



Written by [Joe Wolverton, II, J.D.](#) on April 27, 2012

## Judge: All 22 Charges Against Bradley Manning Will Stand, Including Aiding the Enemy

The ruling issued by Army Colonel Denise Lind allowed the discovery process in the case known as the "WikiLeaks case" to continue on the merits of the charges in advance of the trial, which is set to begin on September 21 and will continue through October 12.



In what is described as "the biggest leak of classified information in U.S. history," Manning is accused of passing over 700,000 documents and video clips to WikiLeaks, the widely known website devoted to exposing government corruption throughout the world.

If convicted of the charge of giving aid to the enemy, Manning could face life imprisonment. The maximum penalty for the other charges he faces is 150 years combined.

Manning's defense team avers that their client was "troubled" and that he was not competent to have been allowed access to classified information.

Private Manning, 24, from Crescent, Oklahoma, has been detained since he was arrested on May 29, 2010 while on deployment with the 10th Mountain Division in Iraq. While on duty near Baghdad, Manning had access to the Secret Internet Protocol Router Network (SIPRNet) and the Joint Worldwide Intelligence Communications System. SIPRNET is the network used by the United States government to transmit classified information.

Manning's arrest came as the result of information provided to the FBI by a computer hacker named Adrian Lamo. Lamo told agents that during an online chat in May 2010, Manning claimed to have downloaded classified information from SIPRNet and sent it to WikiLeaks.

According to published reports, the material Manning is accused of unlawfully appropriating includes a large cache of U.S. diplomatic cables (approximately 250,000), as well as videos of an American airstrike on Baghdad conducted in July 2007 and a similar attack in May 2009 on a site near Granai, Afghanistan (an event sometimes known as the Granai Massacre).

In his defense, Manning's lawyers argued that Manning was not the only one in his unit with access to the computers from which the information in controversy was obtained. As [reported by the Associated Press](#):

They say he was in emotional turmoil, partly because he was a gay soldier while U.S. armed forces still barred gays from serving openly. The defense also claims Manning's apparent disregard for security rules during stateside training and his increasingly violent outbursts after deployment



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were red flags that should have prevented him from having access to classified material.

The prosecutors also disclosed printed copies of excerpts of Internet chats found on Manning's personal computer. According to the Army, these transcripts prove Manning's collaboration with the founder of WikiLeaks, Julian Assange.

Assange's activities and the Obama administration's response to them were recently [chronicled by Jurist](#):

WikiLeaks has recently revealed more confidential information concerning the United States. In August, the website began publishing "The Guantanamo Files," a collection of more than 700 classified documents relating to the evidence and treatment of almost all detainees held at Guantanamo Bay between 2002 and 2008.

In November 2010, US Attorney General Eric Holder condemned WikiLeaks for its publication of confidential information, saying that it threatens US national security, specifically by risking the safety of those serving the country and straining important diplomatic relationships. WikiLeaks has alleged the information must be revealed to the public as evidence of potential crimes against humanity. In July 2010, WikiLeaks founder Julian Assange said that the Afghan War Diaries, a compilation of 91,000 documents leaked to the organization on the US war effort in Afghanistan, may provide evidence of war crimes committed by U.S. forces.

In February the military tribunal referred Manning's case to a court martial. Last April, a panel of medical experts found Manning competent to stand trial. The Army ordered a mental competency examination in order to determine Manning's capacity to stand trial as well as to ascertain with an acceptable level of medical certainty his mental state at the time of the crimes of which he is accused. The examination was designed to legally establish whether Manning was able to form the legal mental intent requisite for the various charges placed against him.

Although former Secretary of Defense Robert Gates claimed that the video footage allegedly provided by Manning inaccurately portrays the intricacies of warfare "as seen through a soda straw," others have made constitutional arguments in opposition to Manning's arrest and trial.

For example, in an op-ed published by Jurist, law professor Charles Lugosi described a world where the rule of men and not the rule of law governs the affairs of the United States. Lugosi said:

Since 9/11, we are living in a political state where personal privacy, free flow of information and freedom of association have been diminished as a result of the Patriot Act, which weakens the rights of individuals while increasing the military and police power of the state and federal governments. The executive branch has undermined the rule of law by eroding rights established in the Constitution.

And, regarding the Manning case specifically:

Outdated assumptions of media power and wealth no longer apply today. Profit and the desire to influence may still motivate organized institutional media controlled by magnates like Rupert Murdoch, but unorganized individuals, through websites and social networking, can expose injustice and raise the conscious awareness of the public to worthy causes and crusades. To attain this end, access to information is critical, yet it is often not legally available. This is why Private Bradley Manning allegedly chose to break the law by giving WikiLeaks information that the



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government refused to release in the name of national security.

Earlier this year the Special Rapporteur on Torture for the United Nations formally accused the U.S. government of cruel, inhuman, and degrading treatment of Manning during his incarceration. [In the report submitted to the U.N. Human Rights Council](#), Juan Mendez outlined the alleged mistreatment of Manning.

Mendez reported that the U.S. government's "prolonged confinement" of PFC Manning was inhuman. The relevant section of Mendez's report declares, "Mr. Manning was held in solitary confinement for twenty-three hours a day following his arrest in May 2010 in Iraq, and continuing through his transfer to the brig at Marine Corps Base Quantico."

Further on, Mendez wrote, "Solitary confinement is a harsh measure which may cause serious psychological and physiological adverse effects on individuals regardless of their specific conditions."

Moreover, "Depending on the specific reason for its application, conditions, length, effects and other circumstances, solitary confinement can amount to a breach of article 7 of the International Covenant on Civil and Political Rights, and to an act defined in article 1 or article 16 of the Convention against Torture."

In response to his accusations that Bradley was being unfairly detained in solitary confinement, the U.S. government insisted that Bradley was not in solitary, but was on what it described as "prevention of harm watch." When asked to inform Mendez as to the harm posed by Manning, the government refused to elaborate.

In what is perhaps the most damning and constitutionally offensive allegation in the report, Mendez claims "that imposing seriously punitive conditions of detention on someone who has not been found guilty of any crime is a violation of his right to physical and psychological integrity as well as of his presumption of innocence."

This description of Manning's treatment while in the custody of the military may be a frightening though revelatory foreshadowing of the future of American citizens arrested by the military on order from the President under the powers given him in the National Defense Authorization Act (NDAA) that was signed into law by President Obama on New Year's Eve, 2011.

As of press time, parties were still awaiting Colonel Lind's ruling on all pending motions in the Bradley case.

*Photo: Manning in Cambridge, Mass., September 2009*



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