

Manning prosecution lays basis for terror charge against WikiLeaks founder Assange

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24 December 2011

In pre-trial proceedings against Army Private Bradley Manning at Fort Meade, Maryland this week, the Army's lead prosecutor presented evidence purportedly linking Manning directly to WikiLeaks founder Julian Assange and alleged that by publishing documents leaked by Manning, WikiLeaks and Assange had aided terrorists, including Al Qaeda.

The proceedings concluded Thursday after less than a week of hearings. Manning is charged with leaking hundreds of thousands of classified documents, including evidence of US war crimes, to WikiLeaks.

The closing arguments of Captain Ashden Fein make clear that the United States government is seeking to use its prosecution of Manning, a 24-year-old soldier and former intelligence analyst, to lay the basis for extraditing Assange to the US and either prosecuting him as a terrorist or locking him away indefinitely in a military prison without any recourse to the courts or due process.

The attempt of the prosecution in the Manning case to make an amalgam between Manning, Assange and Al Qaeda is particularly ominous given the passage last week of the National Defense Authorization Act, which includes authorization for the US president to order the indefinite military detention without trial of anyone, citizen or non-citizen, whom the president names as a terrorist.

Assange is currently in Britain, appealing to Britain's Supreme Court an extradition order to Sweden on the basis of trumped-up sex charges. If extradited to Sweden, Assange will likely face extradition to the US.

By alleging as well that Manning aided Al Qaeda, the prosecution is escalating a strategy aimed at coercing Manning to implicate Assange. Without having even been formally charged, Manning was held in solitary confinement for months on end and subjected to forced

nakedness and sleep deprivation among other forms of torture.

The central purpose of his treatment from the time he was detained 19 months ago has been to "strong-arm" the young man into a plea bargain in which he is called to testify against Assange.

The presiding officer in the Article 32 hearing, Lieutenant Colonel Paul Almanza, will issue a recommendation by January 16 as to whether Manning will face court martial.

He faces 22 charges under the Espionage Act, including "aiding the enemy," which carries a maximum sentence of death. Prosecutors have stated that the military will instead pursue a sentence of life in prison, although under court martial Manning may still be subject to capital punishment.

The military prosecutor, Captain Fein, told the court that Manning had been "trained and trusted to use multiple intelligence systems." Fein continued: "He used that training to defy that trust. He abused our trust. Ultimately, he aided the enemies of the United States by indirectly giving them intelligence through WikiLeaks."

Fein exhibited excerpts of an alleged Internet chat between Manning and Assange. In the alleged exchange, Assange assists Manning in obtaining a password to access classified material.

Baher Azmy, an attorney for Assange with the Center for Constitutional Rights, said the government's evidence is not verifiable. "We have no access to and cannot review or see the government's evidence," he told the *Washington Post*. "We do not know if it is reliable."

The prosecution also played a video purportedly showing a member of Al Qaeda urging militants to study WikiLeaks material. "The solution for Jihadis is

to head to the free Internet,” the narrator declares.

“Manning was a trained analyst,” Fein said. “He knew Al Qaeda was an enemy of the United States. He knew they collected information from the Internet. He knowingly gave information through WikiLeaks to them.”

“Manning gave the enemy of the United States unfettered access to classified documents,” Fein concluded.

Through such an argument, the military and the Obama administration are seeking to define WikiLeaks as an organization that aids terrorism. The Army is seeking to establish a precedent with the Manning case that will effectively militarize the Internet and media because “terrorists” may learn about US government secrets. Under such conditions, whistleblowers who divulge covert activities of the US government, as well as journalists who report them, could be accused of aiding terrorists, detained by the military or tried for espionage.

In response to this aggressive and anti-democratic argument, Manning’s lawyers did not counterpose a political defense based on an opposition to war crimes, censorship, or the attack on democratic rights. Instead, in his closing argument, Manning’s civilian attorney David Coombs focused on having charges against the private reduced to three counts carrying a total of 30 years in military prison.

Much of Coombs’ closing statement concentrated on pointing out lax security at the Sensitive Compartmented Information Facility in Baghdad, where Manning worked. He asserted that the military itself was responsible for instances where Manning and fellow soldiers committed chargeable offenses, including using unauthorized software and bypassing security. “It was a lawless unit when it came to information assurance,” Coombs said. “They did not follow rules, they did not follow standards.”

Coombs also argued that because Manning was forced to hide his sexual orientation under military discipline, he suffered from a gender identity disorder that expressed itself in emotional outbursts against his colleagues and the creation of an online female alter-ego.

The Army knew of his psychological distress but did nothing, the defense asserted, even after Manning himself wrote a letter to a sergeant in his unit about his

troubles. “Everyone is concerned about me,” Manning had written. “Everyone is afraid of me and I’m sorry... I joined the military hoping the problem would go away and it did for a while.” Manning’s anguish was by all accounts ignored, even after a superior officer suggested the private required regular psychiatric consultation.

Describing Manning as “young and idealistic” with a “strong moral compass,” Coombs said, “History will ultimately judge my client.”

“The government overcharged in this case in order to strong-arm a plea from my client,” he added.

After the close of proceedings Thursday afternoon, the *Guardian* interviewed Daniel Ellsberg, who was among a group of supporters outside the gates of Fort Meade. In 1973, Ellsberg was cleared of espionage charges for being the whistleblower behind the leak of the Pentagon Papers, exposing US crimes in Vietnam.

“This process should not have had to take place,” Ellsberg said. “And the proceedings in this case should be ended in the same way that my trial was ended nearly 40 years ago” when the judge concluded that the government’s misconduct in the case went so far as to “offend a sense of justice.”

Ellsberg noted that President Obama had exerted “improper command influence” when he told reporters earlier this year that Manning “broke the law.”

Ellsberg warned, “What the defense lawyer today suggested is to get a plea bargain that would incriminate Assange.”

Also present at Fort Meade was Jennifer Robinson, a legal advisor who has assisted Julian Assange and WikiLeaks. Robinson told the *Guardian* December 21 that the proceedings were more restricted on reporting than those involving Guantanamo Bay detainees.

Robinson spoke against the Justice Department’s vendetta against Assange. “This has confirmed what we knew already, that the US is still very serious about pursuing Julian Assange and it only confirms our fears about extradition to the US are warranted.”



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