

IT IS FALSE AND DEFAMATORY TO ACCUSE WIKILEAKS OF A BUNCH OF THINGS THAT AREN'T THE KEY ALLEGATIONS AGAINST IT

WikiLeaks decided it was a good idea to release a long list of claims about Julian Assange and WikiLeaks that it considers defamatory. Emma Best obtained and liberated the list. Given that the list clearly attempts (unsuccessfully in some places, and hilariously in other places where they deem matters of opinion defamatory) to be factually correct, I'm interested in the way WikiLeaks uses the list to try to deny a bunch of things that might end up in a US criminal indictment.

The US is only angry with Assange because Ecuador has lots of debt

Pretty far down the list, WikiLeaks denies being gagged for claims made about Sergey Skripal in such a way as to falsely suggest the only concerns the US had over Assange came to do with debt pressure.

It is false and defamatory to suggest that Ecuador isolated and gagged Mr. Assange due to his comments on Sergei Skripal [in fact, he was isolated over his refusal to delete a factually accurate tweet about the arrest of the president of Catalonia by Spain in Germany, along with U.S. debt pressure

on Ecuador. The president of Ecuador Lenin Moreno admitted that these two countries were the issue, see <https://defend.wikileaks.org/about-julian/>].

It's nonsensical to claim that Assange was gagged just because of debt pressure, but it's a good way to hide how the timing of his gag correlated with actions he took to piss off the US government, including by releasing a live CIA malware file.

The US charged Assange for actions it already decided not to charge him for, on which statutes of limitation have expired

The rest of the list is sprinkled with efforts to spin the US government's legal interest in Assange. There's an extended series of items that attempt to claim, as WikiLeaks has since DOJ accidentally revealed the existence of a recently filed complaint against Assange, that the charges instead relate to long-past publications (like Cablegate).

It is false and defamatory to deny that Julian Assange has been formally investigated since 2010 and charged by the U.S. federal government over his publishing work [it is defamatory because such a claim falsely imputes that Mr. Assange's asylum is a sham and that he is a liar, see <https://defend.wikileaks.org/>].

It is false and defamatory to suggest that such U.S. charges have not been confirmed [in fact, they have, most recently by Associated Press (AP) and

the Washington Post in November 2018].

- It is false and defamatory to suggest that the U.S. government denies the existence of such charges.
- It is false and defamatory to suggest that Julian Assange is not wanted for extradition by the U.S. government [in fact, public records from the Department of Justice show that the U.S. government says it had been intentionally concealing its charges against Mr. Assange from the public specifically to decrease his ability to “avoid arrest and extradition”].
- It is false and defamatory to suggest that the U.S. government has not publicly confirmed that it has an active grand jury, or pending or prospective proceedings, against Julian Assange or WikiLeaks, each year since 2010.

These claims are all true. WikiLeaks has been under investigation since well before 2010. There are charges that the US would like to extradite Assange for.

But all the public evidence suggests those charges relate to WikiLeaks’ recent actions, almost certainly involving Vault 7 and probably involving Russia’s election year operation.

Julian Assange is not a hacker, which is different from being someone who solicits or assists in hacks

WikiLeaks makes repeated claims that might appear to deny that the organization has solicited or assisted in hacks. The list denies that the DNC (which doesn’t have all the evidence Mueller does) has accused Assange of soliciting hacks of the DNC or Podesta.

(Everywhere, this list is silent about the DCCC and other election year targets).

It is false and defamatory to suggest that the Democratic National Committee has claimed that Julian Assange directed, conspired, or colluded to hack the Democratic National Committee or John Podesta [in fact, the DNC makes no such claim:
<https://www.courthousenews.com/wp-content/uploads/2018/12/WikiLeaksDNC.pdf>].

It denies that France has claimed that the MacronLeaks came from Russia (which again stops short of saying that the MacronLeaks came from Russia).

It is false and defamatory to suggest that the French government found that “MacronLeaks” were hacked by Russia [in fact, the head of the French cyber-security agency, ANSSI, said that they did not have evidence connecting the hack with Russia, see <https://wikileaks.org/macron-emails/>].

It denies that Assange has hacked the state of Ecuador (but not the Embassy of Ecuador or other states, including the US or Iceland).

It is false and defamatory to suggest that Julian Assange has ever hacked the state of Ecuador.

And it denies that Assange is, himself, a hacker.

It is false and defamatory to suggest that Julian Assange is a “hacker”.

All of these hacking denials stop well short of denying that WikiLeaks has solicited hacks before, including by publicizing a “most wanted” list that Russian hackers might respond to.

Mueller described WikiLeaks as an unindicted co-conspirator but that doesn't mean Mueller has any interest in the organization

Close to the top of the list, WikiLeaks makes two claims to suggest the organization and Assange are not targets in the Mueller investigation.

It is false and defamatory to suggest that WikiLeaks or Julian Assange has ever been contacted by the Mueller investigation.

It is false and defamatory to suggest that there is any evidence that the U.S. charges against Julian Assange relate to the Mueller investigation.

This is misdirection hiding a great deal of evidence that WikiLeaks is a target in the Mueller investigation. The list is silent, for example, on whether Congressional investigators have contacted Assange, whether Assange ultimately did accept SSCI's renewed request last summer to meet with Assange, and whether Assange demanded immunity to travel to the US to respond to such inquiries.

Nor does WikiLeaks deny having been described – in a fashion usually reserved for unindicted co-conspirators – in a Mueller indictment.

WikiLeaks doesn't deny that WikiLeaks denied

Russians were its source for 2016 materials

WikiLeaks twice denies, in very similar language, that it suggested that Seth Rich was its source for the DNC emails.

It is false and defamatory to suggest that WikiLeaks or Julian Assange claimed that any person or entity was their source for WikiLeaks' 2016 U.S. election publications [it is defamatory because Julian Assange's professional reputation is substantially based on source protection].

[snip]

It is false and defamatory to suggest that WikiLeaks or Julian Assange has ever stated or suggested that any particular person was their source for any publication, including Seth Rich.

A good lawyer would be able to sustain a claim that Assange had indeed "suggested" that Rich was his source, though it would make an interesting legal battle.

But when WikiLeaks denies feeding Seth Rich conspiracies, it does so only by denying the most extreme conspiracy, that the Democrats had Rich killed.

It is false and defamatory to suggest that WikiLeaks or Julian Assange has ever published, uttered or tried to promote alleged conspiracy theories claiming "John Podesta engaged in satanic rituals", the "Democratic Party had Seth Rich Killed", "Clinton wore earpieces to the 2016 US election debates", on "Clinton's health" or "Clinton kidnapping children".

All of this, of course, dodges the way that WikiLeaks repeatedly tried to claim that Russia was not its ultimate source for the 2016 files.

Should we take the silence on this point as an admission?

Marcy Wheeler is false and defamatory



Finally, there are four claims relating to Vault 7, three of which pertain to my coverage of the way WikiLeaks attempted to leverage the Vault 7 releases in conversations with the Trump Administration. WikiLeaks denies that the two times Assange suggested to the President's spawn that he should be made an ambassador to the US constituted an effort by WikiLeaks to get Trump to appoint Assange ambassador (note, this is also a denial that Assange tried to serve in another diplomatic role, which is different than being Ambassador).

It is false and defamatory to suggest that WikiLeaks tried to have the Trump administration appoint Julian Assange as an ambassador or to have any other person or state appoint him as an ambassador.

I find it notable that this claim departs from the form used in many of these denials, speaking for both Assange and WikiLeaks.

Then the list twice denies that Assange suggested he wouldn't release the Vault 7 files if the Trump Administration provided him immunity.

It is false and defamatory to suggest that Julian Assange has ever extorted the United States government.

It is false and defamatory to suggest that Julian Assange has ever proposed that he not publish, censor or delay a publication in exchange for any thing.

Assange would and will claim that the discussions with Adam Waldman where just this arrangement was floated are protected by Attorney-Client privilege. But Waldman may have said enough *to people at DOJ* to refute this denial regardless.

Finally, WikiLeaks insisted it has never retracted any of the bullshit claims it made about its Vault 7 files.

It is false and defamatory to suggest that any of WikiLeaks' claims about its 2017 CIA leak, Vault 7, "were later retracted".

Given that one of the claims directly parroted the bullshit claims Shadow Brokers was making, a claim it made in a release that will probably be part of the charges against it, this non-retraction doesn't necessarily help it much.

Note that one other thing WikiLeaks is silent about here are its public statements about Joshua Schulte, whose attempts to continue leaking from jail the FBI got on video. I find that interesting both for WikiLeaks' attempt to corroborate Schulte's thin excuse for using Tor after he was charged, and for its relative silence about whether he would be a whistleblower if he were its source for CIA's hacking tools.

Update: WikiLeaks has released a revised version

that takes out, among other things, the Ambassador claim, the Seth Rich claims, and also a denial that it is close to Russia.

As I disclosed last July, I provided information to the FBI on issues related to the Mueller investigation, so I'm going to include disclosure statements on Mueller investigation posts from here on out. I will include the disclosure whether or not the stuff I shared with the FBI pertains to the subject of the post.