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December 14, 2018

**BY ECF**

The Honorable John G. Koeltl  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Democratic National Committee v. The Russian Federation (WikiLeaks)*  
18 Civ. 3501 (JGK)

Dear Judge Koeltl:

This letter is in regard to the motion to dismiss filed last Friday on behalf of defendant WikiLeaks, which I represent in the above-entitled action. It has come to my attention that David McCraw, Deputy General Counsel for *The New York Times*, in his remarks at the July 2018 Ninth Circuit Judicial Conference quoted in WikiLeaks's Memo of Law (ECF Dkt #208) at 9, expressly said he was commenting only with respect to WikiLeaks's 2010 publication of U.S. Defense Department and State Department documents regarding Afghanistan and Iraq, and which WikiLeaks shared with *The New York Times* and others who published the materials. The article from which Mr. McCraw's quotes were drawn, *id.*, at n. 15, did not include that information.

This clarification is provided to ensure that the context of Mr. McCraw's statements is clear, and the Memo of Law did not intend otherwise. In that regard, WikiLeaks maintains the position that the factual allegations in the First Amended Complaint herein describe nothing more than WikiLeaks publishing materials, and that as a result liability imposed on WikiLeaks in this case is foreclosed by the First Amendment. If not, there would not be a basis for distinguishing WikiLeaks from other publications such as *The New York Times*, which would be in the same jeopardy for merely publishing the same materials and information that are the subject of this lawsuit.

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I regret any confusion or misunderstanding the unknowing omission may have caused, and which this clarification is designed to eliminate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joshua L. Dratel". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Joshua L. Dratel

JLD/