

Floyd Abrams praises Manning verdict

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Floyd Abrams' July 31 letter to the *New York Times* praising the Bradley Manning verdict underscores the degree to which what was once the liberal intelligentsia has abandoned any serious defense of democratic rights.

Abrams famously served as one of the lawyers for the *New York Times* in the Pentagon Papers case (1971), establishing a certain reputation at the time as a defender of free speech and freedom of the press. In the intervening decades Abrams has shifted far to the right, together with an entire layer of once-liberal professionals, intellectuals, and academics. Abrams now writes in support of the conviction of Bradley Manning on espionage charges, which constitutes a monumental assault on those basic principles he once defended.

In his letter, published on the *Times* front page, Abrams begins by asserting that the young soldier is guilty: "Pfc. Bradley Manning's conduct in providing WikiLeaks with more than 700,000 confidential government documents undoubtedly violated some provisions of federal law, as his pleas of guilty to some of the charges and Col. Denise R. Lind's rulings as to others make plain," Abrams wrote. The rest of Abrams' letter is dedicated to a celebration of Manning's acquittal on the "aiding the enemy" charge, which carried a possible death sentence.

"Colonel Lind's brave decision — it is nothing less than that — rejecting the government's misguided efforts to convict Private Manning of violating military law in 'aiding the enemy' is worthy of special commendation," Abrams wrote. A conviction on the "aiding the enemy" charge, according to Abrams, "would have imperiled a good deal of invaluable journalism."

As an initial matter, contrary to Abrams' assertions, Manning's guilty pleas—extracted through torture, a rigged trial, and the Obama administration's pursuit of

a charge carrying the death penalty—do not signify anything.

More importantly, absent from Abrams' letter is any mention of the *content* of Manning's disclosures, which included evidence of war crimes, systematic deceit and lying by successive American administrations, and globe-spanning conspiracies to violate domestic and international law. In the US, the political establishment—with the aid of the media and figures such as Abrams—has sought to prevent a discussion of the criminality revealed by Manning by focusing instead on whether Manning himself violated any laws.

Manning's conviction represents the first time in American history that a government whistleblower has been convicted in a full trial on espionage charges. Under the Obama administration's logic, Manning committed "espionage" against the United States because he leaked classified documents "having knowledge that intelligence published on the internet is accessible to the enemy."

There is no allegation that Manning turned over the documents to any foreign government or political entity in particular, or that he was paid anything or sought to benefit personally from the disclosures. His only motive was to serve the public interest by exposing crimes. Nevertheless, according to the Obama administration's theory, if a document is designated as "classified" and its contents are leaked to the public—no matter what the content of the document is—then the leaker is guilty of "espionage" because the document can be accessed online by Al Qaeda. This new and reactionary theory constitutes a frontal assault on a long line of legal precedents, from the Nuremberg Trials to the Pentagon Papers case to the core historic First Amendment protections of free speech and freedom of the press.

The Nuremberg Trials following the Second World

War affirmed the basic principle that “following orders” is not an excuse for participating in crimes. If a person, especially in the military, encounters illegal activity, then his or her duty is not to participate in that activity but to try to stop and prevent it.

The world-spanning corruption, deceit, and thuggery exposed by Manning have been the subject of dozens if not hundreds of articles on the *World Socialist Web Site*—including the murder of journalists and civilians by helicopter in Iraq; backroom deals with MasterCard and Visa in Russia; violations of international treaties by US spies posing as diplomats; and conspiracies to install Shell Oil men in the Nigerian government. Cables leaked by Manning contributed to anger that fueled protests that brought down US-allied strongmen in Tunisia and Egypt and rocked the entire region. Human civilization as a whole owes this brave young soldier a debt of gratitude.

Not a hair has been touched on the heads of any of the criminals exposed by Manning within the US political establishment, military, and intelligence apparatus, as well as their corporate and financial co-conspirators. These individuals continue to sit comfortably in their luxurious offices enjoying lavish incomes and lifestyles. On the subject of the “guilt” of such individuals, figures such as Abrams are silent. Instead of prosecuting the criminals exposed by Manning, the Obama administration has done its utmost to make an example of Manning, including through the use of torture.

Abrams’ emphasis on the judge’s acquittal of Manning under the “aiding the enemy” theory is a red herring. Colonel Lind did not refuse to allow the Obama administration to proceed under this theory as a matter of law. She only ruled that Manning was not guilty under the facts of this specific case, holding the door open to similar charges in future prosecutions.

The factual circumstances of Manning’s disclosures and their publication are in all pertinent respects identical to the leak and publication of the Pentagon Papers. Daniel Ellsberg himself, who handed copies of the Pentagon Papers to a *New York Times* reporter in March 1971, has publicly defended Manning and has rejected any false distinction between the “good” Pentagon Papers and the “bad” WikiLeaks.

Abrams himself emerged in 2010 to pen a long *New York Times* column falsifying the history of the

Pentagon Papers as part of an attempt to discredit Julian Assange and WikiLeaks. (At the time, the *World Socialist Web Site* published a detailed response setting straight the historical record.)

The falsification of the history of the Pentagon Papers case serves definite political ends. In 1971, Supreme Court Justice Hugo Black wrote, “Only a free and unrestrained press can effectively expose deception in government. And paramount among the responsibilities of a free press is the duty to prevent any part of the government from deceiving the people and sending them off to distant lands to die of foreign fevers and foreign shot and shell.”

Can anyone imagine such statements being made today in the judiciary, in Congress, or in the media?

There is no legal or moral substance to any of the charges against Manning, who had every right to do what he did. Democratic rights cannot be entrusted to figures such as Abrams. The defense and expansion of basic democratic rights—and the struggle to safeguard heroic individuals such as Manning, Edward Snowden, and Julian Assange from retaliation by the state—requires nothing short of the independent mobilization of the working class on a socialist program.



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