

# Assange Case: U.S. Espionage Act Is Illegal, Says John Kiriakou

By [Edu Montesanti](#) and [John Kiriakou](#)  
Global Research, December 05, 2018

Region: [USA](#)  
Theme: [Law and Justice](#), [Media Disinformation](#)

*While Ecuador is expected to extradite Assange to the US, **John Kiriakou**, a “reluctant whistleblower” considered the first US intelligence officer to reveal information about the American intelligence community’s use of torture techniques, comments the WikiLeaks’ founder case in the following talk with renowned journalist **Edu Montesanti**.*

*“The only thing that can save **Julian Assange** is jury nullification,” says whistleblower [John Kiriakou](#), a former C.I.A. counterterrorism officer and a former senior investigator with the Senate Foreign Relations Committee based in Virginia, in an exclusive talk to this reporter.*

\*\*

U.S. Justice Department is acting behind the scenes to have Assange extradited from the Ecuadorean Embassy in London, and prosecuted in the U.S. Criminal charges against WikiLeaks’ founder were accidentally revealed in early November, when Assange’s name was found on the [court filing](#) of an unrelated case, suggesting that prosecutors had copied a boilerplate text and forgotten to change the defendant’s name.

**Assistant U.S. Attorney Kellen S. Dwyer**, urging a judge to keep the matter sealed, wrote that

“due to the sophistication of the defendant and the publicity surrounding the case, no other procedure is likely to keep confidential the fact that Assange has been charged.”

Later, Dwyer wrote the charges would “need to remain sealed until Assange is arrested.”

It is much likely that the Australian journalist, who in March 2017 released an archive of documents detailing the C.I.A.’s hacking operations known as the [Vault 7 leak](#), is being accused by American prosecutors of violating the [1917 Espionage Act](#).

The Engineer Joshua A. Schulte, 29, of New York, had been the main suspect of providing WikiLeaks the documents revealing the sensitive CIA cybertools, [has been accused](#) by prosecutors of repeatedly violating the Espionage Act.

“Technically, jury nullification is illegal. That’s when a jury acquits, not because the defendant is innocent, but because the law itself is wrong. The Espionage Act is wrong. Julian Assange is a journalist. He should never have been charged with a crime, in the first place,” says Kiriakou, the first U.S. official who dered

to speak out, in December of 2007, against George Bush's torture program and remained 30 months in prison for that, from 2013 to 2015.

The American Civil Liberties Union (ACLU) also calls the Espionage Act "[a fundamentally unfair and unconstitutional law](#)." Kiriakou says he has argued over the years that "the Espionage Act is so overly broad as to be unconstitutional, although it has not been challenged to the Supreme Court."

### **'Investigating ME!?: Mockery of Democracy**

"A senior [C.I.A.] officer in the Counterterrorism Center asked me if I wanted to be 'trained in the use of enhanced interrogation techniques.' (...) I declined. I said that I had a moral and ethical problem with torture and that — the judgment of the Justice Department notwithstanding — I thought it was illegal", [reported](#) Kiriakou last March to The Washington Post.

Author of three books and one of the protagonists of James Spione's documentary [Silenced](#), in which John Kiriakou said that after his denunciations, "I realized they are investigating ME!?". John's and Assange's case have deep similarities not only for causing a reaction in their favor from people who represent a moral reserve, all over the world. "U.S. deeply flawed democracy", as Kiriakou [told](#) this reporter in October 2016, is once again acting against free speech and justice, pillars of a real democracy.

While Kiriakou's revelations – not sufficiently echoed by the mainstream media – have not changed anything in U.S. "policy", inside the country and abroad as the Washington regime continue committing heinous war crimes, crimes against humanity and against the U.S. Constitution itself – under the mainstream media's deafening silence –, the State criminals denounced by Assange intend to prosecute him: in the name of democracy and justice.

In his [first public speech](#) as C.I.A. director early last year, **Mike Pompeo** slammed WikiLeaks as a "non-state hostile intelligence service," adding that "we can no longer allow Assange and his colleagues the latitude to [use free speech values against us](#). Use free speech values against us"? So the [First Amendment](#) of the American Constitution is only valid while not contradicting the local establishment interests. In the U.S., there is clearly a historical limit to "democracy".

### **Not an Espionage Act**

Kiriakou predicts that the U.S. government will argue that Assange did exactly what the 1917 Espionage Act describes as espionage, that is, "[P]roviding national defense information to any person not entitled to receive it."

The American whistleblower observes that "the issue here is that it is highly unusual, unprecedented even for a foreign national – Assange is Australian – to be charged with espionage when he did not steal the information. Assange was simply provided the information, which he then made public." Kiriakou points out that Assange says that he was just a journalist doing his job: "No administration has ever charged a journalist with espionage for doing his job."

**Jesselyn Radack**, Director of the [Whistleblower and Source Protection Program](#) and one of

Kiriakou's attorneys, wrote in a 2014 op-ed entitled [Why Edward Snowden Wouldn't Get a Fair Trial](#): "First Amendment arguments have failed, largely because they would criminalize the journalism made possible by the 'leaks.' The motive and intent of the whistleblower are irrelevant. And there is no whistleblower defense, meaning the public value of the material disclosed does not matter at all."

### **Despotism in U.S. Judiciary**

Another serious obstacle that Assange would face is **Judge Leonie Brinkema**, according to the former C.I.A. agent. Brinkema handled his case, as well as C.I.A. whistleblower **Jeffrey Sterling's**, and has also reserved the **Edward Snowden** case for herself. "Brinkema is a hanging judge," regrets Kiriakou.

"Brinkema gave me literally no chance to defend myself. At one point, while approaching trial, my attorneys filed 70 motions, asking that 70 classified documents be declassified so that I could use them to defend myself. I had no defense without them. We blocked off three days for the hearings. When we got to the courtroom, Brinkema said, 'Let me save everybody a lot of time. I'm going to deny all 70 of these motions. You don't need any of this information to be declassified.' The entire process took a minute. On the way out of the courtroom, I asked my lead attorney what had just happened. 'We just lost the case. That's what happened. Now we talk about a plea.'

He describes the sad end of that court, when Judge Brinkema told him to rise pointing her finger at him, and saying, "Mr. Kiriakou, I hate this plea. If I could, I would give you ten years." John Kiriakou labels her comments as "inappropriate, but that's Brinkema. That's who she is."

### **Declared War against Humanity**

**Barry J. Pollack**, one of Assange's attorneys, said when the name of WikiLeaks' founder was found on the [court filing](#) of an unrelated case:

"The government bringing criminal charges against someone for publishing truthful information is a dangerous path for a democracy to take. The only thing more irresponsible than charging a person for publishing truthful information would be to put in a public filing information that clearly was not intended for the public and without any notice to Mr. Assange. Obviously, I have no idea if he has actually been charged or for what, but the notion that the federal criminal charges could be brought based on the publication of truthful information is an incredibly dangerous precedent to set."

**US Attorney General Jeff Sessions** has said prosecuting Assange is a "priority" for him. There are some in the West fully convinced that Assange deserves to be tried, and thrown in jail for "threatening" US national security and "undermining" its so-called democratic processes – the system Assange himself, in a bitter irony, has proven to be a total lie. Former US presidential candidate **Hillary Clinton** and former Vice President **Joe Biden** have called him a "terrorist", as Assange's job, delivering information of a high public interest, is a revolutionary antidote against fake news and dark politics, which is served by the people rather than serving the people.

All this, while more and more bitter truth Julian Assange brings to light are a clear message

that the so-called West democracy must be submitted to a radical transparency process. WikiLeaks lets no doubt, Vault 7 is the last example, that intelligence services all over the world, starting by the terrorist C.I.A., must be stopped as demanded by President John Kennedy, as a non-democratic tool just to preserve the power of a minority through coercion.

According to US lawyer and civil liberties advocate [Ben Wizner](#) at the American Civil Liberties Union:

“Any prosecution of Mr. Assange for WikiLeaks’ publishing operations would be unprecedented and unconstitutional, and would open the door to criminal investigations of other news organizations”.

The mainstream media must be blamed by an Assange condemnation and by this total distortion of scenarios as it not only has never pressured these criminals of the Washington regime to break into smartphones, computers and internet-connected televisions anywhere in the world, and even to make it look like those hacks were done by another intelligence service. Also, the mainstream media never deeply covered Assange’s information in general, never gave WikiLeaks the seriousness it is worthy. On the contrary, has little by little forgotten the organization.

So who judges the CIA?

Who protects people from being hacked?

Another bitter irony is that a likely Assange condemnation will endanger the very foundations of the free press, the press, especially the Western media which claims to be free but never gave Assange the attention his job deserves – as the media inaction speaks about itself, he also has proved through documents all these years, that the corporate media is not free, at all.

\*

Note to readers: please click the share buttons above. Forward this article to your email lists. Crosspost on your blog site, internet forums. etc.

The original source of this article is Global Research

Copyright © [Edu Montesanti](#) and [John Kiriakou](#), Global Research, 2018

---

[Comment on Global Research Articles on our Facebook page](#)

[Become a Member of Global Research](#)

Articles by: [Edu Montesanti](#)  
and [John Kiriakou](#)

**Disclaimer:** The contents of this article are of sole responsibility of the author(s). The Centre for Research on Globalization will

not be responsible for any inaccurate or incorrect statement in this article. The Centre of Research on Globalization grants permission to cross-post Global Research articles on community internet sites as long the source and copyright are acknowledged together with a hyperlink to the original Global Research article. For publication of Global Research articles in print or other forms including commercial internet sites, contact: [publications@globalresearch.ca](mailto:publications@globalresearch.ca)

[www.globalresearch.ca](http://www.globalresearch.ca) contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. We are making such material available to our readers under the provisions of "fair use" in an effort to advance a better understanding of political, economic and social issues. The material on this site is distributed without profit to those who have expressed a prior interest in receiving it for research and educational purposes. If you wish to use copyrighted material for purposes other than "fair use" you must request permission from the copyright owner.

For media inquiries: [publications@globalresearch.ca](mailto:publications@globalresearch.ca)