



Friend or Foe?: WikiLeaks and the *Guardian*

On Sunday, November 28, 2010 Alan Rusbridger—editor of the left-leaning British *Guardian* newspaper—and a team of journalists pledged to months of secrecy were finally scheduled to go public with one of the most explosive collections of documents in the paper's history: 250,000 classified US diplomatic cables recording confidential conversations and contacts around the world. In this project, the *Guardian* had four media partners: the *New York Times* (US), *Der Spiegel* (Germany), *Le Monde* (France) and *El País* (Spain).

The five publications had come into possession of the cables thanks to a 21st-century organization called WikiLeaks. WikiLeaks was founded in 2007 by Julian Assange, a brilliant and mercurial Australian former computer hacker. Assange believed that information, even classified or dangerous information, should be available to everyone. It was in that spirit that he had already given the *Guardian*, *New York Times* and *Spiegel* frontline records from the wars in Afghanistan and Iraq. In an agreement forged originally by Assange and the *Guardian*, the three had simultaneously published the so-called War Logs in July and October 2010.

While there had been moments of tension, the War Logs publication had gone fairly smoothly. The same could not be said of the diplomatic cables. Logistics had been a nightmare. First, there was redaction—editing the cables so no one would suffer death or retaliation. That had taken weeks of intensive labor by a small group of journalists; organizing and tracking the process required a purpose-built database. Then there was the challenge of arranging for simultaneous publication across time zones and languages by five news partners with widely varying deadlines. A massive grid tried to reconcile the multiple conflicts.

What's more, relations with Assange—never simple—had become fraught. The two principal *Guardian* reporters on the War Logs stories no longer spoke to him. Assange had also conceived an abiding hatred for the *New York Times*, and the *Guardian* and *Spiegel* had fought fiercely to keep the *Times* in the consortium. To appease Assange somewhat, they acceded to his 11th-hour demand to include *Le Monde* and *El País* in the release of the diplomatic cables.

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There were also legal worries. The cables were classified and revealed, for example, the damaging news that Saudi Arabia had encouraged the US to bomb Iran; that Pakistan's nuclear arsenal could be threatened; that the US State Department had asked its diplomats to spy on United Nations personnel; or that the government of Yemen had offered to cover for US raids on Muslim radicals in Yemen. Britain had an Official Secrets Act that was frequently invoked to prevent publication of sensitive materials. The US had an Espionage Act. Either government might yet intervene.

Editor Rusbridger was confident the *Guardian* and its partners had acted conscientiously in preparing to release the cables. Nonetheless, he couldn't repress a persistent worry—what if publishing them at all was in some fundamental way a mistake? Perhaps the paper was too caught up in the drama and momentum of the project to comprehend its full impact. What if people died as a result? Or the cables incited mass violence?

On November 26, as the paper completed final steps toward launch, Rusbridger's doubts were reawakened by a thoughtful email from a trusted and respected colleague outside the small WikiLeaks team. Would publication damage the administration of US President Barack Obama, he asked, and derail much of what the *Guardian* itself stood for? Might Democrat Obama fail to win approval for a new arms control treaty from the Republican Congress? "Are we serving our interests, by publishing material which weakens a president, who we think is trying to do the right thing?" wrote the colleague.¹

I just wonder whether we are not putting ourselves in the position, whether we are serving the opposition, and undermining our own stand, on so many of the issues that we care about.

Rusbridger was not a man easily flustered. But for all the care the *Guardian* had exercised, he could see that this project had the potential to go seriously wrong.

***Guardian*: a brief history**

The paper Rusbridger headed was founded in 1821 as the *Manchester Guardian*, based in northern England. The daily paper dropped "Manchester" from the title in 1959, and in 1964 it moved operations to London.² Its circulation in 2010 fell from over 300,000 to some 280,000—ranking about 10th among British national newspapers.³ Its sister paper since 1993, the *Observer*, was published on Sundays. The *Guardian* was the only national paper with an ombudsman ("readers' editor"), first appointed in 1997. In late 2008, the company moved to a modern building in the King's Cross section of London.

¹ Rusbridger chose not to identify the colleague, but confirmed it was a male.

² For more on the *Guardian's* history, see: <http://www.guardian.co.uk/gnm-archive/2002/jun/06/1>

³ For circulation numbers, see: <http://www.guardian.co.uk/media/table/2010/nov/12/abcs-national-newspapers>

A left-leaning publication from the start, the *Guardian* emerged with time as a member of the “serious” national British daily press (along with the *Financial Times*, the *Daily Telegraph*, the *Times* of London and the *Independent*). It was supported since 1936 by the Scott Trust, established by John Russell Scott, whose family had owned and edited the paper for decades. The Trust was pledged to preserve the editorial independence of the paper. All profits went back into the improvement of the publication, an unusual arrangement which to a degree insulated the paper from economic fluctuations in the industry.

By the early 1990s, it had largely shed an early reputation for cheap production and multiple typos (the satirical magazine *Private Eye* dubbed it the *Grauniad*), and went on to win multiple prestigious journalism awards, including the British Press Awards National Newspaper of the Year in 1997 and 2006.⁴ One of its best-known scoops was a series of investigations into Tory MPs Jonathan Aitken and Neil Hamilton, which led to the 1997 downfall of the Conservative government.

The *Guardian* also had a substantial online presence, with by 2010 the largest Web readership of any English-language newspaper after the *New York Times*. The editors subscribed to a “free content” philosophy, and declined to charge online readers. The website, launched in 1999, won the 2005, 2006 and 2007 Webby award (given by the International Academy of Digital Arts and Sciences) as best newspaper on the Internet. It also swept the hustings as Best Electronic Daily Newspaper for six years running from the British Newspaper Awards.⁵

The *Guardian*’s editor in 2010 was Alan Rusbridger, 57, who first joined the paper in 1979. He left the paper for a period in the mid-1980s, but returned in 1987 and helped to launch a new section, *Guardian Weekend*. After a stint as deputy editor, Rusbridger was named editor in 1995; he helped foster the explosive growth of the paper’s website.⁶ It was that prominence online which first attracted the attention, and the admiration, of a first-rate Internet hacker, Julian Assange.

WikiLeaks: a brief history

Assange was an Australian, born in 1971 in the province of Queensland. Raised to a nomadic lifestyle by his mother, Assange was a largely self-taught computer geek. At 22, he was charged on 31 counts of computer hacking and related crimes, and eventually pled guilty and paid a minimal fine. He was an auto-didact on such wide-ranging subjects as physics, math, philosophy and neuroscience. At 18, he fathered a child, and spent years trying to secure a custody agreement (his mother claimed that the stress caused his hair, which had been dark brown, to turn white).⁷

⁴ For a list of award winners, see: <http://www.pressgazette.co.uk/hybrid.asp?typeCode=99&navcode=92>

⁵ For winners, please see: <http://www.newspaperawards.co.uk/index.php?pid=4>

⁶ On the side, Rusbridger wrote children’s books, and served as chair of the National Youth Orchestra.

⁷ Raffi Khatchadourian, “No secrets,” *New Yorker*, June 7, 2010.

Assange, a believer in the free movement of information, registered the domain name WikiLeaks.org in 1999. But he didn't start to use it actively until 2006. That year, he feverishly transformed the website into a secure location for whistleblowers, specifically those who wanted to give secret documents a public airing. As he characterizes it, WikiLeaks was "an uncensorable system for untraceable mass document leaking and public analysis."⁸ The first posting, in December 2006, was a decision (never verified) by a Somali rebel leader to execute government officials. In 2007, Assange announced the formal launch of the site.

Assange was the one to start a relationship with the *Guardian*. As early as 2007, recalls Editor Rusbridger, he received regular emails from WikiLeaks "editor-in-chief" Assange, sometimes with a good story to tell. On August 31, 2007, the two organizations worked in tandem for the first time. WikiLeaks posted the full text of, and the *Guardian* ran a story on, a report by the private investigations firm Kroll about the alleged corruption of former Kenyan President Daniel Arap Moi. The Kenyan government had chosen to keep the report secret. The *Guardian* at that point was the only British paper to write about WikiLeaks or use some of its documents.

In 2008 and 2009, WikiLeaks and the *Guardian* again crossed paths. On two occasions, the UK high court issued an injunction against the paper's publication of damning documents, first about Barclays Bank tax avoidance strategies, and second on toxic waste dumping in the Ivory Coast by commodity trader Trafigura. WikiLeaks, whose servers were in Sweden and elsewhere, was not bound by any such injunction. It posted numerous of the court-banned materials online.

But there were also instances in which WikiLeaks published documents it thought would prompt a public outcry, and instead the revelations were met with silence. For example, documents from the Guantanamo Bay detention camp, emails from former Republican vice-presidential candidate Sarah Palin posted to Yahoo!, and secret Scientology manuals sparked little reaction. By spring 2010, Assange had concluded that to get word out, it made sense to align with the mainstream press. So in April, he released at the National Press club in Washington, DC, a 2007 video of two US Apache helicopter pilots allegedly executing people on the ground in Iraq, including two Reuters correspondents. The helicopter video got attention, but much of it focused on Assange's clumsy packaging and editing of the material, which he dubbed "Collateral Murder."

Then in late May, Assange vanished. The reason soon emerged. The story did not attract much media attention, but the Pentagon on May 26 had arrested US Army Private Bradley Manning, 22, on charges of illegally downloading hundreds of thousands of classified US documents, including—reports said at the time—a trove of State Department cables on Iraq and Afghanistan. Apparently, Manning may have given the documents to WikiLeaks.⁹ One of those

⁸ Ibid.

⁹ See: <http://www.thedailybeast.com/blogs-and-stories/2010-06-10/wikileaks-founder-julian-assange-hunted-by-pentagon-over-massive-leak/#>

who read a small news item on Manning's arrest, and that the State Department was looking for Assange to question him, was veteran *Guardian* investigative reporter Nick Davies. Davies resolved to find Assange.

First Contact

Davies occupied a special place at the *Guardian*. A staff reporter for many years, he had been since 1987 a freelancer contracted to report only for the *Guardian*. His job was to find the blockbuster stories no one else had noticed, and pursue them—as he puts it, “seeing what must be there that isn’t included in what’s being written.”¹⁰ The strategy had paid off handsomely—Davies in 2009 alone broke two consequential stories: that the Rupert Murdoch-owned tabloid, *News of the World*, had hacked into celebrity voicemail accounts, and that Murdoch's umbrella company News Corp. had paid huge sums to settle legal cases related to the phone hacking.

When Davies saw the item on Manning's arrest and the hunt for Assange, he thought “maybe the real story isn’t that four paragraphs, it’s the secrets. It was extraordinary that nobody else was trying to get hold of Julian [Assange] to ask him what these secrets were and whether they could have them.” Davies thought it possible that Assange could be persuaded to share his files—whatever they contained—with the *Guardian*. On June 16, 2010, he tried to reach Assange via email. Assange replied, but cryptically. Then Davies was tipped that Assange was planning to appear in Brussels on Monday, June 21 at a press conference.

Davies consulted with *Guardian* Investigations Editor David Leigh, who had already crossed paths with Assange. Leigh felt there was little merit to pursuing the WikiLeaks founder. But Editor Rusbridger approved Davies to travel to Brussels. Another *Guardian* reporter, European correspondent Ian Traynor, was already in the Belgian capital and cornered Assange after the press conference; the Australian agreed to meet again on Tuesday, June 22.

Agreement. On Tuesday afternoon, Davies and Traynor met Assange at the Hotel Leopold in Brussels. Traynor had to leave, but Davies and Assange talked for some six hours. Davies wanted above all to find out what Assange had, whether it was worth anything, and whether he would share it with the *Guardian*. On the first two points, the news seemed good: Assange claimed to have more than a million official US documents, divided into four significant batches: battle reports from Iraq; battle reports from Afghanistan; US diplomatic cables from around the world; and internal communications on operations at the US detention center in Guantanamo Bay. Assange had wanted to post some of these on the WikiLeaks website for at least two weeks, but had refrained out of concern for Private Manning.

¹⁰ Author's interview with Nick Davies on March 8, 2011, in London. All further quotes from Davies, unless otherwise attributed, are from this interview.

As for sharing, Davies and Traynor made the argument that Assange could reach far more readers, and gain valuable credibility for his trove, if he aligned his efforts with the *Guardian*. “We are going to put you on the moral high ground—so high that you’ll need an oxygen mask,” Davies told Assange.¹¹ But Davies wanted to go even further. On the train to Brussels, he had decided to ask Assange if he would endorse working with a consortium of publications.

Davies wanted primarily to protect the *Guardian* against draconian UK libel and secrecy laws. Britain had nothing like the free speech protection that US journalists enjoyed under the First Amendment. Partnership with a US publication such as the *New York Times*, he theorized, would give the *Guardian* indirect access to that shield. For the *Guardian*, collaboration with other news outlets was nothing new. In 2009, it had worked with the BBC, a Dutch paper and a Norwegian TV station to publish stories on the Trafigura company. In 2006, it worked with TV and print organizations in Sweden, Romania and Tanzania on a story about corruption at the British arms firm BAE.

To Davies’ delight, Assange agreed readily. “I was pushing at an open door in putting this argument to him,” says Davies, “because he was aware that the Wiki model was a failure. He was already moving toward trying to use mainstream media to get more impact.” Davies and Assange were in accord that the *Guardian* and *New York Times* would cull the database, extract a list of stories, publish some themselves and hand out the remainder to other media outlets such as *Le Monde*, the *Washington Post*, Fox TV, or the German weekly magazine *Der Spiegel*.

Terms. By the end of the meeting, they had established terms which would govern their lives for the next six months. Assange would provide the *Guardian* with the four sets of data—war records from Afghanistan, the Iraq war logs, a trove of US diplomatic cables, and personal files of prisoners at Guantanamo Bay—which it would distribute to the partners; the partner news organizations would simultaneously publish each set of documents and their related stories; and WikiLeaks would publish the documents at the same time on its own website. Assange set only one condition: he would determine when publication started.

Early the next morning, Wednesday, June 23, Davies headed back to London, where he briefed Leigh and Rusbridger. Later that day, Rusbridger phoned Bill Keller, executive editor of the *New York Times*. Did he want in on this deal? The answer was yes. Meanwhile, Assange wanted *Spiegel* to become a full partner as well, and after considerable back and forth, the magazine joined the team on June 29.

¹¹ David Leigh and Luke Harding, *WikiLeaks; Inside Julian Assange’s War on Secrecy* (The Guardian, 2011), p. 99.

The War Logs

The operation was, from the start, cloaked in secrecy. Assange was convinced that governments, especially the US, were tracking him and willing to use the most unscrupulous spycraft to gain access to his secrets. Assange turned over the first batch of records, reports from the war in Afghanistan—on Thursday, June 24 via a dedicated website to which he uploaded the files; Davies already had a password which Assange had scrawled on a napkin. After Davies downloaded them, the site disappeared. Assange insisted on complete security—passwords, encryption, no mention of the documents in phone calls or emails (which could be intercepted by government agencies). Communication would be conducted via Skype (which allows voice and video calls over the Internet) using accounts under fictitious names.

At the *Guardian*, Rusbridger set aside a fourth-floor room for the small team of reporters and tech staff detailed to go through the Afghan war logs (as they were dubbed). The *New York Times* dispatched war correspondent Eric Schmitt, and *Spiegel* sent reporters John Goetz and Marcel Rosenbach to see what it was WikiLeaks had provided. Each publication was given a copy. The three news organizations found a manageable way to apportion the work. Recalls Davies:

When it came to choosing what stories to write and how to write them, we operated independently. But there was a lot of collaboration to help each other get through this mass of material.

For four and a half weeks, the *Guardian* group worked feverishly to turn the morass of encrypted field reports into intelligible news stories. The *Guardian's* systems editor, Harold Frayman, devised a database to hold the 92,000-plus entries, and make them searchable by keyword, name, date or phrase. Correspondents such as Declan Walsh, stationed in Islamabad, were brought back without explanation to work on the logs. Resident experts such as Middle East Editor Ian Black were also on the team. Assange himself was back and forth to Stockholm, though throughout July he settled in London for days at a time, cycling among the homes of Davies, Leigh and other friends.

The news organizations had three prevailing worries. One was logistical—how should they publish the Afghan reports, all at once or over several days? The second was ethical—how to redact the battlefield reports to protect individuals? The third was legal—would governments, especially the US and UK, try to stop publication altogether? After all, the US government must have learned from Private Manning what was in the documents.

Legal threat. The UK Official Secrets Act (amended 1989) permitted prosecution of newspapers or journalists who published secret information, including that belonging to foreign governments. UK privacy law was also strict, and plaintiffs regularly succeeded in preventing publication of material they deemed libelous or confidential by obtaining court injunctions. “We have to be much more paranoid than American journalists, because the law is so prohibitive,” says

Davies. In order to reduce the risk of an injunction, the team decided to abandon the original idea of publishing a sequence of stories (some through other news organizations such as *Le Monde* or Fox television), and instead release all the Afghan stories in a single burst.

The US Espionage Act also had teeth, and forbade unauthorized disclosure of classified material. The *Guardian* became particularly worried when the *New York Times*, as was its custom, on July 21 asked President Barack Obama's White House and the Pentagon for comment on the Afghan battle reports. Might the US government take preemptive action? As Rusbridger recalls, the *Guardian's* external lawyers called him on the afternoon of Saturday, July 24 to caution: "Are you thinking about this? Are you focusing on this enough? This could be really significant."¹² They warned that it was not out of the question that Rusbridger could be extradited to the US, or denied a visa. On the other hand, there was some protection in the fact that other papers—not to mention WikiLeaks—had the same information.

To the immense relief of all, publication went off smoothly. On Sunday, July 25, at 10 p.m. GMT, the three news organizations released their separate accounts of the Afghan war logs. Governments made no effort to prevent it. The Obama Administration, at least for now, seemed more intent on working with the media to limit damage than on lawsuits or injunctions.

The *Guardian* ran 14 pages of stories. It chose to focus on civilian deaths, particularly on a Special Operations group dubbed Task Force 373, which targeted the Taliban. The *New York Times* paid more attention to Pakistan's aid to the Taliban. The relevant cables—redacted—accompanied each article. Assange, by contrast, simultaneously published all but 15,000 "threat reports" (which he deemed the most sensitive) on the WikiLeaks website. Many criticized Assange as irresponsible. Admiral Mike Mullen, chairman of the US Joint Chiefs of Staff, was forceful: "Mr. Assange can say whatever he likes about the greater good he thinks he and his source are doing, but the truth is they might already have on their hands the blood of some young soldier or that of an Afghan family."¹³ A Taliban spokesman said his associates were studying the files to identify individuals: "If they are US spies, then we know how to punish them."¹⁴

While the documents were now safely in the public domain, the publication caused the first rupture between Assange and his media partners. The day before Sunday's publication, Davies learned that on Friday Assange had given the Afghan war logs and a summary of the stories the *Guardian* planned to run to Channel 4 (a British public-service national TV station), Al Jazeera and CNN. Also on Saturday, Assange had taped an interview with Channel 4.

¹² Author's interview with Alan Rusbridger on March 8, 2011, in London. All further quotes from Rusbridger, unless otherwise attributed, are from this interview.

¹³ CNN.com, July 29, 2010. See:

¹⁴ Robert Winnett, "Wikileaks Afghanistan: Taliban 'hunting down informants,'" *Telegraph*, July 30, 2010. See: <http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/7917955/Wikileaks-Afghanistan-Taliban-hunting-down-informants.html>

In Davies' view, this blatantly broke the agreement Assange had concluded with the *Guardian* in June. It also made a mockery of the general attempts to preserve secrecy and threatened the exclusivity which Assange had promised the *Guardian* and its two partners. "Julian understood that news organizations won't commit resources unless they're guaranteed that they're going to be the first to publish," says Davies. "What then happened was that stage by stage, he proceeded to break the agreements." He adds:

We had got to know Julian well, and we liked him and we trusted him. Just at that personal level, it was pretty breathtaking that he had done this... He thought that he had this power over us, that he had so much lovely, juicy information that it didn't matter how much he deceived, or how dishonest he was, or how many agreements he broke.

Davies had another time-consuming assignment looming, and decided to pull out of the WikiLeaks project to register his disapproval. He never spoke to Assange again. Davies wanted to send a message: "No. We are not your servants. We are not here to be abused by sources of information. We're journalists. We will not be wagged by the tail of the dog." The episode changed Leigh's attitude as well. From now on, he would assume that "we're dealing here with an untrustworthy person."

For his part, Assange was furious with the *New York Times* because unlike the other two publications, it chose not to link directly to WikiLeaks in its online version of the Afghan war logs stories. Editor Keller explained he did this to preserve the *Times'* credibility and independence. Assange was not persuaded.

Iraq logs—and the cables

Despite these fallings-out, WikiLeaks and the media partners were moving ahead on releasing the second big trove of documents: battlefield records from Iraq. Assange gave the collection to Leigh on July 7 and they moved directly into the production system set up for the Afghan logs. By the original schedule, the Iraq logs would run two weeks after the Afghan logs—on August 8. But on Friday, July 30, Assange contacted Leigh about a delay of at least six weeks. Assange wanted to bring television into the mix; specifically, he wanted both Al-Jazeera and a fledgling UK production company, the Bureau of Investigative Journalism (BIJ), to produce documentaries (the BIJ piece would air on Channel 4).

Leigh decided to bargain. The *Guardian* could consider a delay until late September or early October, he said, if Assange gave him the entire third tranche: a collection of US diplomatic cables. The *Guardian*, he argued, needed to see if there was any value to the documents. The target date to publish the cables, if they merited it, would be mid-October. Assange agreed, on condition that Editor Rusbridger write a letter agreeing to three items: don't allow the cables to be accessed

online at all (no email, shared drive, cloud computing etc.), don't publish them without Assange's okay, and don't give the cables to anyone else. That meant for the time being neither *Der Spiegel* nor the *New York Times* would get a copy. Rusbridger did so, and on Tuesday, August 3 Leigh headed north on his annual three-week vacation to the Scottish highlands—with a memory stick that held 250,000 US diplomatic cables, the equivalent of 2,000 books.¹⁵

It was not much of a vacation. While the team at the *Guardian* in London struggled to make sense of 391,000 reports from the Iraq war, Leigh scrutinized the cables to figure out what he had. Systems Editor Frayman had again come to his rescue, dividing the cables file (too large to view on a laptop) into 87 manageable pieces of some 20 megabytes each. Leigh searched them for key words and phrases. For example, he entered the name "Megrahi"—a Libyan intelligence officer convicted for participation in the 1988 Lockerbie bombing and released from a Scottish jail by UK officials in 2009.

The results, says Leigh, were unimaginably exciting. For three weeks, sworn to secrecy, he went through the cables as systematically as he could alone. He recalls:

I was lowering a hook into a pond and seeing if any fish came up... Within a week or two, it was clear to me that there were about two dozen stories, each of which would normally be the splash story on the front page of the paper. So I was thinking this was a very rich pudding.¹⁶

He found that there were very few documents from before 2006, and the record ended in February 2010. The cables covered some 100 countries. There were cables about Iran, Yemen, Saudi Arabia, Russia—even about Britain's Prince Andrew. Leigh returned to London in early September with a list of at least 20 stories. But he also walked into the teeth of a new chapter in the evolving Julian Assange story.

Sex charges. On Saturday, August 21, Davies had called Leigh in Scotland with disturbing news. Assange had been charged with rape in Stockholm by two Swedish women. As Leigh digested this, the two speculated on what might lie behind such an outlandish accusation. They reviewed the list of Assange's potential enemies, including the CIA. "Way out on the distant fringes," says Davies, "[we considered it] possible that it could be true." Yet that seemed to be the case—the women considered that they had been assaulted. Leigh reported the story from Scotland, dictating it for Monday's paper. He and Davies decided their only option was to "fully report the facts" even if Assange took offense.

The rape charge quickly changed to "sexual harassment." Nonetheless, Assange had a tricky situation on his hands. On September 27, worried about arrest, he moved permanently from

¹⁵ Leigh and Harding, p.140.

¹⁶ Author's interview with David Leigh on March 8, 2011, in London. All further quotes from Leigh, unless otherwise attributed, are from this interview.

Sweden to London. The *Guardian*, too, could not help but worry about its close cooperation with an individual now involved in a very different story. “We could see that he was engaging in misinformation” about what had happened, recalls Davies. “That was so worrying for us,” adds Leigh.

The sexual harassment charges also affected the release of the Iraq war logs. In late September, Assange pleaded for an extension: WikiLeaks had had no opportunity to redact them which, after the backlash in July, it wanted to do. So they moved back the publication date to Friday, October 22. The original three partners continued to coordinate their efforts. Channel 4 would release the BIJ film, while CNN and al-Jazeera would release related stories on their own.¹⁷

Publication. Again the release went smoothly. The public was given access to Iraq war records from 2004 to December 2009. Assange hosted his own launch event at the Park Plaza hotel in London. This time, he had taken care not to include names of informants or others who might suffer retaliation. As with the Afghan logs, the partner news organizations chose each their own focus: the *New York Times* on torture of prisoners by Iraqi forces, on private contractors, and Iran’s involvement; the *Guardian* on civilian deaths and torture, including detainees under Iraqi supervision; and *Der Spiegel* on the leak itself and the helplessness of US troops in Iraq. But the peace would not hold for long.

When is a Deal Not a Deal?

By mid-September, *Guardian* reporters had been going through the cables for a couple of weeks. Systems Editor Frayman had further refined the search capabilities, allowing journalists to search by individual embassies, or by degree of classification. The reporters found that some 6 percent of the cables were secret, 40 percent confidential, and the rest unclassified.¹⁸ The collection included no top-secret documents. Chief topics emerged: the spread of nuclear material; military exports to Iran and Syria; perceptions of foreign leaders. Almost none dealt with Israel. There were also the titillating accounts: Saudi sex parties, drunken Central Asian weddings, Prince Andrew’s questionable trade dealings. But there was still no publication date for the cables. What’s more, under Rusbridger’s agreement with Assange, the *Guardian* had not shared them with the *NYT* or *Spiegel*.

Brooke file. In late September, Leigh had lunch with a friend, freelancer Heather Brooke.¹⁹ Brooke was a dual US-UK citizen who worked in Britain and was behind the 2009 disclosure of misappropriation of government funds by members of Parliament for personal expenses. To Leigh,

¹⁷ Assange also unilaterally gave the Iraq logs to *Le Monde* a week before publication, but the team was not trying to coordinate with the French newspaper.

¹⁸ Leigh and Harding, p. 181.

¹⁹ Leigh does not remember the precise date.

Brooke dropped a bombshell. A disaffected member of WikiLeaks in Iceland, she told Leigh, had given her the entire file of diplomatic cables. Leigh was appalled—but also saw a silver lining. If the *Guardian* had access to the cables through a source other than Assange, that released the paper from its promise to publish only when he allowed it, not to mention from the promise to keep the cables confidential.

After Brooke was able to prove to Leigh’s satisfaction that she had the cables, he confided to her that the *Guardian* had them as well. Leigh went to Rusbridger and Deputy Editor (News) Ian Katz with the disturbing news about Brooke. “That was a moment of extreme panic,” remembers Katz, “because we then knew there was another version of the database around that we didn’t have control of [and] we didn’t know to how many other people her source had leaked the database.” After some debate, they decided to offer Brooke a consulting position.²⁰

Files to NYT. But Leigh had another decision to make, although he did not discuss it with anyone.²¹ To all appearances, Assange intended to freeze out the *New York Times* from any further collaboration. In late July, *Times* Editor Keller had smoothed over relations in phone calls after the paper failed to link to WikiLeaks in the Afghan war logs. But Assange was newly angry about a profile of Private Manning which the *Times* had published on August 8 (he called it “absolutely disgusting”). Moreover, the *Guardian* had learned that Daniel Ellsberg of Pentagon Papers fame, and Icelandic WikiLeaks former programmer Smári McCarthy (who had given Brooke the copy), also had the cables. It looked as though Assange himself was not observing his own stipulation to keep them private. “I said to myself right, this is all collapsing. Everything is going to pieces. I am going to share these cables with everybody else,” says Leigh.

Leigh himself was fed up with Assange and what he considered his high-handed approach to the original agreement with the *Guardian*, and subsequently with the *Times* and *Der Spiegel*. “There came a point at which I concluded that Julian was never going to give us the go-ahead to publish these cables because he was so unreliable and so manipulative,” says Leigh. Assange’s behavior had worsened since the Swedish charges; he talked of moving to Cuba. “You’ve got the most important story that anybody’s got hold of for the last X years in the hands of somebody who is being completely unpredictable and irresponsible,” says Leigh.

So Leigh contacted *Times* Editor Keller, told him he had the diplomatic cables, and offered to share them.²² The *Times*, Leigh stipulated, would have to keep confidential its source for the

²⁰ Brooke was on board by November 3.

²¹ In addition to being longtime professional colleagues, Rusbridger and Leigh were brothers-in-law; they had married sisters.

²² Leigh does not remember the precise date. *Der Spiegel* reports that “The Guardian and the New York Times had already begun concrete preparations in early October to publish the embassy cables without WikiLeaks’ consent.” Marcel Rosenbach and Holger Stark, “An Inside Look at Wikileaks Negotiations,” *Der Spiegel*, January 29, 2011. See: <http://readersupportednews.org/opinion2/370-wikileaks/4783-an-inside-look-at-wikileaks-negotiations>

cables. "I think I uploaded the stuff to a secure NYT server," recalls Leigh.²³ On September 27, the *New York Times* assigned reporters to go through the documents. At the same time, Leigh created a flashdrive for *Der Spiegel* containing the cables. Editor Marcel Rosenbach flew to London to pick it up.

All three publications agreed to keep their continued cooperation secret until just before publication—tentatively scheduled for Friday, November 5—because Assange had threatened to publish all the cables online if the *Guardian* broke its agreement with him. Eventually, Leigh told Rusbridger what he'd done. Says Leigh:

I was deliberately doing all these things myself and taking all these decisions myself, because I knew that Alan had undertaken to Julian that he wouldn't do this, that and the other. I thought, I can't ask Alan to do this. I'm going to unilaterally take the decision to do things behind his back... to protect him.

Meanwhile, Leigh also went to see Assange at the Frontline Club, where he was living in London, and told him that Brooke had the cables, and that the *Guardian* wanted to publish quickly. "Julian had said 'OK, I understand—I'm sort of losing control of this... Julian was fairly composed about all that,'" recalls Leigh. Assange agreed that the *Guardian* could give the cables to *Der Spiegel*.

Then on October 24, *New York Times* correspondents John Burns and Raavi Somaiya published a profile of Assange. Titled "WikiLeaks Founder on the Run, Trailed by Notoriety," the piece quoted one critic as saying "he is not in his right mind." It also said Assange dismissed the reporters' questions as "cretinous" and "facile." The front-page article, which ran the day after release of the Iraq war logs, enraged Assange. He felt the paper had betrayed him. Does the *Times*, he asked rhetorically, employ only "journalists with extremely bad character?"²⁴

On Friday, October 29, Leigh was in Washington for a meeting at the *New York Times* bureau to finalize a joint publication date. At the table with him were *Spiegel's* Rosenbach and Goetz, and Schmitt from the *Times*. "We formalized this decision that we were all going to go on November 8th, regardless of what Julian [Assange] thought," says Leigh. But the Germans asked that the group first meet with Assange to notify him, clarify the situation and determine whether the partnership with WikiLeaks was still viable.

²³ Email from Leigh to author, May 26, 2011.

²⁴ Michael Calderone, "NY Times reporter defends profile of WikiLeaks' Assange," *Yahoo! News*, See: http://news.yahoo.com/s/yblog_upshot/20101026/cm_yblog_upshot/ny-times-reporter-defends-profile-of-wikileaks-assange

November 1 firestorm

The *Guardian* offered to host, and scheduled a meeting with Assange for 6 p.m. on Monday, November 1. The *New York Times* decided not to attend.²⁵ Among other points, the editors wanted to let Assange know about the November 8 publication date, and that in their view the existence of Heather Brooke's copy released the *Guardian* from any earlier agreement. Both *Der Spiegel* and Editor Rusbridger favored continued cooperation with WikiLeaks if possible.

Assange was running late, and at 7 p.m. he showed up with a libel lawyer and two other associates in tow. Assange was seething: somehow he had been tipped that the *New York Times* had the cables. How did it get them, he demanded? There was more. Burns' profile, he fumed, was "designed to be a smear... The *Times* should not go out of its way to produce a negative, sleazy hit-piece and place it on the front page."²⁶ He protested that the *Times* "has defiled the relationship" with WikiLeaks. Guardian Deputy Editor Katz notes that "it was not unreasonable that he was cross with us." He continues:

He thought that he'd given us express instructions on how to use this information, and he felt the *New York Times* thing was a breach of it. In the strictest terms, it was. The point was that we thought it was more unreasonable that he tried to cut the *New York Times* out of it when we had made an agreement from the start that they would be part of it.

It was the first time Rusbridger had spent any time with Assange. The editor assured Assange that he personally had given the *Times* nothing. Assange threatened to sue. He threatened to stop cooperating with the *Guardian*. He mentioned that he was already in talks with the *Washington Post* and McClatchy Newspapers about publishing the cables in the US. "My aim was really just to calm him down, because having come this far, it would have been immensely complicated if we'd all broken up and he'd stormed out," says Rusbridger.

Assange did seem calmer after venting, and for a while they talked about the timing of the cables release. Assange said he preferred to delay everything, and would accept another month. He also asked that the publishing group be expanded to include *El País* and *Le Monde*. This meant even more challenging logistics—plus giving the new players the benefit of all the work done so far. "I think we all gulped and thought oh God, here we go again. But on the other hand, it's probably worth it if this is going to lead to an amicable arrangement," recalls Rusbridger. Assange also wanted Rusbridger to call the *Times* and, in exchange for the cables, to secure for Assange the right to reply to the Burns piece, also on Page One, and a promise of no more negative stories.

²⁵ Rosenbach and Holger.

²⁶ Leigh and Harding, p. 169.

At 10 p.m., the whole group went to dinner. But fireworks broke out again after midnight. Rusbridger called *Times* Editor Keller to put Assange's demands to him and Keller effectively said no. Assange exploded anew: the consortium was finished. No *New York Times*, and no *Guardian*. However, *Der Spiegel* Editor-in-chief Georg Mascolo declared that it, too, would withdraw. Rusbridger pointed out that, in fact, the existing partnership was going to be the best deal possible. Remembers Rusbridger:

I said to Julian, what is your choice?... Heather Brooke has got it, and we've lost all control. So you don't have an option, really. You have to work with us. That's where the logic was: either we were all going to lose it, or we just had to swallow our pride and work together.

Two days later, Assange agreed to 10 points Rusbridger presented, including a publication schedule that ran starting November 29 (in print; digital release November 28) for two weeks or more. After January 4, the exclusivity contract would expire and WikiLeaks would be free to send cables of regional interest to other newspapers around the world. Assange also decided that WikiLeaks would publish only the redacted cables prepared by the media partners. Leigh, for one, was gratified: "I thought Alan [Rusbridger] had done brilliantly in crafting some sort of compromise that everybody could live with... I thought it was miraculous that we'd come so far. I had always suspected that this whole rickety deal would collapse within a few weeks."

Now the hard work started.

Redactions and reporting

The *Guardian* told *Le Monde* and *El País* about the new arrangement shortly after the November 1 meeting. The new papers had barely three weeks to sift through the massive trove of cables before the agreed-on digital publication date of November 28. The pre-existing partners listed the stories they had already uncovered. For example, *Spiegel* had been the first to notice cables about the State Department ordering US diplomats to spy on UN officials. The *New York Times* had closely examined materials on Saudi Arabia encouraging the US to bomb Iranian nuclear installations. The *Guardian* targeted cables about the relationship between China and North Korea. Meanwhile, both new consortium members, especially the Spanish publication, helped uncover some new stories, including one about US diplomats seeking to influence judges.²⁷

On November 11, all the parties gathered to fine-tune the publication grid. Assange came with a lawyer, while *New York Times* Deputy Foreign Editor Ian Fisher flew in from the US. *Guardian* Deputy Editor Katz took on the coordination job. He prepared a grid tracking which papers would publish which stories on which days. "We didn't want to scoop each other," says

²⁷ Leigh and Harding, p.177.

Leigh. It was complex. For example, for all to publish simultaneously on a Sunday, the weekly *Spiegel* would have to suspend its standard electronic distribution Saturday—a costly adjustment. “There was a heart sink about how on earth we would synchronize across four languages [and] three different production schedules,” says Katz, referring to *Le Monde*, an afternoon paper, and *El País*, which published at midnight.

Redactions. Preparing the diplomatic cables and related stories for publication was tough. Not only did reporters have to extract the best stories from the documents, but the cables themselves had to be redacted to remove any references which might threaten the lives of those named. Each individual reporter had first responsibility for redacting the cables that supported his articles. Key correspondents, such as Luke Harding in Moscow, were summoned back to London to join the team. Other star reporters based in Washington, Brussels, Africa, India and Latin America joined the team remotely. Walsh, who had returned for the war logs and stayed to work on a book, took on the Pakistan- and Afghanistan-related cables. In the run-up to November 28, says Katz, the *Guardian* had upwards of 25 reporters and editors involved.

The second layer of redaction was Production Manager Jon Casson, who tried to spot anything missed the first time around. Casson set up shop in another 4th floor room typically used for training. He read every story and its associated cables. Even if a reporter referred only to a couple of paragraphs in a lengthy cable, Casson had to read the whole thing because the papers had undertaken to post entire cables. He kept track of where in the process each story stood. Most stories pulled together several cables, so those were all redacted to be released simultaneously with the story. Casson not only went through *Guardian* redactions carefully, but compared the *Guardian’s* version to those of the other media partners.

Partners. These problems were multiplied times five by the media partnership. All five news outlets had agreed to maintain the same secrecy observed for the Afghan and Iraq war logs. No one would mention a cable in either an email or a phone conversation. Instead, they held paper copies of cables up to a camera in a Skype exchange, so that all could see the subject of the conversation. Spy-movie attempts to use disposable phones and other security devices, however, were amusing, but flopped. “We were essentially completely useless at any of the spooky stuff,” said Katz.²⁸ “The whole coordination was very difficult,” says Casson. “We did the best we could.”²⁹ He adds:

It was just the volume, and the urge to publish as much as possible in as short a time as possible, was quite difficult. If it was just the *Guardian* publishing, I think it would have been much more of a straightforward process.

²⁸ WikiLeaks, p.179.

²⁹ Author’s interview with Jon Casson on March 8, 2011, in London. All further quotes from Casson, unless otherwise attributed, are from this interview.

Casson designed a massive online spreadsheet that tracked each cable by number, the ID number for its related stories, whether the cable had been redacted, whether the redaction had been coordinated with partner publications, and when the story and cable were slated for publication. In the beginning, Casson and two helpers were processing upwards of 200 cables a day. In the end, he tracked more than 900 cables, each color coded for their stage of redaction. Despite their best efforts, sometimes the partners published different versions of a cable. In a very few instances, the publications agreed not to use a cable at all because it was too sensitive. Topics that qualified for exclusion were strategic secrets, information on nuclear power plants or oil pipelines, or details on military operations.

Casson worked hard to avoid defamation, or endangering individuals. He consulted with *Guardian* lawyers on a daily basis. Diplomats or public figures were fair game. "But what really kept me awake most night was, if we're publishing a source's name, is that going to put that person, or that person's family, in danger?" recalls Casson. Sometimes deleting a name was not enough; place names and dates also had to come out. Likewise, he deleted pronouns in instances when a female speaker would be identifiable. That meant deleting not only "she" and "her," but "he" and "his" from time to time so it would not be obvious when a woman was meant.

At the *Guardian*, secrecy was as tight or tighter than it had been for the war logs. The team continued to work out of two small, fourth-floor rooms. "I think I told the foreign editor, because I had to bring some of his people back. But we kept it very, very tight," recalls Katz. "We only told the main news editors a week before publication." All the reporters working on the project were forbidden to discuss their work.

Dangerous. There were also disputes over which cables to use. Leigh had made the first cut at discerning which cables would produce worthwhile stories. The second round of selections looked at geography. If with the war logs the *Guardian* had worried about injunctions, now it also had to worry about upsetting the world order. Recalls Deputy Editor Katz: "More than one of our spouses, and certainly mine, said at the time 'What on earth are you doing, and why on earth are you doing this? You're going to start a war somewhere.'"

One group of cables, for example, revealed that the Yemeni government had said it would claim US air attacks on militants as its own. The *New York Times* (with *Spiegel's* concurrence) was reluctant to publicize some of the Yemen material for fear of repercussions on a strategic relationship, but the *Guardian* and *El País* saw no real danger in reporting it (*Le Monde* couldn't decide). "The debate was around, you will have blood on your hands if you publish this, because this is the front line of the fight against Islamist baddies," says Rusbridger.

And you will really undermine that fight by publishing this. The counterargument was, but we've been down this route before [in Iraq 2003 and alleged weapons of mass destruction] of suppressing stuff in order to depend on people who appear to be on our side.

Other sensitive material concerned US views of Russian leaders, suspicions about the close relationship between Russian President Vladimir Putin and Italian Prime Minister Silvio Berlusconi, the business dealings of some Russian oligarchs, and top-level corruption in both Pakistan and Afghanistan. While the UK Official Secrets Act technically covered some of this, the press did have on its side the so-called 1999 Reynolds Defense, a legal precedent which allowed the media to publish unproven allegations if they were acting responsibly and in the public interest, and followed standard journalistic procedures.

The partners eventually came to agreement on which stories to run. The big ones would be rolled out simultaneously; the timing for others of chiefly regional interest were left up to the individual publication. “We had furious arguments along the way, but it was an incredibly complicated thing to do,” notes Rusbridger.

Government weighs in

The *Guardian* was not inclined to ask for comments in advance of publication. Such an action would have opened it up to injunctions under the Official Secrets Act on the grounds that the newspaper was in unlawful possession of confidential documents. “Our instincts, coming from a European tradition, would have been not to,” comments Rusbridger. But the *New York Times* took a different view and, on November 19, first approached the White House to let it know which cables it planned to disclose. “When Bill [Keller] said we’re going to go a week in advance, we were all quite uneasy,” recalls Rusbridger, partly from fear of injunction.

I think all the European partners were anxious. And I think, left to our own devices, we wouldn’t have done what Bill [Keller] did... It was a difficult position where you felt obliged to get some reaction. But the longer you gave them, the longer it gave them to injunct us.

Also, says Katz, the *Guardian* was well aware that “often, institutions and governments dress up in security terms things which are simply embarrassing or are politically inconvenient.”

The *Times* forwarded White House comments to the *Guardian*, an awkward arrangement because it was not clear whether the *Times* represented the other media partners, and whether it was a formal clearance process or an informal one.³⁰ So on Friday, November 26, the White House hosted a conference call with Rusbridger, Deputy Editor Katz, US Assistant Secretary of State P.J. Crowley, and representatives from Defense, intelligence community, and the National Security Council. Crowley stated that “from our perspective, these are stolen documents,” to which the British editors did not reply.

³⁰ *Der Spiegel* came in for its fair share of pressure as well; the US ambassador called Editor Mascolo to warn against publishing the cables. The government also asked WikiLeaks not to publish and hand back all records. Assange in fact offered to consider US objections, and said WikiLeaks had no desire to put anyone at risk.

Crowley asked Rusbridger for the numbers of the cables the paper intended to use, but Rusbridger would not oblige. He did disclose the *Guardian's* intended publication schedule: Day 1, Iran; Day 2, North Korea; Day 3, Pakistan. Quite soon Crowley, worried that the government was giving out more information than it was getting, wrapped up the call. Apparently, as Investigations Editor Leigh recalls, "they weren't going to come after us. They were going to engage with us instead." Just before publication, says Rusbridger, the *Guardian* also heard from the British government—"a sort of private message from Number 10 [Downing Street] saying don't worry, we're not going to injunct you."

By the target publication date of November 28, the *Guardian* had more than 160 articles ready to go, and more in production. On the eve of publication, however, Editor Rusbridger found himself questioning whether the newspaper had made the right choice.

Caution and concern

It was not the first time Rusbridger had worried about publishing the cables. In early October, after Leigh had handed over the trove and other *Guardian* reporters had started to go through them, the editor had had serious misgivings: "a moment of standing back and thinking, actually, should we be doing this at all?... [Sometimes] you get into a little sort of bubble where you get carried along by it." Perhaps the *Guardian* had been too quick to dismiss government concerns. After all, in 2004 the *New York Times*, at the request of the Bush Administration, had delayed for a year publishing a story about domestic spying.³¹ In that case, the *Times* had found Administration arguments invoking national security persuasive.

Rusbridger was sufficiently disturbed to call on Simon Jenkins, former editor of the *Evening Standard*, to spend an hour reading through some of the cables and give his opinion. "It was a reality check," recalls Rusbridger. He amplifies:

[The leak] was just a staggering breach of secrecy, trust, confidence. We knew all the arguments that would be advanced: you endangered people. You've made diplomacy impossible.... Normally within a newspaper, you can add things up with your colleagues. But because this was happening in a very tight operational little bubble, I wanted to get an extra pair of eyes to just say either "Oh my God, you're crazy, what you are thinking of?" Or, "it's fine."

At the time, Jenkins read for several hours. While he understood Rusbridger's hesitation, Jenkins' opinion was that the *Guardian* had no choice but to publish the documents. But now it was November, and Rusbridger once again found himself questioning the very premise of publishing

³¹ President George W. Bush in 2002 authorized the National Security Agency to eavesdrop inside the US without court-approved warrants. See: <http://www.nytimes.com/2005/12/16/politics/16program.html>

classified US government documents. He had rehearsed with Katz and others what he would say if, for example, a bomb went off on a flight to New York and the head of London's anti-terror unit blamed the *Guardian*. "We did that exercise on quite a few things, actually," says Katz.³² But those rehearsals seemed rather inadequate.

The issue was brought front and center by an email Rusbridger received on Friday, November 26 from a respected colleague. The war logs, argued the colleague, "broadly supported our view of how badly Iraq and Afghanistan have gone as wars." With the cables, he warned, "we may be doing something qualitatively different." He continued:

Foreign policy is, for the next two years, the one field of operation a seriously weakened but still liberal US president has left, without succumbing to a Republican veto. But neither is he immune from Republican opinion. We as a paper have argued that the US should not bomb Iran, or allow Israel to do so. If we publish a story saying that the US was encouraged to bomb Iran by a close powerful regional neighbour, to whom would that news be welcome, and who would profit from it?

Publication could also, the email argued, threaten President Obama's chances of moving a START arms control treaty through Congress. If the cables revealed candid US diplomats' views of Russian President Vladimir Putin, might that threaten the arms agreement? The writer said:

If START fails, two other treaties with Russia will fail, a president's word will not become his bond, Russia could easily start shipping S300 air defence missiles to Iran... None of these are unrealistic scenarios. Are we serving our interests, by publishing material which weakens a president, who we think is trying to do the right thing?"

Finally, concluded the writer, "we are a newspaper not a propaganda unit."

Others will publish the same material if we desist. Our duty is to set these stories in context, and that context is governed as much by our liberal values as well as our journalistic analysis. I am writing in total ignorance of what will be published and I do not want to interfere. I just wonder whether we are not putting ourselves in the position, whether we are serving the opposition, and undermining our own stand, on so many of the issues that we care about.

Rusbridger knew that he could not stop the publication process at this late date. Whatever his qualms, the *Guardian's* media partners would no doubt move forward. But the email jarred him because it so closely mirrored his own misgivings of October. If *Guardian* readers and supporters

³² Author's interview with Ian Katz on March 8, in London. All further quotes from Katz, unless otherwise identified, are from this interview.

found the paper's editorial decisions misguided or wrong, how would he respond? What if people died? Did the *Guardian* and its partners remain in control of this process, or had Assange manipulated them?

