

From [Democracy Now](#) | Original Article

As the Justice Department charges WikiLeaks founder Julian Assange with 17 counts of violating the Espionage Act, we speak to Pentagon Papers whistleblower Daniel Ellsberg. In 1971, he was charged with violating the Espionage Act for leaking a top-secret report on U.S. involvement in Vietnam to *The New York Times* and other publications. At the time, Ellsberg faced over 100 years in prison. He tells *Democracy Now!*, “There hasn’t actually been such a significant attack on the freedom of the press ... since my case in 1971.”

**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 on 17 charges of espionage for publishing U.S. military and diplomatic documents exposing U.S. war crimes. Assange faces up to 170 years in prison.

We’re joined now by Pentagon Papers whistleblower Daniel Ellsberg. He was charged in the early ’70s with violating the Espionage Act for leaking a top-secret report on U.S. involvement in Vietnam to *The New York Times* and other publications. Ellsberg faced over 100 years in jail. He was a military analyst who worked with the Pentagon and the RAND Corporation. Daniel Ellsberg joins us now from Berkeley, California.

Dan, welcome back to *Democracy Now!* Your response to this unprecedented series of charges against Julian Assange?

**DANIEL ELLSBERG:** Well, Amy, I was sitting here listening to your stunning litany of events that are going on now in the country. You started out with mentioning Prime Minister May’s, in Britain, efforts, long efforts, and the failure of her efforts to exit from the European Union, from Brexit. And it made me think of the other news you were giving of President Trump’s two years’ effort to exit from the American Constitution. You mentioned the 14th Amendment that’s under attack.

Yesterday is a day that will be—live in the history of journalism, of law in this country and of

civil liberties in this country, because it was a direct attack on the First Amendment, an unprecedented one. There hasn't actually been such a significant attack on the freedom of the press, the First Amendment, which is the bedrock of our republic, really, our form of government, since my case in 1971, 48 years ago. But this is—I was indicted as a source. And I warned newsmen then that that would not be the last indictment of a source, if I were convicted. Well, I wasn't convicted. The charges were dropped on governmental misconduct. And it was another 10 years before anybody else faced that charge under the Espionage Act again, Samuel Loring Morison. And it was not until President Obama that nine cases were brought, as I had been warning for so long.

But my warning really was that it wasn't going to stop there, that almost inevitably there would be a stronger attack directly on the foundations of journalism, against editors, publishers and journalists themselves. And we've now seen that as of yesterday. That's a new front in President Trump's war on the free press, which he regards as the enemy of the people.

**AMY GOODMAN:** And the Trump administration saying Julian Assange is not a publisher, is not a journalist, that's why he is not protected by the First Amendment?

**DANIEL ELLSBERG:** In the face of this new indictment, which—and let me correct something that's been said just a little wrong by everybody so far. He doesn't just face 170 years. That's for the 17 counts on the Espionage Act, each worth 10. Plus, he's still facing the five-year conspiracy charge that he started out with a few weeks ago. I was sure that the administration did not want to keep Julian Assange in jail just for five years. So I've been expecting these Espionage Act charges. I really expected them later, after he was extradited, because adding them now makes it a little more complicated for Britain to extradite him now, as I understand it. They're not supposed to extradite for political offenses or for political motives, and this is obviously for both political motives and political offenses. So, from Julian Assange's point of view, it makes extradition a little more difficult.

Why then did they bring it right now? Well, coming back to the case, by the way, that I faced, I faced only 11 [Espionage] Act charges, each worth 10 years in prison, plus a conspiracy charge worth five. So I was facing exactly 115 years in prison. He's facing exactly 175. Now, that's not a difference that makes any difference. In both cases, it's a question of a life sentence.

I think that the reason they brought these charges so soon, because they had until June 12th,

was to lay out—the necessity to lay out for extradition all the charges they plan to bring. And I don't assume these are the last ones. They've got a couple weeks left to string up some new charges.

They started out with a charge that made Julian look something other than a normal journalist. The help to hacking a password sounded like something that, even in the Digital Age, perhaps most journalists wouldn't do, and that would hope to separate him from the support of other journalists.

In this case, when they had to lay out their larger charge, this is straight journalism. They mention, for instance, that he solicited investigative material, he solicited classified information—terribly, he didn't just passively receive it over the transom. I can't count the number of times I have been solicited for classified information, starting with the Pentagon Papers, but long after that, and that's by every member of the responsible press that I dealt with—the *Times*, the *Post*, AP, you name it. That's journalism. So, what they have done is recognizable, I think, this time to all journalists, that they are in the crosshairs of this one. They may not have known enough about digital performance to help a source conceal her identity by using new passwords, as Julian was charged with. They may not be able to do that. But every one of them has eagerly received classified information and solicited it.

So, every journalist—and not only in this country and not only at the federal level—already, Brian Carmody in San Francisco has had his house broken into with sledgehammers to get all his material, looking for his source, in a local dispute. Daniel Hale, NSA, has been brought. I think that President Trump has, in effect, opened the doors to these kinds of constitutions in state and country jurisdictions—state and county, I meant to say, jurisdictions, and undoubtedly in other countries, as well, that may not have a First Amendment but have—looking to some precedent for the United States. That's what it's able to do. So there's a full-scale, multi-front war going on, not only in this country, and President Trump is leading the way.