

# Lawyers file new motion demanding release of Chelsea Manning

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Lawyers for imprisoned whistleblower Chelsea Manning filed a motion in federal court in Alexandria, Virginia on Wednesday renewing the demand that she be released from jail because her continued confinement is “impermissibly punitive.”

If she is not released, Manning faces another seven months in jail on the vindictive “contempt citation” by Judge Anthony J. Trenga of the US District Court of the Eastern District of Virginia. As of this writing, no hearing on Manning’s request has been scheduled.

In a declaration submitted along with her motion, Manning gave powerful justification for both her refusal to testify as well as her demand for immediate release from detention. “I have been separated from my loved ones, deprived of sunlight, and could not even attend my mother’s funeral.” She also wrote, “It is easier to endure these hardships now than to cooperate to win back some comfort, and live the rest of my life knowing that I acted out of self-interest and not principle.”

Manning went on to expose the hypocrisy of Judge Trenga’s contempt charge in relationship to the treatment of others by the judicial system, “The Attorney General was in contempt of a congressional subpoena but faced no consequences. The President has been instructing his associates not to comply with grand jury subpoenas and witness subpoenas for at least two years, and has even fired people for their compliance with subpoenas. It is clear that the rules are different for different people.”

Manning has been in jail at the William G. Truesdale Federal Detention Center since March 16, 2019, except for a brief release for one week in May, for refusing to testify before a grand jury empaneled for the purpose of gathering evidence in the US criminal case against WikiLeaks founder and publisher Julian Assange.

In her court submission, Manning argues that she has proven beyond any doubt over the past eleven months that she will not be coerced into testifying. According to federal statutes, the purpose of a civil contempt citation is to coerce a witness to testify and should be terminated if there is no reasonable possibility that the witness will change their mind.

As Manning’s attorney Moira Meltzer-Cohen explained, “The key issue before Judge Trenga is whether continued incarceration could persuade Chelsea to testify. Judges have complained of the ‘perversity’ of this law: that a witness may win their freedom by persisting in their contempt of court. However, should Judge Trenga agree that Chelsea will never agree to testify, he will be compelled by the law to order her release.”

The 27-page legal filing, known in court terminology as a Grumbles motion, requests “an in-court hearing as soon as practicable” and argues that the continued sanctions against Manning “serve no coercive purpose and must be terminated.” It further challenges the fines of \$1,000 per day imposed on her by the court for refusing to testify, now totaling “nearly half a million dollars.”

The brief summarizes Manning’s entire history as a whistleblower and principled fighter for the truth--first, as a whistleblower in the US Army in 2010 who turned over to WikiLeaks several troves of documents revealing US war crimes in Afghanistan and Iraq and, second, in her stance against testifying before the grand jury--and makes an overwhelming case for her immediate release.

It says, “Neither confinement, nor fines, nor any other sanction will convince Ms. Manning to participate in the grand jury. At this point, sanctions simply reinforce her perception that she is taking a necessary and

righteous stand against abusive institutions. The impact of these sanctions is limited exclusively to exacting a cost from Ms. Manning; they will never have any coercive effect. The sanctions have therefore exceeded their lawful scope, and must be terminated.”

Throughout the past eleven months, prosecutors have maintained that Manning’s testimony “remains relevant” to the US extradition case against Julian Assange. However, as Chelsea Manning’s motion explains, “On May 23, 2019, the prosecution obtained a superseding 17 Count indictment against Julian Assange. This indictment was also obtained without the benefit of or apparent need for Ms. Manning’s testimony. The related extradition proceedings are ongoing, and are not expected to conclude for many months, if not years.”

Assange has been held illegally in the maximum security Belmarsh Prison since his eviction from the Ecuadorian embassy in London last April awaiting an extradition trial scheduled to begin on Monday, February 24. Assange has been charged with violating the US Espionage Act for publishing the secret war logs and diplomatic cables leaked by Manning, along with other exposures made in the public interest.

Manning’s legal filing includes two documents from expert witness regarding her health and state of mind. A medical report from Dr. Sara Boyd confirms that Manning’s “personality traits and coping mechanisms insulate her from the effects of pressure to change her principles or her decisions, essentially concluding that Ms. Manning is constitutionally incapable of acting against her conscience.”

A letter from UN Special Rapporteur on Torture, Nils Melzer, “summarized the principle that U.S. law permits coercive sanctions only where they exert a coercive effect, and called for Ms. Manning’s immediate release” and “relied on the understanding that any purportedly coercive sanctions, as applied to Ms. Manning, are necessarily futile, and thus impermissible under our own legal standards.”

Finally, the submission to Judge Trenga reports that more than 60,000 people have signed a petition stating that they are convinced that Manning cannot be coerced into testifying.

There is no question that Chelsea Manning is seen throughout the world as a hero and champion for truth and each day that goes by with her in prison further

undermines the legitimacy of the US court system in the eyes of masses of people.

The timing of the filing on behalf Chelsea Manning is significant as it comes less than a week before the extradition trial of Julian Assange is set to begin in London. Behind the imprisonment of Manning and the attempt to extradite Assange is the enormous fear within the ruling establishment over the political impact of the truth of their actions being exposed to the public.

Ultimately, the persecution of Assange and Manning is aimed not only at punishing them but intimidating anyone else who would stand up and challenge the lies being told every day by the politicians and corporate media about the crimes of US imperialism around the world.

The freedom of Assange and Manning will be won through the building of an independent political movement in the working class to demand their release and defend the democratic rights to freedom of speech and the press. The Socialist Equality Parties in Australia and New Zealand are holding a series of rallies over the next week to build support for their freedom. The SEP (UK) is holding a meeting this Sunday in London.



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