

The Last Flurry: The US Congress and Australian Parliamentarians Seek Assange's Release

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On February 20, Julian Assange, the daredevil publisher of WikiLeaks, will be going into battle, yet again, with the British justice system – or what counts for it. The UK High Court will hear arguments from his team that his extradition to the United States from Britain to face 18 charges under the Espionage Act of 1917 would violate various precepts of justice. The proceedings hope to reverse the curt, impoverished decision by the remarkably misnamed Justice Jonathan Swift of the same court on June 6, 2023.

At this point, the number of claims the defence team can make are potentially many. Economy, however, has been called for: the two judges hearing the case have asked for a substantially shortened argument, showing, yet again, that the quality of British mercy tends to be sourly short. The grounds Assange can resort to are troublingly vast: CIA-sponsored surveillance, his contemplated assassination, his contemplated abduction, violation of attorney-client privilege, his poor health, the violation of free-speech, a naked, politicised attempt by an imperium to capture one of its greatest and most trenchant critics, and bad faith by the US government.

Campaigners for the cause have been frenzied. But as the solution to Assange's plight is likely to be political, the burden falls on politicians to stomp and drum from within their various chambers to convince their executive counterparts. In the US Congress, [House Resolution 934](#), introduced on December 13 by Rep. Paul A. Gosar, an Arizona Republican, expresses "the sense of the House of Representatives that regular journalistic activities are protected under the First Amendment, and that the United States ought to drop all charges against and attempts to extradite Julian Assange."

The resolution sees a dramatic shift from the punishing, haute view taken by such figures as the late Democratic Senator Dianne Feinstein, who was one of the first political figures [to](#)

[suggest that Assange be crucified](#) on the unsteady timber of the Espionage Act for disclosing US cables and classified information in 2010. The resolution acknowledges, for instance, that the disclosures by WikiLeaks “promoted public transparency through the exposure of the hiring of child prostitutes by Defense Department contractors, friendly fire incidents, human rights abuses, civilian killings, and United States use of psychological warfare.” The list could be sordidly longer but let’s not quibble.

Impressively, drafters of the resolution finally acknowledge that charging Assange under the Computer Fraud and Abuse Act (CFAA) for alleged conspiracy to help US Army intelligence analyst Chelsea (then Bradley) Manning access Defense Department computers was a fabled nonsense. For one, it was “impossible” – Manning “already had access to the mentioned computer”. Furthermore, “there was no proof Mr Assange had any contact with said intelligence analyst”.

Ire is also directed at the espionage counts, with the resolution noting that “no other publisher has ever been prosecuted under the Espionage Act prior to these 17 charges.” A successful prosecution of the publisher “would set a precedent allowing the United States to prosecute and imprison journalists for First Amendment protected activities, including the obtainment and publication of information, something that occurs on a regular basis”.

Acknowledgment is duly made of the importance of press freedoms to promote transparency and protect the Republic, the support for Assange, “sincere and steadfast”, no less, shown by “numerous human rights, press freedom, and privacy rights advocates and organizations”, and the desire by “at least 70 Senators and Members of Parliament from Australia, a critical United States ally and Mr Assange’s native country” for his return.

Members of Australia’s parliament, [adding to the efforts](#) last September to convince members of Congress that the prosecution be dropped, have also written to the UK Home Secretary, James Cleverly, requesting that he “undertake an urgent, thorough and independent assessment of the risks to Mr Assange’s health and welfare in the event that he is extradited to the United States.”

The members of the Bring Julian Assange Home Parliamentary Group [draw](#) Cleverly’s attention to the recent UK Supreme Court case of *AAA v Secretary of State for the Home Department* which found “that courts in the United Kingdom cannot just rely on third party assurances by foreign governments but rather are required to make independent assessments of the risk of persecution to individuals before any order is made removing them from the UK.”

It follows that the approach taken by Lord Justices Burnett and Holroyde in *USA v Assange* [2021] EWHC 3133 was, to put it politely, a touch too confident in accepting assurances given by the US government regarding Assange’s treatment, were he to be extradited. “These assurances were not tested, nor was there any evidence of independent assessment as to the basis on which they could be given and relied upon.”

The conveners of the group point to Assange’s detention in Belmarsh prison since April 2019, his “significant health issues, exacerbated to a dangerous degree by his prolonged incarceration, that are of very real concern to us as his elected representatives.” They also point out the rather unusual consensus between the current Australian Prime Minister, Anthony Albanese, and his opposition number, Peter Dutton, that the “case has gone on for too long.” Continued legal proceedings, both in the UK, and then in the US were extradition

to take place “would add yet more years to Mr Assange’s detention and further imperil his health.”

In terms of posterity’s calling, there are surely fewer better things at this point for a US president nearing mental oblivion to do, or a Tory government peering at electoral termination to facilitate, than the release of Assange. At the very least, it would show a grudging acknowledgment that the fourth estate, watchful of government’s egregious abuses, is no corpse, but a vital, thriving necessity.

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