

THE CASS SUNSTEIN CAMPAIGN AGAINST OPEN SOURCE LEAKS

Cass Sunstein doesn't really have all that much to do with the content of this post. I named it after him as an excuse to recommend that you read Glenn Greenwald's take-down of Sunstein as a potential SCOTUS appointee, and particularly to remind you of Sunstein's paper advocating extensive propaganda to knock down the theories of those Sunstein deems to have committed "cognitive blunders." There is no evidence Sunstein's theories of governmental information control have to do with the apparent increasing persecution of open source leak outlets, but it does seem to stem from the same kind of authoritarian instinct.

WikiLeaks alleges intelligence surveillance of its actions

As a number of you have emailed, Wikileaks has posted a press release and a number of tweets alleging that it was being surveilled and harassed in Iceland.

I, and others were in Iceland to advise Icelandic parliamentarians on the Icelandic Modern Media Initiative, a new package of laws designed to protect investigative journalists and internet services from spying and censorship. As such, the spying has an extra poignancy.

The possible triggers:

- *our ongoing work on a classified film revealing civilian casualties occurring under the command of the U.S, general, David Petraeus.*

- *our release of a classified 32 page US intelligence report on how to fatally marginalize WikiLeaks (expose our sources, destroy our reputation for integrity, hack us).*
- *our release of a classified cable from the U.S. Embassy in Reykjavik reporting on contact between the U.S. and the U.K. over billions of euros in claimed loan guarantees.*
- *pending releases related to the collapse of the Icelandic banks and Icelandic "oligarchs".*

We have discovered half a dozen attempts at covert surveillance in Reykjavik both by native English speakers and Icelanders. On the occasions where these individuals were approached, they ran away. One had marked police equipment and the license plates for another suspicious vehicle track back to the Icelandic private VIP bodyguard firm Terr. What does that mean? We don't know. But as you will see, other events are clear.

U.S. sources told Icelandic state media's deputy head of news, that the State Department was aggressively investigating a leak from the U.S.

Embassy in Reykjavik. I was seen at a private U.S Embassy party at the Ambassador's residence, late last year and it is known I had contact with Embassy staff, after.

On Thursday March 18, 2010, I took the 2.15 PM flight out of Reykjavik to Copenhagen—on the way to speak at the SKUP investigative journalism conference in Norway. After receiving a tip, we obtained airline records for the flight concerned. Two individuals, recorded as brandishing diplomatic credentials checked in for my flight at 12:03 and 12:06 under the name of "US State Department". The two are not recorded as having any luggage.

Iceland doesn't have a separate security service. It folds its intelligence function into its police forces, leading to an uneasy overlap of policing and intelligence functions and values.

On Monday 22, March, at approximately 8.30pm, a WikiLeaks volunteer, a minor, was detained by Icelandic police on a wholly insignificant matter. Police then took the opportunity to hold the youth over night, without charge—a highly unusual act in Iceland. The next day, during the course of interrogation, the volunteer was shown covert photos of me outside the Reykjavik restaurant "Icelandic Fish & Chips", where a WikiLeaks production meeting took place on Wednesday March 17—the day before individuals operating under the name of the U.S. State Department boarded my flight to Copenhagen.

Our production meeting used a discreet, closed, backroom, because we were working on the analysis of a classified U.S. military video showing civilian kills by U.S. pilots. During the interrogation, a specific reference was

made by police to the video—which could not have been understood from that day’s exterior surveillance alone. Another specific reference was made to “important”, but unnamed Icelandic figures. References were also made to the names of two senior journalists at the production meeting.

As they note in the press release above, this comes shortly after Wikileaks posted an Army Counterintelligence paper on Wikileaks itself, written in 2008, and advocating the kind of misinformation that Sunstein himself proposed.

PayPal freezes Cryptome’s account, perhaps in retaliation

Then there’s something that happened a few more weeks ago, when PayPal froze Cryptome’s PayPal account. (Zero Hedge connected these two events here.)

6 March 2010

PayPal has confiscated donations made to Cryptome since February 24, 2010. The donations have have been refunded by Cryptome rather than leave them in the untrustworthy control of PayPal for purposes contrary to those of the donors. The total refund was about \$5,300, not much but a peak in donations.

The timing of the confiscation corresponds to the recent Microsoft-Network Solutions copyright imbroglio and public attention given to the lawful spying guide series including those of PayPal. PayPal’s legal agreements describe a wide range of prohibitions – among them DMCA infringement, counter-terrorism, violations of AUP and catch-alls – for use of its services and urges reporting of violations. It “limits” (suspend and/or close) an account without fully explaining the reasons,

some of which may be secret under spying law, others kept confidential to avoid law suits or bad publicity.

Google lists **thousands** of instances of this asymmetrical high-handedness which is remarkably similar to that used by Microsoft and Network Solutions to shutdown Cryptome ten days ago. And it fits the business model of governments for financial-spying by use of informants and bank secrecy agreements.

It is likely Cryptome was targeted by an informant or by the recent donation upsurge tripping a PayPal algorithm as yet another gov-com-business model risk. An anecdote in accord with this minimizing of risk, maximizing of profit: an Internal Revenue Service auditor described its business model to Cryptome that "unpaid public service was not desirable, IRS wanted taxpayers to make more money in order to pay more taxes."

To support Cryptome use means other than PayPal.

Mail: John Young, Cryptome, 251 West
89th Street, New York, NY 10024
Checks/Money Orders: Make out to "John
Young"

Though this appears to be retaliation from corporate intelligence partners of the federal government—perhaps PayPal itself—rather than the federal government directly, it seems likely it is a response to the exposure of intelligence methods.

Exposing sources and methods

And I have to admit I'm somewhat ambivalent about some of this. Both Cryptome and WikiLeaks post stuff that probably exposes our military positions. Unlike—say—Secrecy News, it's not clear that these sites choose not to publish

information that could be very dangerous in public form.

But what I'm particularly intrigued by is the response of these two outlets. Both WikiLeaks and Cryptome have responded to harassment and surveillance by ... publishing more. Specifically, publishing more about the sources and methods used against **them**.

In particular, WikiLeaks—assuming their chronology of surveillance of itself is accurate—not only telegraphs to former and potential leakers the degree of surveillance they're under, also portrays easily exposed tradecraft. Spooks, domestic and international, who are easily tracked, even by a website like Wikileaks.

As I said, I'm ambivalent about some of the stuff that gets published by Wikileaks and Cryptome. But at the same time, I'm alert to the sense that there is increasing persecution of these outlets, even under Obama. And I'm amused that the response—exposing the kind of surveillance we all may be subject to—may be just as useful as the documents the outlets publish.