

# Last Acts: Time for Biden to Pardon Assange

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*Since making what was likely a life-saving plea deal to spare himself from the medieval barbarities of the US prison system, **Julian Assange**, and his campaign intimates, are now focusing on the next step. Having been directly targeted by the speech stomping apparatus known as the US Espionage Act, and convicted under it, the US government made the WikiLeaks publisher an example. On June 24, 2024, he pleaded guilty to one count of conspiracy to obtain and disclose national defence information under the Act, or section 793(g) (Title 18, USC). In one respect, it was an improvement, reducing the [original charge sheet](#) of 18 alleged offences, 17 of them based on elements of espionage.*

While Assange's conviction delighted those scribbling defenders of the national security state, the toadies, the paid-up worthies, and anyone from the CIA to CBS ("Assange: hacker, thief and exposé of confidential sources!" came the shrill voice of approval), his prosecution and ultimate conviction on a single charge of the Espionage Act served only one purpose: pouring oil on obtaining, using and discussing material about the crimes and vices of national security, notably the sort supplied by whistleblowers.

One way of diminishing the sinister implications of that thuggish legacy is to persuade Freedom Land's highest, doddering magistrate to show a skerrick of good sense - whatever is left of it. The Assange campaign has now shifted its focus to obtaining a pardon for the publisher, with a goal of persuading up to 30,000 people to write to US **President Joe Biden** to do just that.

"By granting a pardon to Julian Assange," the campaign [online site states](#), "President Biden can not only correct a grave injustice but also send a powerful message that defending democracy and press freedom remains at the core of his presidency. He can reaffirm America's dedication to truth and the First Amendment."

Two US lawmakers are convinced that one of Biden's last acts in office should be just that. It would be fitting, in some ways, that he does so. In the dying days of his administration, President Barack Obama [commuted the sentence](#) of one of WikiLeaks' most invaluable sources, **Chelsea Manning**. While it fell short of a pardon, its effect was to modify the crushing sentence of 35 years imposed by a military tribunal for disclosing classified government information to WikiLeaks.

Last month, US **Reps. James McGovern** (D-Mass.) and **Thomas Massie** (R-Ky.) [penned a letter](#) to Biden approving the "resolution of the criminal case against" the WikiLeaks founder, thereby ending his "protracted detention", permitting him to return to Australia and be reunited with his family. But they expressed grave concerns "that the agreement that ended the case required Mr Assange to plead guilty to felony charges under section 793 of the Espionage Act". Doing so "set off alarms" among various members of Congress and

advocates of free speech and freedom of the press by setting “a precedent that greatly deepens our concern.” It was, fundamentally, “the first time the Act has been deployed against a publisher”.

The letter went on to note that section 793 of the Espionage Act had always posed a risk that it could be used against journalists and news organisations “particularly those who cover national security topics” as it “criminalizes the obtaining, retaining, or disclosing of sensitive information”. It was precisely that risk that “informed the Obama administration’s decision not to prosecute Mr Assange”. Accordingly, “a pardon would remove the precedent set by the plea”.

As for the prospects for an actual pardon from the Biden Whitehouse, one can hardly tell. Certainly, the president is in a frightful muddle after pardoning his own son Hunter for felony gun and tax convictions, an act of familial indulgence he said he would never succumb to. It was also complicated by its sheer broadness. In [his justification](#), Biden’s words struck a familiar note, largely because they could have come out of the mouth of his opponent and successor, Donald Trump. While he believed “in the justice system [...] I also believe raw politics has infected this process and it has led to a miscarriage of justice”.

CBS is [now reporting](#) that Biden is ruminating over the possibility of issuing various preemptive pardons for senior White House aides and members of the House Jan. 6 committee in anticipation of any retributive campaign that might be waged by the incoming Trump administration. Vermont **Senator Bernie Sanders** has also [publicly urged](#) the president to do the same. The president has [also granted clemency](#) to almost 1,500 individuals placed in home confinement during the COVID-19 pandemic, and pardoned 39 individuals convicted of non-violent crimes. Could all of this possibly make Biden mellow towards the man he once accused of high-tech cyberterrorism?

A pardon would go some way to thinning the toxic legacy Assange’s conviction under the Espionage Act, one that, by its very nature, signals a global warning to all publishers and journalists involved in exposing the crimes and misdemeanours of state. Assange was the first non-US national foreign publisher working outside the United States to be charged and convicted under that archaically oppressive law, ostensibly for injuring the national security of the US when exposing the identities of informants and sources.

Assange’s plea deal, much like his entire prosecution, is also imbued with farce and gross pantomime. Was former New York **Rep. Peter King** right [to claim](#), as he did in November 2010, that the WikiLeaks publications were “worse even than a physical attack on Americans”, worse, even, “than a military attack”? Not [according to](#) the Northern Mariana Islands Chief Judge, **Ramona V. Manglona**, presiding over the final proceedings facing the publisher.

“The government has indicated that there is no personal victim here. That tells me the dissemination of this information did not result in any known physical injury.”

If Biden is of the belief that raw politics infected the prosecution of his son, the shoddy case against Assange is even clearer. It was political, personal and misguided. Here was a vindictive effort, steered by characters of such clouded malevolence as former CIA director **Mike Pompeo** and an overzealous prosecution team in the Department of Justice, to punish a figure who had muddied the sanctimonious waters of the Imperial Republic. As he

has now assumed the mantle of pardoner-in-chief, Biden has a chance to bulk the folder and make history of the right sort.

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