

Judge retains “aiding the enemy” charge against Bradley Manning

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19 July 2013

The US military judge presiding over the court martial of Private Bradley Manning decided Thursday against dropping the most draconian charge sought by the prosecution, that of “aiding the enemy.”

The trial of Manning—who helped leak thousands of classified documents to WikiLeaks in 2010—will now go forward under charges that carry a potential death penalty, though the government has said it will not seek Manning’s execution. Closing arguments may begin as early as next week. The same judge who made yesterday’s decision, Army Colonel Denise Lind, will make the final determination as to Manning’s fate.

For what is Manning being prosecuted? In 2010, the Army private revealed to the public secret documents exposing the nature of the wars in Afghanistan and Iraq. Among these was a video, posted by WikiLeaks under the headline “Collateral Murder,” documenting the targeting and slaughter of Iraqi civilians in Baghdad, including two journalists.

By charging Manning with “aiding the enemy,” the government is equating the leaking of secret evidence of war crimes with espionage and giving aid to terrorists. As the government is well aware, and as Manning explained in a statement delivered to the court in February, he uncovered this material in order to inform the American people and stimulate “discussion, debates and reforms” relating to US foreign policy.

Since Manning passed the documents on to WikiLeaks in order to alert the American people about the illegal and immoral actions of their government, it follows that they, not Al Qaeda, are the real “enemy” with which the government and the military/intelligence agencies are concerned.

In the landmark case on the leaking of the Pentagon Papers relating to the Vietnam War, the US Supreme Court ruled that information could not be suppressed on the basis of a general claim that the material was harmful

to national security interests. Each piece of information had clearly and concretely to be shown to have a harmful impact on a specific aspect of national security.

Justice Hugo L. Black wrote in 1971 that “the word ‘security’ is a broad, vague generality whose contours should not be invoked to abrogate the fundamental law embodied in the First Amendment.” It is precisely such a vague generality that forms the basis of the government’s case against Manning.

The government’s charges of “aiding the enemy” are entirely spurious, as is the entire legal witch-hunt against Manning. Absolutely no proof has been presented that Manning deliberately set out to aid Al Qaeda. Instead, the government is arguing that since the information Manning released could be accessed by Al Qaeda, his actions were tantamount to treason.

By the government’s logic, not only must Manning be guilty of assisting Al Qaeda. So too must WikiLeaks be for posting the material, along with any publication that distributed it. Moreover, by the definition of “providing material support to the enemy” set forth in the Patriot Act and other anti-democratic legislation, any group or individual who defends Manning could be targeted for prosecution.

This logic has already been realized in actions. The Obama administration has relentlessly pursued WikiLeaks founder Julian Assange, who is currently holed up in the Ecuadorean embassy in London. Secret charges have been filed in the event that Assange is captured and extradited to the United States.

In May, it was revealed that the administration had covertly collected the phone records of Associated Press journalists, and it subsequently emerged that Fox News reporter James Rosen had his emails and Internet connection tapped as he pursued a relationship with a State Department official who was leaking classified information.

On the basis of the government's line of argument and actions, nothing remains of the First Amendment guarantees of freedom of speech and freedom of the press.

The anti-democratic vendetta against leakers and whistleblowers has reached a new stage in the campaign against National Security Agency whistleblower Edward Snowden. Through his actions, Snowden has helped reveal over the past month-and-a-half the existence of a police state architecture of unprecedented scope. On the basis of secret court decisions and secret interpretations of the law, a database of phone records and Internet activity has been constructed for the entire population of the United States and much of the world.

For these actions, Snowden too has been charged under the Espionage Act and is currently the target of a global campaign to force his return to the United States. The government's claim that he will receive "due process" if he is captured is rendered farcical by the treatment of Manning, who, in addition to facing a military trial, has been subjected to months of abuse that the United Nations special rapporteur for torture described as "cruel, inhumane and degrading."

The gang of criminals who dare to stand in judgment of Manning are the real enemies of the American people. For over a decade, under the fraudulent banner of the "war on terror," they have worked with "evil intent" (as Manning is accused of doing) to undermine democratic rights. They have carried out illegal wars abroad and, in the aftermath of the financial crash of 2008, engineered a massive transfer of wealth to the financial aristocracy.

The president and top administration officials; the leaders of the military and the intelligence agencies; the flunkies in Congress, both Republican and Democratic, who knew everything and approved everything; the judges who rubber-stamped each illegal and unconstitutional act—it is they and not Manning, Assange and Snowden who deserve to be prosecuted, tried, convicted and sentenced.



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