

WikiLeaks and Whistleblowing: Annotated Bibliography

Title: WikiLeaks and Whistleblowing

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Anti-WikiLeaks Cyberattacks:

WikiLeaks Says Was Denial-of-Service Attack Victim

- Shows a different perspective on WikiLeaks as an organization — as the enemy in a fight played out across an online battlefield.
- “It’s unlikely the U.S. or some other government would use denial-of-service attacks against WikiLeaks.”
- More likely: “A bunch of geeks who’ve decided they’re annoyed with WikiLeaks” because DoS is “usually the amateur’s approach”.
- <http://abcnews.go.com/Technology/wireStory?id=12262195>

Cyberattacks Urged Against WikiLeaks

- More support for the perspective of WikiLeaks as the villain in a cyber-war between government and whistleblowers.
- “[The US government should] electronically assault WikiLeaks and any telecommunications company offering its services to this organization.” - Christian Whiton, a State Department adviser under President George W. Bush
- “Because Assange is a non-U.S. citizen operating outside the territory of the United States, the government could employ not only law enforcement but also intelligence and military assets--such as U.S. Cyber Command--to put his criminal syndicate out of business and bring Assange to justice.” - Marc Thiessen, a President George W. Bush speechwriter and visiting fellow at the American Enterprise Institute
- “The WikiLeaks folks seem to have done a good job of distributing and encrypting their data, so cyberattacks would be pointless... They'd have no effect. We'd have better luck making fun of the WikiLeaks messiah, who seems a bit strange.” - James Lewis, a senior fellow at the Center for Strategic and International Studies
- “If it requires compelling them to do anything, then we will figure out what other alternatives we have to compel them to do the right thing” - Geoff Morrell, The Pentagon press secretary
- http://www.cbsnews.com/8301-501465_162-20020869-501465.html

U.S. Cyber Command

- Government organization that would be responsible for cyberattacks on wikileaks and other whistleblowing sites.
- “USCYBERCOM plans, coordinates, integrates, synchronizes, and conducts activities to: direct the operations and defense of specified Department of Defense information networks and; prepare to, and when directed, conduct full-spectrum military cyberspace operations in order to enable actions in all domains, ensure US/Allied freedom of action in cyberspace and deny the same to our adversaries.”

- http://www.stratcom.mil/factsheets/Cyber_Command/

Technology, Policy, Law, and Ethics Regarding U.S. Acquisition and Use of Cyberattack Capabilities Computer Science and Telecommunications Board (CSTB)

- Discusses the larger picture of cyberwarfare and its ramifications.
- “today's policy and legal framework for guiding and regulating the U.S. use of cyberattack is ill-formed, undeveloped, and highly uncertain.”
- It also suggested that the United States' highly classified cyberattack capabilities are "likely more powerful" than "those demonstrated by the most sophisticated cyberattacks perpetrated by cybercriminals."
- http://books.nap.edu/openbook.php?record_id=12651&page=4

Pentagon Press Secretary Geoff Morrell's Comments

- The Pentagon press secretary, Geoff Morrell, interviewed on Fox, suggested Holder's reference had been to Assange. Asked why the US was not mounting a cyberattack on WikiLeaks, Morrell said the disclosures were awkward and embarrassing but these were not sufficient grounds for offensive action.
- Official response: <http://www.nytimes.com/2010/10/23/world/middleeast/23response.html>
- TODO: find article that directly quotes Morrell's comments about offensive action

Amazon and WikiLeaks:

Amazon Bows To US Censorship Pressure: Refuses To Host WikiLeaks

- WikiLeaks used Amazon's Simple Storage Service (S3) to host its content after its servers received several “denial of service” attacks.
- Raises interesting questions about the role of web hosts in preventing or enforcing censorship.
- <http://www.techdirt.com/articles/20101201/12255912081/amazon-bows-to-us-censorship-pressure-refuses-to-host-wikileaks.shtml>

Amazon Drops WikiLeaks Site Amid Pressure By Homeland Security

- “I call on any other company or organization that is hosting WikiLeaks to immediately terminate its relationship with them.” - Joe Lieberman, chairman of the homeland security committee
- “WikiLeaks servers at Amazon ousted. Free speech the land of the free—fine our \$ are now spent to employ people in Europe.” - WikiLeaks Twitter Tweet
- “I'm not entirely sure why we care about the opinion of one guy with one website... Our foreign policy and the interests of this country are far stronger than his one website.” - Robert Gibbs, White House press secretary
- “Whoever in our government leaked that information is guilty of treason, and I think anything less than execution is too kind a penalty.” - Mike Huckabee, contender for the Republican presidential nomination in 2008
- “A person who steals or knowingly receives and transmits protected national security

information is not exempt from US criminal law merely because he is foreigner. The Espionage Act has been used to prosecute foreign defendants as well as Americans... Freedom of the press and the First Amendment would not shelter someone who deliberately steals tens of thousands of closely-held communications containing national security and defence information, and wantonly publishes them to both friends and foes alike, with heedless disregard for the damage that is caused.” - Ruth Wedgwood, a former federal prosecutor and Johns Hopkins law professor

- “A US prosecution of Assange would be possible, but it would be fraught with problems for the government. The applicable statute, section 793(e) of the Espionage Act, is somewhat ambiguous when dealing with a case of this type where the accused claims to be part of or allied with the media. Further, there will probably be difficulties in having Assange extradited to the United States for trial.” - Scott Silliman, a professor at the Duke University School of Law
- <http://paidcontent.org/article/419-wikileaks-website-pulled-by-amazon-after-us-homeland-security-pressure/>

U.S. Espionage Act:

United States Espionage Act of 1917

- Mentioned by the U.S. government as a possibility for prosecuting those behind the WikiLeaks DoD leaks.
- Leaked documents that have a potential to do more harm?
- About the act: <http://www.spartacus.schoolnet.co.uk/FWWespionage.htm>
- Excerpts: <http://www.firstworldwar.com/source/espionageact.htm>

Espionage Act and the legal constitutional issues raised by WikiLeaks

hearing before the Committee on the Judiciary, House of Representatives, One Hundred Eleventh Congress, second session, December 16, 2010.

- Discusses how the Internet presents a new kind of media and new challenges to the balance of freedom of speech and national security.
- Gives insight into the government’s own perspective on the WikiLeaks situation, showing a surprising variety of opinions.
- <http://www.gpo.gov/fdsys/pkg/CHRG-111hhrg63081/pdf/CHRG-111hhrg63081.pdf>
- <http://searchworks.stanford.edu/view/9129938>

U.S. Government Response to Whistleblowing:

War on Whistleblowing

- <http://www.salon.com/news/feature/2007/11/01/whistleblowers/index.html>
 - Teresa Chambers fired from post as chief of United States Park Police for criticizing increasing crime in national parks during Bush administration.
 - Bogdan Dzakovic, an undercover FAA agent, was discriminated against during the Clinton administration for calling attention to weak airport security

- Federal employees are supposed to receive legal protection, but almost never do (less than 4%).
- http://www.salon.com/news/opinion/glenn_greenwald/2011/02/25/whistleblowers
 - Although Obama campaigned on protecting whistleblowers, has been continuing the War on Whistleblowing.
 - DOJ began targeting journalists to find sources of stories.
- <http://www.npr.org/2011/05/11/136173262/case-against-wikileaks-part-of-broader-campaign>
 - Stephen Kim, Jeffery Stirling, Thomas Drake, Shamai Leibowitz all being tried or have been tried for leaking information
 - Obama Administration, Justice Department, and Congress all interested in increasing penalties and prosecution of whistleblowers.
 - Decisions about what leaks are good and what leaks are prosecuted are “arbitrary and capricious”.

Thomas Drake Charged With Espionage

- http://www.newyorker.com/reporting/2011/05/23/110523fa_fact_mayer
 - The N.S.A., he went on, collects “intelligence for the soldier in the field. So when individuals go out and they harm that ability, our intelligence goes dark and our soldier in the field gets harmed.”
 - “Ironically, Obama has presided over the most draconian crackdown on leaks in our history—even more so than Nixon.”
- <http://www.npr.org/2011/05/17/136397548/thomas-drake-faces-espionage-charges>
 - Blew whistle on waste, fraud, and abuse with unconstitutional government wiretaps.
 - Charged with espionage for smuggling top secret documents to share with reporter.

Thomas Tamm

- Blew whistle on Bush Administration’s Illegal Domestic Surveillance Program
- http://www.salon.com/news/opinion/joe_conason/2009/04/17/whistleblower
- <http://www.newsweek.com/2008/12/12/the-fed-who-blew-the-whistle.html>

Bradley Manning

- Leaked many documents to WikiLeaks
- Kept in inhumane conditions and solitary confinement as result
- http://www.salon.com/news/opinion/glenn_greenwald/2010/12/14/manning
- <http://www.politico.com/news/stories/0411/53601.html>
- http://www.cbsnews.com/8301-503544_162-20058626-503544.html

Impact of WikiLeaks and Online Whistleblowing:

Resistance to Censorship

- <https://www.eff.org/deeplinks/2011/02/will-rise-wikileaks-competitors-make>

- 6 WikiLeaks-like competitors, and 3 leak-submission programs through news outlets have sprung up.
- Redundancy might make censorship difficult for governments.

Role in the Arabic Uprisings

- http://www.nytimes.com/2011/01/30/magazine/30Wikileaks-t.html?_r=1&pagewanted=all
 - US Cables leaked by WikiLeaks had role in sparking Tunisian Riots
 - History of relationship of WikiLeaks with NY Times
- <http://www.reuters.com/article/2011/03/15/us-britain-assange-idUSTRE72E9LO20110315>
 - Assange believes that WikiLeaks had a role in sparking the Tunisian Riots and overthrow of the government.
 - As a result of this, other popular riots started
 - WikiLeaks released info about the regimes in the countries when riots/revolts started.
- <http://pakobserver.net/detailnews.asp?id=71593>
 - WikiLeaks had role in sparking Tunisian revolt
 - Cable about rampant corruption inspired revolt
 - First “WikiLeaks revolution”
- <http://pakobserver.net/detailnews.asp?id=86842>
 - WikiLeaks also had a potential role in sparking other Arab and North African riots.

Other Sources:

WikiLeaks and the Age of Transparency

- “The United States government is diligent—some might say to the point of obsession—in defending its borders against invaders. Now we are told a small, international band of renegades armed with nothing more than laptops presents the greatest threat to the U.S. regime since the close of the Cold War. WikiLeaks’ release of a massive trove of secret official documents has riled politicians from across the spectrum. Even noted free-speech advocate Floyd Abrams blames WikiLeaks founder Julian Assange for the certain defeat of federal shield-law legislation protecting journalists. Hyperbole, hysteria? Certainly. Welcome to the Age of Transparency.” [Google books summary]
- <http://searchworks.stanford.edu/view/9079149>
- http://books.google.com/books?id=luBBYgEACAAJ&dq=Wikileaks+and+the+Age+of+Transparency&hl=en&ei=xxXcTeGkGZP4sAPwm8itDg&sa=X&oi=book_result&ct=result&resnum=1&ved=oCCoQ6AEwAA

Frontline: WikiSecrets

- “The inside story of Bradley Manning, Julian Assange and the largest intelligence breach in U.S. history”

- http://www.pbs.org/wgbh/pages/frontline/wikileaks/?utm_source=FRONTLINE+Bulletin&utm_campaign=2526af6825-WikiSecrets5_23_2011&utm_medium=email