

RELEASE IN PART  
B5,B6

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**From:** McHale, Judith A <McHaleJA@state.gov>  
**Sent:** Tuesday, November 30, 2010 10:31 AM  
**To:** Mills, Cheryl D; Sullivan, Jacob J; Reines, Philippe I  
**Cc:** H; DiMartino, Kitty  
**Subject:** Fw: Hoekstra

Jm

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**From:** DiMartino, Kitty  
**To:** 'preines [redacted] <preines [redacted]> McHale, Judith A; Mills, Cheryl D; Sullivan, Jacob J  
**Sent:** Tue Nov 30 08:46:36 2010  
**Subject:** Fw: Hoekstra

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**From:** David Di Martino [redacted]  
**To:** DiMartino, Kitty  
**Sent:** Tue Nov 30 08:30:57 2010  
**Subject:** Hoekstra

## Members See Little Recourse For WikiLeaks

- By Steven T. Dennis
- Roll Call Staff
- Nov. 29, 2010, 7:40 p.m.

Members of Congress decried the release of more than 250,000 secret State Department cables by WikiLeaks — including some that exposed private talks between Members and foreign leaders — saying it could hamper future Congressional involvement abroad. But it was unclear Monday whether there is much Congress can do about the leaks.

"I feel personally violated," said Rep. Jane Harman, whose name appears in a cable posted by WikiLeaks describing a conversation between a Congressional delegation, or CODEL, and Israeli Prime Minister Benjamin Netanyahu regarding what to do about Iran's nuclear program.

The alleged 2009 cable describes Netanyahu pressing the Americans repeatedly in what appears to be an effort to pin them down on whether the United States is ultimately prepared to go to war.

"Leaning forward, Netanyahu repeated his earlier question: 'What will you do if it does not work?' Netanyahu said that learning to live with a nuclear Iran would be a big mistake, which would lead to a different, more dangerous world. While he noted that he could not say for certain that Iran would use a nuclear weapon against Israel, if Iran had a bomb Israelis would have to ask that question every day....For a third time, Netanyahu asked, 'What are you going to do?'"

The cable does not mention a response from the CODEL, and Harman said in an interview Monday that she could not discuss it.

"The irony here is it's still a secret cable," the California Democrat said. "It hasn't been declassified. I can't discuss the contents. I can discuss how I feel about this. It is ironic, isn't it?"

Harman said the releases could damage the value of future CODELs. "If conversations are not protected, some conversations will not occur," she said, adding that the whole point of a CODEL is to have candid conversations with major players.

The House Intelligence Committee is scheduled to get a briefing on the leaks in closed session Wednesday with senior intelligence officials and the State Department. Other committees also plan to hold hearings, said Nadeam Elshami, spokesman for Speaker Nancy Pelosi (D-Calif.).

But beyond hearings, it's not clear if Congress will take any action regarding the matter.

Senate Foreign Relations Chairman John Kerry declined in a brief interview Monday to discuss other cables in which his CODELs were detailed, but he also said those who leaked the documents should be brought to justice. Asked what he thought Congress should do, the Massachusetts Democrat referred to the administration, which is investigating the leaks.

"I think there needs to be prosecutor action. I think it's treasonous, outrageous, counterproductive, dangerous," he said. "It impacts people's ability to have honest conversation and talk to you directly ... It complicates diplomacy enormously."

Kerry said it could also harm security by making some countries, such as Yemen, unwilling to cooperate in fighting terrorism for fear that their leaders' private conversations will be exposed.

Several Republicans also condemned the leaks.

Rep. Pete Hoekstra, ranking member on the House Intelligence Committee, called the release an embarrassment to the Obama administration and a failure of the Pentagon and the intelligence community, and he called for Congressional hearings on the matter.

"The problem here is there was a massive failure in the design of this database," the Michigan Republican said. "I'm expecting there will be hearings, maybe even a commission, looking at this massive failure."

Hoekstra said he has been told that at least 500,000 people and as many as 2.5 million had access to the database. "How do you make it available to the private first class in Baghdad?" Hoekstra asked, referring to the alleged leaker of the information. "Are we that bad? And the answer appears to be yes."

Rep. Peter King, who is in line to become chairman of the Homeland Security Committee, on Sunday called for the prosecution of WikiLeaks founder Julian Assange for espionage, and he urged Secretary of State Hillary Rodham Clinton to designate WikiLeaks as a terrorist group.

"WikiLeaks presents a clear and present danger to the national security of the United States," the New York Republican said. "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."

White House spokesman Robert Gibbs said the administration was not ruling out taking legal action against WikiLeaks.

"Administration-wide, we are looking at a whole host of things and I wouldn't rule anything out," Gibbs said at his daily press briefing Monday, calling the leak "a serious violation of the law."

But Harman said she didn't agree with King. She said that she didn't think WikiLeaks itself should be prosecuted, adding that she favors a media shield law.

She also said that she supports giving the public more information, but not a massive dump of sensitive information such as the latest WikiLeaks trove.

"I support increased access to government information, and it's my bill [President] Obama just signed to reduce overclassification of information, but that doesn't mean I'm for dumping classified information out on the streets," she said.

Hoekstra said he agrees with Harman that there is too much overclassification. But he said it's an interesting question of whether WikiLeaks, the New York Times or any other organization involved in the leak can be prosecuted.

"The bottom line is we've got to create an environment where we have a higher degree of confidence where we can keep information secret that needs to be secret," he said.

Sen. Kit Bond, ranking member on the Senate Intelligence Committee, also demanded answers.

"The [Intelligence] Committee members need a dedicated briefing or hearing about the extent of the damage, what the [intelligence community] is doing to mitigate damage, and what the U.S. government is doing to try to stop such leaks in the future," the Missouri Republican said. "I also would like to know how someone had such unfettered access to this information that he could go unnoticed while downloading hundreds of thousands of documents."

**Jessica Brady contributed to this report.**

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David Di Martino  
Blue Line Strategic Communications

[www.bluelinesc.com](http://www.bluelinesc.com)

Sent from my iPhone

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