

Obama administration seeks to criminalize WikiLeaks

Patrick Martin
1 December 2010

Top officials of the Obama administration have threatened criminal prosecution of WikiLeaks for its latest release of secret US diplomatic documents. Attorney General Eric Holder, at a press conference Monday, declared, “There’s a predicate for us to believe that crimes have been committed here and we are in the process of investigating those crimes.”

White House press secretary Robert Gibbs flatly declared WikiLeaks guilty without any investigation, saying, “Wikileaks and people that disseminate information to people like this are criminals.”

Press reports suggested that the focus of the Justice Department investigation was possible charges under the Espionage Act. The *Washington Post* reported, “the FBI is examining everyone who came into possession of the documents, including those who gave the materials to WikiLeaks and also the organization itself.”

No one except government employees has been successfully prosecuted under the Espionage Act for receiving and passing on secret documents. The law was adopted in 1917, during World War I, and has rarely been applied. WikiLeaks leaders like Julian Assange cannot be charged with treason since they are not US citizens. Assange is Australian, and many of his associates are from western Europe, including Iceland, Germany and Sweden.

Holder suggested that new legislation might be required to deal with WikiLeaks. “To the extent there are gaps in our laws,” he said, “we will move to close those gaps, which is not to say...that anybody at this point, because of their citizenship or their residence, is not a target or a subject of an investigation that’s ongoing.”

An attempt under the Bush administration to apply the Espionage Act to two employees of the pro-Zionist

lobby AIPAC, who obtained the material from a US intelligence analyst, Larry Franklin, and then passed it on to Israel, ended in failure, as courts acquitted the two employees, despite the evidence provided by the analyst, Larry Franklin, who was the source of the leak.

The US Attorney’s office in Alexandria, Virginia, which conducted the AIPAC prosecution, is reportedly involved in the Justice Department review of possible charges against WikiLeaks.

The *Post* reported that the Pentagon is leading the prosecution, and “it remains unclear whether any additional charges would be brought in the military or civilian justice systems.” This refers not only to the ongoing investigation of Private First Class Bradley Manning, described as the source of at least some of the material published by WikiLeaks, but to possible trial of Assange and others before military tribunals, like the alleged terrorists being held at Guantanamo Bay.

At least one congressman, Republican Peter King of New York, has called on the State Department to declare WikiLeaks a terrorist organization, a legal step that would trigger US economic, diplomatic and even military action against any country that “harbored” the Internet-based group.

Under the powers claimed by the Obama administration for the “commander-in-chief,” designation of WikiLeaks as a terrorist organization would provide the legal basis for Obama ordering the kidnapping or even assassination of Assange and others linked to the organization.

Right-wing media spokesmen have already endorsed such measures. The *Wall Street Journal*, in its editorial Tuesday, declared Assange an “enemy of the United States” and claimed, “If he were exposing Chinese or Russian secrets, he would already have died at the hands of some unknown assailant.”

The US government should be no less ruthless, the editorial argued: “As a foreigner (Australian citizen) engaged in hostile acts against the U.S., Mr. Assange is certainly not protected from U.S. reprisal under the laws of war.”

Given that Assange’s “hostile acts” consist of nothing more than Internet postings, this is a sweeping doctrine indeed. Apparently, the *Journal* is prepared to sanction the extermination of political opponents of US imperialism throughout the world.

In addition to countenancing the assassination of Assange, the *Journal* also backs the execution of Private Manning, declaring, “At a minimum, the Administration should throw the book at those who do the leaking, including the option of the death penalty. That would probably give second thoughts to the casual spy or to leakers who fancy themselves as idealists.”

According to press accounts, WikiLeaks offered the latest documents to the *Journal*, in part because of dissatisfaction with the handling of previous releases by the *New York Times*, including a vicious smear article attacking Assange. The *Journal* refused to take the documents, and was joined in its cover-up by the cable television network CNN.

After the WikiLeaks postings this summer of US documents relating to atrocities committed by American military forces in Iraq and Afghanistan, the Obama administration set in motion a politically motivated persecution of Assange in Sweden, where prosecutors were induced to file sexual assault charges against him. Last month, Interpol issued an arrest warrant for Assange based on the Swedish charges.

The exact whereabouts of Assange are uncertain, as he has had to be constantly on the move because of threats against his life, as well as the trumped-up criminal charge. At least one country, Ecuador, has offered him residency. The nationalist government of President Rafael Correa forced the closure of the US air base at Manta and the withdrawal of US planes that were engaged in surveillance flights over neighboring Colombia, in support of the military operations against the FARC guerrillas there.

Deputy Foreign Minister Kintto Lucas said Monday that Assange would be welcome in Ecuador. “We are open to giving him residency in Ecuador, without any problem and without any conditions,” he said.

“We are going to try and invite him to Ecuador to

freely present, not only via the Internet, but also through different public forums, the information and documentation that he has,” he said.

Lucas added that Ecuador was concerned about the espionage activities conducted by US embassies in many countries, including Ecuador itself. WikiLeaks has not yet made public the more than 1,600 cables in its possession that originated from the US embassy in Quito.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact