

Video: Daniel Ellsberg on Julian Assange's Espionage Charges

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The US Department of Justice issued an 18-count indictment against Julian Assange for violating the 1917 Espionage Act. We speak to Daniel Ellsberg about the dangerous implications this move has for journalism in the United States

SHARMINI PERIES: It's The Real News Network. I'm Sharmini Peries, coming to you from Baltimore.

In breaking news, the U.S. Department of Justice just charged Julian Assange on 18 counts of having violated the 1917 Espionage Act. This is a significant escalation of charges against him. Previously he was indicted on a charge of hacking into a Pentagon computer system. Assange is currently in prison in London after Ecuador revoked his political asylum at the London embassy, where he lived for almost seven years.

Joining me now to discuss the Assange indictment is Daniel Ellsberg. Daniel is a former U.S. military analyst employed by the RAND Corporation who became famous in 1971 when he released the Pentagon papers. The papers revealed top secret Pentagon study of U.S. government decision making about the Vietnam War. His recent book is *The Doomsday Machine*, and you'll find a series of interviews right here at The Real News Network with Daniel Ellsberg about the book. Good to have you here, Daniel.

DANIEL ELLSBERG: Glad to be here, though not under these circumstances, Sharmini. Go ahead.

SHARMINI PERIES: Daniel, last time we spoke, which was just after Julian Assange was removed from the Ecuadorian embassy in London, you already expected that this might happen, that Assange might be indicted under the Espionage Act. What is the significance of this move, and why did they do it now and not wait until he was extradited to the U.S.?

DANIEL ELLSBERG: I was sure that the Trump administration would not be content with keeping Julian Assange in prison for five years, which was the sentence for the one charge of conspiracy that he was charged with earlier. So I was sure they would go after him with a much longer sentence under the Espionage Act. I was charged with 12 counts, including one of conspiracy, in 1971, for a possible sentence of 115 years. In this case they brought 17 counts under the Espionage Act, plus the one conspiracy. So they're facing him with 175 years. That's, frankly, not that different from 115. It's a life sentence. And it'll be enough for them.

They weren't anxious, I think, to bring it while he was still in Britain because it's so clearly a political offense, and Britain isn't compelled to extradite under the treaty for a political offense. And that's what they're charging here now, as well as a politically motivated charge. But apparently they had to bring the charges now rather than after he is back in the States, which was what I had expected, because they have to tell Britain, in deciding whether to extradite him to the U.S. or not, the full scale of the charges that he would be facing. In particular, both Sweden and the U.S., I think, are reluctant to extradite people on charges that hold the death penalty. That's true I think for Sweden in particular, which is also trying to extradite him. They're not going to charge him with the death penalty. Just a life sentence, as I was facing.

This does, however, complicate somewhat their extradition. And I thought that Trump would hold off on declaring war on the press until the extradition matter had been settled. But no, the declaration of war came today. This is a historic day, and a very challenging one for American democracy.

SHARMINI PERIES: Now, Daniel, Ecuador, at the time they released him or revoked his stay at the embassy, made it a condition that Julian Assange be not extradited to a country where there is the death penalty. Now, you said that there could be a lifelong sentence here in terms of prison. So the fact that there is a death penalty in the United States is insignificant, as far as you're concerned?

DANIEL ELLSBERG: My understanding is that Sweden, which is trying to extradite him as well, cannot extradite somebody to a country that has a death penalty. But I think they would probably try to get around that if the prosecutors said we're not seeking the death penalty, and that's surely the case right now. Actually, the death penalty under the Espionage Act only applies in certain circumstances; probably not the paragraphs of 18 USC 793, paragraphs D and E, which I was charged under, didn't carry a death penalty. That was essentially for people who were spies in wartime against an enemy country. So they'll say they're not seeking the death penalty. But the problem remains that these are very clearly political offenses. And the question whether they should extradite him for that, that will complicate the appeals in the extradition process, and probably make it longer. So I don't expect him in the U.S. very quickly, unless the U.K., with their special friendship, just ships him off very quickly, instead of to Sweden.

But the challenge is on as of now, right now. Every journalist in the country now knows for the first time that she or he is subject to prosecution for doing their job as journalists. It cuts out the First Amendment, essentially. That eliminates the First Amendment freedom of the press, which is the cornerstone of our American democracy and of this republic. So there's an immediate focus, there should be an immediate concern not just for journalists over here and publishers, but for everyone who wants this country to remain a democratic republic.

SHARMINI PERIES: As journalists we engage with states all the time. We engage and we ask questions, and we try to assess and ascertain information. How does it actually specifically affect journalists working?

DANIEL ELLSBERG: John Demer for the Department of Justice, I notice just now, is trying to distinguish Julian from journalists. In fact, he's saying he's not a journalist, although the New York Times, to whom he gave Chelsea Manning's information initially, as I did, is saying very frankly that what he does is what The New York Times does. And clearly if he's prosecuted

and convicted, that confronts the New York Times, The Washington Post, and you, and every other journalist, with the possibility of the same charges. A second DOJ is saying he didn't act like a responsible journalist. Well, people who are responsible journalists often do what Julian criticized, actually, and that is they give their stuff to the Department of Defense, or the Department of Justice, or the White House, before it's printed. That's a very questionable practice, really, and he certainly doesn't do that. And it was not done, for example, in the case of the Pentagon papers, because they knew they would get an injunction before they published instead of an injunction after they had started publishing.

So this shows, in other words, that they're saying, well, we won't prosecute responsible journalists. But that assurance is worth nothing, aside from the question of who they'll consider responsible or not. Remember that President Trump's unprecedented charge here is that the American press, the mainstream press, is the enemy of the people. That's a phrase that was used under Stalin, and also under Hitler, to describe people who were to be eliminated. It's a very, very ominous historical phrase. But he has now declared war on the enemy of the people. And by saying that, for example, that he requested information, classified information, from Chelsea Manning, and that's what distinguishes him from the press, or the responsible press, well, let me tell you, I can't count the number of times I have been asked and urged to give classified information to the responsible press. The Times, the Post, AP. Anything you can name.

So that is journalism. And the idea that they're distinguishing that should not reassure any journalists. I'm sure it won't, actually. So they're feeling the chill right now, before the prosecution actually begins. These indictments are unprecedented. And I would say they are blatantly unconstitutional, in my opinion. Which is not worth that much, except it's a subject I've been close to for a long time. This is an impeachable offense, to carry on a prosecution this blatantly in violation of the Constitution, which the president and the attorney general are sworn to uphold. They are not doing that at this moment.

SHARMINI PERIES: Daniel, the 18 counts of violating the Espionage Act, what are they, as far as you know?

DANIEL ELLSBERG: What is most ominous to me, by the way—it's not obvious—is that they referred to 2010, when he was dealing with Chelsea Manning. Now, I followed those charges, and the material that was released by the Times, Le Monde, the Observer in London, and several, a number of other papers. I followed that fairly closely, including in the Chelsea Manning trial. That clearly was shown to result in no damage, no harm to any individual, which was precisely what they're charging him now with having risked. And they weren't able to come up with a single instance in these hundreds of thousands of files which were released in which a person had, in fact, been harmed. Now, I thought they would probably bring charges under his very recent revelations of various kinds, of which I don't know the substance, entirely, what he had or what he released, and they might have come up with something that looked very questionable. I know that for 2010 we now know that what he released was in not violation of national security, did not harm any individuals, and is indeed what journalists do all the time.

His releasing himself, in contrast to some of the newspapers he gave it to, of unredacted material was questionable at that time, including by me, and raised questions of whether that was the right way to do it. As I say, though, that was tested over a matter of years in terms of not having done any harm, given the sources from which that was drawn, and that reassured me about the judgment of both Chelsea and Julian in having released at that time.

But in any case, there's no question that the 2010 material is material that should have been protected by the First Amendment. And he is. And if the current court fairly judges the intent and effect of the First Amendment, this case would be dropped. As we all know, we can't count on that. And a 5-4 decision now by this Supreme Court is probably another reason why Trump has gone further in attacking the First Amendment than any previous president, because he has an unprecedented court.

SHARMINI PERIES: All right, Daniel. I've been speaking with Daniel Ellsberg, former U.S. military analysts employed by RAND Corporation who released the Pentagon papers. I thank you so much for joining us today.

DANIEL ELLSBERG: Very good. Thank you.

SHARMINI PERIES: And thank you for joining us here on The Real News Network.

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