



Written by [Joe Wolverton, II, J.D.](#) on October 19, 2012

## Judge in Manning Case Orders Emails Released; Plea Expected Soon

Just days after [a judge ordered military prosecutors to disclose hundreds of emails](#) exchanged between Army officials in charge of overseeing the detention of PFC Bradley Manning, [Courthouse News reports](#) that Manning “privately told his trial judge Wednesday how he intends to respond to charges that he sent WikiLeaks hundreds of thousands of secret files about U.S. diplomacy and warfare.”



Courthouse News records the proceedings Wednesday that led to the speculation that Manning will soon enter a plea:

On Wednesday, he updated his trial judge, Col. Denise Lind, about his plans for trial, slated for Feb. 4, 2013, through a form that was not read into the record.

“Do you authorize this submission to the court?” Lind asked.

“I do, Your Honor,” Manning replied.

Though not a formal plea, its undisclosed details will allow prosecutors to question potential jurors and help the court prepare for trial.

The mystery form is not publicly available due to document [restrictions](#) that, in U.S. jurisprudence, are unique to courts martial.

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 U.S. 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



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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).

Prior to Wednesday's ruling, Manning's attorneys argued that the emails should be included in the discovery process in order to "[bolster their argument](#) that the soldier suffered illegal treatment when he was held at the Quantico Marine base in Virginia starting in 2010."

On July 27, the defense counsel representing Manning filed [a motion to dismiss](#) "owing to the unlawful pretrial punishment to which PFC Manning was subjected while at Marine Corps Base, Quantico [Virginia]." [Another motion was filed requesting a continuance](#) of the proceedings owing to the slow production by the government of reams of documents that are "obviously material to the preparation of the defense."

David Coombs is Manning's civilian lawyer, and in [a recent blog post](#) he declared that the contents of the Article 13 motion (the motion to dismiss) would "shock the conscience of the court." Coombs' confidence was well founded, as the tale related by him in the motion is disturbing and shines an unfavorable light on high-ranking American military officials.

[One such revelation concerns a three-star Army general](#) who allegedly ordered the brutal treatment of Manning while he was detained at the brig in Quantico. Coombs claims that emails he has obtained demonstrate that two separate brig commanders carried out the general's orders in "clear violation of Article 13 of the Uniform Code of Military Justice (UCMJ).

In relevant part, [Article 13 reads](#):

No person, while being held for trial, may be subjected to punishment or penalty other than arrest or confinement upon the charges pending against him, nor shall the arrest or confinement imposed upon him be any more rigorous than the circumstances required to insure his presence, but he may be subjected to minor punishment during that period for infractions of discipline.

As portrayed by Coombs, the treatment to which PFC Manning was subjected clearly violates the prohibition against confinement "any more rigorous than the circumstances required...."

During his imprisonment, PFC Manning was held in a 6 x 8 cell in what is known as MAX Custody, a condition Coombs describes as "the functional equivalent of solitary confinement." Manning was kept in this state for more than 23 hours a day, being allowed only 20 minutes respite a day during which he was to exercise. Such activity was nearly impossible, however, as his hands and feet remained shackled during this time.

Additionally, as part of his MAX Custody and Prevention of Injury (POI) classification, Manning was forbidden from lying down on his rack during the day and he could not lean against the wall. He was ordered to sit upright on the rack without back support all day. And, during the hours of 5 a.m. to 10 p.m., Manning was required to stay awake.

When confronted about the inhuman conditions under which Manning was being detained, military officials maintained that he was being treated in this manner as means of preventing injury. This despite repeated psychiatric evaluations declaring such treatment unnecessary. In fact, the psychiatrists who evaluated Manning repeatedly informed Quantico Brig officials that PFC Manning's POI status was unwarranted as the accused posed no risk of harming himself and that in fact the prolonged POI status was causing PFC Manning psychological harm. As Coombs reports, "The psychiatrists' recommendations were outright ignored by Quantico officials."



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“These emails now make all previous assertions by Quantico and Pentagon officials that they were simply following procedures to keep Manning safe patently ridiculous,” noted attorney Kevin Zeese, of the [Bradley Manning Support Network](#).

Zeese’s sentiment was echoed by a 29-year military veteran, retired U.S. Army Colonel Ann Wright. Said Wright:

The revelation that a Lieutenant General would order the mistreatment of a fellow soldier in violation of the UCMJ leaves me aghast. This general, and those who obeyed his orders to mistreat whistle-blower Bradley Manning while he was held in pre-trial confinement, must be held accountable. If not, the entire military justice system fails all members of the military.

The emails ordered released by Judge Lind at the pre-trial hearing held at Ft. Meade, Maryland reportedly “discuss the military’s plans to respond to queries from reporters about Manning’s detention, preparing for protests, changes to Manning’s list of visitors and other details.”

Lind offered no explanation for her ruling.

There are about 1,300 emails included in the order. In that order, Judge Lind exempted only about 12 from disclosure.

Attorneys representing the Army claimed that the emails were irrelevant and contained nothing material to the case against PFC Manning.

PFC Manning has been imprisoned for nearly 1,000 days without a trial. According to the current scheduling order, the trial on the merits of the charges made against Manning will begin on February 4, 2013.

*Photo of Bradley Manning: AP Images*



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