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# Congressman wants WikiLeaks listed as terrorist group

by [Declan McCullagh](#)

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The incoming chairman of the House Homeland Security Committee says WikiLeaks should be officially designated as a terrorist organization.

Rep. Peter King (R-N.Y.), the panel's presumptive next head, asked the Obama administration today to "determine whether WikiLeaks could be designated a foreign terrorist organization," putting the group [in the same company](#) as al-Qaeda and [Aum Shinrikyo](#), the Japanese cult that released deadly sarin gas on the Tokyo subway.

"WikiLeaks appears to meet the legal criteria" of a U.S.-designated terrorist organization, King wrote in a letter to Secretary of State Hillary Clinton reviewed by CNET. He added: "WikiLeaks presents a clear and present danger to the national security of the United States."

King's letter was prompted by a [massive document dump](#) totaling more than 250,000 State Department diplomatic cables, which WikiLeaks gave in advance to news organizations, including Germany's Der Spiegel and Spain's El Pais, and that began appearing on the Internet this morning. The White House has condemned the release, which Der Spiegel [called](#) "nothing short of a political meltdown for U.S. foreign policy."



Rep. Pete King  
(Credit: [peteking.house.gov](http://peteking.house.gov))

King also wrote separately to Attorney General Eric Holder, asking him to "criminally charge WikiLeaks activist Julian Assange under the Espionage Act" for conspiracy to disclose classified information. The [Espionage Act](#) makes it illegal to disclose "information relating to the national defense" if that information could be used "to the injury of the United States." (See [previous CNET article](#).)

If the State Department [adds WikiLeaks to the terror list](#), one effect would be to prohibit U.S. banks from processing payments to the group. WikiLeaks currently [takes donations](#) through PayPal, bank transfers, and Visa and Mastercard payments.

Another would be to trigger the punitive measures included in the [Antiterrorism and Effective Death Penalty Act](#), which made it a federal felony to provide "material support or resources" to a terrorist organization. That would likely dry up support from U.S.-based volunteers for WikiLeaks--one volunteer has been [detained and released at the border](#) already--and curb the group's options for Web hosting services. (Both [Wikileaks.org](#) and [Cablegate.Wikileaks.org](#) are currently hosted, in part, on Amazon.com servers in the United States.)

The news organizations have released a small subset of the cables. WikiLeaks itself says it has published only 220 of 251,287 of them and promises to post the rest "in stages over the next few months."

That has, perhaps unintentionally, given critics in Washington's national security establishment a strong incentive to find a way to pull the plug on the document-leaking Web site as soon as possible, one way or another.

Connecticut Sen. Joe Lieberman, chairman of the Senate Homeland Security and Governmental Affairs Committee and a senior member of the Senate Armed Services Committee, said in a statement today: "I also urge the Obama administration--both on its own and in cooperation with other responsible governments around the world--to use all legal means necessary to shut down WikiLeaks before it can do more damage by releasing additional cables. WikiLeaks' activities represent a shared threat to collective international security."

Australia said today it's [investigating](#) whether today's release violated its laws (WikiLeaks editor Julian Assange has an [Australian passport](#)). And Sweden [has issued](#) an international warrant for Assange's arrest on sexual assault charges, which has been [upheld by an appeals court](#). Assange denies the allegations.

WikiLeaks has already been the target of often-strident denunciations from Washington officialdom after releasing confidential military dispatches from Afghanistan and Iraq. The Washington Times and a former Bush administration official [suggested](#) WikiLeaks as the first public target for a U.S. government cyberattack, and a Republican senator has [proposed a law](#) targeting WikiLeaks.

The Patriot Act increased the maximum penalties for violating what has become known as the "material support" law to 15 years in federal prison. In a 6-3 [ruling](#) this year, the U.S. Supreme Court [upheld](#) that law as constitutional, saying the Draconian legal sanctions are reasonable "even if the supporters meant to promote only the groups' nonviolent ends."

If WikiLeaks is added to the State Department list, one problem for its supporters might be the relative vagueness of the term "material support." In a law review article, former UCLA chancellor [Norman Abrams](#) wrote that "the janitor or the pizza delivery person or a taxi driver, or anyone who provides the most mundane 'services,' would seem to be at risk of prosecution" if they could be said to know they're dealing with a designated terrorist group.

**Update 11:20 a.m. PT Monday:** Rep. Peter King appeared on MSNBC's Morning Joe this morning. Here's what he said when asked about the implications of declaring WikiLeaks to be terrorists:

King: Let me tell you, first of all, the benefit of that is we would be able to seize their assets and we'd be able to stop anyone from helping them in any way, whether it's making contributions, giving free legal advice, or whatever. It would also, I believe, strengthen the secretary of state's hand in dealing with foreign nations as far as trying to get them extradited, trying to get them to take action against them.

Either we're serious about this or we're not. And I know people may think this is a bit of a stretch, but I analogize this to the RICO statute, where they had a pretty narrow definition of criminal enterprise in the beginning. By now that's been expanded quite a bit to deal with contemporary problems.

I think if we're going to live in this--in this world--in this technological world where information can be disseminated so quickly, we have to be serious and take firm, strong action against those who are putting American lives at risk. Because this will put people's lives at risk. [...]

Scarborough: But you know you can't--you can't designate them a terror outfit.

King: Oh, Joe, I mean, we have to--I don't think we should write that off that quickly and say we can't do it. I mean, they are assisting in terrorist activity. The information they are giving is being used by al-Qaeda. It's being used by our enemies.

**Update 5:30 p.m. PT Monday:** The calls for an all-out campaign against WikiLeaks are growing more shrill. Tony Shaffer of the [Center for Advanced Defense Studies](#), a former Defense Intelligence Agency officer, told Fox News that he would like to see military action against Assange: "I would look at this very much as a military issue. With potentially military action against him and his organization." (While the Obama administration [no longer uses](#) the term "enemy combatant," it [claims \(PDF\)](#) the authority to "detain" someone who has provided "substantial support" to enemies of the United States.)

**Update 6 p.m. PT Monday:** White House press secretary Robert Gibbs today said: "WikiLeaks and people that disseminate information to people like this are criminals, first and foremost. And I think that needs to be clear." That's an indication the investigation has gone beyond WikiLeaks' source to the group itself. He added, when asked against legal action against WikiLeaks and Assange: "We are looking at a whole host of things, and I wouldn't rule anything out." And syndicated columnist Charles Krauthammer [reportedly said](#) on Fox News (I haven't seen this segment myself yet) that journalists should be investigated: "To say that if you are unlike CNN and Wall Street Journal, who apparently turned down collaboration with WikiLeaks, and you collaborate, we are going to look into possible prosecution."

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Here are some excerpts from Rep. Peter King's letter to Secretary Hillary Clinton:

I am writing to request that you undertake an immediate review to determine whether WikiLeaks could be designated a Foreign Terrorist Organization (FTO) in accordance with Section 210 of the Immigration and Nationality Act (INA). In addition, I urge you to work with the Swedish government to determine the means by which Mr. Julian Assange can be brought to justice for his actions while recognizing and respecting Swedish sovereign law.

As Admiral Mike Mullen, Chairman of the Joint Chiefs of Staff, concluded, the "irresponsible posting of stolen classified documents by WikiLeaks puts lives at risk and gives adversaries valuable information." I concur with Chairman Mullen's statement...

From these acts, WikiLeaks appears to meet the legal criteria for FTO designation as (1) a foreign organization; (2) engaging in terrorist activity or terrorism which (3) threatens the security of U.S. nationals or the national security of the United States. Specifically, pursuant to Section 212 (a)(3)(B) of INA (8 U.S.C. ? 1182(a)(3)(B)) WikiLeaks engaged in terrorist activity by committing acts that it knew, or reasonably should have known, would afford material support for the commission of terrorist activity.

We know terrorist organizations have been mining the leaked Afghan documents for information to use against us and this Iraq leak is more than four times as large. By disclosing such sensitive information, WikiLeaks continues to put at risk the lives of our troops, their coalition partners and those Iraqis and Afghans working with us...

WikiLeaks presents a clear and present danger to the national security of the United States. I strongly urge you to work within the Administration to use every offensive capability of the U.S. government to prevent further damaging releases by WikiLeaks.



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