community'**

*The Washington Post*

November 29, 2010

<http://www.washingtonpost.com/wp-dyn/content/article/2010/11/29/AR2010112903231.html>

On Monday, in her first public comments on the cables, [Secretary of State Hillary] Clinton blasted WikiLeaks and expressed confidence that the release wouldn't permanently damage US relations abroad. "Let's be clear: This disclosure is not just an attack on America's foreign policy interests," Clinton told journalists in the Treaty Room, an ornate Wedgewood-blue salon near her office. "It is an attack on the international community - the alliances and partnerships, the conversations and negotiations that safeguard global security and advance economic prosperity."

**Wikileaks release of embassy cables reveals US concerns**

*BBC News*

November 28, 2010

<http://www.bbc.co.uk/news/world-us-canada-11858895>

In a statement, the White House said: "Such disclosures put at risk our diplomats, intelligence professionals, and people around the world who come to the United States for



assistance in promoting democracy and open government. President Obama supports responsible, accountable, and open government at home and around the world, but this reckless and dangerous action runs counter to that goal.”

### **WikiLeaks Releases Confidential Diplomat Cables**

*ABC News*

November 28, 2010

<http://abcnews.go.com/Politics/wikileaks-releases-classified-diplomat-cables-us-state-department/story?id=12260376&page=3>

US Ambassador to Iraq James Jeffrey confirmed that the WikiLeaks documents could do serious harm to US diplomatic efforts. “WikiLeaks are an absolutely awful impediment to my business, which is to be able to have discussions in confidence with people,” Jeffrey told reporters at a briefing, according to news agency AFP. “I do not understand the motivation for releasing these documents. They will not help. They will simply hurt our ability to do our work here.”

### **WikiLeaks Releases Confidential Diplomat Cables**

*ABC News*

November 28, 2010

<http://abcnews.go.com/Politics/wikileaks-releases-classified-diplomat-cables-us-state-department/story?id=12260376&page=2>

Sen. John Kerry, D-Mass., chairman of the Senate Foreign Relations Committee, called it “a reckless action” that will not only complicate US diplomatic efforts, but could put people’s lives at risk... these sensitive cables contain candid assessments and analysis of ongoing matters and they should remain confidential to protect the ability of the government to conduct lawful business with the private candor that’s vital to effective diplomacy,” he said.

### **Wikileaks must stop "dangerous" leaks: military**

*Reuters*

November 26, 2010

<http://ca.reuters.com/article/topNews/idCATRE6AP06Z20101126>

Whistle-blowing website WikiLeaks is endangering the lives of US forces and people who support the United States around the world, the top US military officer said, ahead of the expected release of more classified US documents. “I would hope that those who are responsible for this would, at some point in time, think about the responsibility that they have for lives that they’re exposing and the potential that’s there and stop leaking this information,” Admiral Mike Mullen, chairman of the US military’s Joint Chiefs of Staff, said.

### **US Warns of Likely Harm from WikiLeaks Release**

*CBS News*

November 24, 2010

<http://www.cbsnews.com/stories/2010/11/24/national/main7086416.shtml>

“These revelations are harmful to the United States and our interests,” State Department spokesman P.J. Crowley said. “They are going to create tension in relationships between our diplomats and our friends around the world.”

**Lieberman: WikiLeaks is ‘hostile to our military’**

*The Hill*

July 26, 2010

<http://thehill.com/blogs/hillicon-valley/technology/110905-lieberman-wikileaks-hostile-to-our-military>

Sen. Joe Lieberman (I-Conn.) condemned the site WikiLeaks on Monday for disclosing classified war documents, calling the site an “ideological” organization with “an agenda.” WikiLeaks “is implacably hostile to our military and the most basic requirements of our national security,” Lieberman said in a statement.

**Vatican**

**Vatican reaction to WikiLeaks claims**

*The Guardian*

December 12, 2010

<http://www.guardian.co.uk/world/2010/dec/12/vatican-reaction-wikileaks-claims>

The Vatican has described the release of Wikileaks cables depicting its inner workings in an unflattering light as a matter of “extreme seriousness”... “Naturally these reports reflect the perceptions and opinions of the people who wrote them and cannot be considered as expressions of the Holy See itself, nor as exact quotations of the words of its officials,” the Vatican said over the weekend.

**US Vatican Embassy condemns ‘harmful’ WikiLeaks**

*Catholic News Agency*

December 3, 2010

<http://www.catholicnewsagency.com/news/US-vatican-embassy-condemns-harmful-wikileaks>

“While we cannot speak to the authenticity of any documents provided to the press, the Embassy condemns in the strongest terms any unauthorized disclosure of classified information that could have harmful implications on the individuals mentioned and on global engagement in general between nations.”

## Third-Party Commentary

### Africa

#### **WikiLeaks Revelations Could Put Zimbabwe At Risk of Further Instability**

*Voice of America*

December 10, 2010

<http://www.voanews.com/english/news/africa/WikiLeaks-Revelations-Put-Zimbabwe-in-Jeopardy-of-Further-Instability-says-Analyst--111665869.html>

A leading security analyst based in southern Africa says the spilling of United States government secrets about Zimbabwe by the WikiLeaks organization is “dangerous” for the region, and could lead to instability and violence ahead of the election Harare’s expected to call next year. “Certainly for southern Africa, the WikiLeaks Zimbabwe revelations are most significant, and I don’t think it’s an exaggeration to say they could destabilize Zimbabwe – and thus the region - even further in the months to come,” says Liesl Louw-Vaudran, who works for one of Africa’s most respected security think-tanks, the Institute for Security Studies.

### NATO

#### **NATO condemns WikiLeaks release on tactical nukes**

*Associated Press/The Jerusalem Post*

November 30, 2010

<http://www.jpost.com/Headlines/Article.aspx?id=197399>

NATO is condemning the release by Wikileaks of diplomatic cables detailing the deployment of US tactical nuclear weapons in Europe. NATO spokeswoman Oana Lungescu on Tuesday described the leaks as “illegal and dangerous.”

### UK

#### **WikiLeaks Reaction in Europe Shows Dismay, Not Alarm**

*Voice of America*

November 29, 2010

<http://www.voanews.com/english/news/europe/WikiLeaks-Reaction-in-Europe-Shows-Dismay-Not-Alarm-110989624.html>

...Michael Cox, co-director of IDEAS, a London-based center for the study of international relations, says what will hurt diplomacy is the fact that the cables have gone public. He says it might stop diplomats from being frank in the future... “If you want to keep a secret, you keep a secret. You don’t tell anybody or you only tell a very, very small circle of people. If you don’t want information to get out you just don’t tell it two-and-a-half thousand people, particularly in an electronic age,” said Cox.

### US

#### **Public Sees WikiLeaks as Harmful**

Pew Research Center for the People & the Press

December 8, 2010

<http://pewresearch.org/pubs/1823/poll-wikileaks-harm-serve-public-interest-press-handling>

Most Americans following news about the WikiLeaks website's release of a huge trove of classified documents about US diplomatic relations see the revelations -- which have received extensive media coverage -- doing more harm than good. Six-in-ten (60%) of those paying attention to the story say they believe the release of thousands of secret State Department communications harms the public interest. About half that number (31%) say the release serves the public interest, according to the latest News Interest Index survey conducted Dec. 2-5 among 1,003 adults.

### **Geopolitics Continue Despite WikiLeaks**

STRATFOR

December 7, 2010

STRATFOR sources in the United States, as well as foreign intelligence agencies and diplomatic officials, continued on Monday to speak to STRATFOR about how the leaks had a negative effect on their ability to conduct diplomatic business. A senior foreign diplomat of a critical country to Washington's interests working inside the United States talked about apprehensively waiting to see if that country — and the country's diplomats themselves — are mentioned in the cables. The candor with US diplomats — often done at the expense of home government and as an attempt to build credibility with US counterparts — may very well cost them their job if conversations are revealed. A precedent has been set within that country's foreign ministry, the diplomat acknowledged, of pulling back on speaking honestly about government deficiencies with US officials. It may be a passing phase — after all, foreign diplomats speak to the United States because they have to, not because they want to or have an affinity for Washington, as US Defense Secretary Robert Gates said — but it is a concerning development nonetheless. US intelligence and diplomatic officials have also expressed frustration, with particularly negative implications for operations in the Middle East. The US intelligence community is also considering further compartmentalization of information to prohibit similar disclosures in the future. Repercussions of the leaked US diplomatic cables therefore are serious and global, not confined to American statecraft. Diplomacy and intelligence professions may very well consider classifying eras as pre- and post-WikiLeaks.

### **Alum speaks out against WikiLeaks**

*The Lantern*

November 30, 2010

<http://www.thelantern.com/campus/alum-speaks-out-against-wikileaks-1.1813044>

Larry Sanger, Ohio State alumnus and cofounder of Wikipedia, said the recent leak could sour US foreign relations. "He's an international outlaw," Sanger said. "He keeps doing things that directly attack ... perfectly legitimate government operations." "[Newspapers that published the leaked cables] have done something wrong. By essentially giving the WikiLeaks an extremely prominent platform and endorsement ... they've done something that could be really damaging to the United States." Sanger said.

**NATO condemns WikiLeaks release on tactical nukes**

*Associated Press/The Jerusalem Post*

November 30, 2010

<http://www.jpost.com/Headlines/Article.aspx?id=197399>

The White House and the Pentagon have failed to confront and contain the threat to national security posed by WikiLeaks and its founder Julian Assange who should be arrested as an “enemy combatant”, voices on the US conservative right insisted yesterday. One Fox commentator went so far as to call for the WikiLeaks figurehead to be treated as a prisoner of war. Christian Whiton, a former State Department official, demanded that America seize Mr. Assange and deal with him and other WikiLeaks staff as “enemy combatants”. Calling for “non-judicial action” against them, he implied that they should be in Guantanamo Bay with Taliban inmates.

**WikiLeaks Releases Confidential Diplomat Cables**

*ABC News*

November 28, 2010

<http://abcnews.go.com/Politics/wikileaks-releases-classified-diplomat-cables-us-state-department/story?id=12260376&page=3>

“It’s very worrisome. We don’t want to see people taken out and shot on the streets of Kabul or Baghdad because they’ve worked with the United States,” said Michael O’Hanlon, an expert on defense policy with the Brookings Institution.

## Editorials

### **News of the World vs. WikiLeaks**

*Wall Street Journal*

By Bret Stephens

July 19, 2011

<http://online.wsj.com/article/SB10001424052702303795304576453722472758028.html>

How does this year's phone hacking scandal at the now-defunct British tabloid News of the World—owned, I hardly need add, by News Corp., the Journal's parent company—compare with last year's contretemps over the release of classified information by Julian Assange's WikiLeaks and his partners at the New York Times, the Guardian and other newspapers?

At bottom, they're largely the same story.

In both cases, secret information, initially obtained by illegal means, was disseminated publicly by news organizations that believed the value of the information superseded the letter of the law, as well as the personal interests of those whom it would most directly affect. In both cases, fundamental questions about the lengths to which a news organization should go in pursuit of a scoop have been raised. In both cases, a dreadful human toll has been exacted: The British parents of murdered 13-year-old Milly Dowler, led to the false hope that their child might be alive because some of her voice mails were deleted after her abduction; Afghan citizens, fearful of Taliban reprisals after being exposed by WikiLeaks as US informants.

Both, in short, are despicable instances of journalistic malpractice, for which some kind of price ought to be paid. So why is one a scandal, replete with arrests, resignations and parliamentary inquests, while the other is merely a controversy, with Mr. Assange's name mooted in some quarters for a Nobel Peace Prize?

The easy answer is that the news revealed by WikiLeaks was in the public interest, whereas what was disclosed by News of the World was merely of interest to the public. By this reckoning, if it's a great matter of state, and especially if it's a government secret, it's fair game. Not so if it's just so much tittle-tattle about essentially private affairs.

You can see the attraction of this argument—particularly if, like Mr. Assange, you are trying to fight extradition to Sweden on pending rape charges that you consider unworthy of public notice.

You can also see its attraction to anybody who claims to know what the public interest ought to be and is in a position to do something about it. In June 2006, the New York Times revealed that the Bush administration had a secret—and highly effective—program to monitor thousands of banking transactions in an effort to stop terrorism financing. Several months later, the Times' own public editor argued that the program was entirely legal and that the article should never have been published. The Gray Lady moved on.

But you can also see why the distinction between the Public Interest, loftily defined, and what actually happens to interest the public, not-so-loftily defined, is a piece of rhetorical legerdemain

that masks a raw assertion of privilege. Was it in the higher public interest to know, as we learned from WikiLeaks, that Zimbabwe's prime minister and opposition leader Morgan Tsvangirai was privately urging US diplomats to hold firm on sanctions even as he was saying the opposite in public? No. Did the public want to know about it? No. What did this particular WikiLeaks achieve? Nothing, except to put Mr. Tsvangirai at material risk of being charged with treason and hanged.

Seen in this light, the damage caused by WikiLeaks almost certainly exceeded what was done by News of the World, precisely because Mr. Assange and his media enablers were targeting bigger—if often more vulnerable—game. The Obama administration went so far as to insist last year that WikiLeaks “[placed] at risk the lives of countless innocent individuals—from journalists to human rights activists to soldiers.” Shouldn't there be some accountability, or at least soul-searching, about this, too?

Don't count on it: It would require too much introspection among people whose primary emotional mode is furious, and perpetual, self-righteousness.

As for News of the World, the media has alighted on one of its convenient little narratives, this one about the all-powerful media mogul, his lidless eyes gazing over every corner, closet and cellar of his empire, his obedient minions debasing everything they touch. That this media Sauron has now begged forgiveness of the Dowler family, shut the offending paper down and accepted the resignations of his top lieutenants hardly seems to have made an impression. But as someone noted recently in connection to L'Affaire DSK, few things are as unstoppable—or as prone to error—as a stupid media narrative.

It's probably inevitable that this column will be read in some quarters as shilling for Rupert Murdoch. Not at all: I have nothing but contempt for the hack journalism practiced by some of the Murdoch titles. But my contempt goes double for the self-appointed media paragons who saw little amiss with Mr. Assange and those who made common cause with him, and who now hypocritically talk about decency and standards. Their day of reckoning is yet to come.

**Letter: WikiLeaks war an economic threat**

*The Washington Times (DC)*

By Tim Coleman

December 10, 2010

<http://www.washingtontimes.com/news/2010/dec/10/wikileaks-war-an-economic-threat/>

The recent distribution of sensitive and classified US documents by WikiLeaks has caused an enormous uproar within the Beltway as well as capital cities and embassies around the world, providing fodder for talking heads and pundits alike around the globe.

While the WikiLeaks release is considered to have caused significant diplomatic and national-security damage, there is a fundamental consequence which is now only receiving the attention it deserves.

Several American private corporations and a few international corporations came under cyberattack by so-called supporters of WikiLeaks. It is believed that WikiLeaks sympathizers employed a distributed denial-of-service attack (a nefarious effort to ensure an Internet portal is unable to operate as a consequence of an unnatural volume of user-page requests) against the likes of Visa, Mastercard, PayPal, EveryDNS, the Swiss firm PostFinance and a few political-action committee websites deemed unsavory.

There is much to be learned by the failures we have seen in recent days and months, but the true test is yet to come. It is clear that fellow allies and US corporate entities alike are currently under full-scale attack as retribution for actions taken to protect shareholder and national interests.

Ignoring the economic realities of today and the financial implications of such cyberattacks serve to undermine the fundamental purpose of government. If the embarrassment and real-life consequences weren't enough, our fragile economy and some of its most important contributors to job growth appear to be standing alone to thwart a clear and present danger.

**WikiLeaks: The man who kicked the hornet's nest**

*The Guardian*

December 8, 2010

<http://www.guardian.co.uk/commentisfree/2010/dec/08/editorial-wikileaks-julian-assange>

*As the disclosures continue, a number of questions about the way the world has changed are becoming more clearly framed*

"Is this the end or beginning?" Betjeman put those words into the mouth of Oscar Wilde as he sat in the Cadogan hotel waiting to be arrested for sexual offences in 1895. Similar thoughts must have flitted through the mind of Julian Assange as he prepared to present himself at a London police station yesterday. He was duly arrested in relation to alleged sex offences in Sweden and remanded in custody for a week. Under technological, legal, financial, corporate and governmental attack from all sides, Assange has managed to keep his subversive website, WikiLeaks, staggering on, spilling classified secrets around the globe. Will WikiLeaks be floored by the arrest of its driving inspiration? Or will its actions, ethos and notoriety prove it to be indestructible and thereby demonstrate that there are new forces in the world which can effectively challenge established patterns of power and control of information? Is it the end or the beginning?

Of the charges themselves it is unwise to say anything. The internet is awash with conspiracies, smears and rebuttal, but for the moment it is best to let the Swedish judicial process take its course. It is, though, difficult to see what purpose is served by locking Assange away this week, given that a number of reputable people were prepared to stand surety for his bail. The best way of demonstrating that the charges have nothing to do with silencing WikiLeaks is to let it carry on leaking while Assange faces his accusers.

*Diplomatic confidences*



But, 10 days into the disclosures, a number of questions about the way the world has changed are becoming more clearly framed. The first concerns diplomacy itself. Should diplomats be able to speak confidentially with their governments and sources?

The answer is, clearly, yes. Without secret communication there could be no meaningful diplomacy and textured communication between countries. But at least two further issues immediately come into play. Diplomatic sources deserve protection, too – and it is apparent that the US government must rapidly reconsider the way it exposed the confidences of sensitive sources to a potential audience of millions of Americans cleared to read “secret” material. And if American diplomats must troop around TV studios citing the Vienna convention, which protects diplomatic embassies and communications as “inviolable”, then they must do a better job of explaining why Hillary Clinton was recently sending out demands on behalf of the CIA to spy on foreign envoys at the UN and around the world. If the sanctity of the diplomatic bag is to mean anything, it must be a universal value.

The implications of the WikiLeaks disclosures for vast government databases are considerable. The confidential medical records of more than 50 million UK citizens will soon be sitting on a centralised £12bn computer system which can be accessed by as many as 250,000 NHS staff from 30,000 terminals. The NHS Spine is, essentially, no different from Siprnet, the military intranet at the heart of these leaks. The vision of a 22-year-old private soldier reading – and allegedly copying – the innermost secrets of US diplomacy is hardly a reassuring one.

#### *Alarmist predictions*

The general principle of confidential information comes into conflict with freedom of expression issues the moment such material is leaked. That is not to argue that it is right to “dump” all the American cables for the whole world to read. It is plainly not. They need to be handled with care and a responsible eye on the possible damage to individuals and operations. WikiLeaks may have erred in some of its judgments over where the precise line should be drawn – but, in general, alarmist predictions of the sky falling in following publication of war logs and cables have failed to materialise. Mr. Assange is accused of being relentlessly anti-American. But, for some years, he ploughed a rather lonely furrow publishing material which embarrassed corrupt and repressive governments elsewhere – an enterprise not dissimilar in its intent to organisations such as Transparency International, which is generously supported by the US government. Instead of wholesale condemnation of the leaks, it is more fruitful to look at the individual stories that are emerging and judge each on its importance and the public interest served. The anti-cable camp has veered from predicting harm to a metropolitan shrug that they tell us nothing new. Neither charge is right. In particular, countries with repressive governments and without a free press have a great hunger to read what their rulers have been saying and doing. We should not sneer at the opportunity these cables offer.

It is true that some of the dispatches confirmed what we already knew: that there was deep animosity between the Arab Gulf states and their Iranian neighbour, for instance, or that the Russian prime minister, Vladimir Putin, sat astride a virtual mafia state. Some stories broke new ground – the CIA instructions to spy on the UN being one example. China’s willingness to see the Korean peninsula reunited under a government in Seoul changed the way we saw an old

conflict; and the revelation that a senior Chinese official had co-ordinated the assault on Google took that story into new territory. Yemen's private willingness to admit that US bombs were their bombs, and the extent to which the US had lost control of policy in Pakistan, also opened eyes.

Closer to home, the "special relationship" has taken some dents. US criticism of the performance of British troops in Sangin, the cockpit of the Afghan insurgency, caused palpable anger among British soldiers, particularly as the US are themselves starting to take heavy losses in Helmand. This can only increase the estrangement of public opinion to the war. It was instructive to learn that the US had been given assurances that the Chilcot inquiry into the Iraq war would not reveal anything damaging to US interests.

### *A fragile web*

What of the internet itself? What many people had thought was a resilient web – a communications network that could "route around censorship" – has, after all, a few points where failure, whether technical or political, stifles communication. The ironies hardly need spelling out. For a powerful argument of the potential of the beneficial power of the web, go no further than Mrs. Clinton's powerful January 2010 speech on internet freedom in which she lauded the "iconic infrastructure of our age", adding this warning: "As in the dictatorships of the past, governments are targeting independent thinkers who use these tools." She meant Iran and China, but there is widespread unease at the tactics her own administration is using to stifle WikiLeaks into silence.

The academic Clay Shirky has blogged persuasively this week that the US government should openly use the law against WikiLeaks and others rather than muscle. "Whatever restrictions we eventually end up enacting, we need to keep Wikileaks alive today, while we work through the process democracies always go through to react to change. If it's OK for a democracy to just decide to run someone off the internet for doing something they wouldn't prosecute a newspaper for doing, the idea of an internet that further democratizes the public sphere will have taken a mortal blow." We agree.

### **You're Either With Us, or You're With WikiLeaks**

*The Washington Post*

By Marc A. Thiessen

December 7, 2010

<http://www.aei.org/article/102869>

Secretary of State Hillary Clinton got one thing right last week-she described WikiLeaks' disclosure of hundreds of thousands of classified documents as "an attack." Indeed, it was the third such attack in five months that WikiLeaks has launched against the United States and its international partners. WikiLeaks itself has described its struggle in military terms. Founder Julian Assange recently posted a Tweet from one of his supporters declaring: "The first serious infowar is now engaged. The field of battle is WikiLeaks. You are the troops."

Like the war on terror, we have been attacked in this new cyber war in ways we did not anticipate. Over the past decade, the US government has spent billions to stop foreign

adversaries from remotely penetrating our computer networks for sabotage. Instead of trying to break through these defenses, Assange pioneered a new form of cyber sabotage. He found someone who allegedly penetrated our classified systems from within, downloaded America's secrets onto a Lady Gaga CD and gave them to Assange, who then disseminated this stolen information across the world.

Assange has made clear he intends to continue posting stolen classified information and has effectively dared the United States and the world to try and stop him. He recently announced through his lawyer that if he is arrested, he will unleash a "thermonuclear device" of completely unexpurgated government files. Think about that: Assange has threatened America with the cyber equivalent of thermonuclear war.

If "one guy with a laptop" can shut down WikiLeaks even temporarily, imagine what the 1,100 cyber-warriors at US Cyber Command could do.

If WikiLeaks is treating this as a war in cyberspace, America should do the same. The first step is to rally a coalition of the willing to defeat WikiLeaks by shutting down its servers and cutting off its finances. WikiLeaks' most recent disclosures-which exposed not only America's secrets but also those of other nations-seem to have awakened others to the threat the group poses.

In recent days, WikiLeaks has had trouble staying online-in part because governments have been pressuring companies to stop hosting WikiLeaks. In the United States, Amazon.com kicked WikiLeaks off of its servers after an aide to Joe Lieberman, chairman of the Senate Homeland Security and Governmental Affairs Committee, complained. Another US provider, EveryDNS.net, kicked WikiLeaks off as well, and PayPal.com cut off the account WikiLeaks had been using to collect donations.

In France, Industry Minister Eric Besson said the government would force a French company, OVH SAS, to stop hosting WikiLeaks, declaring, "France cannot host Internet sites that violate the secrets of diplomatic relations and endanger people protected by diplomatic secrecy." Other countries should be encouraged to follow suit.

As WikiLeaks is driven from the cyber territory of responsible countries, it will seek refuge elsewhere on the Internet, setting up operations in nations where it believes it will receive protection. Governments that provide WikiLeaks with virtual safe havens should be told in no uncertain terms: "You are either with us, or you are with WikiLeaks." If they refuse to shut WikiLeaks down on their territory, action should be taken to drive WikiLeaks from those safe havens.

Last week, a Pentagon spokesman confirmed that the United States does in fact have the offensive capabilities in cyberspace to take down WikiLeaks, but that the Obama administration chose not to use them. This failure to act prompted a patriotic hacker who goes by the name th3j35t3r (the Jester) to attack WikiLeaks himself, repeatedly taking down its Web site.

If "one guy with a laptop" can shut down WikiLeaks even temporarily, imagine what the 1,100 cyber-warriors at US Cyber Command could do. While the United States sits on the sidelines,

the New York Times reported Saturday that WikiLeaks had come under assault "from armies of zombie computers in Europe, Russia and Asia." This flood of attacks creates the perfect cover for the United States to deliver the coup de grace to WikiLeaks secretly, with no fingerprints, if it chose to do so.

Some say attacking WikiLeaks would be fruitless. Really? In the past year, the Iranian nuclear system has been crippled by a computer worm called "Stuxnet," which has attacked Iran's industrial systems and the personal computers of Iranian nuclear scientists. To this day, no one has traced the origin of the worm. Imagine the impact on WikiLeaks's ability to distribute additional classified information if its systems were suddenly and mysteriously infected by a worm that would fry the computer of anyone who downloaded the documents. WikiLeaks would probably have very few future visitors to its Web site.

WikiLeaks represents a new and unprecedented cyber threat that cannot be ignored or wished away. Just as terrorism allows small groups of individuals to wreak destruction on a scale that was once the province of nation-states, information technology allows small actors such as Julian Assange to wreak previously unimagined destruction on US national security through cyberspace. This is a threat that requires a US response. Hillary Clinton is right-WikiLeaks has attacked America. The only question is: Will America return fire?

*Marc A. Thiessen is a visiting fellow at American Enterprise Institute.*

#### **Wik-ed**

The American Enterprise Institute

By John R. Bolton

December 6, 2010

<http://www.aei.org/article/102863>

WikiLeaks' latest flood of sensitive US documents, provided by genuine American traitors, consists largely of State Department reporting and instruction cables. These cables are the official channel for disseminating authorized decisions and policies and conveying definitive assessments and analysis between Main State and our hundreds of diplomatic posts around the world. Even in an age of e-mails and Twitter, they are the real deal.

Wikileaks has compromised the confidentiality and integrity of US diplomatic communications, causing damage that will reverberate for years in incalculable ways. Foreigners--whether government officials, members of opposition parties in democracies, political rivals, authoritarian rulers, business, religious or civic leaders--will now wonder if what they say in trust will remain private. Communications will dry up or be reduced to rote repetitions of "safe" talking points. While candor will hopefully return over time, the ever-present risk of reading in a newspaper what was said in whispers to an American diplomat will never be far from the minds of our interlocutors.

Arab states don't want Iran to have nuclear weapons any more than Israel does. But there is a world of difference between saying that in confidence, and reading it in the New York Times.

For example, when I was US ambassador to the United Nations, there were several instances when the ambassador of another Security Council permanent member was especially unhelpful to us. His subordinates told their counterparts at the US Mission to the United Nations in New York ("USUN") that their ambassador was not following his instructions from home. They knew this, of course, because they read the instructions in cables comparable to what Wikileaks has released. We reported to Washington and to our embassy in the capital in question exactly what USUN staff was being told, urging our colleagues to weigh in with the foreign government to bear down on their wayward ambassador. You can bet kind of helpful information will now disappear or become a trickle.

And take the Arab leaders quoted as urging America to destroy Iran's nuclear weapons program. To be sure, this is hardly news to anyone who has been paying attention: Arab states don't want Iran to have nuclear weapons any more than Israel does. But there is a world of difference between saying that in confidence, and reading it in the New York Times.

Also gravely wounded is candor in American diplomatic reporting, both in atmospherics and analysis. The State Department's sprawling bureaucracy and widely varying "turf" interests are badly in need of reform. But even after that happy day, it will be critical to effective policy formulation that State officials operate from a common information base, as honestly and colorfully reported, as possible. If Ambassadors and embassy staffs fear that their unvarnished assessments of the foreigners they deal with will be read by those same foreigners, they will button up and tone down their reporting.

If anything, State employees are already too tame in both reporting and expressing their opinions. The clash of argument is frowned on in State's corridors, and the idea of decision memoranda sent to the Secretary in disagreement sends chills down diplomatic spines. That culture needs drastic reform to open up the stuffy channels of debate. Wikileaks will push State in precisely the opposite direction--precisely the wrong direction--toward even more internal circumspection. Moreover, while information will still be reported back, it will come through risky non-secure e-mails and telephone calls, and will not be distributed as widely to people who really need it, to the significant detriment of informed outcomes. This effect may not be felt in tangible form in the next few weeks, but as a cultural phenomenon it will be devastating long term.

Whether and to what extent some released cables are deliberate frauds or mistakes is also unclear, and will require further analysis. At a minimum, some are not what they appear to be. For example, some of the cables seem at first glance to call for State Department personnel to engage in intelligence activities. One, from July, 2009, appears to direct personnel at USUN to spy on the UN Secretariat to obtain biographical and personal information such as computer passwords and frequent flyer numbers. Similar cables were purportedly sent to US embassies overseas.

I can safely say in all of my years at State and USAID, I have never seen a State cable like the one purportedly sent to USUN. Even the sequential numbering on the cable, published by The Guardian, seems out of sync with the cable's date, which itself is a red flag. I cannot explain the provenance of this particular document, but there is little doubt that Typhoid Mary would now

receive a better reception in many countries than Department officers who will now be treated as though they were filching documents from copy machines. Silly as it sounds, this is the kind of cancerous breach of faith that WikiLeaks has intentionally caused.

The cure? Most important is the maximum punishment of every US citizen in any way engaged in this treason. And for whomever allowed the lapse to occur for the downloading of these documents, even if not part of the espionage, firing or debarment from any future federal contracts for as far as the eye can see. Show no mercy.

And as for Wikileaks itself, and anyone cooperating with its malicious enterprise, now is the time to test our cyber-warfare capabilities. Fire away.

*John R. Bolton is a senior fellow at AEI.*

**WikiLeaks: A trivial gain, a profound loss**

*The Christian Science Monitor (US)*

By John Yemma, Editor

December 5, 2010

<http://www.csmonitor.com/Commentary/editors-blog/2010/1205/WikiLeaks-A-trivial-gain-a-profound-loss>

*We know more about the world after the WikiLeaks dump. But because trust and confidentiality are essential in diplomacy, we'll soon know less.*

Everybody knew about the gambling at Rick's Cafe Americain, which is why Captain Renault in the movie "Casablanca" was so facetiously shocked when he "discovered" it. Because of the publication of thousands of secret State Department cables by WikiLeaks, we now know a lot more about the world than we did a few weeks ago. But the only shock is how much diplomats' view of the world conforms with what journalists have been writing about and you have been reading about all these years.

WikiLeaks has not stood conventional wisdom on its head. So far, there's been no evidence that the public was being deceived or defrauded by the US State Department or that democracy was being subverted. We've learned some gossipy bits (Muammar Qaddafi has eccentricities? Vladimir Putin is an "alpha dog"? Silvio Berlusconi burns the candle at both ends? Gosh!). We've learned what we'd expected (the Saudis are worried about Iran, and even the Chinese see North Korea as a "spoiled child").

That's reassuring, in a way. The foreign service of the world's preeminent superpower has an insider view of the world – and it squares with ours. But that doesn't justify the damage WikiLeaks has done. Among other things, loss of diplomatic confidentiality almost certainly would have scuttled the early 1990s Oslo talks between Israelis and Palestinians, the Northern Ireland peace accords a few years later, and dozens of ongoing attempts at international peacemaking, where trust is essential.

Imagine you are a diplomat. Wait, I'll introduce you to one. Meet Gerard Russell. Fluent in Arabic and Dari, Mr. Russell has been in the highest of high-pressure posts in the Middle East during the tumultuous decade we've just passed through. He was head of the British political team in Baghdad and then in Afghanistan. He met with important figures, learned secret information, negotiated and advocated for his government, observed and reported back to Whitehall. He is now taking a break at Harvard University's Kennedy School of Government.

"When I was a diplomat, I generally had no problem passing information back and forth with colleagues," he says. "It was a secure system. You could speak freely." Which requires trust. His job was to try to "build a picture of the world, the likely consequences of actions, and to understand all the perspectives." You can't do that if everything you know is automatically made public.

Journalists try to build a picture of the world as well. Journalists have less high-level access than diplomats but can travel more widely and persuade dissidents, insurgents, and regular people to talk. That, too, takes trust. If a reporter's notebook got stolen and published, sources would be in danger.

Little wonder that diplomats and journalists often converse. The ground rules are that journalists agree not to expose the diplomats or their sources. Because diplomats are often spinning for their government, journalists must weigh the information they get. Because journalists often have only a partial picture, diplomats have to be careful about what they divulge. In other words, this isn't a heart-to-heart between pals. But if everyone is reasonably honorable and skeptical, the public gets a fairly accurate view of what's going on in the world.

In Julian Assange's universe, that process gets short-circuited. Mr. Assange, the enigmatic man behind WikiLeaks, believes that information exists independently in nature and must be made public. That is a childish and destructive view, and I'm not saying that because I think he is trying to embarrass governments or beat journalists out of their jobs. Information is built by humans, whether they are assembling the periodic table of elements or a book about Kim Jong-il. Assange has forgotten – or never learned – that trust is essential in the assembly.

Because of WikiLeaks, we now know more about the world. Because WikiLeaks shattered trust, diplomacy will become more hidden, and we'll soon know less. Assange will no doubt be shocked, shocked to discover this.

### **Assassinate Assange?**

*The Washington Times (DC)*

By Jeffrey T. Kuhner

December 2, 2010

<http://www.washingtontimes.com/news/2010/dec/2/assassinate-assange/?page=1>

*Web provocateur undermines war on terror, threatens American lives*

Julian Assange poses a clear and present danger to American national security. The WikiLeaks founder is more than a reckless provocateur. He is aiding and abetting terrorists in their war

against America. The administration must take care of the problem - effectively and permanently.

The recent WikiLeaks document dump is the latest example of Mr. Assange's dangerous behavior. His release of more than 250,000 US diplomatic cables, many of them containing classified information, is a major blow to our foreign policy. The essence of diplomacy - especially that of a great power - is the ability to conduct negotiations and hold talks in secret. Foreign leaders will not be willing to engage in sensitive discussions with American emissaries if their words are going to be splashed across the front pages of the world's newspapers. Officials in autocratic and Islamist states often risk their lives to cooperate with Washington, usually by providing vital information or advice. They now face a further disincentive to help us: The US government can no longer guarantee the privacy and secrecy of their discussions.

American diplomacy has been crippled. So has our ability to conduct the war on terrorism. For example, the cables cache reveals that the United States is working closely with Yemen's dictator, Ali Abdullah Saleh, in launching drone strikes against local al Qaeda bases. Al Qaeda has spread to Yemen. Its insurgency is growing. Yemen risks becoming what Afghanistan was before Sept. 11, 2001: a vast sanctuary for jihadists. Mr. Saleh insists that Yemeni public opinion - insular, xenophobic and increasingly Islamic - will not support the US military presence on domestic soil. Hence, he says the pretense must be maintained that Yemen is firing the missiles, not America. This pretense has been shattered - and with it, perhaps, a key ally in the struggle against al Qaeda. Mr. Assange is helping chase the American infidel out of Yemen's desolate deserts.

This is what he wanted all along. The 39-year-old Australian poses as a champion of government "transparency." He likes to grandstand for the media as an idealist, a brave whistleblower who only wants the truth to come out against US "imperialism." The Swedish government has accused him of sexually assaulting two women. Mr. Assange is an anti-American radical who wants to see the United States defeated by its Islamic fascist enemies. His goal is to humiliate America on the world stage, to drain it of all moral and legal legitimacy - especially regarding the wars in Iraq and Afghanistan.

Yet the Obama administration refuses to stop Mr. Assange. His previous document dumps disclosed the names and identities of foreigners working with the United States in Afghanistan and Iraq - individuals actively involved in defeating al Qaeda and the Taliban. Their exposure could lead to many of them being killed, tortured or targeted by insurgents. Mr. Assange is directly responsible for endangering their lives. He is an active, willful enabler of Islamic terrorism. He is as much a threat as Osama bin Laden or Ayman al-Zawahri. In short, Mr. Assange is not a journalist or publisher; rather, he is an enemy combatant - and should be treated as such.

As Mr. Assange has conducted cyberwarfare against America. President Obama has dithered. For months, he has insisted on viewing Mr. Assange as a public nuisance - nothing more, nothing less.



Instead, the administration should have pressured Australia to take decisive action against the leaker. It also should have issued an international arrest warrant and demanded that he be extradited to the United States to face charges of aiding terrorists. At a minimum, back in the summer, the administration could have launched a devastating cyber-attack against the WikiLeaks website, shutting it down.

Also, Pfc. Bradley Manning, who is suspected of being the main source for accessing the State Department's treasure trove of classified information, was not interrogated aggressively. He should have been court-martialed immediately. The question that remains to be answered is: How did a low-level Army intelligence analyst get access to such detailed, privileged conversations? Who else helped him and why?

Mr. Obama, however, could not be bothered with any of this. For him, foreign policy is a distraction - something to be crammed into his schedule as he seeks to transform America into a multicultural social democracy.

The United States is paying a severe price for Mr. Obama's negligence. This is the greatest diplomatic crisis since the late 1940s, when communist agents in the US government provided atomic secrets to the Soviet Union. The world is witnessing the absurd, almost surreal spectacle of the American superpower standing helpless in the face of a lone hacker. Her diplomatic secrets are no longer safe; her allies and friends are being betrayed; and her cyber-enemies are free to roam with impunity. America is no longer feared or respected.

Attorney General Eric H. Holder Jr. vows that he is looking into possible criminal charges against Mr. Assange. It is too late for tough talk. At this point, we are beyond indictments and courts. The damage has been done; people have died - and will die because of the actions of this puerile, self-absorbed narcissist. News reports say the WikiLeaks founder is hiding out in England. If that's true, we should treat Mr. Assange the same way as other high-value terrorist targets.

### **WikiLeaks poisons diplomacy — is economy next?**

*The Kansas City Star (KS)*

December 2, 2010

<http://voices.kansascity.com/entries/wikileaks-harmful-now-could-become-even-more-destructive/>

Going back at least to ancient Greece, there has always been a large gap between the public persona of a diplomat and the opinions of the person beneath the mask. Even in Thucydides' account of the wars between Athens and Sparta, diplomats don't say what they really think. They serve up the spin.

Everyone knows this, but when the mask slips it's always riveting. In that sense, the latest Wikileaks document dump, like the others, didn't contain any earth-shaking revelations. By and large, it filled in the details of what we already assumed.

German Chancellor Angela Merkel is excessively cautious. French President Nicolas Sarkozy is thin-skinned. Italian Prime Minister Silvio Berlusconi is a party animal.

The revelations also stripped away certain illusions. The documents made it clear that to many Middle Eastern nations, the real threat in the region — their public statements notwithstanding — isn't Israel, but Iran.

Yet the latest release was indisputably damaging. Shining a light on private conversations with the leaders of repressive governments, like the earlier leaks related to Afghanistan and Iraq, will undoubtedly choke off sources of intelligence.

No one should be surprised if Yemen is less willing to cooperate in the suppression of the al Qaida bases within its borders after the role of its top leaders was revealed.

Last month, an attempted bombing of US-bound cargo planes was foiled, in part because of a tip from Saudi Arabia. In the future, what will the Saudis have to lose if they simply remain silent?

Compromising intelligence sources and embarrassing diplomats aren't the only issue.

Wikileaks is now threatening to release "tens of thousands of documents" early next year revealing unspecified violations and ethical problems at a major US bank. Wikileaks founder Julian Assange claims to possess the computer hard drive of an executive from Bank of America containing five gigabytes of information.

Shares in Bank of America dropped 3 percent Tuesday. Although they recovered Wednesday, banking analyst Dick Bove said on CNBC that this may represent a new means of stock-market manipulation, by which the unknown funders of Wikileaks could profit by cratering shares in targeted companies.

The looming shift in Wikileaks' focus from the US national security system to the American financial markets opens an ominous new chapter in its activities that potentially threatens the portfolios of ordinary Americans.

What's troubling amid all this is the seeming inability of the Obama administration to deal with it.

Wikileaks' Assange — wanted in Sweden for questioning in a sexual assault case — is committing malicious and hostile acts against the United States. Surely, Washington is capable of doing more to shut down this website and operation than sending a stern letter and announcing various investigations.

### **Has release of Wikileaks documents cost lives?**

*BBC News, Washington*

By Katie Connolly

December 1, 2010

<http://www.bbc.co.uk/news/world-us-canada-11882092>

*The latest release of Wikileaks documents - a trove of US diplomatic cables which offer, among other things, unflattering and candid assessments of world leaders - has deeply angered American officials.*

Secretary of State Hillary Clinton said Wikileaks' actions undermined US foreign policy efforts and amounted to "an attack on the international community, the alliances and partnerships, the conventions and negotiations that safeguard global security and advance economic prosperity".

New York Congressman Pete King has called for the US Attorney General to designate Wikileaks a terrorist organisation and to prosecute founder Julian Assange for espionage.

Much of the criticism of Wikileaks, though, revolves around the notion that releasing such information risks lives.

Identities of informants could be compromised, spies exposed, and the safety of human rights activists, journalists and dissidents jeopardised when information of their activities is made public, the argument goes.

US military officials contend that allowing enemies access to their strategic and operational documents creates a dangerous environment for American troops serving abroad.

On Saturday, US state department legal adviser Harold Koh wrote in a letter to Wikileaks that the most recent document dump "could place at risk the lives of countless innocent individuals" as well as "ongoing military operations".

He accused Wikileaks of endangerment "without regard to the security and the sanctity of the lives your actions endanger".

But is there any real evidence of this peril?

#### *Justification for secrecy*

The problem for officials like Mr. Koh is proving direct links between the information released and any loss of life.

After the release of an enormous haul of US defence department documents in August, Pentagon spokesman Geoff Morrell told the Washington Post: "We have yet to see any harm come to anyone in Afghanistan that we can directly tie to exposure in the Wikileaks documents."

But, he added: "There is in all likelihood a lag between exposure of these documents and jeopardy in the field."

After this latest release a Pentagon official, who wished to remain anonymous due to the sensitive nature of the material involved, told the McClatchy newspaper group that even three

months later the US military still had no evidence that people had died or been harmed because of information gleaned from Wikileaks documents.

Daniel Ellsberg, the former military analyst who in 1971 released the Pentagon Papers which detailed government lies and cover-ups in the Vietnam War, is sceptical of whether the government really believes that lives are at US stake.

He told the BBC's World Today programme that US officials made that same argument every time there was a potentially embarrassing leak.

"The best justification they can find for secrecy is that lives are at stake. Actually, lives are at stake as a result of the silences and lies which a lot of these leaks reveal," he said.

"The same charges were made against the Pentagon Papers and turned out to be quite invalid."

#### *Unknowable effects*

Mr Ellsberg noted that with this release, the newspapers involved co-operated with the US government to ensure that the information they published did not imperil lives.

New York Times executive editor Bill Keller told the BBC that although his newspaper did not always agree with the advice of US authorities, it had carefully redacted the published documents to remove identifying information.

"Our hope is that we've done everything in our power to minimise actual damage," he said.

Carne Ross, a former UK diplomat at the United Nations, told the BBC that the effects of Wikileaks were largely unknowable at this point.

"I don't think it has been proven that this is dangerous to US troops, for instance. I haven't seen that case made very clearly," he said. "What I think this means is that we need to look at our own mechanisms for democratic accountability and foreign policy. We need to be much, much better."

One thing the experts appear to agree on is that the leaks will make it more difficult for US diplomats and human intelligence operatives to do their jobs. Although that does not present an immediate threat to American lives, strained international relations may create a more dangerous world.

"They embarrass governments with which the US co-operates," Max Boot, a senior fellow at the Council on Foreign Relations, said of the leaks on the BBC's World Today programme.

"At the very least, they will make governments like Pakistan and Yemen and others, which are collaborating with the US in the battle against terrorism, more reluctant to co-operate.

“It’s harming some of the vital activities that the US government, the UK government or others engage in, which are protecting us against terrorism.”

**WikiLeaks harmful**

*Deseret News*

November 30, 2010

<http://www.deseretnews.com/article/700086788/WikiLeaks-harmful.html>

Julian Assange may fancy himself in public as a champion of free speech. But the latest posting of 250,000 confidential diplomatic documents on his website WikiLeaks shows he is nothing more than an enemy of the free world.

US Secretary of State Hillary Clinton characterized the leak as “an attack on the international community.” She was stating the obvious.

Embassies and diplomats must rely on their own frank, internal assessments of their foreign counterparts in order to carry on negotiations and general relations in a manner that best protects the interests of their own country. Those assessments rarely become part of the official public position for obvious reasons. The word “diplomacy” implies tact.

And yet Assange seems to be trying to portray the United States as hypocritical by showing documents that express blunt views about world leaders as being weak or as an “alpha dog,” as Russian Prime Minister Vladimir Putin is described in one. Some also discuss the unique personal habits of various leaders. Also portrayed are the sometimes petty, or even hard-nosed negotiations that go on behind the scenes, such as when a world leader is promised a private meeting with the president in exchange for accepting a detainee from Guantanamo Bay. And Arab nations are shown being more concerned in private with Iran than with Israel.

What is the point of all this, exactly? We doubt Assange is so naive or so blindly wedded to principle that he does not understand how the public release of such documents could harm the trust between the United States and its allies, or how it might sway public opinion in delicate political situations or even jeopardize the lives of informants. That’s what makes his decision to gather and publicize them so serious.

Why not release documents that show the outrages committed by governments in Iran or North Korea, or that reveal the tactics al Qaida uses to recruit or intimidate followers and abuse prisoners? This one-sided release of information gives only part of the story of international relations and is done without regard to how the United States guarantees basic human rights and dignities better than any nation on earth.

One of those rights, of course, involves free speech. That makes prosecuting Assange problematic. The Obama administration has vowed to try, with help from its allies — most notably Australia, Assange’s home country. It ought to focus just as hard on determining who facilitated Assange in obtaining the documents.

Leaks can be useful when they expose atrocities or wrong-doing. So far the WikiLeaks documents offer mostly sideshow gossip with no relevance or perspective. They are, as Clinton implied, a dangerous nuisance that harms the free world.