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Assange is facing extradition to the United States from the U.K., where he is currently in Belmarsh prison in south London, over charges related to dissemination of material leaked by Chelsea Manning and published by WikiLeaks and a coalition of five newspapers through 2010 and 2011.

That material exposed details of the conditions and deteriorating mental and physical health of Guantanamo Bay's detainees. And it revealed the details of hundreds of thousands of deaths in Iraq and Afghanistan, including shedding new light on the deaths of two Reuters journalists via the shocking Collateral Murder video.

Under Barack Obama, the DOJ decided it could not prosecute Assange without threatening U.S. journalists and their First Amendment protections — given that the 2010 charges relate to the handling and publication of classified documents in conjunction with reporters and organizations including The New York Times and other major outlets. But first under Donald Trump and then Joe Biden, the department has reversed itself.

The first approach to get me to cooperate with the Assange prosecution came via London's Metropolitan Police in December 2021. On legal advice, I had stayed quiet about these attempts at the time. But now more journalists have told me that police have turned up on their doorsteps, too, in the last month. Those approached are former Guardian investigations editor David Leigh, transparency campaigner Heather Brooke, and the writer Andrew O'Hagan.

The prosecution of Julian Assange is already a threat to the free media, even before his first day in a U.S. courtroom. Law enforcement trying to coerce journalists into aiding that prosecution makes matters even worse. So I've decided to speak out.

My dance with the U.K. and U.S. authorities began with a deliberately innocuous email, after I had repeatedly failed to answer my phone to a blocked number, from a Metropolitan Police officer on the "special investigations" team.

"James, I would like to meet with you to ask if you would be willing to participate in a voluntary witness interview," the officer told me. "You are not under investigation for anything. It is a delicate matter that I am only able to discuss with you face to face."

Having worked for 15 years as an investigative reporter and editor, that note alone was enough to get me to contact a lawyer before doing anything further. A partner from the law firm Simons Muirhead Burton had conversations with the Met Police on my behalf, without my being present, to find out what the request was about.

My lawyer then asked to meet me face-to-face to discuss what had transpired. As I had suspected, the request related to Assange and WikiLeaks, and specifically related to a piece I had published on Assange's relationship with a man called Israel Shamir.

Shamir, a frequent apologist for Vladimir Putin and his allies, had access to many of the U.S. state cables later published by Wikileaks. He had been photographed leaving Belarus' interior ministry shortly before its dictator Aleksandr Lukashenko claimed to have access to cables showing his opposition rivals were being funded by the U.S.

I had argued with Assange over the handling of this incident. I wanted WikiLeaks to hold itself accountable for what had happened, while he chose to cover it up. I eventually wrote about the incident for the Daily Beast in 2013. But while I was more than willing to blow the whistle on this in the media, I do not believe it should be used to help a vindictive prosecution of Assange.

The U.S. government cannot make much use of what I revealed in the article in a court of law unless I testify to it — and it is not hard to see how I could be useful if they were trying to strengthen the political case against Assange. In the article, I admit that I was the one who gave Shamir the material, albeit on Assange's orders, without knowing who he was. If I testified to all this, it could, at least in theory, open me to criminal charges of my own.

So far, the meeting, though not exactly easing my concerns, had gone as expected. It soon took a very strange turn, when my lawyer explained that he had been given a surprising “fact” by the police at the end of the conversation. My lawyer, who took notes during the meeting, then told me what the police officer said to him at the end:

“One thing that it might be helpful for your client to know in all of this ... obviously, we’re working very closely with the Americans on all of this, and the three-letter-agencies [shorthand for the FBI/CIA/NSA etc.], and we’ve got a lot of information at our disposal,” he recalled the officer saying. “And given all of that, we thought your client should know that we know ‘James Ball’ doesn’t exist. I’m sure there are all sorts of possible legitimate reasons an investigative journalist would use an assumed identity, but it might be helpful for him to be aware we know this.”

I burst out laughing in shock. My name is my actual birth name, has never changed, and (having checked records to make sure) there was no secret adoption or similar of which I had been unaware.

Did the FBI think they had something on me relating to a secret identity? They had certainly shown interest in me before — when former WikiLeaks volunteer Sigurdur Thordarson became an FBI informant and then turned coat again and told Rolling Stone what he’d told the FBI, he revealed I had been one of a handful of individuals the agency had asked him for intelligence about.

Leaving my concerns about the quality of the U.S. and U.K.’s intelligence agencies to one side, my lawyer took the veiled threat as a sign that any further “voluntary” cooperation with the authorities did not necessarily mean what it seemed to. Further legal advice was needed, and I was advised by multiple attorneys not to travel to the U.S.

Thousands of pounds of legal advice — including a document from a King’s Counsel, the most senior of the U.K.’s barristers — and a New York law firm followed, suggesting all sorts of possibilities that ranged from arrest to subpoena to absolutely no further action if the voluntary request was refused. And there would be no way to know.

When, after months of delaying tactics had run out of road, we said a final “no”, there was a small sting in the tale from a DOJ prosecutor to my lawyers. Sending a statement in which Shamir had falsely claimed I had provided him with cables on “the Jews,” the prosecutor noted:

“Upon seeing those words from Shamir, I cannot help but ask whether Mr. Ball would reconsider his decision about speaking to the investigators, even if only just to respond to Shamir’s allegations.”

We once again declined, and my lawyers restated their advice not to say anything publicly about the process and not to travel to the U.S., where it would be much easier for the feds to try subpoenaing — or even arresting — me.

That uneasy truce has come to an end. As a journalist, I need to be able to travel to the U.S. to work, and I am doing so this week. Also, other journalists are now being contacted in relation to the case. Both together make continued silence impossible.

The FBI and Department of Justice now seem to be trying to strengthen their case. A few weeks ago, two Metropolitan Police officers visited the homes of three journalists who had worked with Julian Assange — transparency campaigner Brooke, former Guardian investigations editor Leigh, and the writer (and would-be Assange biographer) O’Hagan.

Brooke told me she was surprised at home (she had a guest at the time) by the two officers, and spoke to them briefly outside her front door. She noted to me that they were “almost aggressively friendly and passive,” making it clear they were seeking a voluntary witness statement on behalf of the FBI, and she was “under no obligation” to provide it.

Brooke is a dual U.S.-U.K. citizen who was born in America, and while she calls London her home, she often travels back to the America. She said to me, only half-jokingly, that she was quite glad that I “could be her guinea pig” to see if it was safe to travel to the U.S., given that I was traveling here before she was due to do so.

Leigh had been in Scotland at the time of the visit, which was the same day as Brooke’s, and says he returned to his London flat to find a letter.

“We have been contacted recently by officers from the Federal Bureau of Investigations in Washington D.C. (FBI) who would like to speak to you,” it stated. “The FBI would like to discuss your experiences with Assange/WikiLeaks as referenced in WikiLeaks: Inside Julian Assange’s War on Secrecy.

“I must stress this is purely voluntary and you are acting as a witness only. Therefore there is no requirement to speak to the FBI if you do not wish to.”

All three of the journalists contacted by U.K. police have made it clear they have no intention of providing a witness statement for the Assange prosecution. O’Hagan has publicly condemned the Metropolitan Police, calling their cooperation with the FBI “shameful.” He said in a statement, “I don’t support the efforts of governments to silence journalists, or to bring charges against writers, editors, or organisations for publishing the truth ... I would happily go to jail myself before helping the FBI.”

The requests for cooperation received by journalists may seem on their face very gentle. The “voluntary” request I received, though, prompted my expensive U.K. lawyers — people I have known for years, not vultures bilking me for money I don’t have — to have me consult even more senior U.K. lawyers and then American counsel too.

In other words, I wasn’t the only one worried about the “voluntary” request I had received. Serious lawyers on both sides of the Atlantic agreed. I am not an American citizen, and I don’t currently live in the U.S. — but I write about the U.S. and I do it for U.S. outlets.

The two years spent not traveling to the U.S., on legal advice, has stifled stories I would otherwise have written for U.S. outlets. I had a real and credible fear of prosecution. As Brooke’s reply to me showed, she did too — even with less saber-rattling.

If President Biden wants his Department of Justice to reverse the decision of the Obama DOJ on prosecuting Assange for his 2010 actions, he should at least explain it, and say why it is worth the silencing effect it is having on mainstream journalism.

As it stands, Biden’s DOJ is threatening the U.S. media’s First Amendment rights, even as it claims to be standing up to a Supreme Court that is threatening many other rights. The hypocrisy should not stand.

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