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Assange: I Broke the Law But the Law Is Wrong

Julian Assange's plea deal with the United States was completed before a U.S. federal judge Wednesday on the U.S. possession of the Mariana Islands, reports Joe Lauria.



Assange on his flight to freedom from London. (WikiLeaks via X)

After formalizing his plea agreement with the United States at a U.S. federal court on the Mariana Islands Wednesday, Julian Assange flew to his native Australia, a newly liberated man.

The publisher and journalist, who did more than anyone in the past 20 years to expose U.S. crimes to a world saturated in U.S. propaganda obscuring them, will speak publicly for the first time since his release in Canberra, the Australian capital. He will give a press conference on Thursday.

This was the scene at the airport in Canberra when Assange arrived Wednesday night:

The Plea

Before Federal Judge Ramona Manglona on Wednesday at the court in Saipan, capital of the Northern Marianas, Assange pleaded guilty to a single charge of conspiracy to obtain defense information, a violation of the U.S. Espionage Act.

“With this pronouncement, it appears that you will be able to walk out of this courtroom a free man,” the judge said.

According to an account by Dow Jones news service in *The Australian*, Mangola asked Assange what he had done to violate the law.

“Working as a journalist, I encouraged my source to provide information that was said to be classified,” Assange replied. “I believed the First Amendment protected that activity, but I accept that it was a violation of the espionage statute.”

Assange then significantly added: “The First Amendment was in contradiction with the Espionage Act, but I accept that it would be difficult to win such a case given all these circumstances.” In other words, I broke the law but the law as written is wrong.

Assange touched on the unconstitutionality inherent in the 1917 Espionage Act in that it criminalizes possession and dissemination of defense information, which conflicts with a journalist’s First Amendment rights to obtain and publish such material.

Technically, Assange was right. His actions, as those of any journalist obtaining and publishing classified information, did violate the Espionage Act because the act contains no exception for journalists.

“Mr. Assange was not going to agree to any disposition of this case that required him to accept allegations that are simply not true,” Barry Pollack, Assange’s U.S. lawyer, told reporters outside the courthouse in Saipan. He explained:

“Mr. Assange did not plead guilty to and would not plead guilty to 17 counts of the Espionage Act, computer hacking. There was a very narrow agreed upon set of facts here and Mr. Assange acknowledges that of course he accepted documents from Chelsea Manning and published many of those documents because it was in the world’s interest that those documents be published. Unfortunately that violates the terms of the Espionage Act.

That’s what we acknowledge today. Mr. Assange also said clearly he believes there should be First Amendment protection for that conduct, but the fact of the matter is, as written, the Espionage Act does not have a defense for the First Amendment.

What he acknowledged is what he has to acknowledge which is true and nothing that he should be ashamed of: Yes he received classified information from Chelsea Manning and he published that information.”

Assange was the first journalist to be indicted under the Espionage Act, though there were two prior attempts by U.S. administrations.

The Franklin D. Roosevelt Justice Department failed to get a grand jury’s indictment against *The Chicago Tribune* in 1943 and Richard Nixon’s attempt to indict *New York Times* reporters for the Pentagon Papers fell apart after prosecutorial misconduct in the case against the *Times*’ source, Daniel Ellsberg.

The unconstitutionality of the Espionage Act in its conflict with the First Amendment needs to be challenged in court.

[For details see: *How US Official Secrets Act Ensnared Julian Assange*]

Agrees to Destroy ‘Information’?

The Australian’s court reporter in Saipan, Mark Rabago, wrote:

“The court heard that Julian Assange must instruct WikiLeaks to destroy the information and provide an affidavit that he has done so and the US lawyers are satisfied that he has done this. Assange told the judge he had read ‘at great length’ and signed the plea agreement while at London’s Stansted airport on June 24.”

If the court heard this, why is it not being more widely reported? Al Jazeera said: “As a condition of his plea, he will be required to destroy information that was provided to WikiLeaks.”

But it is missing from many other courtroom accounts, such as from CNN, the AP, *The Wall Street Journal* and *The New York Times*. As of early Wednesday morning, the files provided to WikiLeaks by Manning are still on the site.

A lot remains unclear. First, what information is being referred to? Is it even technically possible to do, given that WikiLeaks is mirrored on many servers around the world? So many documents have also been copied and written about for more than a decade now.

Joe Lauria is editor-in-chief of Consortium News and a former U.N. correspondent for The Wall Street Journal, Boston Globe, and other newspapers, including The Montreal Gazette, the London Daily Mail and The Star of Johannesburg. He was an investigative reporter for the Sunday Times of London, a financial reporter for Bloomberg News and began his professional work as a 19-year old stringer for The New York Times. He is the author of two books, A Political Odyssey, with Sen. Mike Gravel, foreword by

Daniel Ellsberg; and *How I Lost By Hillary Clinton*, foreword by Julian Assange.

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By Joe

Lauria

Aboard Flight CX111 en route to Canberra, Australia

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