

# Exhibit 23



Politics : Law

## Downloading for Democracy

Kim Zetter 07.19.04

While legislators in Washington work to outlaw peer-to-peer networks, one website is turning the peer-to-peer technology back on Washington to expose its inner, secretive workings.

But [outragedmoderates.org](#) isn't offering copyright music and videos for download. The site, launched two weeks ago, has aggregated more than 600 government and court documents to make them available for download through the Kazaa, LimeWire and Soulseek P2P networks in the interest of making government more transparent and accountable.

The documents include such items as recent torture memos related to the Abu Ghraib prison scandal, a Senate Intelligence Committee report on what the government knew before it invaded Iraq and a document showing how the Bush administration suppressed information about the full cost of its Medicare plan until after Congress passed the plan. There is also a copy of a no-bid contract obtained by a Halliburton subsidiary for work in Iraq and congressional testimony from former employees of the subsidiary showing how their company engaged in wasteful and costly conduct in Iraq (such as abandoning an \$85,000 Mercedes truck after its tires went flat).

Thad Anderson, a second-year student at St. John's School of Law in Queens, New York, said he was driven to launch the site by what he says is the current administration's disregard for fundamental democratic structures and its increasing practice of withholding information from the public. He wanted to give people access to crucial data about what elected officials were doing.

"I really think this is a crucial point, during my lifetime, for people to really look at what's going on with the government and make it be more accountable for what it's doing," he said. "The president and vice president have used executive privilege to withhold documents that almost every president for the last 30 or 40 years has released."

Anderson didn't intend to make a statement by using P2P networks, but his use of the networks to deliver the data counters the usual government and entertainment industry arguments that P2P networks have no value, apart from stealing copyright works, and therefore should be outlawed.

In this case, the P2P networks are promoting public knowledge and doing so in a way that makes it easy for people to obtain all related documents swiftly with a single mouseclick.

Although all of the documents on Anderson's site are available elsewhere, they are buried deep in government and court sites or scattered among the sites of various government watchdog groups and media outlets. It took Anderson about four hours and 2,000 mouseclicks to download more than 13,000 documents related to Vice President Dick Cheney's energy task force from the National Resources Defense Council's website and from Judicial Watch. But a visitor to Anderson's site can download a folder containing all of these documents in a few minutes with a couple of mouseclicks.

The documents, obtained from Freedom of Information Act lawsuits, suggest that the task force, convened in 2001, met secretly and may have colluded with energy companies and lobbyists to craft the nation's energy policy. The documents include a map of Iraqi oil fields, pipelines and refineries, and a document called "Foreign Suitors for Iraqi Oilfield Contracts" dated March 2001, before the attacks on the World Trade Center. They also include a now-infamous e-mail, known as the "If You Were King" memo, written by an Energy Department employee to a lobbyist asking what, if the lobbyist were king, he would like to see included in the nation's energy policy.

Some of the documents are informative for what they don't say. A 1.5-page e-mail between two Department of Energy employees features only the greeting to "Margot" and a final sentence reading, "Let me know if you have any further questions." The rest of the e-mail was blanked out by the department before it was forced to release the document in the lawsuit.

"This would be a crucial document the public would want to know about. But the entire document and other documents were redacted so heavily there was really no point in the Energy Department releasing it," Anderson said.

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