

Congress of the United States

Washington, DC 20515

April 11, 2023

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Room 1145
Washington, DC 20530

Dear Attorney General Merrick Garland,

We write you today to call on you to uphold the First Amendment’s protections for the freedom of the press by dropping the criminal charges against Australian publisher Julian Assange and withdrawing the American extradition request currently pending with the British government.

Press freedom, civil liberty, and human rights groups have been emphatic that the charges against Mr. Assange pose a grave and unprecedented threat to everyday, constitutionally protected journalistic activity, and that a conviction would represent a landmark setback for the First Amendment. Major media outlets are in agreement: *The New York Times*, *The Guardian*, *El País*, *Le Monde*, and *Der Spiegel* have taken the extraordinary step of publishing a joint statement in opposition to the indictment, warning that it “sets a dangerous precedent, and threatens to undermine America’s First Amendment and the freedom of the press.”¹

The ACLU, amnesty International, Reporters Without Borders, the Committee to Protect Journalists, Defending Rights and Dissent, and Human Rights Watch, among others, have written to you three times to express these concerns. In one such letter they wrote:

“The indictment of Mr. Assange threatens press freedom because much of the conduct described in the indictment is conduct that journalists engage in routinely—and that they must engage in in order to do the work the public needs them to do. Journalists at major news publications regularly speak with sources, ask for clarification or more documentation, and receive and publish documents the government considers secret. In

¹ The Guardian, New York Times, Le Monde, El País, and Der Spiegel, *An open letter from editors and publishers: Publishing is not a Crime*, (Nov. 28, 2022), accessed Jan. 30, 2023, <https://www.theguardian.com/gnm-press-office/2022/nov/28/an-open-letter-from-editors-and-publishers-publishing-is-not-a-crime>.

our view, such a precedent in this case could effectively criminalize these common journalistic practices.”²

The prosecution of Julian Assange for carrying out journalistic activities greatly diminishes America’s credibility as a defender of these values, undermining the United States’ moral standing on the world stage, and effectively granting cover to authoritarian governments who can (and do) point to Assange’s prosecution to reject evidence-based criticisms of their human rights records and as a precedent that justifies the criminalization of reporting on their activities. Leaders of democracies, major international bodies, and parliamentarians around the globe stand opposed to the prosecution of Assange. Former United Nations Special Rapporteur on Torture Nils Melzer and the Council of Europe’s Commissioner for Human Rights Dunja Mijatović have both opposed the extradition.^{3 4} Australian Prime Minister Anthony Albanese has called on the U.S. government to end its pursuit of Assange.⁵ Leaders of nearly every major Latin American nation, including Mexican President Andrés Manuel López Obrador, Brazilian President Luiz Inácio Lula da Silva, and Argentinian President Alberto Fernández have called for the charges to be dropped.⁶ Parliamentarians from around the world, including the United Kingdom, Germany, and Australia, have all called for Assange not to be extradited to the U.S.^{7 8}

This global outcry against the U.S. government’s prosecution of Mr. Assange has highlighted conflicts between the America’s stated values of press freedom and its pursuit of Mr. Assange. The Guardian wrote “The US has this week proclaimed itself the beacon of democracy in an increasingly authoritarian world. If Mr. Biden is serious about protecting the ability of the media

² Patrick Higgins, *Press freedom coalition calls on Biden's Justice Dept. to drop the Assange prosecution*, (February 8, 2021), accessed Jan. 30, 2023, <https://freedom.press/news/biden-justice-end-assange-prosecution-coalition-letter/>.

³ “United Kingdom: UN expert cautiously welcomes refusal to extradite Assange,” United Nations Office of the High Commissioner for Human Rights (January 5, 2021). Available at <https://www.ohchr.org/en/press-releases/2021/01/united-kingdom-un-expert-cautiously-welcomes-refusal-extradite-assange?LangID=E&NewsID=26638>.

⁴ “Commissioner calls on UK government not to extradite Julian Assange,” Council of Europe (May 18, 2022). Available at <https://www.coe.int/en/web/commissioner/-/commissioner-calls-on-uk-government-not-to-extradite-julian-assange>.

⁵ Daniel Hurst, “Australian PM Anthony Albanese urges US government to end pursuit of Julian Assange,” The Guardian (November 30, 2022). Available at <https://www.theguardian.com/media/2022/nov/30/australian-prime-minister-anthony-albanese-us-government-julian-assange-wikileaks>.

⁶ “Latin American Presidents Throw Weight Behind Campaign to Free Assange,” Bloomberg (January 22, 2023). Available at <https://www.bloomberg.com/news/articles/2023-01-22/latin-american-presidents-throw-weight-behind-campaign-to-free-julian-assange>.

⁷ Alan Jones, “MPs urge Joe Biden to drop Julian Assange extradition bid,” Yahoo News UK (June 11, 2021). Available at https://uk.news.yahoo.com/mps-urge-joe-biden-drop-144330563.html?guccounter=1&guce_referrer=aHR0cHM6Ly9kdWNrZHVja2dvLmNvbS8&guce_referrer_sig=AQAAABEioN46Y9xzyoS6ehrSuLVMm6Y-807Ze6TGbmJYYp27_kNRpPGpG-0IJ7jWkr5CYv8r7wVG9Yk_QKSrTmGPbKAWRc827EWnx3QIhhvdeS-5yna9YqBNseN1e1BnWF8NFLzanANYDZ1K_ZQCb-wt92u228sHKkBWY5m8DkK6O1p.

⁸ Ben Knight, “German MPs demand release of Julian Assange,” DW (July 7, 2022). Available at <https://www.dw.com/en/german-mps-demand-release-of-julian-assange/a-62398140>.

to hold governments accountable, he should begin by dropping the charges brought against Mr. Assange.”⁹ ¹⁰ Similarly, the Sydney Morning Herald editorial board stated, “At a time when US President Joe Biden has just held a summit for democracy, it seems contradictory to go to such lengths to win a case that, if it succeeds, will limit freedom of speech.” ¹¹

As Attorney General, you have rightly championed freedom of the press and the rule of law in the United States and around the world. Just this past October the Justice Department under your leadership made changes to news media policy guidelines that generally prevent federal prosecutors from using subpoenas or other investigative tools against journalists who possess and publish classified information used in news gathering. We are grateful for these pro-press freedom revisions, and feel strongly that dropping the Justice Department’s indictment against Mr. Assange and halting all efforts to extradite him to the U.S. is in line with these new policies.¹²

Julian Assange faces 17 charges under the Espionage Act and one charge for conspiracy to commit computer intrusion.¹³ The Espionage Act charges stem from Mr. Assange’s role in publishing information about the U.S. State Department, Guantanamo Bay, and wars in Iraq and Afghanistan. Much of this information was published by mainstream newspapers, such as the *New York Times* and *Washington Post*, who often worked with Mr. Assange and WikiLeaks directly in doing so. Based on the legal logic of this indictment, any of those newspapers could be prosecuted for engaging in these reporting activities. In fact, because what Mr. Assange is accused of doing is legally indistinguishable from what papers like the *New York Times* do, the Obama administration rightfully declined to bring these charges.¹⁴ The Trump Administration, which brought these charges against Assange, was notably less concerned with press freedom.

The prosecution of Mr. Assange marks the first time in U.S. history that a publisher of truthful information has been indicted under the Espionage Act. The prosecution of Mr. Assange, if successful, not only sets a legal precedent whereby journalists or publishers can be prosecuted, but a political one as well. In the future the *New York Times* or *Washington Post* could be

⁹ Editorial Board, *The Guardian view on the US pursuit of Julian Assange: set him free*, The Guardian, (Dec. 10, 2021), accessed Jan. 30, 2023, <https://www.theguardian.com/commentisfree/2021/dec/10/the-guardian-view-on-the-us-pursuit-of-julian-assange-set-him-free>.

¹⁰ Katina Curtis, “MPs back quiet diplomacy in Assange case,” *Sydney Morning Herald* (June 20, 2022) Available at <https://www.smh.com.au/politics/federal/mps-back-quiet-diplomacy-in-assange-case-20220620-p5av18.html>.

¹¹ Editorial Board, *Assange’s legal torment has lasted long enough*, The Sydney Morning Herald, (De. 12, 2021), accessed January 30, 2023, <https://www.smh.com.au/world/europe/assange-s-legal-torment-has-last-ed-long-enough-20211212-p59gwt.html>.

¹² Department of Justice, Office of Public Affairs, Attorney General Garland Announces Revised Justice Department News Media Policy, (Oct. 26, 2022), accessed Jan. 30, 2023, <https://www.justice.gov/opa/pr/attorney-general-garland-announces-revised-justice-department-news-media-policy>.

¹³ Jen Kirby. “WikiLeaks founder Julian Assange indicted on 17 counts of violating the Espionage Act.” *Vox*, 23 May 2019.

¹⁴ Sari Horwitz. “Julian Assange unlikely to face U.S. charges over publishing classified documents.” 25 Nov 2013.

prosecuted when they publish important stories based on classified information. Or, just as dangerous for democracy, they may refrain from publishing such stories for fear of prosecution.

Mr. Assange has been detained on remand in London for more than three years, as he awaits the outcome of extradition proceedings against him. In 2021, a U.K. District Judge ruled against extraditing Mr. Assange to the United States on the grounds that doing so would put him at undue risk of suicide. The U.K.'s High Court overturned that decision after accepting U.S. assurances regarding the prospective treatment Mr. Assange would receive in prison. Neither ruling adequately addresses the threat the charges against Mr. Assange pose to press freedom. The U.S. Department of Justice can halt these harmful proceedings at any moment by simply dropping the charges against Mr. Assange.

We appreciate your attention to this urgent issue. Every day that the prosecution of Julian Assange continues is another day that our own government needlessly undermines our own moral authority abroad and rolls back the freedom of the press under the First Amendment at home. We urge you to immediately drop these Trump-era charges against Mr. Assange and halt this dangerous prosecution.

Sincerely,



RASHIDA TLAIB
Member of Congress



CORI BUSH
Member of Congress



GREG CASAR
Member of Congress



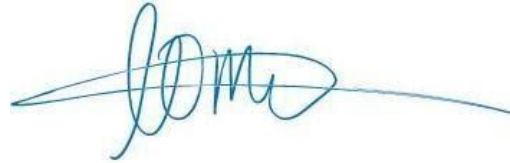
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