

# Julian Assange: The Most Important Battle for Press Freedom in Our Time

If he is extradited and found guilty of publishing classified material it will set a legal precedent that will effectively end national security reporting.

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*For the past two days, I have been watching the extradition hearing for Julian Assange via video link from London. The United States is appealing a lower court ruling that denied the US request to extradite Assange not, unfortunately, because in the eyes of the court he is innocent of a crime, but because, as Judge Vanessa Baraitser in January concluded, Assange’s precarious psychological state would deteriorate given the “harsh conditions” of the inhumane US prison system, “causing him to commit suicide.” The United States has charged Assange with 17 counts under the Espionage Act and one count of trying to hack into a government computer, charges that could see him imprisoned for 175 years.*

Assange, with long white hair, appeared on screen the first day from the video conference room in HM Prison Belmarsh. He was wearing a white shirt with an untied tie around his neck. He looked gaunt and tired. He did not appear in court, the judges explained, because he was receiving a “high dose of medication.” On the second day he was apparently not present in the prison’s video conference room.

If Assange is extradited and found guilty of publishing classified material, it will set a legal precedent that will effectively end national security reporting, allowing the government to use the Espionage Act to charge any reporter who possesses classified documents, and any whistleblower who leaks classified information, under the Espionage Act.

Assange is being extradited because his organization WikiLeaks released the Iraq War Logs in October 2010, which documented numerous US war crimes — including video images of the gunning down of two Reuters journalists and 10 other unarmed civilians in the [Collateral murder video](#), the routine torture of Iraqi prisoners, the covering up of thousands of civilian deaths and the killing of nearly 700 civilians that had approached too

closely to US checkpoints. He is also being targeted by US authorities for other leaks, especially those that exposed the hacking tools used by the CIA known as [Vault 7](#), which enables the spy agency to compromise cars, smart TVs, web browsers and the operating systems of most smart phones, as well as operating systems such as Microsoft Windows, macOS and Linux.

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If the appeal by the United States is accepted Assange will be retried in London. The ruling on the appeal is not expected until at least January.

Assange's September 2020 trial painfully exposed how vulnerable he has become after 12 years of detention, including seven in the Ecuadorian Embassy in London. He has in the past attempted suicide by slashing his wrists. He suffers from hallucinations and depression, takes antidepressant medication and the antipsychotic quetiapine. After he was observed pacing his cell until he collapsed, punching himself in the face and banging his head against the wall he was transferred for several months to the medical wing of the Belmarsh prison. Prison authorities found "half of a razor blade" hidden under his socks. He has repeatedly called the suicide hotline run by the Samaritans because he thought about killing himself "hundreds of times a day."

James Lewis, the lawyer for the United States, attempted to discredit the detailed and disturbing medical and psychological reports on Assange presented to the court in September 2020, painting him instead as a liar and malingerer. He excoriated the decision of Judge Baraitser to bar extradition, questioned her competence, and breezily dismissed the mountains of evidence that high-security prisoners in the United States, like Assange, subjected to Special Administrative Measures (SAMs), and held in virtual isolation in supermax prisons, suffer psychological distress. He charged Dr. Michael Kopelman, emeritus professor of neuropsychiatry at the Institute of Psychiatry, Psychology and Neuroscience, King's College London, who examined Assange and testified for the defense, with deception for "concealing" that Assange fathered two children with his fiancée Stella Morris while in refuge in the Ecuadorian Embassy in London. He said that, should the Australian government request Assange, he could serve his prison time in Australia, his home country, after his appeals had been exhausted, but stopped short of promising that Assange would not be held in isolation or subject to SAMs.

The authority repeatedly cited by Lewis to describe the conditions under which Assange will be held and tried in the United States was Gordon Kromberg, the Assistant United States attorney for the Eastern District of Virginia. Kromberg is the government's grand inquisitor in cases of terrorism and national security. He has expressed open contempt for Muslims and Islam and decried what he calls "the Islamization of the American justice system." He oversaw the 9-year persecution of the Palestinian activist and academic Dr. Sami Al-Arian and at one point refused his request to postpone a court date during the religious holiday of Ramadan. "They can kill each other during Ramadan, they can appear before the grand jury. All they can't do is eat before sunset," Kromberg said in a 2006 conversation, according to an affidavit filed by one of Arian's attorneys, Jack Fernandez.

Kromberg criticized Daniel Hale, the former Air Force analyst who recently was sentenced to 45 months in a supermax prison for leaking information about the indiscriminate killings of civilians by drones, saying Hale had not contributed to public debate, but had “endanger[ed] the people doing the fight.” He ordered Chelsea Manning jailed after she refused to testify in front of a grand jury investigating WikiLeaks. Manning attempted to commit suicide in March 2020 while being held in the Virginia jail.

Having covered the case of Syed Fahad Hashmi, who was arrested in London in 2006, I have a good idea of what waits Assange if he is extradited. Hashmi also was held in Belmarsh and extradited in 2007 to the United States where he spent three years in solitary confinement under SAMs. His “crime” was that an acquaintance who stayed in his apartment with him while he was a graduate student in London had raincoats, ponchos and waterproof socks in luggage at the apartment. The acquaintance planned to deliver the items to al-Qaida. But I doubt the government was concerned with waterproof socks being shipped to Pakistan. The reason, I suspect, Hashmi was targeted was because, like the Palestinian activist Dr. Sami Al-Arian, and like Assange, he was fearless and zealous in his defense of those being bombed, shot, terrorized and killed throughout the Muslim world while he was a student at Brooklyn College.

Hashmi was deeply religious, and some of his views, including his praise of the Afghan resistance, were controversial, but he had a right to express these sentiments. More important, he had a right to expect freedom from persecution and imprisonment because of his opinions, just as Assange should have the freedom, like any publisher, to inform the public about the inner workings of power. Facing the possibility of a 70-year sentence in prison and having already spent four years in jail, much of it in solitary confinement, Hashmi accepted a plea bargain on one count of conspiracy to provide material support to terrorism. Judge Loretta Preska, who sentenced the hacker Jeremy Hammond and human rights attorney Steven Donziger, gave him the maximum 15-year sentence. Hashmi was held for nine years in Guantanamo-like conditions in the supermax ADX [Administrative Maximum] facility in Florence, Colorado, where Assange, if found guilty in an American court, will almost certainly be imprisoned. Hashmi was released in 2019.

If the government will go to this length to persecute someone who was alleged to have been involved in sending waterproof socks to al-Qaida, what can we expect the government to do to Assange?

The pre-trial detention conditions Hashmi endured were designed to break him. He was electronically monitored 24-hours a day. He could only receive or send mail with his immediate family. He was prohibited from speaking with other prisoners through the walls. He was forbidden from taking part in group prayer. He was permitted one hour of exercise a day, in a solitary cage without fresh air. He has unable to see most of the evidence used to indict him which was classified under the Classified Information Procedures Act, enacted to prevent US intelligence officers under prosecution from threatening to reveal state secrets to manipulate the legal proceedings. The harsh conditions eroded his physical and psychological health. When he appeared in the final court proceeding to accept a guilty plea he was in a near catatonic state, clearly unable to follow the proceedings around him.

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A society that prohibits the capacity to speak in truth extinguishes the capacity to live in justice. The battle for Assange's liberty has always been much more than the persecution of a publisher. It is the most important battle for press freedom of our era. And if we lose this battle, it will be devastating, not only for Assange and his family, but for us.

There is no legal basis to hold Assange in prison. There is no legal basis to try him, an Australian citizen, under the US Espionage Act.

Tyrannies invert the rule of law. They turn the law into an instrument of injustice. They cloak their crimes in a faux legality. They use the decorum of the courts and trials, to mask their criminality. Those, such as Assange, who expose that criminality to the public are dangerous, for without the pretext of legitimacy the tyranny loses credibility and has nothing left in its arsenal but fear, coercion and violence. The long campaign against Assange and WikiLeaks is a window into the collapse of the rule of law, the rise of what the political philosopher Sheldon Wolin calls our system of inverted totalitarianism, a form of totalitarianism that maintains the fictions of the old capitalist democracy, including its institutions, iconography, patriotic symbols and rhetoric, but internally has surrendered total control to the dictates of global corporations and the security and surveillance state.

There is no legal basis to hold Assange in prison. There is no legal basis to try him, an Australian citizen, under the US Espionage Act. The CIA spied on Assange in the Ecuadorian embassy through a Spanish company, UC Global, contracted to provide embassy security. This spying included recording the privileged conversations between Assange and his lawyers as they discussed his defense. This fact alone invalidated the trial. Assange is being held in a high security prison so the state can, as Nils Melzer, the U.N. Special Rapporteur on Torture, has testified, continue the degrading abuse and torture it hopes will lead to his psychological if not physical disintegration. The architects of imperialism, the masters of war, the corporate-controlled legislative, judicial and executive branches of government and their obsequious courtiers in the media, are guilty of egregious crimes. Say this simple truth and you are banished, as many of us have been, to the margins of the media landscape. Prove this truth, as Assange, Chelsea Manning, Jeremy Hammond and Edward Snowden have by allowing us to peer into the inner workings of power, and you are hunted down and persecuted.

Assange's "crime" is that he exposed the more than 15,000 unreported deaths of Iraqi civilians. He exposed the torture and abuse of some 800 men and boys, aged between 14 and 89, at Guantánamo. He exposed that Hillary Clinton in 2009 ordered US diplomats to spy on U.N. Secretary General Ban Ki Moon and other U.N. representatives from China, France, Russia, and the UK, spying that included obtaining DNA, iris scans, fingerprints, and personal passwords, part of the long pattern of illegal surveillance that included the eavesdropping on UN Secretary General Kofi Annan in the weeks before the US-led invasion of Iraq in 2003. He exposed that Barack Obama, Hillary Clinton and the CIA orchestrated the June 2009 military coup in Honduras that overthrew the democratically-elected president Manuel Zelaya, replacing it with a murderous and corrupt military regime. He exposed that George W. Bush, Barack Obama and General David Petraeus prosecuted a war in Iraq that under post-Nuremberg laws is defined as a criminal war of aggression, a war crime, which authorized hundreds of targeted assassinations, including those of US citizens in Yemen. He exposed that the United States secretly launched missile, bomb, and drone attacks on Yemen, killing scores of civilians. He exposed that Goldman Sachs paid Hillary Clinton \$657,000 to give talks, a sum so large it can only be considered a bribe, and that she privately assured corporate leaders she would do their bidding while promising the public

financial regulation and reform. He exposed the internal campaign to discredit and destroy British Labour Party leader Jeremy Corbyn by members of his own party. He exposed how the hacking tools used by the CIA and the National Security Agency permits the wholesale government surveillance of our televisions, computers, smartphones and anti-virus software, allowing the government to record and store our conversations, images and private text messages, even from encrypted apps.

He exposed the truth. He exposed it over and over and over until there was no question of the endemic illegality, corruption and mendacity that defines the global ruling elite. And for these truths alone he is guilty.

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