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In an unprecedented move, the Justice Department has indicted WikiLeaks founder Julian Assange on 17 charges of violating the Espionage Act for his role in publishing U.S. classified military and diplomatic documents exposing U.S. war crimes in Iraq and Afghanistan. The documents were leaked by U.S. Army whistleblower Chelsea Manning. The Espionage Act of 1917 has never been used to prosecute a journalist or media outlet. The new charges come just over a month after British police forcibly removed Assange from the Ecuadorean Embassy in London, where he took asylum in 2012. Initially the Trump administration indicted Assange on a single count of helping Manning hack a government computer, but Assange faces up to 170 additional years in prison under the new charges—10 years for each count of violating the Espionage Act. We speak with Jennifer Robinson, an attorney for Julian Assange. "It is a grave threat to press freedom and should be cause for concern for journalists and publishers everywhere," Robinson says.

**AMY GOODMAN:** In an unprecedented move, the Justice Department has indicted WikiLeaks founder Julian Assange on 17 charges of violating the Espionage Act for his role in publishing U.S. classified military and diplomatic documents exposing U.S. war crimes in Iraq and Afghanistan. The documents were leaked by Army whistleblower Chelsea Manning. The Espionage Act of 1917 has never been used to prosecute a journalist or media outlet. The new charges come just over a month after British police forcibly removed Assange from the Ecuadorean Embassy in London, where he took asylum in 2012. Initially, the Trump administration indicted Assange on a single count of helping Manning hack a government computer. But Assange faces up to 170 years in prison under the new charges—10 years for each count of violating the Espionage Act.

Press freedom advocates have denounced the new charges. Ben Wizner of the American Civil Liberties Union said, quote, "For the first time in the history of our country, the government has brought criminal charges against a publisher for the publication of truthful information. This is an extraordinary escalation of the Trump administration's attacks on journalism and a direct assault on the First Amendment." Joel Simon, the head of the Committee to Protect Journalists, said, quote, "Press freedom in the United States and around the world is imperiled by this prosecution." The legendary journalist Seymour Hersh told *The New York Times*, quote, "Today Assange. Tomorrow, perhaps, *The New York Times* and other media that published so much of the important news and information Assange provided," unquote.

Assange is being held in a British jail but faces extradition to both the United States and Sweden, where authorities have reopened an investigation into sexual assault charges.

Later in the broadcast, we'll be joined by Pentagon Papers whistleblower Daniel Ellsberg, who was charged under the Espionage [Act] in 1973, and the award-winning national security journalist Jeremy Scahill of *The Intercept*. But first we go to London, where we're joined by Jennifer Robinson, an attorney for Julian Assange.

First, Jen, can you start off by talking about these new charges, the possibility that if Julian Assange were extradited to the United States, he could face 170 years in jail?

**JENNIFER ROBINSON:** As you said, these are unprecedented charges. Since 2010, we've been warning about this very possibility. The Obama administration opened this criminal investigation in 2010, and we've been warning since then that any prosecution under the Espionage Act would be a direct attack on the First Amendment and all media organizations, in a precedent that could be used against journalists and publishers everywhere. Since the Trump administration came to power, they've been more aggressively pursuing the investigation, and the outcome is this indictment overnight.

It is a grave threat to press freedom and should be cause for concern for journalists and publishers everywhere, because, of course, Julian Assange is not American. Everything that he did was outside of the United States. So this is a concern for all journalists and publishers anywhere in the world who are publishing truthful information about the United States.

**AMY GOODMAN:** The United States has the death penalty. What does this mean for Assange? And what agreement did the Ecuadorean government make with the British authorities, who removed Julian Assange from the embassy, where he had political asylum for the last almost seven years?

**JENNIFER ROBINSON:** Of course, the reason Julian went into the embassy in the first place was to protect himself from extradition to the United States to face prosecution, not in relation to the death penalty. But the asylum that was granted was to protect him from this very

outcome. Publishers, for publishing truthful information, should not be facing criminal prosecution at all.

The U.K. government has given an assurance against extradition to the death penalty. The U.K. does not typically extradite to the death penalty in any event. But that assurance does not cover off his extradition to the United States. And that's what we've been asking for, for a long time. It is not right or appropriate that a publisher should face criminal prosecution in this way. And 170 years, certainly a very long time in prison, is, for a publisher who has won journalism awards—he's won the Sydney Peace Prize, journalism awards the world over—for having revealed government wrongdoing, human rights abuse, war crimes—this is a direct attack on the press and democracy itself.

**AMY GOODMAN:** Can you explain what espionage means, what exactly Julian Assange faces?

**JENNIFER ROBINSON:** Well, if you look at the indictment, while it is the Espionage Act, it's publishing classified information damaging to the United States. But if you look at the indictment and the way in which it's been described, effectively what this is, is a journalist and a publisher having conversations with a source about what information is available, and discussing with that source publishing the information. This is what journalists do, investigative journalists do, all the time. It is criminalizing the investigative journalism process and will place a massive chill on national security journalism in the United States and elsewhere around the world.

**AMY GOODMAN:** I want to turn to the late Michael Ratner, who served for many years as an attorney for Julian Assange. He was the former head of the Center for Constitutional Rights. This was Michael [speaking](#) to *Democracy Now!* in 2012 about the Espionage Act.

**MICHAEL RATNER:** I think there's a serious question whether someone like Julian Assange, who is not a U.S. citizen, can be indicted under the Espionage Act. What duty does Julian Assange owe the United States vis-à-vis the Espionage Act? If I, tomorrow, surface documents that had to do with the Soviet Union, or Russia, rather, and what it's doing in Chechnya, that were classified, could Russia actually get my extradition from the United States because I put out classified documents belonging to Russia? I don't think so. But that would be—if they

actually have an indictment and if they go after Julian Assange in the way that so far they've indicated they want to, that will certainly be an important issue. What duty did Julian Assange owe to the United States?

**AMY GOODMAN:** I want to turn now to an [interview](#) I did with Julian Assange in 2012. I visited him in the Ecuadorean Embassy—oh, this is when he was speaking on Skype to us, when he talked, himself, about the Espionage Act.

**JULIAN ASSANGE:** The new interpretation of the Espionage Act that the Pentagon is trying to hammer in to the legal system, and which the Department of Justice is complicit in, would mean the end of national security journalism in the United States, and not only the United States, because the Pentagon is trying to apply this extraterritorially. Why would it be the end of national security journalism? Because the interpretation is that if any document that the U.S. government claims to be classified is given to a journalist, who then makes any part of it public, that journalist has committed espionage, and the person who gave them the material has committed the crime, communicating with the enemy.

**AMY GOODMAN:** So, that was Julian Assange speaking to us a few years ago. This is John Demers, the head of the Justice Department's National Security Division, briefing reporters on Thursday about the new charges against Julian Assange. He said, quote, "Some say that Assange is a journalist and that he should be immune from prosecution for these actions. The department takes seriously the role of journalists in our democracy and we thank you for it. It is not and has never been the department's policy to target them for reporting. But Julian Assange is no journalist," he said. Your response, Jennifer Robinson?

**JENNIFER ROBINSON:** If the Department of Justice is concerned about journalism, then they ought to be concerned about the precedent this sets and the impact it will have on all American journalists. Michael Ratner was absolutely correct in making the points that he made, and I think that is the concern. It's not even just a concern about journalists in the United States, but what this precedent says about the Department of Justice exercising extraterritorial jurisdiction over journalists and publishers outside of the country for having published this information. As Michael rightly pointed out, what would it mean if Russia or China was starting to seek the extradition of American journalists for having published Chinese or Russian secrets? This is an incredibly serious precedent. And for the Department of Justice to suggest that this won't be used by the Trump administration against other media organizations and journalists, I think, is naive at best.

**AMY GOODMAN:** Jennifer Robinson, Ecuador has seized some of WikiLeaks founder Julian Assange's possessions, left behind when the British authorities took him out of the embassy. WikiLeaks says that Ecuador is allowing U.S. prosecutors to help themselves to Assange's belongings. Is this the case?

**JENNIFER ROBINSON:** Ecuador did receive a request from the United States to seize control over WikiLeaks property that was inside the embassy and Julian's property inside the embassy. Ecuador has provided that. We are very concerned, both about the fact that Ecuador has allowed their embassy staff to be questioned by U.S. prosecutors and now handing over this material. In circumstances where there is no chain of custody, we don't know who has been into the embassy and who has accessed that room, accessed the belongings. So, it raises serious concerns about our ability to defend ourselves and defend him in this case, and serious concerns about the nature of the evidence and the process by which it was obtained.

**AMY GOODMAN:** Now, what about Sweden also reviving, reopening their case, their allegations of rape against Julian Assange, when they had dropped all of the charges, both of sexual assault and rape before? What does this mean, Sweden calling for the extradition also of Julian Assange?

**JENNIFER ROBINSON:** First, of course, he's never been charged in Sweden. And this is the third time that a different prosecutor has reopened this investigation, after it has been closed. It was first closed in 2010 because the first prosecutor said there wasn't evidence of any crime. It was reopened again by a prosecutor who dragged it out for years despite our offers to cooperate. After finally questioning Julian inside the embassy, that case was dropped. The entire matter was dropped again. And now we have, now that he's in prison here, a third prosecutor reopening the case, over a decade. This is, by any stretch, an abuse of process. He has always been willing to answer those allegations. He has given his testimony. And it's time that that matter is determined once and for all.

Of course, now there is a serious question that will arise here in the U.K. as to which of the requests, if Sweden does seek his extradition—they've only reopened the criminal investigation and will have to make a decision about whether to seek his extradition. But if they do, it raises questions about which extradition request will take precedence. As you can see, Julian Assange is going to be in a—~~is in a~~ very difficult position with respect to both extradition requests.

**AMY GOODMAN:** And which one takes precedence, U.S. or Sweden? And if Sweden were to extradite him—and again, you just said he actually has never officially been charged, even now, with rape or sexual assault. They are reopening the investigation, and that's been going on for years. If he were extradited to Sweden, his original concern was that he would then be extradited to the United States. Do you still fear this?

**JENNIFER ROBINSON:** Of course. That was the reason he sought asylum in the first place, is that we were seeking assurances from Sweden that if he were to return to Sweden to face any potential process there with respect to those allegations, that he would not be sent to the United States. Sweden refused to give that assurance. The Australian government—he's an Australian citizen—refused to request that assurance. The Ecuadorean government, once he got asylum inside the embassy, also sought that assurance from Sweden, and they refused to give it.

Now we're in a situation where we have an indictment on the record from the United States, and it will be a matter for the home secretary here to determine, if Sweden also requests his extradition, which of those two cases will take precedence. We are, of course, concerned about the risk that he will face if he goes back to the United States. And it will raise massive free speech questions, irrespective of whether he goes to Sweden first or not.

**AMY GOODMAN:** Jennifer Robinson, how is Julian doing in prison? He was in the Ecuadorean Embassy for almost seven years, taken out by British authorities. Where is he currently jailed, and how is he?

**JENNIFER ROBINSON:** He's currently imprisoned in Belmarsh Prison in South East London, which is a high-security prison here in the U.K. We were very concerned about his health at the time he was forcibly removed from the embassy. He had been denied medical treatment for more than seven years. We are concerned it's had a permanent impact upon his health. We've recently had a visit from the U.N. special rapporteur on torture, who came with medical experts to assess his health inside the prison. And I am very concerned about the ongoing health issues that he has and whether he's getting adequate medical treatment here within the British prison system. He's finding it very difficult. He's very isolated.

And I think the prospect of a very long extradition fight and potential extradition to the United

States is a real concern. But, of course, he is resolved to fight this, as he said at his first extradition hearing. He refused to consent to extradition to the United States, because he would not be extradited for doing journalism. And this case raises—as we've seen from the free speech groups that have come out overnight, this case raises fundamental questions of free speech, which is why he is resolved to absolutely fighting this extradition.

**AMY GOODMAN:** Finally, as we speak today, it's just been a few hours since the British Prime Minister Theresa May announced she is resigning. Will that make a difference in Julian's case?

**JENNIFER ROBINSON:** It remains to be seen who will become the prime minister after Theresa May's resignation. We've already seen, from the leader of the opposition here, Jeremy Corbyn, say that the British government should not extradite Julian to the United States to face prosecution for having revealed war crimes. So I think there would need to be a change of government here to see the British government positions change, because the Conservative government has made very clear their position on this and that it's a matter for the British courts, but have not said that they would prevent any extradition if it were ultimately ordered. So, really, it depends what happens. And we've still got a very long extradition fight ahead of us.

**AMY GOODMAN:** Do you think if Jeremy Corbyn were to ascend to the prime ministership, that he could free Julian Assange?

**JENNIFER ROBINSON:** Of course, it is a matter for the courts, but the British government retains the discretion, ultimately, about whether to extradite a person or not. And if Jeremy Corbyn came to power, he has already said, made clear, in a public statement and through the the shadow home secretary, Diane Abbott, that Julian Assange ought not be extradited to the U.S. for publishing truthful information and for revealing war crimes. So, it remains to be seen what would happen if he came to power and where Julian was in the extradition process at that time, but it is a possibility.

**AMY GOODMAN:** And finally, explain the sentence he is now serving and what will happen after that sentence.

**JENNIFER ROBINSON:** He has been convicted of a bail offense for having sought asylum

when he did, going into the embassy. He was given a sentence of 50 weeks, which he's currently serving in Belmarsh Prison. And the extradition process will carry on shortly. The U.S. issued a provisional warrant back in April, when he was first arrested. Now that there's an additional indictment, we are expecting a new extradition request that will include those additional charges. And the extradition process will begin. Fighting extradition with respect to the United States can take anywhere between one and three years. So, this is the beginning of, like I said, what will be quite a long process.

**AMY GOODMAN:** Do you think that U.S. press has come out strongly enough? Today, *The New York Times*

, in an

[editorial](#)

, said, "It is a marked escalation in the effort to prosecute Mr. Assange, one that could have a chilling effect on American journalism as it has been practiced for generations. It is aimed straight at the heart of the First Amendment."

**JENNIFER ROBINSON:** I think it's very important that *The New York Times* and other major media organizations come forward and speak about this principle and stand against this prosecution, because, as you've rightly pointed out, this will have a chilling impact on all media organizations and is a cause for concern that the precedent that is being set by the Trump administration could be used against

*The New York Times*

and other media organizations. We've been saying, since 2010, that the media needs to get behind WikiLeaks, and they need to acknowledge that any prosecution would set that precedent and cause them risk. Finally, we're seeing an acknowledgment of that. And I hope that we will see that continue as this fight goes on.