

Don't Cry for Julian Assange

By Floyd Abrams

The fall of WikiLeaks has come with startling swiftness. A year ago millions viewed it as a vibrant, swash-buckling, hi-tech, anti-establishment revealer of secrets. Now WikiLeaks has suspended publication, and its founder and publisher, Julian Assange, has been ordered extradited from England to Sweden to respond to questions about alleged sexual assaults on two Swedish women.

The five newspapers to which WikiLeaks furnished hundreds of thousands of confidential State Department and U.S. military documents jointly announced they "deplored" its conduct in releasing the names of vulnerable confidential sources of information.

There has been much to deplore.

Earlier this year the American ambassador to Mexico, Carlos Pascual, was obliged to resign under Mexican pressure because his candid and quite correct cables to Washington released by WikiLeaks had observed that the Mexican army had been "risk averse" in pursuing drug traffickers. Ecuador expelled U.S. Ambassador Heather Hodges for her candid assessment of the political situation there in cables released by WikiLeaks. In Zimbabwe, the attorney general of Robert

Mugabe's despotic regime has stated that those leaders of his nation who spoke with the U.S. embassy, as revealed by WikiLeaks, could face prosecution for "treason."

WikiLeaks put many people at risk, which may have already cost lives.

In 2010, WikiLeaks released more than 77,000 confidential U.S. military reports from Afghanistan, which included the names of over 100 Afghan sources of information, placing them at risk of retaliation by the Taliban. This was followed, just a few months ago, by WikiLeaks' release of the full texts of over 251,000 confidential U.S. diplomatic cables, many containing the names of individuals who had sought and been promised confidentiality.

As summarized in London's Guardian newspaper, "several thousand [documents were] labeled with a tag used by the U.S. to mark sources it believes could be placed in danger, and more than 150 specifically mentioned whistleblowers." References were, as well, made to "people persecuted by their governments, vic-

tims of sex offenses and locations of sensitive government installations and infrastructure."

This was the conduct that caused the five publications (Der Spiegel, El Pais, Le Monde, the Guardian and the New York Times) that had published WikiLeaks documents—but which had redacted them to avoid reference to individuals who could be harmed by revealing their identities—to denounce WikiLeaks. Joel Simon, the executive director of the Committee to Protect Journalists, warned that even a reference to a journalist "in one of these cables can easily provide repressive governments with the perfect opportunity to persecute or punish journalists and activists."

There is, of course, another side to WikiLeaks. It released the cables of American diplomats in Tunisia commenting on the high level of corruption there that is often credited with igniting the "Arab Spring." It exposed a string of extrajudicial killings in Kenya, and much more.

But no amount of such revelations can justify or excuse WikiLeaks' persistent recklessness.

There was no justification for WikiLeaks' release of a four-page, single-spaced cable, classified as secret, listing facilities around the world, ranging from specified undersea communication lines to

a laboratory that makes smallpox vaccine, that the U.S. considers vital to its national security. The same may be said of WikiLeaks' release of a classified report describing the radio-frequency jammers used in Iraq by American soldiers to cut off signals to remotely detonated explosives.

None of this means that if WikiLeaks or Mr. Assange were brought to trial in this country that they would have no basis for claiming First Amendment protection. They would and should. Whatever the legal result, it would not absolve Mr. Assange of conduct that has put many people at great risk, or indeed, may already have cost some of them their lives.

"When delicate information is at stake, great prudence is demanded so that the information doesn't fall into the wrong hands and so that people are not hurt," the German newspaper Die Welt commented upon WikiLeaks' bulk release of unredacted State Department cables. That such self-evident language seems alien to Julian Assange and to WikiLeaks says it all.

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