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The Company Of Whistleblowers

By Stuart Rees

Julian Assange isn't the first whistleblower to be hauled over the coals by governments, and he's keeping good company. Stuart Rees looks at the history of dissenters and their official detractors

There's nothing new in the the US Justice Department attempting to indict Julian Assange for serious crimes or in the Australian Attorney General seeking advice from major media outlets as to how best to suppress the publication of information which could be regarded as threatening national security.

Assange, Bradley Manning, Andrew Wilkie and other whistleblowers come from a long line of dissenters who have challenged the secrecy of governments and the behavior of ruling elites.

In 1702 Daniel Defoe, political satirist and author of such famous novels as Moll Flanders and Robinson Crusoe challenged a UK parliamentary bill that would have made it hard for Nonconformists to keep their jobs without paying hefty fines. In 1702, Defoe wrote a hoax in the guise of a High Church official attempting to suppress nonconformity by extermination.

Most officials said that Defoe's pamphlet had gone too far and a warrant was issued for his arrest. Defoe was charged with seditious libel, tried, sentenced to imprisonment and to three days in the pillory. In Newgate prison Defoe wrote the long satirical poem Hymn to the Pillory which contains the lines:

"Extol the justice of the land,
Who punish what they will not understand.
Tell them he stands exalted there
For speaking what we would not hear."

Legend has it that the publication of the poem and its sale as a pamphlet caused Defoe's audience at the pillory to drink to his health and to throw flowers instead of the customary harmful and noxious objects.

In 1792 following the of The Rights of Man by Tom Paine, government ministers established a grand jury to inquire into the threats posed by Paine's writings. He was charged with sedition, a trial date was set and Paine fled to France. In England his supporters in the Corresponding and Constitutional Societies sought subscriptions to pay for Paine's defence.

Paine had written that the preservers of government secrecy considered "Government as a thing made up of mysteries, which only themselves understood." In a commentary called Ways and Means of Improving the Condition of Europe, Paine claimed: "Every Ministry acts upon the same idea ... namely that the people must be hoodwinked and held in superstitious ignorance by some bugbear or other."

In response to the publication of *The Rights of Man*, British ministers used the same arguments about "the protection of national security" that I was presented with in December 2010 in an interview on ABC 24 about the publication of more WikiLeaks cables and the refusal of a London court to grant Assange bail in relation to his being wanted for questioning over possible sexual assault charges. Admittedly with his tongue in his cheek, the ABC interviewer Scott Bevan asked, "Isn't it the point that the publication of secret information in the WikiLeaks cables represents a threat to national security?"

Back in London in 1792, ministers argued for a suspension of habeas corpus on the grounds that challenges to government responsibility for classified information showed that "a dangerous and treasonable conspiracy existed". In the words of a Paine supporter, and in echoes of the behaviour of Howard government ministers and the Australian Federal Police in the Haneef case, this supposed conspiracy was subsequently shown to be "a mere fabrication of ministers who had exercised an illegal influence over the grand jury, that found the indictment against the parties accused."

In the USA in June 1971 the controversy over Daniel Ellsberg and publication of the Pentagon Papers began. Former marine and military analyst Daniel Ellsberg released top secret documents about the conduct of the Vietnam War, including the revelation that top Pentagon officials thought that the war could not be won and that there would be many more casualties than was being publicly admitted. The New York Times began to publish the papers but for 15 days, the Nixon Administration prohibited publication until it was resumed by order of the Supreme Court.

In late June 1971 Ellsberg surrendered to the US Attorney's Office, was taken into custody and charged with theft, conspiracy and espionage. In an effort to demonise Ellsberg and even to have him killed, Nixon staff broke into Ellsberg's psychiatrist's office and several dozen Cuban commandos were flown to Washington "with orders to assault or assassinate Ellsberg." They are reported to have backed out because when the opportunity to kill arose, the crowd was too large.

On account of gross government misconduct, all the charges against Ellsberg were eventually dropped and in relation to the case, the US Supreme Court insisted, "only a free and unrestrained press can effectively expose deception in government." In December 2010, in relation to his defence of Julian Assange, Daniel Ellsberg recalled, "I was the first one prosecuted for the charges that would be brought against him (Assange)." In his observation about the protection provided by the First Amendment of the US Constitution, Ellsberg explains, "the founding of this country was based on the principle that the government should not have a say as to what we are, what we think and what we read."

In his commentary on the arrest and confinement of US serviceman Bradley Manning, Ellsberg says, "If Bradley Manning did what he's accused of, then he's a hero of mine and I think he did a great service to this country ... I say there should be some secrets. But I also say we invaded Iraq illegally because of a lack of a Bradley Manning at that time."

A 2006 statement about the purpose of WikiLeaks is a key statement of position by Assange: "The goal is justice, the method is transparency." In March 2008 after the release of US embassy cables, the Pentagon's Cyber Counter-Intelligence Assessments Branch said it planned to destroy the feeling of trust in WikiLeaks and would do so by threatening Assange with exposure and criminal prosecution.

The fury of US politicians is fed by their fascination with violence as a way to deal with anyone who challenges their views on the merits of US dominance in world affairs. 2012 Republican Presidential hopeful Mike Huckabee went on record quickly: "whoever in our government leaked that information is guilty of treason and I think anything less than execution is too kind a penalty." Republican Sarah Palin wants Assange hunted down like Bin Laden. US Congressman Peter King says that WikiLeaks should be declared a foreign terrorist organisation.

Assange is rightly fearful about his removal to Sweden to face questioning over possible sex assault charges. If this resulted in his extradition to the US, the motives for revenge could be greater against him than against US citizen Bradley Manning.

In the long tradition of demonising dissenters, almost any technique could be used to play with the term justice in order to stifle and punish those who blow the whistle on the conduct of government. John Pilger reports that the secret grand jury sitting in Virginia is exploring whether Assange can be indicted "under the same espionage act used to arrest peace activists during the First World War, or one of the 'war on terror' conspiracy statutes that have degraded US justice."

The themes resonate over the centuries. The pillory for Defoe, grand juries for Paine, Ellsberg and Assange — followed by exposure of the corrupt practices used in such cases. History repeats itself in other ways. The 1792 collection to pay for Tom Paine's defence will be imitated on 16 March in the Sydney Town Hall when a public forum called Breaking Australia's Silence — WikiLeaks and Freedom ends with a collection for the defence funds for Julian Assange.

That meeting will acknowledge the debt we owe to Tom Paine but perhaps Defoe should have the last word, albeit from the first line of Hymn to the Pillory: "Hail hieroglyphic state-machine."