

US indictment of WikiLeaks founder said to be imminent

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A US indictment of Julian Assange on espionage charges is believed to be imminent, a lawyer for the WikiLeaks founder said Friday.

"We are taking legal advice on the possibility of prosecution in light of high-profile public officials calling for his prosecution and rumors circulating in the US that a sealed indictment is being prepared, or may have already been prepared," Jennifer Robinson told the AFP news agency.

She added that any prosecution of Assange and the WikiLeaks web site for espionage would be a violation of the US Constitution.

"Our position is that any prosecution under the Espionage Act would be unconstitutional and call into question First Amendment protections for all media organizations," said Robinson.

Julian Assange remains behind bars at the Wandsworth prison in south London where he is being held on the basis of an extradition request from Sweden on trumped-up sexual misconduct charges. He was denied bail after voluntarily presenting himself to the police and has since been placed in solitary confinement with his access to his lawyers, the telephone and Internet strictly limited, more restrictive conditions than those applied to other prisoners.

The lawyer representing Assange in the extradition case reported that he has been denied access to his client until Monday, giving him less than 24 hours to prepare for a hearing scheduled Tuesday, when the WikiLeaks founder will return to court.

Both the Swedish case—which was first dropped because of its patently spurious character and then reinstated—and the denial of bail in Britain are inconsistent with normal legal practices. They strongly suggest that the actions taken against Assange are aimed at using the sex charges as a pretext for meting out political punishment and giving Washington time to concoct its own frame-up and present its own extradition request.

The Center for Constitutional Rights in the US issued a statement declaring itself "alarmed by multiple examples of legal overreach and irregularities in the arrest of WikiLeaks founder Julian Assange, especially given concerns that they are meant to clear the way for Mr. Assange to be extradited to the US via Sweden."

The statement continued: "Standard procedure in these cases is to call in a suspect for interrogation, and he has offered on numerous occasions to cooperate with the authorities. Similarly, a suspect who has surrendered, having never gone into hiding or attempted to flee, would normally be allowed to post bail. Yet Mr. Assange has been arrested and denied bail."

The Obama administration, the State Department and the Pentagon are intent on exacting revenge on Assange and WikiLeaks for having exposed US war crimes and criminal conspiracies against people in countries all over the world, including the US itself. These exposures did not begin with the latest release of diplomatic cables last month, but have been ongoing since April, when WikiLeaks released a video of a massacre of civilians in Baghdad by a US attack helicopter. Since then the site has also released tens of thousands of other documents detailing US killings of civilians and complicity in torture in Afghanistan and Iraq.

Speaking on Thursday in Washington after a meeting with ministers from the European Union, US Attorney General Eric Holder said that they had discussed WikiLeaks. "The hope here in the United States is that the investigation that we are conducting will allow us to hold accountable the people responsible for that unwarranted disclosure of information that has put at risk the safety of the American people," he said. Earlier in the week, Holder had announced "a very serious, active ongoing investigation that is criminal in nature" in relation to the Internet organization's disclosure of classified State Department cables.

An attempt to prosecute Assange under the Espionage Act of 1917, a reactionary piece of law used in an earlier period to imprison American socialist and workers leader Eugene V. Debs and many other working class militants, would set the stage for a frontal assault on freedom of speech and other basic democratic rights in the US.

A report prepared this week by the Congressional Research Service (CRS), the nonpartisan research arm of the US Congress, spells out the unprecedented character of seeking to prosecute Assange and WikiLeaks for making classified information public.

US criminal statutes covering such information, the report notes, "have been used almost exclusively to prosecute

individuals with access to classified information (and a corresponding obligation to protect it) who make it available to foreign agents, or to foreign agents who obtain classified information unlawfully while present in the United States.”

It goes on to point out, “Leaks of classified information to the press have only rarely been punished as crimes, and we are aware of no case in which a publisher of information obtained through unauthorized disclosure by a government employee has been prosecuted for publishing it.”

The CRS report warns that an attempt to stage a prosecution for the WikiLeaks disclosures would raise questions over “government censorship” and US attempts to exercise “extraterritorial jurisdiction.”

It cites the precedent of the publication in the *New York Times* and *Washington Post* of the Pentagon Papers, a classified study of the US intervention in Vietnam, in 1971 and the refusal of the US Supreme Court to grant the government's request for an injunction barring the papers from printing the material.

Given the sharp shift to the right by the high court along with the rest of the political establishment, however, there is every reason to fear a very different ruling today in relation to a government attempt to railroad Assange on espionage charges. And, as the CRS points out, such charges are punishable by death.

Leading US politicians and commentators have called for Assange to be declared an enemy combatant and WikiLeaks a terrorist organization and, openly and shamelessly, for the WikiLeaks founder to be “assassinated” or “taken out.” This chorus of public demands raises the obvious question of whether Assange would even make it to court if he were extradited to the US. The logic of this public campaign is that he would instead be “disappeared” into the CIA's gulag of “black sites” or murdered.

The vendetta against Assange has promoted condemnation from several heads of state and international officials, who, for their own political reasons, have highlighted the reactionary and hypocritical character of Washington's attempts to punish WikiLeaks for exposing the true character of American “diplomacy.”

Thus, Brazil's President Luiz Inacio Lula da Silva, speaking in Brasilia on Thursday, declared that WikiLeaks has “my solidarity in disclosing these things and my protest on behalf of free speech.”

Lula added, “I don't know if they put up signs like those from the Westerns saying, 'wanted dead or alive' ... Instead of blaming the person who disclosed it, blame the person who wrote this nonsense. Otherwise we wouldn't have the scandal we now have.”

And speaking in Moscow, Russian Prime Minister Vladimir Putin ridiculed US pretensions as the guardian of democracy in light of the attempt to suppress WikiLeaks. “If it is full democracy, then why have they hidden Mr. Assange in prison?

That's what, democracy?” said Putin.

“So you know, as they say in the countryside, some people's cows can moo, but yours should keep quiet,” Putin said, using a Russian adage similar to “the pot calling the kettle black.” Meanwhile the Russian press reported a statement from an unnamed Kremlin official suggesting that Assange be nominated for the Nobel Peace Prize as a means of protecting him.

And at the United Nations, Navi Pillay, the UN High Commissioner for Human Rights, condemned the pressure being placed upon “private companies, banks and credit card companies,” to cut off services to WikiLeaks.

“They could be interpreted as an attempt to censor the publication of information, thus potentially violating Wikileaks' right to freedom of expression,” Pillay said at a press conference in Geneva.

Meanwhile, an announcement this week by the State Department on the decision that Washington will host UNESCO's World Press Freedom Day next May has drawn international ridicule.

In what seemed like unintended self-parody, the State Department declared: “New media has empowered citizens around the world to report on their circumstances, express opinions on world events, and exchange information in environments sometimes hostile to such exercises of individuals' right to freedom of expression. At the same time, we are concerned about the determination of some governments to censor and silence individuals, and to restrict the free flow of information.”

While undoubtedly intended as a barb against the Chinese government and its attempts to control access to the Internet, the “concern” expressed by the State Department reads like an indictment of Washington's own attempt to “censor and silence” WikiLeaks and cut off the damning flow of information about US imperialism's criminal activities around the globe.



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