

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DEMOCRATIC NATIONAL COMMITTEE, : 18 Civ. 3501 (JGK)

Plaintiff, :

- against - :

THE RUSSIAN FEDERATION, et al., :

Defendants. :

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**DECLARATION IN
SUPPORT OF DEFENDANT
WIKILEAKS’S PRE-TRIAL
MOTIONS TO DISMISS THE
FIRST AMENDED COMPLAINT**

JOSHUA L. DRATEL, pursuant to 28 U.S.C. §1746, hereby affirms under penalty of perjury:

1. I am an attorney, and I represent defendant WikiLeaks in the above-captioned case. I make this Declaration in support of WikiLeaks’s pre-trial motions to dismiss the First Amended Complaint, on the grounds set forth in the accompanying memorandum of law, and in the joint Memorandum of Law filed today on behalf of all defendants, as well as in any other defendants’ motions, which Wikileaks joins to the extent they inure to WikiLeaks’s benefit.

2. The legal and factual bases for these motions are set forth in the joint Memorandum of Law filed on behalf of all defendants, and in the accompanying Memorandum of Law, and it is respectfully requested that the facts set forth therein be incorporated by reference in this Declaration.

3. Attached as Appendices to this Declaration, and relevant to these motions, are the following:

- (a) a list of high-profile unauthorized disclosures allegedly obtained by hacking that were published widely by media organizations, including

WikiLeaks, across the globe, attached hereto as Appendix A;

- (b) a sampling of links to the coverage and reprinting by numerous media organizations of materials published by WikiLeaks, attached hereto as Appendix B;
- (c) a sampling of links to the coverage of the leaks allegedly provided by DCLeaks and Guccifer 2.0 to publishers, attached hereto as Appendix C; and,
- (d) a list of sites where the emails are currently cached on the internet, attached hereto as Appendix D.

4. Prior application for this relief has not been made.

WHEREFORE, it is respectfully requested that the Court grant WikiLeaks's pre-trial motions in their entirety, and for any such other and further relief as to this Court seems just and proper.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746. Executed December 7, 2018.

/s/ Joshua L. Dratel
JOSHUA L. DRATEL

APPENDIX A

Appendix A

Hacked emails related to political campaigns and officials in other countries:

- Macron Emails (France) (<https://wikileaks.org/macron-emails/>)
- AKP Emails (Turkey) (<https://wikileaks.org/akp-emails/>)

Other Prominent Leaks and Hacks

- The Panama Papers (https://wikipedia.org/wiki/Panama_Papers) and the Paradise Papers (https://wikipedia.org/wiki/Paradise_Papers) are likely-hacked emails published by the International Consortium of Investigative Journalists.
- The Afghan War Diary (<https://wikileaks.org/afg>), Iraq War Logs (<https://wikileaks.org/irq>)
- Cablegate (https://wikipedia.org/wiki/United_States_diplomatic_cables_leak)
- The Snowden documents (<https://search.edwardsnowden.com>)
- The Sony Hack (https://www.washingtonpost.com/news/the-switch/wp/2014/12/18/the-sony-pictures-hack-explained/?utm_term=.478173535de5)
- Hacking Team (https://wikipedia.org/wiki/Hacking_Team)
- The Pentagon Papers (https://wikipedia.org/wiki/Pentagon_Papers).

APPENDIX B

Appendix B

- New York Times:
 - <https://www.nytimes.com/2016/07/26/us/politics/dnc-wikileaks-emailsfundraising.html>
 - <https://www.nytimes.com/2016/07/23/us/politics/dnc-emails-sanders-clinton.html>
 - <https://www.nytimes.com/2016/08/03/us/politics/dnc-email-hack-hillary-clinton-berniesanders.html>
- Washington Post:
 - <https://www.washingtonpost.com/news/post-politics/wp/2016/07/22/oneve-of-democratic-convention-wikileaks-releases-thousands-of-documents-about-clintonthe-campaign-and-internal-deliberations>
 - <https://www.washingtonpost.com/news/acts-of-faith/wp/2016/07/22/wikileaks-democratic-partyofficials-appear-to-discuss-using-sanderss-faith-against-him>
 - <https://www.washingtonpost.com/blogs/erik-wemple/wp/2016/07/24/wikileaks-emails-pro-clintoncnn-political-commentator-pre-checked-op-ed-with-dnc>
 - <https://www.washingtonpost.com/news/post-politics/wp/2016/07/25/dnc-staffers-disparaged-topparty-fundraiser-and-wasserman-schultz-ally/>
 - <https://www.washingtonpost.com/news/the-intersect/wp/2016/08/11/what-to-expect-when-awikileaks-dump-turns-you-into-an-internet-folk-hero/>
- ABC:
 - https://www.youtube.com/watch?v=IXk4E_LS33Q
 - <https://abcnews.go.com/Politics/damaging-emails-dnc-wikileaks-dump/story?id=40852448>
 - <https://abcnews.go.com/Politics/top-dnc-officials-wikileaks-email-release/story?id=41078429>
- BBC:
 - <https://www.bbc.com/news/world-us-canada-37639370>
- CNN:
 - <https://edition.cnn.com/2016/07/24/politics/dnc-email-leak-wikileaks/index.html>
- Wall Street Journal:
 - <https://blogs.wsj.com/washwire/2016/07/25/twelve-dnc-emailsreleased-by-wikileaks-that-stand-out/>
 - <https://www.wsj.com/articles/emails-that-helped-cost-dnc-chief-debbie-wasserman-schultz-her-jobshow-democratic-discord-1469399748>
- NBC:
 - <https://www.nbcnews.com/politics/2016-election/top-dnc-official-apologizesinsensitive-email-after-leak-n615606>
- The Guardian:
 - <https://www.theguardian.com/us-news/2016/jul/23/dnc-emails-wikileakshillary-bernie-sanders>
- Fox News:
 - <https://www.foxnews.com/politics/wikileaks-dump-appears-to-show-dncfavored-clinton-campaign>
- The Intercept:
 - <https://theintercept.com/2016/07/22/new-leak-top-dnc-official-wanted-to-usebernie->

- sanderss-religious-beliefs-against-him/
- NPR:
<https://www.npr.org/sections/thetwo-way/2016/07/23/487179496/leaked-democratic-party-emailsshow-members-tried-to-undercut-sanders>
- PBS:
<https://www.pbs.org/newshour/politics/wikileaks-releases-29-hacked-dnc-voicemails>
- CNBC:
<https://www.cnn.com/2016/07/23/wikileaks-hits-dnc-ahead-of-convention-competes-with-kainevp-nomination.html>
<https://www.cnn.com/2016/07/24/top-dnc-official-apologizes-for-insensitive-email-after-leak.html>
- Politico:
<https://www.politico.com/story/2016/07/wikileaks-pushes-leaked-dnc-voicemails-226344>
<https://www.politico.com/story/2016/07/dnc-leak-clinton-team-deflected-state-cash-concerns-226191>
<https://www.politico.com/story/2016/07/top-dnc-staffer-apologizes-for-email-on-sanders-religion-226072>
- USA Today:
<https://usatoday.com/story/news/politics/onpolitics/2016/07/23/dnc-wikileaks-emails-sanderswasserman-schultz-weaver/87475070/>
- Vox:
<https://www.vox.com/2016/7/23/12261020/dnc-email-leaks-explained>
- Business Insider:
<https://www.businessinsider.com/leaked-dnc-emails-wikileaks-2016-7>
<https://www.businessinsider.com/hacked-emails-dnc-weak-passwords-2016-7>
- BuzzFeed:
<https://www.buzzfeednews.com/article/rubycramer/dnc-and-clinton-campaign-operations-startedmerging-before-s>
<https://www.buzzfeednews.com/article/davidmack/dnc-cybersecurity>
<https://www.buzzfeednews.com/article/adolfoflores/leaked-emails-show-dnc-staffers-plottingagainst-sanders-cam>
- Huffington Post:
https://www.huffingtonpost.com/entry/wikileaks-emails-show-dnc-favored-hillary-clintonover_us_57930be0e4b0e002a3134b05
https://www.huffingtonpost.com/entry/wikileaks-dnc-berniesanders_us_579381f8e4b02d5d5ed1d157
https://www.huffingtonpost.com/entry/politico-dnc-ken-vogel_us_57951b65e4b02d5d5ed1f8e2
- The Hill:
<https://thehill.com/blogs/ballot-box/presidential-races/288900-leaked-dnc-emails-reveal-secretplans-to-take-on-sanders>
<https://thehill.com/homenews/campaign/288899-dnc-members-may-have-looked-to-challengesanders-on-atheism>
<https://thehill.com/blogs/blog-briefing-room/289150-politico-reporter-sent-story-to-demcommittee-for-pre-publication>

- Gawker:
<https://gawker.com/leaked-dnc-email-refers-to-potential-latino-voters-as-b-1784216318>
<https://gawker.com/dnc-communications-director-ordered-anti-sanders-articl-1784191906>
- Washington Times:
<https://www.washingtontimes.com/news/2016/jul/23/dnc-officials-worked-against-sanders-duringprimar/>
<https://www.washingtontimes.com/news/2016/aug/10/couple-dnc-emails-host-obama-fundraiserclinton/>
<https://www.washingtontimes.com/news/2016/jul/27/email-leak-outs-the-dnc/>
- Yahoo News:
<https://www.yahoo.com/news/bernie-dnc-email-debbie-wasserman-000000534.html>
- Salon:
https://www.salon.com/2016/07/22/leaked_dnc_email_sanders_attempt_to_moderate_israel_stance_disturbing_clinton_campaign_used_it_to_marginalize_bernied/
https://www.salon.com/2016/07/22/dnc_emails_wasserman_schultz_furiously_pressured_msnbc_after_it_crititized_her_unfair_treatment_of_sanders/

APPENDIX C

Appendix C

Other Media Organizations Publishing Documents from Guccifer 2.0 or DCLeaks

Coverage of Guccifer 2.0's Leaks:

- The Hill:
 - <https://thehill.com/policy/cybersecurity/287558-guccifer-20-drops-new-dnc-docs>
 - <https://thehill.com/policy/cybersecurity/292391-exclusive-guccifer-20-hacked-memos-expand-onpennsylvania-house-races>
 - <https://thehill.com/homenews/campaign/291523-leaked-dccc-docs-detail-fl-dem-candidatesweaknesses>
- The Intercept:
 - <https://theintercept.com/2016/10/09/exclusive-new-email-leak-reveals-clinton-campaigns-cozypress-relationship/>
 - <https://theintercept.com/2016/09/13/colin-powell-emails/>
- The Daily Caller:
 - <https://dailycaller.com/2016/10/09/leaked-documents-reveal-which-journalists-are-cozy-with-theclinton-campaign/>
 - <https://dailycaller.com/2016/10/07/revealed-obama-labeled-potential-political-appointments-by-race-gender/>
 - <https://dailycaller.com/2016/09/11/exclusive-internal-party-documents-reveal-dem-congressionalnominee-has-a-shoddy-business-record/>
- The Smoking Gun:
 - <http://www.thesmokinggun.com/documents/crime/dnc-hacker-leaks-trump-oppo-report-647293>
 - <http://www.thesmokinggun.com/buster/democratic-national-committee/guccifer-dccc-hack-645891>
 - <http://www.thesmokinggun.com/documents/crime/dnc-researched-clinton-speeches-travel-records-621985>
- BuzzFeed:
 - <https://www.buzzfeednews.com/article/darrensands/after-leaked-memo-dccc-says-they-share-common-goals-with-bla>
 - <https://www.buzzfeednews.com/article/andrewkaczynski/colin-powell-calls-trump-national-disgrace-in-personal-email>
- Politico:
 - <https://www.politico.com/story/2016/06/donald-trump-opposition-224397>
 - <https://www.politico.com/states/florida/story/2016/08/dccc-hack-unearths-dirt-on-partys-own-candidates-104744>
 - <https://www.politico.com/story/2016/09/guccifer-hack-leaks-house-strategy-228208>
- Vice News:
 - https://news.vice.com/en_us/article/8x3yek/democrats-used-a-cheat-sheet-to-deal-with-black-lives-matter-leak-reveals
- Fox News:
 - <https://www.foxnews.com/tech/hacker-guccifer-2-0-claims-new-dnc-data-leak>
- Washington Examiner:

<https://www.washingtonexaminer.com/leaked-papers-appear-to-reveal-dem-pay-for-play-scheme>

<https://www.washingtonexaminer.com/hacked-clinton-campaign-worked-with-nyt-reporter-behind-scenes>

- Washington Post:

<https://www.washingtonpost.com/news/the-fix/wp/2016/09/14/here-are-the-juiciest-colin-powell-comments-about-trump-and-clinton-from-his-leaked-emails>

- Gawker:

<https://gawker.com/contrary-to-dnc-claim-hacked-data-contains-a-ton-of-pe-1782132678>

<http://gawker.com/this-looks-like-the-dncs-hacked-trump-oppo-file-1782040426>

Coverage of DCLeaks:

- The Intercept:

<https://theintercept.com/2016/07/01/nato-general-emails/>

- BuzzFeed:

<https://www.buzzfeednews.com/article/andrewkaczynski/colin-powell-called-benghazi-a-stupid-witch-hunt-and-condi-r>

<https://www.buzzfeednews.com/article/christophermassie/rice-if-rumsfeld-pentagon-had-donetheir-job-iraq-might-have>

<https://www.buzzfeednews.com/article/andrewkaczynski/colin-powell-blasted-trumps-chief-military-advisor>

- The Washington Post:

<https://www.washingtonpost.com/news/the-fix/wp/2016/09/14/here-are-the-juiciest-colin-powell-comments-about-trump-and-clinton-from-his-leaked-emails>

- The New York Times:

<https://www.nytimes.com/2016/09/23/us/politics/hackers-joe-biden-michelle-obama-hillary-clinton.html>

<https://www.nytimes.com/2016/09/15/us/politics/colin-powell-emails-hack-donald-trump.html>

<https://www.nytimes.com/2016/11/06/technology/how-linkedin-drove-a-wedge-between-microsoft-and-salesforce.html>

- The Daily Caller:

<https://dailycaller.com/2016/08/24/soros-organization-secretly-paid-salaries-for-staffers-of-oldovan-prime-minister/>

<https://dailycaller.com/2016/08/25/leaked-soros-strategy-globalization-will-increase-migration-pressure/>

<https://dailycaller.com/2016/10/07/hacked-emails-hillarys-scummy-press-sec-brags-about-pressure-reporter-to-spike-story/>

<https://dailycaller.com/2016/10/06/revealed-hillary-clintons-new-email-address/>

- The Hill:

<https://thehill.com/blogs/ballot-box/291317-gop-emails-leaked-on-site-connected-to-russian-hackers>

<https://thehill.com/policy/national-security/291486-thousands-of-soros-docs-released-by-alleged-russia-backed-hackers>

<https://thehill.com/homenews/media/299523-leaked-memo-shows-clinton-was-provided-all-questions-ahead-interview>

- Politico:
 - <https://www.politico.com/story/2016/09/colin-powell-emails-clinton-trump-rumsfeld-228158>
 - <https://www.politico.com/tipsheets/morning-agriculture/2016/10/clinton-camps-cozy-relationship-with-coca-cola-216866>
 - <https://www.politico.com/story/2016/09/colin-powell-clinton-emails-228135>
- The Daily Beast:
 - <https://www.thedailybeast.com/colin-powell-bill-clinton-is-still-dicking-bimbos>
- Vice News:
 - https://news.vice.com/en_us/article/kz99gv/colin-powell-insults-clinton-and-calls-trump-national-disgrace-in-leaked-emails
- Ars Technica:
 - <https://arstechnica.com/information-technology/2016/09/hacked-e-mail-account-of-white-houseworker-exposed-in-2013-password-breach/>
- Bloomberg:
 - <https://www.bloomberg.com/opinion/articles/2016-08-16/how-george-soros-threatens-to-make-israel-a-pariah>
- Wall Street Journal:
 - <https://www.wsj.com/articles/salesforces-m-a-target-list-excluded-twitter-1476834470>
 - [https://www.wsj.com/articles/ipo-hopeful-bloom-energy-enlisted-colin-powell-for-tax-credit extension-1476906978](https://www.wsj.com/articles/ipo-hopeful-bloom-energy-enlisted-colin-powell-for-tax-credit-extension-1476906978)
- Forbes:
 - <https://www.forbes.com/sites/nancyhuehnergath/2016/10/17/hacked-emails-show-coca-cola-aimsto-influence-hillary-clinton-and-the-media/>
- CNN:
 - <https://edition.cnn.com/2016/09/14/politics/colin-powell-dcleaks/index.html>
 - <https://edition.cnn.com/2016/09/14/politics/colin-powell-benghazi-stupid-witch-hunt/index.html>
- Fox News:
 - <https://www.foxnews.com/politics/powell-says-israel-has-200-nukes-pointed-at-iran-in-leaked-2015-email>
 - <https://www.foxnews.com/politics/money-talks-from-ferguson-to-unrest-overseas-new-reports-reveal-soros-influence>
- NBC News:
 - <https://www.nbcnews.com/politics/politics-news/white-house-contractors-leaked-email-reveals-secret-service-plans-michelle-n652621>
 - <https://www.nbcnews.com/politics/2016-election/colin-powell-calls-trump-national-disgrace-hacked-emails-n648011>
- Washington Examiner:
 - <https://www.washingtonexaminer.com/hacked-documents-reveal-soros-plans-for-more-internet-regulation>
 - <https://www.washingtonexaminer.com/18-things-we-learned-from-colin-powells-leaked-emails>
 - <https://www.washingtonexaminer.com/hacked-clinton-feared-losing-women-to-dangerous-trump>

APPENDIX D

Appendix D

Cached and Archived Copies of the Documents

Full or nearly full copies of the DNC emails are available in search engine caches. For example, on Google it is possible to search for a list of DNC emails with the following query:

- <https://www.google.com/search?q=site%3Awikileaks.org%2Fdnc-emails>
- <http://ddosecretspszwyf7.onion> (requires Tor browser to access)
- <https://www.scribd.com/document/322685668/Pelosi-s-blm-memo-leaked-by-Guccifer-2-0>
- <https://www.scribd.com/document/321265855/tab-03-extreme-polarization-and-breakdown-in-civic-discourse-pdf> (DCLeaks)
- <https://www.documentcloud.org/documents/3115974-Proiectul-Leanca-Soros-2014-2015-DC-Leaks.html> (DCLeaks)

And each of these emails is stored in cached form on Google's servers:

- https://webcache.googleusercontent.com/search?q=cache:bX - OK_56oLkJ:https://wikileaks.org/dncemails/emailid/3793+&cd=3&hl=en&ct=clnk&client=firefox-b-ab

The same is true with Bing, where the DNC emails can be searched for as follows:

- <http://www.bing.com/search?q=site%3Awikileaks.org%2Fdnc-emails>

And copies of individual emails are available on Bings servers, such as:

- http://cc.bingj.com/cache.aspx?q=site%3awikileaks.org%2fdncemails&d=4779166521560271&mkt=sv-SE&setlang=en-US&w=OMM2j4_cxK59UGa5jz4msR6eMUeC8jO4

The same is true for nearly all major search engines, though these caches would eventually disappear if for some reason WikiLeaks took the content down. But emails are also available via the Internet Archive, which aims at long term preservation of even deleted web pages:

- https://web.archive.org/web/20180402164624/https://wikileaks.org/dnc-emails/?q=&mfrom=&mto=&title=¬itle=&date_from=&date_to=&nofrom=¬o=&count=50&sort=0#searchresult

Copies on Social Media Platforms

Excerpts from and copies of specific emails have almost certainly been posted on Twitter, Reddit, Facebook, and most other major social media platforms. Guccifer 2.0 originally posted many of the documents they obtained on a Wordpress blog at

- <https://guccifer2.wordpress.com/>, which remains online.