



Written by [Thomas R. Eddlem](#) on March 4, 2011

Alleged Wikileaker Bradley Manning Charged with “Aiding the Enemy”

The U.S. Army filed 22 new charges March 2 against Army Private First Class Bradley Manning, who is alleged to have been Wikileaks' source for a variety of intelligence data made public over the past year, including a charge of "aiding the enemy" that could carry the death penalty. Wikileaks is an internet whistleblower website that uses anonymous informants to publish secret information from the files of governments and large corporations, and has published hundreds of thousands of U.S. intelligence files about the Afghan and Iraq wars and U.S. diplomatic cables.



Specifically, the government [charges](#) that the 23-year-old Manning "between on or about 1 November 2009 and on or about 27 May 2010, without proper authority, knowingly give intelligence to the *enemy*, through indirect means." (Emphasis added.)

Pentagon officials also announced that "the new charges against Pvt. 1st Class Bradley E. Manning allege that he introduced unauthorized software onto government computers to extract classified information, unlawfully downloaded it, improperly stored it, and transmitted the classified data for public release and use by the enemy." Pentagon officials claimed that although the charge of "aiding the enemy" potentially carries a death penalty, they have no plans to seek the death penalty. A Defense Department [press release](#) announced that "if convicted of all charges, Manning would face a maximum punishment of reduction to the lowest enlisted pay grade, total forfeiture of all pay and allowances, confinement for life, and a dishonorable discharge."

The military charges of "aiding the enemy" do not name the enemy aided, and do not accuse Manning of working directly with a U.S. enemy, or transferring documents to an enemy of the United States, other than the fact that making them available on the Internet would make them available to friend and foe alike.

While some Americans assert that Manning's alleged leaks of secret U.S. government files qualify him as a ["traitor,"](#) others see Manning as a whistleblower who has exposed the U.S. government's absurd and unnecessary over-use of secrecy as well as a number of scandals. Moreover, many of the leaks have been cited for helping to spark the so-called ["Jasmine Revolution"](#) of peaceful protest against tyranny sweeping the Islamic world. As the liberal [Firedoglake.com website](#) —which has sponsored a support network for Manning — put it, "To put it in perspective, the government wants to imprison Manning for life as someone who 'aided the enemy,' when the documents in question helped bring about democratic change in some of the most authoritarian and oppressive countries in the world."

Salon.com's civil libertarian Glenn Greenwald [sees](#) a real threat to freedom in employing the "aiding the enemy" charge against Manning. "The dangers of such a theory are obvious. Indeed, even the military



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itself recognizes those dangers, as the *Military Judges' Handbook* specifically requires that if this theory is used — that one has 'aided the enemy' through 'indirect' transmission via leaks to a newspaper — then it must be proven that the 'communication was intended to reach the enemy.' "

If the [alleged Manning chats with Adrian Lamo](#) end up being proven accurate, there's nothing that would indicate Manning intended harm to the American people. To the contrary, the chat transcripts appear to confirm that the leaks were designed to inform the American people about what their government was doing in the Middle East, and not to help Al Qaeda or another terrorist group. If authenticated, the chats would clearly indicate that Manning styled himself as a whistleblower.

The question is, who is the "enemy" Manning is alleged to have helped with the leaks?* Greewald [speculates](#) that "In light of the implicit allegation that Manning transmitted this material to WikiLeaks, it is quite possible that WikiLeaks is the 'enemy' referenced by Article 104, i.e., that the U.S. military now openly decrees (as opposed to secretly declaring) that the whistle-blowing group is an 'enemy' of the U.S. More likely, the Army will contend that by transmitting classified documents to WikiLeaks for intended publication, Manning 'indirectly' furnished those documents to Al Qaeda and the Taliban by enabling those groups to learn their contents. That would mean that it is a capital offense not only to furnish intelligence specifically and intentionally to actual enemies — the way that, say, Aldrich Ames and Robert Hanssen were convicted of passing intelligence to the Soviet Union — but also to act as a whistle-blower by leaking classified information to a newspaper with the intent that it be published to the world. Logically, if one can "aid the enemy" even by leaking to WikiLeaks, then one can also be guilty of this crime by leaking to *The New York Times*."

If Greenwald is right, and the U.S. military position is that publishing secret information is "aiding the enemy," can other whistleblowers of government scandal also be charged with the same crime and potentially face the death penalty?

The last formal declarations of war made by Congress were upon Japan, on December 8, 1941; upon Germany, on December 11, 1941; and upon Bulgaria, on June 5, 1942. The last of these was ended by the Paris Peace Treaty of February 10, 1947. Which raises the constitutional question of whether the United States can legally have an "enemy" upon which Congress has not declared war.

Photo: This undated file photo obtained by The Associated Press shows Bradley Manning, the U.S. Army private suspected of being the source of some of the unauthorized classified information disclosed on the WikiLeaks website: AP Images



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