



Written by [Thomas R. Eddlem](#) on December 9, 2010

## Gingrich Calls Assange an “Enemy Combatant”

Former Republican House Speaker Newt Gingrich called WikiLeaks Founder Julian Assange an “enemy combatant” on Fox Business Network's Freedom Watch. He also called on the National Security Agency to close down WikiLeaks. Assange defended WikiLeaks in The Australian newspaper December 8.



Assange has published hundreds of thousands of secret U.S. documents on the Internet. Gingrich [told](#) Fox Business Networks' Judge Andrew Napolitano that Assange “is an active enemy combatant who is engaged in information warfare against the United States. What he is doing is going to have incalculable damage to this country. It is going to have a number of innocent people killed, a number of our allies killed. It is going to put Americans at risk.... This is an act of war against the United States.”

Gingrich went on to [call openly for Internet censorship](#), employing the massive electronic resources of the Pentagon:

What we should do is treat Assange as an enemy combatant. Information warfare is warfare. The National Security Agency should close down that site, keep it closed down. Every time they try to reopen it under a new name, they should close it down. We should wage active information warfare against any effort to release American secrets.

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An information war is clearly being waged over WikiLeaks, but the public release of information documenting truths the U.S. government does not want circulated — e.g., [Pakistan's support of the insurgency against American soldiers in Afghanistan](#) even as the U.S. government assists the Pakistani regime — does not make Assange an “enemy combatant” against the United States by any stretch of the imagination. Yet somehow this is the conclusion Gingrich has drawn. And if the Obama administration were to draw the same conclusion, the administration could then treat Assange like others who have been designated “enemy combatants” — including kidnapping him and keeping him in indefinite detention without giving him a trial or even charging him with a crime. (Yes, Assange is now outside the reach of the United States, but what if that were to change?)

In response to its release of documents, WikiLeaks has come under coordinated technological attack in recent weeks: Its servers have been [hacked](#). Amazon.com [refused](#) page requests from its servers for web surfers to go to WikiLeaks.org. The U.S. government [banned](#) employees from going to WikiLeaks, and [threatened](#) contractors with their contracts for surfing up to WikiLeaks. Swiss banks have been pressured to close WikiLeaks' accounts. MasterCard and Paypal suspended payment systems with



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WikiLeaks after being pressured to do so by the U.S. State Department, according to Paypal executives, the *Christian Science Monitor* [reported](#) December 8.

There's an information war going on, and WikiLeaks is casualty, not a combatant. In response to the U.S. government aggression, some people friendly with WikiLeaks launched "[Operation Payback](#)" December 8, hacking and temporarily disabling MasterCard and Paypal's servers during the busy Christmas shopping season.

Fox Business' Andrew Napolitano [told](#) Newt Gingrich that the WikiLeaks case is one of basic free speech issues: "If the administration could impair WikiLeaks because it doesn't like what it talks about, it could impair other aspects of the media because it doesn't like what it talks about. That's why we have a First Amendment." The statement is particularly powerful because his employer, Fox Business Network, has hardly been a favorite of the Obama administration. Napolitano noted that the *New York Times* had collaborated with WikiLeaks, and that older, more established news agencies may eventually find themselves under electronic attack from the U.S. government for printing documents or opinions the Obama government doesn't like.

"Assange is a person who is deeply anti-American," Gingrich told Napolitano. But Assange's political philosophy sounds a lot like self-described conservatives in the United States. In the Sydney-based newspaper *The Australian* for December 8, Assange [wrote](#): "I grew up in a Queensland country town where people spoke their minds bluntly. They distrusted big government as something that could be corrupted if not watched carefully.... These things have stayed with me. WikiLeaks was created around these core values. The idea, conceived in Australia, was to use internet technologies in new ways to report the truth."

On WikiLeaks partners —the *London Guardian*, the *New York Times* and the German *Der Spiegel* — Assange [noted](#) in his column in the *Australian* that "[Australian] Prime Minister Gillard and US Secretary of State Hillary Clinton have not had a word of criticism for the other media organisations. That is because *The Guardian*, *The New York Times* and *Der Spiegel* are old and large, while WikiLeaks is as yet young and small. We are the underdogs."

The U.S. government is beating up WikiLeaks, electronically speaking, because they appear to be small enough to defeat. But what about larger media outlets? Are they next on the U.S. government's electronic hit-list?

The fundamental questions come down to these: Are the freedom of speech and the freedom of the press rights or not? The [First Amendment](#) reads "Congress shall make no law ... abridging the freedom of speech, or of the press." Does the U.S. Constitution's First Amendment ban on the federal government making any law "abridging" those freedoms hold, or doesn't it?

In the 1971 case of *New York Times v. United States*, which dealt with the release of the "Pentagon Papers," the Nixon administration's Solicitor General flatly [told](#) U.S. Supreme Court Justice Hugo Black that vague assertions of "national security" negate the First Amendment to the U.S. Constitution:

Now, Mr. Justice [BLACK], your construction of ... [the First Amendment] is well known, and I certainly respect it. You say that no law means no law, and that should be obvious. I can only say, Mr. Justice, that to me it is equally obvious that 'no law' does not mean 'no law,' and I would seek to persuade the Court that that is true.

This logical impossibility — a blatant negation of the plain meaning of the U.S. Constitution — appears to be the Obama administration's position as well: "Congress shall make no law" can sometimes mean



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“we can do whatever we want” if they claim they've got a good reason. Black replied in a [Supreme Court concurrence](#) to the Pentagon Papers case that cogently dismissed the government argument:

Our Government was launched in 1789 with the adoption of the Constitution. The Bill of Rights, including the First Amendment, followed in 1791. Now, for the first time in the 182 years since the founding of the Republic, the federal courts are asked to hold that the First Amendment does not mean what it says, but rather means that the Government can halt the publication of current news of vital importance to the people of this country....The guarding of military and diplomatic secrets at the expense of informed representative government provides no real security for our Republic. The Framers of the First Amendment, fully aware of both the need to defend a new nation and the abuses of the English and Colonial governments, sought to give this new society strength and security by providing that freedom of speech, press, religion, and assembly should not be abridged.

But will such wisdom and filial adherence to the philosophy to the Founding Fathers win the day today, nearly 40 years later? That remains to be seen.

*Photo: Newt Gingrich on Fox Business Network's Freedom Watch*



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