

# Freedom of the Press on Trial: 10 Reasons Why Assange Is Lawfully in the Right

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*Freedom of the press is on trial right now in London, as the Assange case has now gone 3 days. As this massive case begins, **Julian Assange** has been subjected to yet more intimidation, deprivations and abuse. In just the first 2 days, Assange had been stripped naked and searched 2 times, handcuffed 11 times and locked up in different holding cells 5 times.*

*In addition, all of his court documents were taken from him by the prison wardens, including privileged communications between himself and his lawyers, leaving him with no ability to prepare to participate in the proceedings. As journalist Taylor Hudak, who is covering the event, [said](#), this is a “selective prosecution and also a political persecution.”*

*Learn below why the courageous Assange, due to his extremely extensive efforts in exposing governmental war crimes and corruption, is not only **morally in the right**, but also very much **lawfully in the right**. It is no exaggeration to say that this is a landmark and unprecedented case on **freedom of the press** which has colossal implications for the future of free speech and journalism.*

## Freedom of the Press and the UK Kangaroo Court

Before we begin, let's examine whether this is really a fair trial or not. Prima facie, one would expect that a courtroom trial involving the UK and the US would be just, given that the Magna Carta and the the US Bill of Rights sprung from those 2 liberal, freedom-upholding nations respectively. You would expect that a UK court would uphold the value of the presumption of innocence until proven guilty. However, don't count on it; there are very ominous signs that this UK court is more of a kangaroo court. The supervising judge **Lady Emma Arbuthnot** is riddled with conflicts of interests.

WikiLeaks itself has [exposed some of the dealings of Lord James Arbuthnot](#), Emma's husband, who is a former Conservative defense minister with extensive links to the British military and intelligence community! Arbuthnot is overseeing the district judge Vanessa Baraitser who is presiding over the **Assange trial** right now. Former UK ambassador Craig Murray has been one of the few who was able to get a seat (limited to 16 members of the public). He [reports](#):

“James Lewis QC made the opening statement for the prosecution. It consisted of two parts, both equally extraordinary. The first and longest part was truly remarkable for containing no legal argument, and for being addressed not to the magistrate but to the media ... I am frankly astonished that Baraitser allowed this. It is completely out of order for a counsel to address remarks not to the court but to the media, and there simply could not be any clearer

evidence that this is a political show trial and that Baraitser is complicit in that.”

To her credit, the magistrate Baraister actually asked a pertinent question to the prosecution:

“Lewis then proceeded to read out a series of articles from the mainstream media attacking Assange, as evidence that the media and Assange were not in the same boat. The entire opening hour consisted of the prosecution addressing the media, attempting to drive a clear wedge between the media and Wikileaks and thus aimed at reducing media support for Assange.”

“In particular, the claim that newspapers were not in the same position because Assange was charged not with publication, but with “aiding and abetting” Chelsea Manning in getting the material, did not seem consistent with Lewis’ reading of the 1989 Official Secrets Act, which said that merely obtaining and publishing any government secret was an offence. Surely, Baraitser suggested, that meant that newspapers just publishing the Manning leaks would be guilty of an offence ... Lewis appeared to come to a decision. Yes, he said much more firmly. The 1989 Official Secrets Act had been introduced by the Thatcher Government after the Ponting Case, specifically to remove the public interest defence and to make unauthorised possession of an official secret a crime of strict liability – meaning no matter how you got it, publishing and even possessing made you guilty ... Lewis had thus just flat out contradicted his entire opening statement to the media stating that they need not worry as the Assange charges could never be applied to them.”

Yet the MSM didn’t report this:

“Yet remarkably I cannot find any mention anywhere in the mainstream media that this happened at all. What I can find, everywhere, is the mainstream media reporting, via cut and paste, Lewis’s first part of his statement on why the prosecution of Assange is not a threat to press freedom; but nobody seems to have reported that he totally abandoned his own argument five minutes later. Were the journalists too stupid to understand the exchanges?”

For the most part not too stupid – just too lazy, too complicit, too scared about their job security, too attached to career climbing and too comfortable pandering to the Establishment to do real journalism, think for themselves and report what the public needs to know.

## **1. The Public Has the Right to Know**

The first reason why Assange is lawfully in the right is that he was using the freedom of the press to perform a public service. The people have the right to know what their governments are doing in their name. The public’s right to know is based on the fundamental truth that the public at large are the source of legal power in a society. **The people are sovereign**, and so when politicians and government *represent* them, they are borrowing the people’s power, and may only do so with the **consent of the governed**. When a government uses the hackneyed excuse of national security to hide war crimes, it is unlawful. When a government classifies secrets to hide criminality (rather than to legitimately protect a field agent’s safety), it is unlawful. Exposing governmental criminality

is not unlawful.

## 2. USG Used CIA-Hired Spanish Security Company to Spy on Assange and His Defense Lawyers

This next point is a key point on which the entire case could **already have been thrown out and summarily dismissed**. The USG (US Government) was caught using its notorious spying agency the CIA to hire the [Spanish security company UC Global](#) to spy on Assange during his time in lockdown at the Ecuadorian Embassy in London. Every room was bugged, so Assange had no privacy as he met with his lawyers to discuss his defense strategies. One of Assange's lawyers, Edward Fitzgerald QC, has claimed the defense will produce evidence showing that the CIA actively considered kidnapping or poisoning Assange! Murray [reports](#):

"On abuse of process, Fitzgerald referred to evidence presented to the Spanish criminal courts that the CIA had commissioned a Spanish security company to spy on Julian Assange in the Embassy, and that this spying specifically included surveillance of Assange's privileged meetings with his lawyers to discuss extradition. For the state trying to extradite to spy on the defendant's client-lawyer consultations is in itself grounds to dismiss the case."

Clearly, there is no commitment to proper rule of law in this case. This egregiously and blatantly violates Assange's rights and is a clear **abuse of process**. It is fair to say that a non-biased judge would have summarily have throw the case out of court on this point alone.

## 3. Political Extradition is Illegal

At this stage in the hearing, the crux of the case will probably come to hinge on this key point. The US and UK have a 2003 Extradition Treaty which was ratified in the US in 2007, but never ratified in the UK. Article 4.1 of this US-UK Extradition Treaty forbids the **political extradition** of people. Espionage is considered a prime example of a purely political offense; Jen Robinson, one of Assange's lawyers, stated that "*espionage is the traditional and typical political offense.*" However, here's the catch - magistrate Baraitser, who almost appeared to be working for the prosecution with this comment, dropped a bombshell. She stated that although the US-UK Extradition Treaty forbade political extraditions, this was only in the Treaty, and that this particular exemption did not appear in the UK Extradition Act, which is a UK domestic political act that differs from the Treaty. She therefore claimed that political extradition was not illegal in the UK, since the Treaty had no legal force in this court.

This is an interesting plot twist which, you can be sure, will be fiercely debated in the days to come. In general, political extradition is illegal in UN Treaties and other US Treaties, so it remains to be seen whether the prosecution can use this legal loophole to make the charges on Assange stick or not.

## 4. Assange Didn't Reveal Agents' Names

The Establishment has been working overtime to pin smears on Assange, and the prosecution is using this one big time. They are claiming that Assange put lives at risk by carelessly publishing classified documents which contained the names, locations and other identifying pieces of data of or on US agents - which meant an enemy group or nation of the

US could use that information to kill those agents.

This is a giant lie.

Assange was very careful to not release any names or information that could put people in danger. He carefully redacted them. In fact, Wikileaks' redaction was so thorough that it exceeded that of the Pentagon and other MSM organizations. There is no evidence of harm to agents or informants, a fact which the USG had confirmed in other fora like the trial of whistleblower **Chelsea Manning**. What happened was that 2 journalists who worked at *The Guardian*, David Leigh and Luke Harding, published their book **Wikileaks** in February 2011, and one of the chapters (Chapter XI) was entitled with the exact password to the unredacted collection of 250,000+ files. The German news outlet *Die Freitag* publicized this. Once Assange found out, he and his assistant Susan Harrison frantically called the White House to warn them that people's lives were at risk. Guess what? The White House put them off for a few hours and downplayed the problem. Several journalists who worked with Assange attested (on Twitter) to the fact that Assange deeply cared about agents' names and not putting anyone in harm's way with WikiLeaks revelations, e.g. [Iain Overton](#).

Besides, as Murray writes, the USG *"had been actively participating in the redaction exercise on the cables. They therefore knew the allegations of reckless publication to be untrue ... Assange and Harrison attempted to convince US officials of the urgency of enabling source protection procedures - and expressed their bafflement as officials stonewalled them. This evidence utterly undermined the US government's case and proved bad faith in omitting [this] extremely relevant fact."*

Assange also pleaded with *Die Freitag* not to publicize the information.

Meanwhile, look at the gross double standard: the USG claims it's worried about potential harm to its agents in leaked documents, while the US war machine murders foreign civilians and Reuters journalists in cold blood (see [Collateral Murder](#))! This is on top of its **regime-change wars** in places like Iraq, Afghanistan, Syria and more, which have easily killed way over 1,000,000 people.

## **5. Assange Didn't Hack Any US Computers, and Neither Did Manning**

Another false claim leveled at Assange is that either he himself hacked into US Military computers, helped Chelsea (then Bradley) Manning do it or encouraged Manning to do it.

It's another lie.

**Chelsea Manning** was already acquitted on the charge of conspiracy to hack computers. The truth is that Manning already had access (just as other soldiers of her rank did) to sensitive and classified documents, so there was no need to hack and there was no password to share. Another of Assange's lawyers, Mark Summers QC, walked through the facts of the case. Murray reports on [day 2](#):

"He said the charges from the USA divide the materials leaked by Manning to Wikileaks into three categories:

1) Assange helped Manning to decode a hash key to access classified material. Summers stated this was a provably false allegation from the evidence of the

Manning court-martial.

2) Assange solicited the material from Manning  
Summers stated this was provably wrong from information available to the public

3) Assange knowingly put lives at risk  
Summers stated this was provably wrong both from publicly available information and from specific involvement of the US government.

- a) Diplomatic Cables
- b) Guantanamo detainee assessment briefs
- c) Iraq War rules of engagement
- d) Afghan and Iraqi war logs

Summers then methodically went through a), b), c) and d) relating each in turn to alleged behaviours 1), 2) and 3), making twelve counts of explanation and exposition in all.

The bottom line here is that the prosecution deliberately misconstrued the “hacking” since Manning already had access as did many other military members – purportedly to access high-bandwidth videos.

## 6. Does Dual Criminality Exist?

In order to prove their case, the prosecution must prove that there is double or **dual criminality**. What is this? It is a common requirement in the extradition law of many countries. It means that a suspect can only be extradited from one country to stand trial for breaking a second country’s laws if a similar law exists in the extraditing country. Murray reports that Assange’s defense have already brought up some case law showing examples where a defendant was not extradited because dual criminality was not proven:

“He pointed to three examples in case law—most notably [Castillo vs. Kingdom of Spain](#)—where precedent gave the judge the ability to determine a more accurate picture of the facts in the case when the court has been severely misled. The new facts can then be used to determine whether dual criminality exists, a requirement of extradition.”

## 7. Assange is a Publisher - Not a Whistleblower, Leaker or Hacker

It’s important to define who Julian Assange is in this case. He is a publisher – not a whistleblower, leaker, hacker or hactivist. As a publisher, he is a member of the media or press. Under US law, he is specifically and specially protected by the First Amendment, which states that *“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”* This protection is so important that the media is the only class/profession singled out. This is how important freedom of the press is to the functioning of a free society. Now, **Assange is not a US citizen (see #8 below), but the prosecution is arguing that Assange should be subject to US jurisdiction (which itself is a matter of debate), so as long as they argue that, they need to concede that Assange is entitled to certain rights enshrined in US law.**

Assange has won many awards for being a journalist and publisher. Here are some of his credentials:

- He has been a member of the Australian Journalists Union since 2009;
- He is a member of the National Union of Journalists (NUJ) (a trade union for journalists in the United Kingdom and the Republic of Ireland);
- He is a member of the European Federation of Journalists;
- He has won numerous media awards including being honored with the highest award for Australian journalists;
- His work has been recognized by the Economist, Amnesty International and the Council of Europe;
- He is the winner of the Martha Gelhorn prize;
- He has been repeatedly nominated for the Nobel Peace Prize, including both last year (2019) and this year (2020);
- He has written or produced many books, articles and documentaries;
- His articles have been published in The Guardian, The New York Times, The Washington Post and the New Statesman.

## **8. Assange is Not a US Citizen!**

One highly contentious and important legal matter here, which has thus far been sidestepped, is whether Assange can even be charged by the USG at all, given that he is not and was not on US soil and is not a US citizen. Lawfully, how can he possibly be considered as subject to US jurisdiction? How can he even be charged under US law when he's not an American - he's an Australian? Again, this case is unprecedented, since we are now living in a globally connected society where it is apparently possible to commit high crimes against the government of a nation - in the cyber world - without ever setting foot in their geographical jurisdiction. But, can this really be lawfully or legally justified? How can USG lawfully chase journalists all over the world and claim they have magical extra-territorial reach? Is this law or is this intimidation and bullying?

## **9. Impossibility of a Fair Trial in the US**

Just like [Edward Snowden](#), Julian Assange is rightfully worried that he will not get a fair trial if he is extradited to the US. His lawyer Fitzgerald referred in court to the shocking conditions of US prisons and the impossibility of a fair trial for Assange in the US. Knowing this, this lawfully puts the burden on the UK to not extradite a defendant, since it would be exposing him to injustice and serious danger.

## **10. Trump Administration Denies Foreign Nationals First Amendment (Freedom of the Press) Protections**

As covered in the article [WikiLeaks Editor: US Is Saying First Amendment Doesn't Apply To Foreigners In Assange Case](#), former CIA Head and now Secretary of State under Trump, Mike Pompeo, said in 2017 that *"Julian Assange has no First Amendment freedoms. He's sitting in*

*an embassy in London. He's not a US citizen." As a reminder, this is the very same Pompeo who confessed that at the CIA that "we lied, we cheated, we stole."*

However, this is a serious perversion and misunderstanding of the First Amendment – or any of the Ten Amendments of the Bill of Rights. Everyone, not just Americans or US citizens, is endowed with inherent, natural, God-given rights, including life, freedom, the pursuit of happiness, free speech and the right to choose or not choose a religion. That means everyone. It includes people who are citizens of other countries. Citizenship has nothing to do with rights that are vested in everyone by nature and God. The above mentioned article quotes journalist Glenn Greenwald, who is also being harassed by the USG even though he lives in Brazil:

““To see how false this notion is that the Constitution only applies to U.S. citizens, one need do nothing more than read the Bill of Rights,” Greenwald argued in 2010. “It says nothing about ‘citizens.’ To the contrary, many of the provisions are simply **restrictions on what the Government is permitted to do** (‘Congress shall make no law respecting an establishment of religion . . . or abridging the freedom of speech’; ‘No soldier shall, in time of peace be quartered in any house, without the consent of the owner’). And where rights are expressly vested, they are pointedly **not** vested in ‘citizens,’ but rather in ‘**persons**’ or ‘the accused’ ... “The U.S. Supreme Court, in 2008, issued a highly publicized opinion, in *Boumediene v. Bush*, which, by itself, makes clear how false is the claim that the Constitution applies only to Americans,” Greenwald wrote. “The *Boumediene* Court held that it was unconstitutional for the Military Commissions Act to deny habeas corpus rights to Guantanamo detainees, **none of whom was an American citizen**(indeed, the detainees were all foreign nationals outside of the U.S.). If the Constitution applied only to U.S. citizens, that decision would obviously be impossible.””

In a nutshell, we all have the right to free speech and freedom of the press, and the USG cannot lawfully deny this to Assange.

### **The Assange Case is a Retaliation by President Trump**

According to Kit Dotcom, Trump was well aware of the meeting between Assange and Rohrabacher. This case is retaliation by Trump against Assange because Assange refused to reveal his sources. Trump clearly wanted this so he could have more proof that the whole **RussiaGate** fiasco was a hoax, but what is strange is that:

- The Mueller Report has already exposed the fact that there was “no collusion”; and
- Assange had already clearly said in 2016 that Russia was not responsible when he said that Wikileaks DNC source was “a non-state actor” and also when he said that the material from the DNC was “leaked, not hacked” which means it must have come from an insider.

As a true journalist, Assange refused on principle to reveal his sources. Here is Suzie Dawson’s take:

This is where media keep twisting the Rohrabacher/Trump/Assange/Russia story:

1st image: what MSM are trying to push - that Assange was asked to exonerate Russia

2nd image: what Trump \*actually wanted\* - for Assange to NAME THE SOURCE - which he refused to do on principle [pic.twitter.com/WHljBWxpU0](https://pic.twitter.com/WHljBWxpU0)

— Suzie Dawson (@Suzi3D) [February 28, 2020](#)

Independent journalist Cassandra Fairbanks has [released a call](#) between her and a senior Republican operative by the name of Arthur Schwartz. In the call (dated September 2019), Schwartz begs Fairbanks to delete a tweet (from September 10th, 2019) where she refers to this [ABC story](#) that reports that Richard (Rick) Grenell (Trump's new DNI) was instrumental in persuading Ecuador to let British police into its London embassy. The report alleged that Grenell promised Quito that the US would not pursue the death penalty for Assange if it gave him up. This is yet more proof that Trump has the whole time been directing the prosecution of Assange. Assange inadvertently got Trump elected, yet Trump went from "I love Wikileaks" to conducting his own witch-hunt against Assange.

This is an absolutely disgusting betrayal of freedom of the press by Trump, who has yet again shown his true tyrannical colors. At the time of the Chelsea Manning trial and again in 2013, the Obama Administration decided not to prosecute Assange for the Manning leaks, presumably because they knew the case was so weak. Trump has reversed this decision for completely political reasons. I point this out not because I like Obama more than Trump - I reject the entire ruling class. This has nothing to do with the fake left-right paradigm and everything to do with freedom and justice.

### **Conclusion: What is the Future of Freedom of the Press Worldwide?**

Assange is on trial for telling the truth. He is being attacked for embarrassing the New World Order US Empire. He is morally and lawfully right in every way. His only crime is telling the truth in a world of lies.

The question is: will they find a legal loophole to capture Assange and destroy freedom of the press? We shall see.

Hat tip to Craig Murray, Taylor Hudak, Cassandra Fairbanks, Tareq Haddad, Kevin Gosztola and all the other independent reporters, citizen journalists, activists and concerned members of the public who are paying attention to this historic case and reporting the truth to the public - because the MSM sure isn't.

Biggest hat tip of all to you Julian: you have done so much for freedom of speech and freedom of the press. So many people admire your guts and determination. May truth start peace, as you say, and as we say in Australia, you're a bloody legend mate.

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## Sources

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