

Wikimedia Foundation v. NSA
No. 15-cv-0062-TSE (D. Md.)

Plaintiff's Exhibit 8

Mailing List Archive

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Re: [Wikimedia-l] NSA [In reply to]

fredbaud at fairpoint

Jul 31, 2013, 6:28 PM

Post #26 of 45 (2064 views)

Permalink

I think it's more reasonable to assume that
> Wikipedia (which shares many features with Google, Yahoo, Twitter,
Facebook and other social networks) has been the subject of this kind
of demand than that it hasn't. No one with direct knowledge would be
able to do anything other than deny it, but we can easily see why data
held by Wikipedia (including partially anonymized e-mails, file
> uploads, talk page communication, etc.) would be of interest to
> intelligence agencies.

The capacity of the Wikimedia Foundation to keep a secret of this
nature
is low. Simply too many outlaws; something NSA could probably figure
out;
they are not called intelligence for nothing.

Fred

Changed "law" to "low"

Wikimedia-l mailing list

Wikimedia-l@lists.wikimedia.org

Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,
<<mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>>

Re: [Wikimedia-l] NSA [In reply to]

marc at uberbox

Jul 31, 2013, 6:59 PM

Post #27 of 45 (2051 views)

Permalink

On 07/31/2013 09:27 PM, Ryan Lane wrote:

> I would be fired and jailed before I knowingly let that occur. If this was
> the case I'd very surely not be working for Wikimedia Foundation.

And very many of us live outside the jurisdiction of the entities that
would be doing the monitoring and would be very noisy indeed if
something of that nature took place.

-- Marc

Mailing List Archive

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Wikimedia-l mailing list

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Wikimedia-l@lists.wikimedia.org

Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,

<<mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>>

Re: [Wikimedia-l] NSA [In reply to]

marc at uberbox

Jul 31, 2013, 7:06 PM

Post #28 of 45 (2050 views)

[Permalink](#)

On 07/31/2013 07:52 PM, Nathan wrote:

> If anything, I think it's more reasonable to assume that
> Wikipedia (which shares many features with Google, Yahoo, Twitter,
> Facebook and other social networks) has been the subject of this kind
> of demand than that it hasn't.

You're also making an unwarranted leap there: that the Foundation would

comply with such a demand, if one was made, rather than fight it tooth and nail. In fact, the WMF probably has acquired quite a reputation amongst intelligence circles as being quite uncooperative when it comes

to stomping faces with boots.

There are very few people who work for an organization that has as its primary objective the free dissemination of knowledge that wouldn't be willing to rattle the cages of those who seek to suppress it. If nothing else, we are very good at pointing out egg on faces in a very public, very visible way.

-- Marc

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Wikimedia-l@lists.wikimedia.org

Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,

<<mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>>

Re: [Wikimedia-l] NSA [In reply to]

toddmallen at gmail

Jul 31, 2013, 7:11 PM

Also keep in mind that WMF has explicitly stated that they received no such

demand. If they had, they still could say "If we had received such a

Post #29 of 45 (2052 views)

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demand, we couldn't legally discuss it", still comply with the order, and let us read between the lines. While I don't always agree with WMF, I

Home > Wikipedia > Foundation

have more regard for them than to think they would flat out lie about a matter that important.

On Jul 31, 2013 7:59 PM, "Marc A. Pelletier" <marc@uberbox.org> wrote:

> On 07/31/2013 09:27 PM, Ryan Lane wrote:
> > I would be fired and jailed before I knowingly let that occur. If this
> was
> > the case I'd very surely not be working for Wikimedia Foundation.
>
> And very many of us live outside the jurisdiction of the entities that
> would be doing the monitoring and would be very noisy indeed if
> something of that nature took place.

> -- Marc

> _____
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<mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>

Re: [Wikimedia-l] NSA [In reply to]

jsalsman at gmail

Jul 31, 2013, 7:51 PM

Post #30 of 45 (2056 views)

Permalink

Nathan wrote:

>
>... It seems that most of the data they
> collect is wiped within 3 days; that the data itself can only be
> analyzed under a fairly specific set of minimization rules....

Are you referring to the 2009 Holder minimization rules which per
<http://m.newyorker.com/online/blogs/cloread/2013/06/how-many-americans-does-the-nsa-spy-on-a-lot-of-them.html> require sharing records on anyone who has ever sent or received email or chat from a foreign national with the FBI, or the more recent "three hop"

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minimization rules which require permanent storage of the records pertaining to the roughly one billion people who are connected to people connected to people connected with suspects?

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Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,
<<mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>>

Re: [Wikimedia-l] NSA [In reply to]

wikimail at inbox

Jul 31, 2013, 9:15 PM

Post #31 of 45 (2051 views)

Permalink

On Wed, Jul 31, 2013 at 9:27 PM, Ryan Lane <rlane@wikimedia.org> wrote:

> I would be fired and jailed before I knowingly let that occur. If this was
> the case I'd very surely not be working for Wikimedia Foundation.
>

Key word there being "knowingly".

Wikimedia-l mailing list
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<<mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>>

Re: [Wikimedia-l] NSA [In reply to]

tstarling at wikimedia

Jul 31, 2013, 9:44 PM

Post #32 of 45 (2052 views)

Permalink

On 01/08/13 14:15, Anthony wrote:
> On Wed, Jul 31, 2013 at 9:27 PM, Ryan Lane <rlane@wikimedia.org> wrote:

>
>> I would be fired and jailed before I knowingly let that occur. If this was
>> the case I'd very surely not be working for Wikimedia Foundation.
>>
>
> Key word there being "knowingly".

I don't know why the NSA would sneak around in our data centres mirroring our ethernet ports if they already have almost all of our access logs by capturing unencrypted traffic as it passes through XKeyscore nodes.

I think you should save the conspiracy theories until after we switch

Mailing List Archive

anons to HTTPS, that's when they will have an incentive.

Home > Wikipedia > Foundation: Page 2
-- Tim Starling

1 2

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Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,
<<mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>>

Re: [Wikimedia-l] NSA [In reply to]

akoval at wikimedia

Jul 31, 2013, 10:36 PM

Post #33 of 45 (2051 views)

Permalink

very helpful, james. thanks so much for clue-ing me in. definitely want to know more of the backstory on the chapters sometime. ttyt :)

On Wednesday, July 31, 2013, Tim Starling wrote:

> On 01/08/13 14:15, Anthony wrote:

> > On Wed, Jul 31, 2013 at 9:27 PM, Ryan Lane

<rlane@wikimedia.org<javascript:;>>

> wrote:

> >

> >> I would be fired and jailed before I knowingly let that occur. If this

> was

> >> the case I'd very surely not be working for Wikimedia Foundation.

> >>

> >

> > Key word there being "knowingly".

>

> I don't know why the NSA would sneak around in our data centres

> mirroring our ethernet ports if they already have almost all of our

> access logs by capturing unencrypted traffic as it passes through

> XKeyscore nodes.

>

> I think you should save the conspiracy theories until after we switch

> anons to HTTPS, that's when they will have an incentive.

>

> -- Tim Starling

>

>

>

> Wikimedia-l mailing list

> Wikimedia-l@lists.wikimedia.org <javascript:;>

> Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,

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> <mailto:wikimedia-l-request@lists.wikimedia.org <javascript:;>
> ?subject=unsubscribe>

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--
Anna Koval
Community Advocate
Wikimedia Foundation
415-839-6885 x 6729
akoval@wikimedia.org

Wikimedia-l mailing list
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Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,
<mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>

Re: [Wikimedia-l] NSA [In reply to]

akoval at wikimedia

Jul 31, 2013, 10:48 PM
Post #34 of 45 (2060 views)
Permalink

Whoops! :) That wasn't meant to be a reply-to-all. Sorry, everyone.
Rookie
mistake... :]

On Wed, Jul 31, 2013 at 10:36 PM, Anna Koval
<akoval@wikimedia.org> wrote:

> very helpful, james. thanks so much for clue-ing me in. definitely want
> to know more of the backstory on the chapters sometime. ttyt :)

>
>

> On Wednesday, July 31, 2013, Tim Starling wrote:

>

>> On 01/08/13 14:15, Anthony wrote:

>> > On Wed, Jul 31, 2013 at 9:27 PM, Ryan Lane

<rlane@wikimedia.org> wrote:

>> >

>> >> I would be fired and jailed before I knowingly let that occur. If this
>> was

>> >> the case I'd very surely not be working for Wikimedia Foundation.

>> >>

>> >

>> > Key word there being "knowingly".

>>

>> I don't know why the NSA would sneak around in our data centres

Mailing List Archive

>> mirroring our ethernet ports if they already have almost all of our
>> access logs by capturing unencrypted traffic as it passes through

>> XKeyscore nodes.

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>> I think you should save the conspiracy theories until after we switch
>> anons to HTTPS, that's when they will have an incentive.

>>

>> -- Tim Starling

>>

>>

>>

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>> Wikimedia-l mailing list

>> Wikimedia-l@lists.wikimedia.org

>> Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,

>> <<mailto:wikimedia-l-request@lists.wikimedia.org>?
subject=unsubscribe>

>>

>

>

>

> --

> *Anna Koval*

> Community Advocate

> Wikimedia Foundation

> 415-839-6885 x 6729

> akoval@wikimedia.org

>

>

--

Anna Koval

Community Advocate

Wikimedia Foundation

415-839-6885 x 6729

akoval@wikimedia.org

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Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,

<<mailto:wikimedia-l-request@lists.wikimedia.org>?subject=unsubscribe>

Re: [Wikimedia-l] NSA [In reply to]

No, but presenting an appearance of surprise is a bit disingenuous.

P

peter.southwood at telkomsa
Mailing List Archive

----- Original Message -----

From: "David Gerard" <dgerard@gmail.com>

To: "Wikimedia Mailing List" <wikimedia-l@lists.wikimedia.org>

Home 1 > 2013 > Wikimedia Foundation: Page 2

Sent: Wednesday, July 31, 2013 11:10 PM

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Post #35 of 45 (2048 views)

Subject: Re: [Wikimedia-I] NSA

Permalink

> On 31 July 2013 21:47, Ryan Lane <rlane@wikimedia.org> wrote:

>

>> Why would we expect that we weren't being targeted? Knowing what

people

>> are

>> looking up is powerful knowledge.

>

>

> That doesn't make it one dot less reprehensible.

>

>

> - d.

>

>

>

Wikimedia-I mailing list

> [Wikimedia-l@lists.wikimedia.org](mailto:wikimedia-l@lists.wikimedia.org)

> Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,

> <<mailto:wikimedia-l-request@lists.wikimedia.org>?subject=unsubscribe>

>

Wikimedia-I mailing list

[Wikimedia-l@lists.wikimedia.org](mailto:wikimedia-l@lists.wikimedia.org)

Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,

<<mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>>

Re: [Wikimedia-I] NSA [In reply to]

peter.southwood at telkomsa

And "non-western" countries probably go further if their technological capacity allows it. If you are not being spied on by "somebody" it is because no-one could be bothered or they havent got around to it yet, not

Jul 31, 2013, 11:14 PM

Post #36 of 45 (2047 views)

because any law protects your privacy.

Permalink

P

----- Original Message -----

From: "Nathan" <nawrich@gmail.com>

To: "Wikimedia Mailing List" <wikimedia-l@lists.wikimedia.org>

Mailing List Archive

Sent: Thursday, August 01, 2013 12:01 AM

Subject: Re: [Wikimedia-l] NSA

[Home](#) > [Wikipedia](#) > [Foundation: Page 2](#)

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[View All](#)

> On Wed, Jul 31, 2013 at 5:53 PM, Matthew Walker

> <mwalker@wikimedia.org>

> wrote:

>>>

>>> What surprises me is that anyone is surprised by any of this

>>> information.

>>

>>

>> It's one thing to have suspicions and theories about it; but if the third

>> party is constantly denying the allegations and with no recourse

>> there's

>> no

>> point in getting angry. Now that we have reasonable doubt, I hesitate

>> to

>> call it proof, we can start making tremendous amounts of noise.

>>

>> ~Matt Walker

>

> I think that's just naive. Of course it was always denied until it

> became impossible to deny it. That's how these things work. But I

> have

> honestly assumed for many years that virtually everything transmitted

> over almost any electronic medium was collected and analyzed in

> some

> way. That appears to be the case, and in fact, I expected them to

> have

> gone further than they have. It seems that most of the data they

> collect is wiped within 3 days; that the data itself can only be

> analyzed under a fairly specific set of minimization rules after the

> approval of a senior executive in the administration, that the rules

> are drawn from generally accepted 4th amendment jurisprudence, etc.

>

> The cynic in me is also convinced that virtually all Western countries

> do the same sort of thing, if probably on a smaller scale. I would bet

> all the money I have that at a minimum the French, the English and

> the

> Germans maintain roughly similar intelligence gathering programs.

> But

> of course, they will deny it until it becomes impossible to deny it.

>

>

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> Wikimedia-l mailing list
> Wikimedia-l@lists.wikimedia.org

Home > Wikipedia > Foundation > Page 2
> Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,
> <<mailto:wikimedia-l-request@lists.wikimedia.org>?subject=unsubscribe> 1 2 View All

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Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,
<<mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>>

Re: [Wikimedia-l] NSA [In reply to]

peter.southwood at telkomsa

Jul 31, 2013, 11:28 PM
Post #37 of 45 (2045 views)
Permalink

Does the law actually require them to lie about data demands when questioned?

P

----- Original Message -----

From: "Nathan" <nawrich@gmail.com>
To: "Wikimedia Mailing List" <wikimedia-l@lists.wikimedia.org>
Sent: Thursday, August 01, 2013 1:52 AM
Subject: Re: [Wikimedia-l] NSA

> On Wed, Jul 31, 2013 at 7:11 PM, Michael Snow
<wikipedia@frontier.com>

> wrote:

>> On 7/31/2013 3:31 PM, Nathan wrote:

>>>

>>> And another thought - you know what unites most of the other companies

>>> represented by the logos in that image? Leaks have confirmed that most

>>> of them are the subject of secret orders to turn over huge amounts of

>>> raw data to the government. They are all bound to secrecy by law, so

>>> without permission none of them are permitted to describe or disclose

>>> the nature or extent of the data demands the U.S. government has made.

>>>

>>> Now if you imagine the puzzle globe on that slide implies that

>>> Wikipedia traffic is retained for intelligence analysis, it's a short

Mailing List Archive

>>> hop to assume that the Wikimedia Foundation is also the subject of a

Home > Wikipedia > Foundation >>> blanket order transferring its server logs to the NSA. Page 2 1 2 View All

>> Facebook, Google, Yahoo, and Twitter, yes. But mail.ru? The shift from

>> "most" to "all" in the first paragraph may make it easy to assume the >> similarity is universal, but it's ignoring the full context. That kind of >> rhetorical shift is a favorite trick of conspiracy theorists, it's how >> they

>> get you to make those short hops to unwarranted conclusions. >>

>> --Michael Snow

>>

>>

>

> It's hardly a conspiracy theory. Given the differences between mail.ru > and Wikipedia, I should think it would be clear why one might be > subject to a direct demand for transferring data while the other is > not. If anything, I think it's more reasonable to assume that > Wikipedia (which shares many features with Google, Yahoo, Twitter, > Facebook and other social networks) has been the subject of this kind > of demand than that it hasn't. No one with direct knowledge would be > able to do anything other than deny it, but we can easily see why data > held by Wikipedia (including partially anonymized e-mails, file > uploads, talk page communication, etc.) would be of interest to > intelligence agencies.

>

>

> _____
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Unsubscribe: https://lists.wikimedia.org/mailman/listinfo/wikimedia-l,
<mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>

Re: [Wikimedia-l] NSA [In reply to]

peter.southwood at
Mailing List Archive
telkomsa

Thanks, This answers my question.

P

Home 1 > 2013 > Wikimedia Foundation: Page 2
Post #38 of 45 (2047 views)
Permalink

----- Original Message -----

From: "Luis Villa" <lvilla@wikimedia.org>

1 2

View All

To: "Wikimedia Mailing List" <wikimedia-l@lists.wikimedia.org>

Sent: Thursday, August 01, 2013 2:13 AM

Subject: Re: [Wikimedia-l] NSA

> On Wed, Jul 31, 2013 at 4:11 PM, Michael Snow

> <wikipedia@frontier.com>wrote:

>

>>

>>> Now if you imagine the puzzle globe on that slide implies that

>>> Wikipedia traffic is retained for intelligence analysis, it's a short

>>> hop to assume that the Wikimedia Foundation is also the subject of

a

>>> blanket order transferring its server logs to the NSA.

>>>

>> Facebook, Google, Yahoo, and Twitter, yes. But mail.ru? The shift
from

>> "most" to "all" in the first paragraph may make it easy to assume the

>> similarity is universal, but it's ignoring the full context. That kind of

>> rhetorical shift is a favorite trick of conspiracy theorists, it's how

>> they

>> get you to make those short hops to unwarranted conclusions.

>

>

> Thanks for the voice of reason, Michael.

>

> As a quick reminder here, before any conspiracy theories about
orders and

> data retention get out of control:

>

> 1) We've flat-out denied any sort of involvement in this, and we
continue

> to stand by that denial:

> <https://blog.wikimedia.org/2013/06/14/prism-surveillance-wikimedia/>

>

> 2) Take with a grain of salt, of course, but our understanding (based
on

> the few gag orders that have been made public) is that we could be
forced

> to not confirm having received a National Security Letter, but we can't

> actually be forced to lie about it. In other words, if we'd received one

Mailing List Archive

> we
> would not be allowed to say "we've received one", but we also could

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not be
> forced to deny it - we'd always have the option to remain silent View All

instead.

>

> 3) We understand that the rules cause some people not to trust our denial,

> and can't entirely blame them! That is why we've asked the government to

> change the rules, so that you can have more trust in us next time we issue

> the same denial:

> <https://blog.wikimedia.org/2013/07/18/wikimedia-foundation-letter-transparency-nsa-prism/>

>

> This is not to say that the http/https issue isn't important; like

> Engineering, we think progress on that issue is important. But it is

> important to keep "we don't yet deploy https as widely as we'd like"

> separate from "there are secret orders to transfer all our logs to the

> NSA."

>

> Thanks-

> Luis

>

> --

> Luis Villa

> Deputy General Counsel

> Wikimedia Foundation

> 415.839.6885 ext. 6810

>

> NOTICE: *This message may be confidential or legally privileged. If you

> have received it by accident, please delete it and let us know about the

> mistake. As an attorney for the Wikimedia Foundation, for legal/ethical

> reasons I cannot give legal advice to, or serve as a lawyer for, community

> members, volunteers, or staff members in their personal capacity.*

>

> _____
> Wikimedia-l mailing list

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> Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,

> wikimedia-l-request@lists.wikimedia.org?

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Wikimedia-l mailing list

12

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Re: [Wikimedia-l] NSA [In reply to]

rupert.thurner at gmail

Jul 31, 2013, 11:57 PM

Post #39 of 45 (2057 views)

Permalink

On Thu, Aug 1, 2013 at 6:44 AM, Tim Starling

<tstarling@wikimedia.org> wrote:

> On 01/08/13 14:15, Anthony wrote:

>> On Wed, Jul 31, 2013 at 9:27 PM, Ryan Lane

<rlane@wikimedia.org> wrote:

>>

>>> I would be fired and jailed before I knowingly let that occur. If this was

>>> the case I'd very surely not be working for Wikimedia Foundation.

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>>

>> Key word there being "knowingly".

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> I don't know why the NSA would sneak around in our data centres

> mirroring our ethernet ports if they already have almost all of our

> access logs by capturing unencrypted traffic as it passes through

> XKeyscore nodes.

>

> I think you should save the conspiracy theories until after we switch

> anons to HTTPS, that's when they will have an incentive.

tim, and ryan, that is not 100% true. since at least 2010 we know from articles like these:

* <http://www.wired.com/threatlevel/2010/03/packet-forensics/>* <https://www.eff.org/deeplinks/2010/03/researchers-reveal-likelihood-governments-fake-ssl>

that man-in-the middle attacks are possible with and without HTTPS at XKeyscore nodes. the basic problem is, that wikipedia contents is stored in the U.S., and the site is using certificates issued in the U.S. the same country and legislation the NSA is located. this means the certificates can be compromised and users would not (easily) notice it.

the best sign against snooping internet traffic would be if wikipedia will change the hosting to a different country, and use a different

Mailing List Archive

countries ssl certificate. you can bet, that the perceived impact on the U.S. business will be so huge that this intolerable practice will

stop, at source, at NSA.
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btw, ryan, you talked about firing and jailing - if you did not know that or if you knew it and ignored it, you should be fired or not work at WMF ;) it is you who need to warn about the location beeing vulnerable, and it is you who decide to use vulnerable digicert certificates. but you of course will not be jailed - this seems to happen to people revealing that xkeyscore exists ...

rupert.

Wikimedia-l mailing list

Wikimedia-l@lists.wikimedia.org

Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,
<<mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>>

Re: [Wikimedia-l] NSA [In reply to]

rarahde at gmail

Aug 1, 2013, 2:31 AM

Post #40 of 45 (2043 views)

Permalink

On Wed, Jul 31, 2013 at 5:13 PM, Luis Villa <lvilla@wikimedia.org> wrote:

> As a quick reminder here, before any conspiracy theories about orders and

> data retention get out of control:

>

> 1) We've flat-out denied any sort of involvement in this, and we continue

> to stand by that denial:

> <https://blog.wikimedia.org/2013/06/14/prism-surveillance-wikimedia/>

>

> 2) Take with a grain of salt, of course, but our understanding (based on

> the few gag orders that have been made public) is that we could be forced

> to not confirm having received a National Security Letter, but we can't

> actually be forced to lie about it. In other words, if we'd received one we

> would not be allowed to say "we've received one", but we also could not be

> forced to deny it - we'd always have the option to remain silent instead.

<snip>

Mailing List Archive

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If we are going to chase crazy down the rabbit hole, then it may be worth noticing that the NSL gag order makes it a crime to discuss NSL demands with anyone except A) personal legal counsel, and B) persons who are directly necessary to fulfill the demand. In particular, if I (as an individual) am served with an NSL then there is no provision allowing me to tell my boss or my subordinates unless I directly need their help to satisfy the request. If someone with root access were directly served with an NSL, it isn't obvious that WMF executives would ever learn about it. This is one of the ways that NSL gag orders are ridiculous.

-Robert Rohde

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<<mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>>

Re: [Wikimedia-l] NSA [In reply to]

george.herbert at gmail

Aug 1, 2013, 2:56 AM

Post #41 of 45 (2056 views)

Permalink

The letters must be sent to the organization rather than an individual. The idea of going to an individual employee and strongarming them may happen, but the law around NSLs is specific.

The court cases to date indicate that if an individual employee got a US NSL and sued over it, the judge would likely take actions that would end the FBI agents careers.

Such individual strongarming would almost certainly use threats or MICE (money, ideology, compromise, ego) enticements and no paper trail to have to testify over in court later.

George William Herbert
Sent from my iPhone

On Aug 1, 2013, at 2:31 AM, Robert Rohde <rrohde@gmail.com> wrote:

> On Wed, Jul 31, 2013 at 5:13 PM, Luis Villa <lvilla@wikimedia.org> wrote:

>> As a quick reminder here, before any conspiracy theories about orders and
>> data retention get out of control:

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>>

>> 1) We've flat-out denied any sort of involvement in this, and we

continue

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>> to stand by that denial:

>> <https://blog.wikimedia.org/2013/06/14/prism-surveillance-wikimedia/>

>>

>> 2) Take with a grain of salt, of course, but our understanding (based on

>> the few gag orders that have been made public) is that we could be forced

>> to not confirm having received a National Security Letter, but we can't

>> actually be forced to lie about it. In other words, if we'd received one we

>> would not be allowed to say "we've received one", but we also could not be

>> forced to deny it - we'd always have the option to remain silent instead.

> <snip>

>

> If we are going to chase crazy down the rabbit hole, then it may be

> worth noticing that the NSL gag order makes it a crime to discuss NSL

> demands with anyone except A) personal legal counsel, and B) persons

> who are directly necessary to fulfill the demand. In particular, if I

> (as an individual) am served with an NSL then there is no provision

> allowing me to tell my boss or my subordinates unless I directly need

> their help to satisfy the request. If someone with root access were

> directly served with an NSL, it isn't obvious that WMF executives

> would ever learn about it. This is one of the ways that NSL gag

> orders are ridiculous.

>

> -Robert Rohde

>

>

>

Wikimedia-l mailing list

> Wikimedia-l@lists.wikimedia.org

> Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,

> <mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>

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<mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>

Re: [Wikimedia-l] NSA [In reply to]

Henjipvat@gmail.com

Aug 1, 2013, 3:02 AM
Post #42 of 45 (2049 views)
Permalink

Foundation: it is funny (but also sad) to see how people thought that Internet privacy was respected in Western world. Almost 99% only worried about China/Iran Internet monitoring and censorship but we had here the most comprehensive spy system logging every site you read.

Wake up!

Wikimedia-l mailing list
Wikimedia-l@lists.wikimedia.org
Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,
<<mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>>

Re: [Wikimedia-l] NSA [In reply to]

wikimail at inbox

Aug 1, 2013, 4:39 AM
Post #43 of 45 (2041 views)
Permalink

On Thu, Aug 1, 2013 at 12:44 AM, Tim Starling <tstarling@wikimedia.org> wrote:

> On 01/08/13 14:15, Anthony wrote:
> > On Wed, Jul 31, 2013 at 9:27 PM, Ryan Lane <rlane@wikimedia.org> wrote:
> >
> >> I would be fired and jailed before I knowingly let that occur. If this
> was
> >> the case I'd very surely not be working for Wikimedia Foundation.
> >>
> >
> > Key word there being "knowingly".
>
> I don't know why the NSA would sneak around in our data centres
> mirroring our ethernet ports if they already have almost all of our
> access logs by capturing unencrypted traffic as it passes through
> XKeyscore nodes.
>

Especially not when they can get someone else to do it for them.

I think you should save the conspiracy theories until after we switch
> anons to HTTPS, that's when they will have an incentive.
>

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And I thought Ryan Lane was talking about the future, not the past. I certainly was.

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Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-I>,
<<mailto:wikimedia-I-request@lists.wikimedia.org?subject=unsubscribe>>

Re: [Wikimedia-I] NSA [In reply to]

rlane at wikimedia

Aug 1, 2013, 10:20 AM
Post #44 of 45 (2044 views)
Permalink

On Thursday, August 1, 2013, Anthony wrote:
> On Thu, Aug 1, 2013 at 12:44 AM, Tim Starling
> <tstarling@wikimedia.org<javascript:;>
> >wrote:
>
> > On 01/08/13 14:15, Anthony wrote:
> > > On Wed, Jul 31, 2013 at 9:27 PM, Ryan Lane
> <rlane@wikimedia.org<javascript:;>
> > wrote:
> > >
> > >> I would be fired and jailed before I knowingly let that occur. If this
> > was
> > >> the case I'd very surely not be working for Wikimedia
Foundation.
> > >>
> > >
> > > Key word there being "knowingly".
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> > I don't know why the NSA would sneak around in our data centres
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> > access logs by capturing unencrypted traffic as it passes through
> > XKeyscore nodes.
> >
> >
> > Especially not when they can get someone else to do it for them.
>
> > I think you should save the conspiracy theories until after we switch
> > anons to HTTPS, that's when they will have an incentive.
> >
> >
> > And I thought Ryan Lane was talking about the future, not the past. I
> > certainly was.

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I'm talking about both.

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Wikimedia-l mailing list

Wikimedia-l@lists.wikimedia.org

Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,
<<mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>>

Re: [Wikimedia-l] NSA [In reply to]

z at mzmcbride

Aug 12, 2013, 6:05 PM

Post #45 of 45 (1975 views)

Permalink

Anthony wrote:

>And I thought Ryan Lane was talking about the future, not the past. I
>certainly was.

I think we should focus on the present, personally.

If a user goes to <<https://wikipedia.org>>, they're quietly redirected to
<<http://www.wikipedia.org>>. This is true of a large number of domains
(e.g., <<https://wikimedia.org>> and <<https://mediawiki.org>>).This has been known about since at least October 2011 (cf.
<<https://bugzilla.wikimedia.org/31369>>) and everyone seems to agree
that
it's a pretty evil bug (a user knowingly tries to access a site over HTTPS
and is unknowingly routed to HTTP). And yet it's August 2013 and the
best
response we seem to have come up with is "install a client-side browser
plugin" and "we're working on it."It's difficult to believe that the Wikimedia Foundation is committed to
user privacy when bugs like this go unresolved after so many months.
This
bug will celebrate its second birthday in less than two months.

MZMcBride

Wikimedia-l mailing list

Wikimedia-l@lists.wikimedia.org

Unsubscribe: <https://lists.wikimedia.org/mailman/listinfo/wikimedia-l>,
<<mailto:wikimedia-l-request@lists.wikimedia.org?subject=unsubscribe>>

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