



Written by [Joe Wolverton, II, J.D.](#) on August 16, 2012

PFC Manning's Atty. Files Motion to Dismiss, Describes "Brutal" Treatment

On July 27, the defense counsel representing Army PFC Bradley 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](#) that 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...."

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



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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 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 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.

As it stands now, Coombs insists that the recently disclosed emails "reveal that everyone at Quantico was complicit in the unlawful pretrial punishment, from senior officers to enlisted soldier." Attorneys representing the government have withheld these emails from Manning's defense team for six months, an inexcusable deprivation of the accused's due process rights as guaranteed by the Constitution and the UCMJ.

As readers may recall, during his imprisonment, PFC Manning was held in a 6x8 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



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was causing PFC Manning psychological harm. As Coombs reports, “The psychiatrists’ recommendations were outright ignored by Quantico officials.”

“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. Says 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 whistleblower 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.

Regarding the likelihood that the judge in Manning’s case will approve the motion to dismiss, Jeff Paterson, of the Bradley Manning Support Network, says, “It would take a military judge of extraordinary character to do the right thing under military law and toss this case. For the first time, however, there is real hope that justice may be served, and the charges against Bradley dismissed.”

A pre-trial hearing on these motions is scheduled for October 1-5 at Fort Meade, Maryland. Prior to that hearing, PFC Manning is scheduled to make his next court appearance on August 27-31.

PFC Manning has been imprisoned for more than 800 days without a trial.

Photos: David Coombs, Bradley Manning’s civilian lawyer (left); Army Pfc. Bradley Manning is escorted from a courthouse in Fort Meade, Md., last year: AP Images



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