

WikiLeaks considers legal action over Google's compliance with US search orders

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On Monday, lawyers for WikiLeaks announced at a press conference that they may pursue legal action against Google and the US government following revelations that the Internet company complied with Justice Department demands that it hand over communications and documents of WikiLeaks journalists.

More than two and a half years after complying with the surveillance orders, Google sent notifications to three victims of these unconstitutional searches—WikiLeaks investigations editor Sarah Harrison, organization spokesman Kristinn Hrafnsson and senior editor Joseph Farrell. The company informed WikiLeaks that that it had complied fully with “search and seizure” orders to turn over digital data, including all sent, received, draft and deleted emails, IP addresses, photographs, calendars and other personal information.

The government investigation ostensibly relates to claims of espionage, conspiracy to commit espionage, the theft or conversion of property belonging to the United States government, violation of the Computer Fraud and Abuse Act, and conspiracy, which combine to carry up to 45 years in prison. The ongoing investigation into WikiLeaks was first launched in 2010 by the Obama administration, which has so far led to the 35-year sentence for Chelsea (Bradley) Manning.

At the press conference, Hrafnsson stated, “I believe this is an attack on me as a journalist. I think this is an attack on journalism. I think this is a very serious issue that should concern all of you in here, and everybody who is working on, especially, sensitive security stories, as we have been doing as a media organization.”

Baltasar Garzon, the Legal Director for Julian Assange's legal team, told reporters at the event, “We

believe the way the documents were taken is illegal.”

On Sunday, prior to the press conference, Michael Ratner, the lead lawyer of the counsel for WikiLeaks and president emeritus at the Center for Constitutional Rights, penned a letter to Eric Schmidt, the executive chairman of Google, stating, “We are astonished and disturbed that Google waited over two and a half years to notify its subscribers that a search warrant was issued for their records.”

Google claims that they withheld this information from the three journalists due to a court-imposed gag order. A Google spokesperson told the *Guardian*, “Our policy is to tell people about government requests for their data, except in limited cases, like when we are gagged by a court order, which sadly happens quite frequently.”

In his letter, Ratner reminds Schmidt of a conversation he had with Julian Assange on April 19, 2011, in which Schmidt allegedly agreed to recommend that Google's general counsel contest such a gag order were it to arise.

The letter requests that Google provide the counsel for WikiLeaks with “a list of all materials Google disclosed or provided to law enforcement in response to these search warrants,” as well as all other information relevant to the case, whether or not Google challenged the case prior to relinquishing their clients' data, and whether Google attempted to remove the gag order at any point since they received their orders on March 22, 2012.

At the Monday press conference, Harrison noted that the government was not “going after specific things they thought could help them. What they were actually doing was blanketly going after a journalist's personal and private email account, in the hopes that this fishing expedition would get them something to use to attack

the organization and our editor-in-chief Julian Assange.”

The case, Harrison said, pointed to the “breakdown of legal processes within the US government, when it comes to dealing with WikiLeaks.”

Harrison assisted Edward Snowden for four months, shortly after his initial revelations on NSA spying in 2013, helping him leave Hong Kong. She is one of Assange’s closest collaborators, highlighting the inherent value of her personal email correspondence. Through her and her colleagues’ email accounts and other personal information, the Justice Department is seeking to manufacture a case against Assange.

Assange currently faces trumped up accusations of sexual assault in Sweden, along with the threat of extradition to the US. He has been forced to take refuge in the Ecuadorian embassy in London for over two and a half years, under round-the-clock guard by British police ready to arrest him if he steps out of the embassy.

In various media accounts, Google has postured as a crusader for democratic rights. A Google attorney, Albert Gidari, told the *Washington Post* that ever since a parallel 2010 order for the data of WikiLeaks’ volunteer and security researcher Jacob Appelbaum, “Google litigated up and down through the courts trying to get the orders modified so that notice could be given.”

In reality, the company serves as an integral component of, and is heavily invested in, the military-intelligence apparatus. In their 2014 “transparency report,” Google admitted to complying with 66 percent of the 32,000 data requests they received from governments worldwide during the first six months of 2014 alone, including 84 percent of those submitted by the US government, by far the largest requester.

In his book *When Google Met WikiLeaks*, published in September 2014, Assange detailed the company’s ties to Washington and its wide-ranging influence on geopolitics.

In a statement published by WikiLeaks, the organization noted that “The US government is claiming universal jurisdiction to apply the Espionage Act, general Conspiracy statute and the Computer Fraud and Abuse Act to journalists and publishers—a horrifying precedent for press freedoms around the world. Once an offence is alleged in relation to a

journalist or their source, the whole media organisation, by the nature of its work flow, can be targeted as alleged ‘conspiracy.’”



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