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The Espionage Act charges filed against Julian Assange mark just the latest attempt by the Trump administration to criminalize journalism and whistleblowers. Army whistleblower Chelsea Manning is back in jail for refusing to testify before a grand jury. Two weeks ago, drone whistleblower Daniel Hale was arrested in Tennessee. We air a new video by The Intercept titled “Why You Should Care About Trump’s War on Whistleblowers,” featuring Jeremy Scahill. We also speak to Scahill and Pentagon Papers whistleblower Daniel Ellsberg about how the corporate media has failed to stand up for Assange and others.

AMY GOODMAN: This is *Democracy Now!* I’m Amy Goodman, as we continue to look at the Justice Department’s unprecedented decision to indict WikiLeaks founder Julian Assange for violating the Espionage Act. We turn now to a new video produced by

The Intercept

titled “Why You Should Care About Trump’s War on Whistleblowers.” It features

Intercept

co-founder Jeremy Scahill, who will join us after this video.

JEREMY SCAHILL: On June 16th, 1918, the prominent socialist labor leader Eugene Debs delivered a speech in Canton, Ohio. And in that speech, Debs argued against U.S. involvement in World War I, and he praised activists who had been organizing against the military draft or had been convicted of sedition. At the time, Debs was one of the most prominent socialists in the United States, and his speech came on the heels of the Russian revolution and the rise of global socialist and communist movements.

EUGENE DEBS: [read by Mark Ruffalo] The working class who fight all the battles, the working calls who make the supreme sacrifices, the working class who freely shed their blood and furnish their corpses, have never yet had a voice in either declaring war or making peace.

JEREMY SCAHILL: Soon after Debs delivered that speech, he was arrested and charged

under a new law in the U.S. that had passed just a year earlier. It was called the Espionage Act. Debs and his lawyers argued that his antiwar speech was protected by the First Amendment to the Constitution. They lost. And Debs was sentenced to 10 years in prison. The case eventually went to the U.S. Supreme Court, where the justices voted unanimously to uphold his conviction. “I believe in free speech, in war as well as in peace,” Debs told the jury during his trial. “If the Espionage Law stands, then the Constitution of the United States is dead.”

Congress eventually amended parts of that act, but the thrust of the law has remained in effect to this day. Anarchist Emma Goldman was also prosecuted under the act. Julius and Ethel Rosenberg were executed after being convicted under the law.

Throughout its history, the Espionage Act has been used as a weapon to attack free speech and dissent. And then came the Pentagon Papers case, where the government charged the whistleblower Daniel Ellsberg under the Espionage Act. He faced more than a hundred years in prison.

DANIEL ELLSBERG: How can you measure the jeopardy that I’m in, whether it’s 10 years, 20 years, 115 years—rather ludicrous amounts like that—to the penalty that has been paid already by 50,000 American families here and hundreds of thousands of Vietnamese families.

JEREMY SCAHILL: The charges were ultimately dismissed in 1973, mostly because of rampant misconduct and illegal surveillance by the Nixon administration. But it was this model, developed by Nixon’s Justice Department, that would be passionately adopted decades later as the weapon of choice of President Barack Obama to wage attacks on journalistic sources and journalism.

PRESIDENT BARACK OBAMA: Since I’ve been in office, my attitude has been zero tolerance for these kinds of leaks and speculation.

JEREMY SCAHILL: Obama's Justice Department indicted eight journalistic sources under the Espionage Act—more than all U.S. presidents before him combined. Among these cases was U.S. Army whistleblower Chelsea Manning, former CIA officer Jeffrey Sterling, National Security Agency whistleblower Thomas Drake and NSA whistleblower Edward Snowden. In some of these cases, people were sentenced to lengthy prison terms. In others, the government ruined the lives of the targets.

PRESIDENT DONALD TRUMP: We're going to find the leakers. We're going to find the leakers. They're going to pay a big price for leaking.

JEREMY SCAHILL: And then Donald Trump takes power and immediately begins using the playbook refined and sharpened by his predecessor, President Obama. Donald Trump is now surpassing Obama's eight-year record in just over two years in office. The first case Trump brought was against Reality Winner, who was accused of leaking a top-secret document to a news organization. That NSA document related to alleged Russian intelligence operations aimed at breaching software systems used in some U.S. voting systems. And then FBI agent Terry Albury was indicted for allegedly leaking information about FBI surveillance and informant operations to a news organization.

The government did not name the media outlet in these cases, but other news organizations attributed the reporting to *The Intercept*. And then, in early May, came the arrest of another alleged whistleblower: Daniel Everett Hale. The Justice Department is accusing Hale of leaking documents on the global assassination program and drone programs run by the Obama administration. This indictment also does not name a news organization, but Trump administration officials, in leaks to news organizations, have claimed that it's *The Intercept*.

I want to be clear here: Nothing I say here should be understood as discussing the specifics of the Hale case. And *The Intercept* does not discuss confidential sources or alleged sources, whoever they are. But I want to state the following: Whoever provided documents for *The Intercept*

's reporting on U.S. assassination operations should be viewed as a hero who did a major public service at immense personal risk. This whistleblower provided the most detailed account ever published of what amounts to a secret legal system wherein the president of the United States and his advisers make lists of people to kill, including U.S. citizens who have not been charged with crimes.

These documents we published showed that at times as many as 9 out of 10 people that the U.S. kills in its so-called targeted assassinations are not the intended target. They revealed how the watch-listing system has spiraled out of control and how U.S. citizens have no right to know if or why they are on watch lists or kill lists. This was an extremely important and brave moment in the history of the post-9/11 secrecy and mass killing operations and the fight against them. Back in 2015, I [discussed](#) this on *Democracy Now!*

JEREMY SCAHILL: This government has been relentless in its pursuit of people of conscience who blow the whistle, and has characterized them as traitors and spies, and, in the process, has criminalized the ability to do independent journalism that is meant to hold them accountable, the government accountable.

JEREMY SCAHILL: We are at an extremely dangerous moment in the history of this country. Donald Trump is using the same rhetoric used by Nazi officials in 1930s and '40s to attack the press. He said he wants to jail journalists who publish stories he doesn't like. And he's wielding the Espionage Act like a chainsaw against journalistic sources. What makes it all so much worse is that it was the constitutional law scholar and Trump predecessor, Barack Obama, who teed Trump up, who laid the groundwork, who blazed the trail for this extremely deranged and dangerous man currently occupying 1600 Pennsylvania Avenue.

But look at the way these stories are covered in the broader media. With a few notable exceptions, the lack of solidarity or just basic understanding of how dangerous these cases are is just largely absent. Instead there are attacks on the news organizations or the reporters. For

all of the talk of how dangerous Trump is to a free press, why hasn't the Reality Winner case been covered more extensively? Why is a CNN reporter losing credentials a national scandal, and threatening alleged whistleblowers with 50 years in prison is a non-story?

My colleague James Risen knows a lot about the Espionage Act. He fought the Bush and Obama administrations for some seven-odd years when they tried to force him to testify against an alleged source being prosecuted under the act. Recently, Jim was on *Democracy Now!* [discussing](#)

how many media organizations cover these cases.

JAMES RISEN: I think that's a fundamental flaw in the way the press covers these things, is that they look at it as a crime rather than as an attack by the Justice Department on the press in the United States, which is what this is.

JEREMY SCAHILL: Daniel Everett Hale is facing a half a century in prison for his alleged crime of blowing the whistle on a secret assassination program that regularly resulted in the killing of civilians, including an American teenager. None of this is about espionage. And it should be clear to every journalist in this country, to every person of conscience, that what this prosecution is about is threatening anyone who even thinks of leaking, say, a Trump tax return. This is about criminalizing journalism. It's about increasing the secrecy and decreasing the transparency. It's an assault on the very idea of a democratic society. At these moments, silence is complicity. Everyone should care about what happened to Reality Winner and what's happening again to Chelsea Manning and what's happened to Edward Snowden and, yes, what's happening to Julian Assange. And we should all care what happens to Daniel Hale.

This is a precedent-setting moment, not just legally, but morally, because this is not the end. This is the beginning. And they will eventually come for other news organizations, or they will scare media outlets from doing high-stakes national security reporting. It doesn't matter what you think of any of these individual whistleblowers. It doesn't matter what you think of *The Intercept*.

But it does matter that we all recognize that this is an attack on our basic rights to information about what the U.S. government does in our names and with our tax dollars. It matters that people who blow the whistle on crimes and war crimes be defended and not abandoned or

portrayed as violent criminals or traitors. All of us must ask ourselves where we stand. History will remember our answers.

AMY GOODMAN: “Why You Should Care About Trump’s War on Whistleblowers,” a new video by *The Intercept* featuring Jeremy Scahill, co-founder of *The Intercept*, who’s joining us now live in studio, host of the weekly podcast *Intercepted*

. Also with us, Pentagon Papers whistleblower Daniel Ellsberg. So, Jeremy, you did this video before these new charges of espionage were brought against Julian Assange, for which he could face more than 170 years in prison.

JEREMY SCAHILL: Yeah. And I think it’s so important to remind people that Chelsea Manning, the whistleblower in this case, is again in prison. Why is she in prison? She’s in prison indefinitely right now for her refusal to participate in a grand jury proceeding that had at its center an attempt by the Trump Justice Department to criminalize national security journalism. You know, a lot of people will tweet and say, “Oh, Trump is attacking the free press. We need to stand up against this.” Who stood up against it and already has paid a price? Chelsea Manning. Chelsea Manning was put in prison for 62 days for her refusal to participate in the recent grand jury. Then she was dragged in front of a new grand jury and said, “I refuse to participate in this.” And Chelsea Manning launched an all-out attack on the grand jury system, in general, but also has talked about this in the context of a war on press freedom. Everyone who believes, as *The New York Times* has now come out and said, as other journalists are, that this is an assault on press freedom should be demanding that the ongoing persecution of Chelsea Manning end immediately and that she should be released from prison.

Look what’s happened, Amy. Trump is trying to run the deck on this. They are digging up old cases. They are trying to throw the book at anyone who does critical national security reporting. This isn’t about Julian Assange 2016, the election, Sweden. This is about a war on the press. And it was a huge, fatal mistake that major news organizations refused to stand up when they started coming for WikiLeaks and Chelsea Manning in 2010. Huge mistake. They owe some of the responsibility for this.

AMY GOODMAN: I want to read Army whistleblower Chelsea Manning’s statement that she just released from jail on Thursday. She said, “This administration describes the press as the opposition party and an enemy of the people. Today, they use the law as a sword, and have shown their willingness to bring the full power of the state against the very institution intended to shield us from such excesses.” Those are the words of Chelsea Manning, speaking to us

from jail.

JEREMY SCAHILL: And again, every media organization in this country should be demanding the dropping of the charges against Assange, particularly the Espionage Act charges, and the freedom of Chelsea Manning.

In the other case that recently happened here—let's remember, the Trump Justice Department, under Jeff Sessions, the first indictment that they issued was against Reality Winner, allegedly for leaking a document that was dealing with Russian military attacks, or attempted attacks, on U.S. software systems used to service the elections. Then they go after Terry Albury, an African-American FBI agent in Minnesota, on charges that he leaked information about their neo- COINTELPRO-type operations, about the informant system and how they set people up. And then there was a BuzzFeed source that was indicted. There was a Senate staffer who they went after.

Trump now is blasting through Obama's horrid record of eight journalistic sources charged under the Espionage Act. But this happens in the context, too, of William Barr, who is an obsessive-compulsive addict of the unitary executive, the notion that the executive branch should be a dictatorship when it comes to national security policy. They are going after people who blew the whistle on war crimes.

And for the news organizations that were publishing and selling their papers based on the risks that Chelsea Manning took, based on the risks that Julian Assange took, waited far too long. Far too long. You know the famous speech that was given about, you know, when they came for the socialists, I didn't speak up because I wasn't a socialist. When they came for WikiLeaks was not yesterday, Amy. When they came for WikiLeaks started in 2010. And where was the outrage?

AMY GOODMAN: I want to go back to 2017, when Mike Pompeo talked about WikiLeaks. This wasn't when he was secretary of state, but this was in his first address as CI
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director.

MIKE POMPEO: WikiLeaks walks like a hostile intelligence service and talks like a hostile intelligence service. It has encouraged his followers to find jobs at the CIA in order to obtain intelligence. It directed Chelsea Manning in her theft of specific secret information. It overwhelmingly focuses on the United States, while seeking support from anti-democratic countries and organizations. It's time to call out WikiLeaks for what it really is: a nonstate, hostile intelligence service, often abetted by state actors like Russia.

AMY GOODMAN: Yes, that's, at the time, CIA Director Pompeo. Now he's secretary of state. Dan Ellsberg, your response, and what it means to talk about WikiLeaks in this way for Julian Assange?

DANIEL ELLSBERG: Why is it Julian Assange selected by this administration as the first target in our national history and the first target in a hundred years of the Espionage Act to use that act against a journalist? Because he is not regarded with liking by very many people. He's a ripe fruit here to be collected, because a lot of journalists are mad at him because of his actions in 2016—which, by the way, I'm not happy about, either. The reason for many people to hate, even, Julian Assange—not me—is that his actions appeared and seemed to be even motivated by a desire to help Donald Trump in the election. That's a serious charge for anybody. It's like all of those at Fox News or Stephen Bannon. The fact is, I would be making the stand I am now, against extraditing Julian Assange or prosecuting him under the Espionage Act, which means he could not get a fair trial as a whistleblower or journalist any more than any of the others who have been subject to that. All the ones before the recent ones, that Jeremy Scahill mentioned, I have met. I made an effort to meet them. As whistleblowers, I like them, I respect them, I identify with them.

And I have warned the press, as I've said, for all: You're not going to end with whistleblowers; this is going to go after you. Why hasn't the press come out before? Because, frankly, they didn't feel it was pointing at them. It was at their sources. The only real commitment, I've discovered, they feel to their sources is not to reveal their name, not to help them in their trial, even by comprehensive and fair coverage of it in any way. But now this is them. If Stephen Bannon or Fox News was sitting facing the charges that he is facing, that Julian Assange is facing now, facing the possibility of extradition, whether they were American or not, I would be defending them with the same words and the same vehemence as I do right now Julian Assange, because our press freedom is at stake.

AMY GOODMAN: Jeremy, 30 seconds, and I also want to talk about the content of what Julian Assange released.

JEREMY SCAHILL: Julian Assange released evidence, very clear evidence, of U.S. war crimes, including the murder of Reuters journalists and civilians, duplicity, dirty tricks around the world on the part of the U.S. government. I agree with Dan. And I just want to say, it's actually irrelevant whether Julian Assange—whether you think Julian Assange is a journalist. The First Amendment does not just cover freedom of the press. It's all of our rights. And this is not just about press freedom. This is about a democratic society and a major frontal assault on our basic liberties and free speech.