

Defense rests in Manning court-martial

Matthew MacEgan**27 July 2013**

Yesterday, the team defending Private Bradley Manning gave its closing arguments, putting an end to the proceedings of his court-martial. Army Colonel Denise Lind, who is presiding over the case, will now make a decision on whether to declare Manning guilty, including on the charge of “aiding the enemy.”

In 2010, Manning leaked over 700,000 classified documents relating to US wars in Iraq and Afghanistan. For revealing the crimes of the Obama administration abroad, Manning has been accused and tried in a military court.

On Wednesday, Army Major Ashton Fein spent nearly five hours delivering the prosecution’s closing argument, declaring that Manning joined the Army and deployed to Iraq with the “evil” intention to disclose secrets, and that he knew these secrets would benefit the “enemy.” “The only human Pfc. Manning ever cared about was himself,” Fein said.

The defense attorney David Coombs, on the other hand, described Manning as a whistle-blower who wished to inform the American public about the troubling things he saw. Coombs also said that Manning did so with the willingness to pay the price for giving secrets to WikiLeaks. “He’s not seeking attention,” Coombs said in response to the prosecution’s argument one day earlier.

Coombs attacked the integrity of the prosecution, arguing that certain chat messages were “cherry-picked.” He also drew heavily on Manning’s sexual orientation, arguing that he struggled as a gay man in the era of “don’t ask don’t tell.”

Coombs replayed the video leaked by Manning of the now infamous 2007 US Apache helicopter attack, which murdered nine civilians including a Reuters photographer and his driver. He also suggested that Manning was very discriminating about which files were released to the public.

The main thrust of the defense for Manning has

surrounded his alleged naivety. While they have maintained that Manning had strong ideological reasons for leaking military secrets, there has been no defense mounted for his constitutional right to expose the criminal activity of the US government to its citizens.

The Obama administration has charged eight individuals with violations of the Espionage Act, but Manning is the first to have his case go to a full trial. Therefore, it will set a precedent for the future legal treatment of whistle-blowers who reveal classified information to the media. Other leakers charged have gone to jail, but only under the conditions of plea bargains.

Even if Manning is acquitted of the more serious charges, like aiding the enemy, he faces a number of lesser charges, which he already pled guilty to in February.

The most serious charge of “aiding the enemy” was called into question last week by the defense attorneys who claimed that the prosecution did not provide ample evidence for such a charge. However, Judge Lind refused to throw out the charge, declaring “he was knowingly providing intelligence to the enemy.”

This decision was only one of many that underscore the undemocratic nature of the entire trial. The Obama administration subjected Manning to inhumane treatment following his arrest in 2010. This continued as he was kept in prison for three years before finally being provided with a trial. The anti-democratic character of the trial itself was established early on, as Judge Lind ruled that Manning’s political reasons for leaking the information could not be addressed, making it impossible for a whistle-blower case to be argued.

The party to whom Manning made his revelations was the citizenry of the United States and the world. Historically, the leaking of classified information for the purpose of informing the population has fallen

under the protection of the First Amendment of the Constitution, which provides freedom of speech and of the press.

Although the prosecution has stated that it will not seek the death penalty in Manning's case, the case is setting a precedent for the "aiding the enemy" charge, which carries the death penalty. Any future whistle-blowers will therefore face the threat of execution.

If the Manning trial establishes that merely leaking secret information to the media constitutes aiding the enemy, there will be little to stop the ruling establishment from indicting any whistle-blower for treason or espionage, regardless of the criminal nature of what is being revealed.



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