

Julian Assange Briefing Note

Exposing a War Crime

No war crime in history is as accessible. Type Collateral Murder into your search engine and you sit behind the gun-sight camera of an Apache gunship circling a Baghdad street. US soldiers chirp merrily to one another as they pick their victims and punch bullets into 12 unarmed civilians. They include a wounded man lying in the gutter.

Were Japanese troops as jocose bayonetting Australian prisoners at Sandakan? Or Serbs slaughtering Bosnians? “Come on, let us shoot,” urges one impatient wag, and got instant authorisation from his supervisor over the radio. The Pentagon, however, is not investigating, let alone prosecuting - not this rifle fire, or the later assault with Hellfire missiles fired at an apartment block. “The fog of war,” shrugged former Secretary of Defence Robert Gates.

The only prosecution is of the Australian who exposed it.

The Echoing Precedent

For the sake of argument let’s accept every criticism made of Julian Assange. Set them aside for another day. Think now of the echoing precedent if the US succeeds in extraditing him from the UK to be put on trial in Virginia.

Last month someone leaked to The New York Times a batch of official documents about the repression of China’s Uyghurs. Imagine if it were an Australian living in London and that China sought to extradite him to face trial in Beijing. Is it conceivable that Canberra would be struck mute, as with Assange? Imagine an Australian, living in London who posts material from the Indian cabinet about the repression of Muslims in Kashmir? Would there be no representations from our foreign minister while the leaker is winkled out of London into the arms of security forces in Dehli?

Israel and India have extensive nuclear weapons programs- each protected by ferocious domestic official secrets acts. “Think of the outcry if the Netanyahu or Modi governments attempted to extradite a British or US journalist to face life in jail for writing true things about nuclear arsenals”, wrote Alan Rusbridger of The Guardian.

If the American bid succeeds, this extra-territorial reach will be brought home to Australians when they see Assange in shackles, escorted across a British airfield into a CIA aircraft to be flown to Virginia. There he will face a trial, part of it in secret with a high likelihood of a 175 year sentence in extreme isolation, about as close to the death penalty as one can imagine. Effectively, the death sentence.

Whatever Assange did in 2010-2011 it was not espionage, and he’s not a US citizen. His actions took place outside the US. Under this precedent anyone, anywhere, who publishes anything the US state brands secret could be prosecuted under the US Espionage Act and offered to the maw of its notoriously cruel justice system.

Were Lives Lost? No

American diplomats have done the rounds talking darkly about lives lost because Assange leaked unredacted material. But during the Chelsea Manning trial in 2013 a US brigadier general in counter intelligence was asked to nominate casualties caused by the leaks. First he said he knew of one, an Afghan national. Later he had to retract and say there was none.

This accords with Pentagon spokesman Geoff Morrell who had said in August 2010 “there was no evidence that anyone had been killed because of the leaks.” Another Pentagon official had confirmed “the military still has no evidence that the leaks have led to any deaths.”

In 2010 an Australian Defence Department task force concluded, in the words of then-defence Minister John Faulkner, “Overall, the content published by WikiLeaks does not reveal any significant details about operational incidents involving Australians beyond that already publically released”.

Media Freedom

More important than punishing Assange should be protection of media freedom, symbolised by what is an heroic American achievement: the First Amendment to its constitution which entrenches free speech.

The WikiLeaks material is no different in principle from the Pentagon Papers leaked in 1971 by Daniel Ellsberg to The New York Times and Washington Post. Would anyone argue today we did not deserve to know how two American presidents kept the Vietnam War going after they had been officially advised it could not be won? The US Supreme Court upheld the First Amendment right to publish the material (a freedom-to-print drama captured in the stirring movie The Post with Meryl Streep playing publisher Katharine Graham and Tom Hanks as editor Ben Bradlee).

Some American grievances against Assange are fed by the way WikiLeaks appeared to serve the interest of the Russian state when it intervened in the 2016 election. Brazen interference, and a mark against Assange. Still, wouldn't American anger be better directed at fixing their electoral system with its creaky electoral college, designed in 1789, twisting a popular vote majority into its reverse? Or at the voter suppression laws and the brazen gerrymander of House boundaries?

Cunning Russian Facebook posts and email leaks would not have worked their magic up against healthy voter turn-out and a process run, not by partisan state officials, but something like our own Australian Electoral Commission. In any case more of the US indictments against Assange concern the 2016 US elections.

Hard to think of a more effective way of creating a martyr than by pursuing someone who has already paid a price for his poor judgement encased in the walls of the Ecuadorian embassy for seven years. The last Lowy Poll showed that because of Trump support for the US alliance had fallen from 78 percent to 66 percent and that only 25 percent of Australians had confidence in the US president. Among Australians under the age of 18-29 years it was almost non-existent. How better to seed sourness about the alliance than running a year's trial in British courts, followed by a battle in American courts, against this maverick, with The New York Times and The Washington Post defining it as an issue of free media and, by extension, transmuting him into an unlikely hero, a second Daniel Elsberg.

Foreign Minister Marise Payne is entitled to gently remind her counterpart Mike Pompeo that Australia serves up a whopping trade surplus to the US ally, so important to this president. We are a good ally to the point of giddy excess- dispatching a warship to the Gulf, risking a firefight with Iran. We sent trainers and planes into Iraq and Syria. We host two communications bases that probably make Australian territory a nuclear target.

Obama's Pardon of Manning

All said, we are entitled to one modest request: that in the spirit with which Barack Obama pardoned Chelsea Manning, and given President Trump's own objection to “endless wars” in desert sands, it would be better if the extradition of Assange were quietly dropped.

The US has almost 2.3 million prisoners in its jails, a higher proportion than any western country. That includes 162,000 serving life sentences. One less and the sky won't fall in on the empire. And he is an Australian.