

# With Hearing Set, Time for Biden to Drop Assange Charges

Ann Wright says Attorney General Garland must either drop the Trump-era case against the WikiLeaks publisher or move to indict The New York Times publisher on same charges.

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*President Joe Biden, you defeated Donald Trump, yet your administration has not rolled back all of the evil caused by your predecessor.*

Take the case of journalist Julian Assange.

Under the Obama administration in which you, Biden, were vice president for eight years, journalist and publisher Julian Assange was NOT prosecuted for publishing the Collateral Murder video of the U.S. Army murder by hellfire missile of Reuters reporters nor the classified Afghanistan and the Iraq War files.

However, you and the Obama administration did prosecute and won conviction of U.S. Army PFC Bradley Manning for disclosing those classified materials.

As you will know as former head of the Senate's Judiciary Committee, journalists and publishers are protected by the First Amendment which allows them to publish classified materials given to them by whistleblowers. But, that amendment does *not* protect those such as Manning, whom you prosecuted, who released classified information to a journalist.

Fifty years ago, no U.S. publisher, including *The New York Times*, *The Washington Post*, *The Los Angeles Times* or any other newspaper in the U.S. or abroad was prosecuted for publishing the classified history of the U.S. war on Vietnam, the Pentagon Papers [although Nixon [tried](#)].

Daniel Ellsberg, who released the 4,000-page sordid, classified tale of U.S. military

involvement, fully expected to be prosecuted as he was the one who gave classified information to the media.

The Nixon administration's theft of Ellsberg's medical records torpedoed President Richard Nixon's attempt at prosecuting Ellsberg [and the *Times*]. Nixon continued to rail against Ellsberg as "the most dangerous man in America" because he, Nixon, was unable to put Ellsberg in jail.

No publisher in the history of the United States had been prosecuted until the Trump administration came into power.

After *WikiLeaks* and other media published in 2017 "Vault 7," a list and description of the mostly C.I.A. materials about C.I.A. hacking capabilities to ever come into the public domain, Trump's Attorney General Bill Barr and C.I.A. Director Mike Pompeo decided to try a new legal theory, one that had never been used in U.S. history.

Pompeo [described \*WikiLeaks\* as a "non-state hostile intelligence service"](#) and the Department of Justice charged non-U.S. citizen, Julian Assange, with espionage against the U.S. and demanded his extradition from England.



Pompeo while C.I.A. director calling *WikiLeaks* a nonstate hostile actor. (Screenshot)

A conviction of U.S. charges of espionage could result in Assange being sentenced to 175 years in prison.

At the time of the U.S. charges, Assange had requested asylum from the Ecuadorian government and had been protected by living in the Ecuadorian embassy in London for five years.

With a change in Ecuadorian government and under intense pressure from the British and U.S. governments, in April 2019, the new Ecuadorian administration allowed British police to break the embassy's sovereignty and enter it.

London police carried Assange out of the embassy, put him into a police van and immediately locked him up in the highest security prison in the U.K., Belmarsh Prison.

Prior to the police breaching the Ecuadorian embassy, Assange had been denied his razor for weeks. His haggard appearance as he was carried out of the embassy was part of an orchestrated negative publicity campaign orchestrated by the British government and without a doubt, the U.S. government.

## **Imprisoned for Almost Five Years with No Conviction**

For the past four years and nine months, Assange has been in Belmarsh Prison, a high security prison for those convicted of violent crimes. He has been in solitary confinement for 22 hours a day, a violation of the right not to be tortured, according to former U.N. Special Rapporteur Nils Melzer.

Yet, Assange has not been convicted of any crime. Despite no conviction, he has been incarcerated by the British government on behalf of the U.S. government until extradition proceedings to the U.S. are successful.



Belmarsh Prison flyover view. (dave patten, Flickr, CC BY-NC-SA 2.0)

Almost three years ago in January 2021, lower court Judge Vanessa Baraitser ruled that Assange should be released from Belmarsh Prison. She denied the U.S. request for extradition based on Assange's mental health, his propensity to commit suicide and conditions of U.S. prisons.

The U.S. appealed her decision, issuing "diplomatic assurances" that Assange would not be mistreated in a U.S. prison. The High Court, after a two-day hearing in March 2022, accepted those "assurances" and rejected Assange's appeal.

His application to the U.K. Supreme Court to hear the case was then denied. Assange then applied for a new appeal of Baraitser’s legal decisions and the home secretary’s extradition order. His [150-page](#) argument was rejected in a [three-page](#) ruling. The appeal of that decision will now take [place on Feb. 20-21, 2024](#).

## Don’t Trust US ‘Diplomatic Assurances’



Assange supporters in a weekly protest on behalf of the publisher on Sept. 16, outside Belmarsh Prison, where Assange is being held. (Alisdair Hickson, Flickr, CC BY-SA 2.0)

As a former U.S. diplomat, I can guarantee Assange that U.S. “diplomatic assurances” mean absolutely nothing. The U.S. breaks its word to individuals and countries frequently. And the U.S. Department of State has no jurisdiction over the Bureau of Prisons which makes decisions unilaterally of how prisoners are treated [with input from the C.I.A., which [plotted](#) to kill Assange.]

At the [Belmarsh Tribunal held in Washington, D.C., on Dec. 9](#), former [C.I.A. officer John Kiriakou, who spent nearly two years in federal prison](#) for talking about the C.I.A.’s waterboarding program, the existence of which had been in the public domain for years, said that the guarantees that the State Department had made in court documents were meaningless.

He said that the Bureau of Prisons makes its own decisions on whether a person will be in solitary confinement and the recommendations of the State Department and Department of Justice are disregarded.

The United States has more prisoners in solitary confinement than any other country. In May 2023, [the watchdog group Solitary Watch](#) and the advocacy coalition Unlock the Box released a groundbreaking joint report showing that at least 122,840 people are locked daily in solitary confinement in U.S. prisons and jails for 22 or more hours a day.

## Pressure From Australia & US Congress

In October 2023, a group of bipartisan members of the Australian Parliament traveled to Washington and lobbied the U.S. government to drop the charges against Assange.

At the end of October, Australian Prime Minister Anthony Albanese visited Washington where he [raised the Assange issue in a meeting with Biden](#) and repeated his call for Biden to bring the matter to a close.

On Nov. 8, [16 Congressional representatives from across the political spectrum signed a letter to Biden](#), calling on him to drop all charges and withdraw the extradition request.

In the letter, the U.S. lawmakers said:

“We believe the Department of Justice acted correctly in 2013, during your vice presidency, when it declined to pursue charges against Mr. Assange for publishing the classified documents because it recognized that the prosecution would set a dangerous precedent.”

The letter continued to say that the signatories are “well aware that should the U.S. extradition and prosecution go forward, there is a significant risk that our bilateral relationship with Australia will be badly damaged.”

### Why Aren't Charges Dropped?

The Biden administration could immediately withdraw the request for extradition from the U.K. It wasn't Biden's administration that cooked up the novel legal theory under which Assange is charged; it was the Trump administration.

The Obama administration in which Biden served never charged Julian Assange with a crime.

Is it that Biden fears the right-wing Republican Party members will call him soft on the Trump-era cooked up “non-state actor” legal theory of espionage?

Surely, the former chair of the Senate's Judiciary Committee can see through that smear attempt.

It is long past time for U.S. Attorney General Merrick Garland to tell President Biden that the Trump charges against Assange that are the basis for the extradition request are without merit.

It's long overdue for the United States to cancel its request for extradition of Julian Assange and for Assange to be able to be free from the bogus charges of the past decade.

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Featured image: Julian Assange at the Stop the War Coalition rally at Trafalgar Square, London, Oct. 8, 2011. (Haydn, Flickr, CC BY-NC-SA 2.0)

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