

Assange Be Weary: The Dangers of a U.S. Plea Deal



By Binoy Kampmark / CounterPunch

At every stage of its proceedings against Julian Assange, the US Imperium has shown little by way of tempering its vengeful impulses. The WikiLeaks publisher, in uncovering the sordid, operational details of a global military power, would always have to pay. Given the 18 charges he faces, 17 fashioned from that most repressive of instruments, the US Espionage Act of 1917, any sentence is bound to be hefty. Were

he to be extradited from the United Kingdom to the US, Assange will disappear into a carceral, life-ending dystopia.

In this saga of relentless mugging and persecution, the country that has featured regularly in commentary, yet done the least, is Australia. Assange may well be an Australian national, but this has generally counted for naught. Successive governments have tended to cower before the bullying disposition of Washington's power. With the signing of the AUKUS pact and the inexorable surrender of Canberra's military and diplomatic functions to Washington, any exertion of independent counsel and fair advice will be treated with sneering qualification.

The Albanese government has claimed, at various stages, to be pursuing the matter with its US counterparts with firm insistence. Prime Minister Anthony Albanese has even publicly expressed his frustration at the lack of progress in finding a "diplomatic solution" to Assange's plight. But such frustrations have been tempered by an acceptance that legal processes must first run their course.

The substance of any such diplomatic solution remains vague. But on August 14, the Sydney Morning Herald, citing US Ambassador to Australia Caroline Kennedy as its chief source, reported that a "resolution" to Assange's plight might be in the offing. "There is a way to resolve it," the ambassador told the paper. This could involve a reduction of any charges in favour of a guilty plea, with the details sketched out by the US Department of Justice. In making her remarks, Kennedy clarified that this was more a matter for the DOJ than the State Department or any other department. "So it's not really a diplomatic issue, but I think there absolutely could be a resolution."

In May, Kennedy met members of the Parliamentary Friends of Julian Assange Group to hear their concerns. The previous month, 48 Australian MPs and Senators, including 13 from the governing Labor Party, wrote an open letter to the US Attorney General, Merrick Garland, warning that the prosecution "would set a dangerous precedent for all global citizens, journalists, publishers, media organizations and the freedom of the press. It would also be needlessly damaging for the US as a world leader on freedom of expression and the rule of law."

In a discussion with The Intercept, Gabriel Shipton, Assange's brother, had his own analysis of the latest developments. "The [Biden] administration appears to be searching for an off-ramp ahead of [Albanese's] first state visit to DC in October." In the event one wasn't found, "we could see a repeat of a very public rebuff delivered by [US Secretary of State] Tony Blinken to the Australian Foreign Minister two weeks ago in Brisbane."

That rebuff was particularly brutal, taking place on the occasion of the AUSMIN talks between the foreign and defence ministers of both Australia and the United States. On that occasion, Foreign Minister Penny Wong remarked that Australia had made its position clear to their US counterparts "that Mr Assange's case has dragged for too long, and our desire it be brought to a conclusion, and we've said that publicly and you would anticipate that that reflects also the positive we articulate in private."

In his response, Secretary of State Blinken claimed to "understand" such views and admitted that the matter had been raised with himself and various offices of the US. With such polite formalities acknowledged, Blinken proceeded to tell "our friends" what, exactly, Washington wished to do. Assange had been "charged with very serious criminal conduct in the United States in connection with his alleged role in one of the largest compromises of classified information in the history of our country. The actions that he has alleged to have committed risked very serious harm to our national security, to the benefit of our adversaries, and put named sources at grave risk – grave risk – of physical harm, and grave risk of detention."

Such an assessment, lazily assumed, repeatedly rebutted, and persistently disproved, went unchallenged by all the parties present, including the Australian ministers. Nor did any members of the press deem it appropriate to challenge the account. The unstated assumption here is that Assange is already guilty for

absurd charges, a man condemned.

At this stage, such deals are the stuff of manipulation and fantasy. The espionage charges have been drafted to inflate, rather than diminish any sentence. Suggestions that the DOJ will somehow go soft must be treated with abundant scepticism. The pursuit of Assange is laced by sentiments of revenge, intended to both inflict harm upon the publisher while deterring those wishing to publish US national security information. As the Australian international law academic Don Rothwell observes, the plea deal may well take into account the four years spent in UK captivity, but is unlikely to either feature a complete scrapping of the charges, or exempt Assange from travelling to the US to admit his guilt. "It's not possible to strike a plea deal outside the relevant jurisdiction except in the most exceptional circumstances."

Should any plea deal be successfully reached and implemented, thereby making Assange admit guilt, the terms of his return to Australia, assuming he survives any stint on US soil, will be onerous. In effect, the US would merely be changing the prison warden while adjusting the terms of observation. In place of British prison wardens will be Australian overseers unlikely to ever take kindly to the publication of national security information.

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