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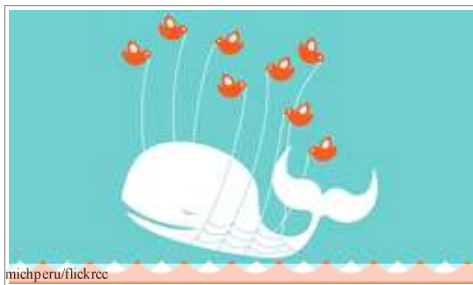
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Twitter Resists WikiLeaks Subpoena

By *ERIK HAYDEN* | January 11, 2011 12:51pm



Presented By

Late [last Friday](#), the Department of Justice obtained a court order requesting user data from some Twitter accounts associated with WikiLeaks. The government's request, which is [unusual because it became public](#), has since been challenged by the micro-blogging site. Twitter has, by some measures, [resisted](#) and was able to [inform users](#) that the government was requesting account data. Now that order has become public, some pundits are wondering whether other companies (like

Facebook and Google, who the government presumably also requested information from) will follow suit:

- **What the Court Order Says** At Geekosystem, [Max Eddy](#) lists the information the government has requested from the micro-blogging site. "The order requires Twitter to provide information on specific users, such as IP addresses, physical addresses, and banking information," Eddy writes. So far, only a handful of users have been acknowledged as targets of the probe, including Icelandic Member of Parliament Birgitta Jonsdottir and Dutch programmer Rop Gonggrijp."
- **'Twitter Beta-Tested a Spine'** Wired's [Ryan Singel](#) underscores the most important part of Twitter's move to challenge the government's gag order. Normally, "if the [government's] records request comes with a gag order, the company can't notify anyone. And it's quite routine for law enforcement to staple a gag order to a records request." Twitter, in contrast, "briefly carried the torch for its users during that crucial period when, because of the gag order, its users couldn't carry it themselves," Singel writes. "The company's action in asking for the gag order to be overturned sets a new precedent that we can only hope that other companies begin to follow." While Twitter isn't the first tech company to fend off government requests for user data, it appears to be one of the few that's actually showing "guts" and taking a stand for its principles.
- **But Why Was It the Only Company To Challenge the Subpoena?** "It's reasonable to assume" that the person leading or "playing a significant role" in challenging the "secrecy aspect" of the order is Alexander Macgillivray (Twitter's General Consul), writes Fast Company's [E.B. Boyd](#). "By making the subpoena public, Twitter takes itself out of the drama" and gets to play the role of "good citizen." Macgillivray's guidance may set the company apart from Google and Facebook in the response to the assumed records request. "We may never know [if Google and Facebook caved to the request], notes Boyd. "But if they did, it may in part be due to the fact that they did not have a cyber-law [bricoleur](#) like Macgillivray helping them think through their possible options."

- **This Could Be a 'Desperate Gesture' on the Justice Department's Part** At NextGov, [Dawn Lim](#) figures that "the backlash the subpoena has triggered--and the awkward position in which it puts Justice--could outweigh the intelligence value of the data that would be obtained." The reason why the Justice Department's move is "particularly naive" is that Twitter "operates as a microblogging platform, and is only secondarily a direct messaging service. Because of the 140 character limit, Twitter is an unlikely vessel for the business of leaking." Furthermore, "that WikiLeaks' 640,000 followers think they are targets of this subpoena puts Justice in a public relations soup it didn't anticipate," points out Lim. "The original subpoena, issued Dec. 14, was a sealed order. Once Twitter successfully contested the secrecy of that order, obtaining the right to alert those [mentioned](#) in the subpoena, the story blew up."
- **WikiLeaks Twitter Followers Feeling Nervous** "WikiLeaks lost nearly 3,000 followers in the several hours after the [subpoena] announcement," observes [Parmy Olson](#) at Forbes. "But WikiLeaks [Tweeted yesterday](#): 'Too late to unfollow; trick used is to demand the lists, dates and IPs of all who received our Twitter messages.'" Which begs the question: what information does Twitter have about Wikileaks followers? Olson uses Dutch programmer Rop Gonggrijp--one person the government is seeking information about--as an example:

Gonggrijp says [on a post this morning](#) that it has his Tweets, which are publicly accessible, and the IP numbers he connected from. He doesn't use Twitter all that much, choosing to post through a plugin on his blog, and never uses it to send or receive private messages. "In other words, he writes, "what Twitter has on me is unspectacular." He believes his inclusion on the list of names has something to do with WikiLeaks' release of the '[Collateral Murder](#)' video last April, which shows the shooting of a Reuters photographer and several civilians from a U.S. helicopter over Baghdad. Gonggrijp had travelled to Iceland to help disseminate the video.

- **It's Not Technically a Subpoena, It's a 'Judicially-Authorized Order'** also known as a "D-order" explains [Julian Sanchez](#) at the Cato Institute. "Unlike traditional wiretaps, D-order requests for data aren't even subject to mandatory reporting requirements--which means surveillance geeks may be confident this sort of thing is fairly routine, but the general public lacks any real sense of just how pervasive it is," writes Sanchez. "Whatever your take on WikiLeaks, then, this rare peek behind the curtain is one more reminder that our digital privacy laws are long overdue for an [upgrade](#)."

Sources

- [DOJ Twitter Max Eddy](#), Geekosystem
- [Industry Standard Ryan Singel](#), Wired
- [Desperate? Dawn Lim](#), NextGov
- [Followers Spooked Parmy Olson](#), Forbes
- [Outdated Laws Julian Sanchez](#), Cato Institute

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