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An open letter from editors and publishers: Publishing is not a Crime

The US government should end its prosecution of Julian Assange for publishing secrets

28 Nov 2022

Twelve years ago, on 28 November 2010, our five international media outlets – The New York Times, the Guardian, Le Monde, El País and DER SPIEGEL – published a series of revelations in cooperation with Wikileaks that made the headlines around the globe.

“Cable gate”, a set of 251,000 confidential cables from the US State Department disclosed corruption, diplomatic scandals and spy affairs on an international scale.

In the words of The New York Times, the documents told “*the unvarnished story of how the government makes its biggest decisions, the decisions that cost the country most heavily in lives and money*”. Even now in 2022, journalists and historians continue to publish new revelations, using the unique trove of documents.

For Julian Assange, publisher of Wikileaks, the publication of “Cable gate” and several other related leaks had the most severe consequences. On 11 April 2019, Assange was arrested in London on a US arrest warrant, and has now been held for three and a half years in a high security British prison usually used for terrorists and members of organised crime groups. He faces extradition to the US and a sentence of up to 175 years in an American maximum-security prison.

This group of editors and publishers, all of whom had worked with Assange, felt the need to publicly criticise his conduct in 2011 when unredacted copies of the cables were released, and some of us are concerned about the allegations in the indictment that he attempted to aid in computer intrusion of a classified database. But we come together now to express our grave concerns about the continued prosecution of Julian Assange for obtaining and publishing classified materials.

The Obama-Biden Administration, in office during the Wikileaks publication in 2010, refrained from indicting Assange, explaining that they would have had to indict journalists from major news outlets too. Their position placed a premium on press freedom, despite its uncomfortable consequences. Under Donald Trump however, the position changed. The DOJ relied on an old law, the Espionage Act of 1917 (designed to prosecute potential spies during World War 1), which has never been used to prosecute a publisher or broadcaster.

This indictment sets a dangerous precedent, and threatens to undermine America’s First Amendment and the freedom of the press.

Holding governments accountable is part of the core mission of a free press in a democracy.

Obtaining and disclosing sensitive information, when necessary, in the public interest is a core part of the daily work of journalists. If that work is criminalised, our public discourse and our democracies are made significantly weaker.

Twelve years after the publication of “Cable gate”, it is time for the U.S. government to end its prosecution of Julian Assange for publishing secrets.

Publishing is not a crime.

The editors and publishers of:

The Guardian

The New York Times

Le Monde

DER SPIEGEL

El País