

Bradley Manning Court-Martial: Secrecy and Injustice on Trial

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America honors its worst. It persecutes its best. Manning is heroic. He risked great personal harm. He did so to reveal vital truths. Washington has no right to conceal them. People have a right to know. Secrecy, lawlessness, and contempt for humanity define US policy. Evidence vital to Manning's defense is prohibited. Information refuting charges of "aiding the enemy" is barred from trial proceedings.

Claiming it's not relevant or harmful to national security doesn't wash. Excluding it reflects police state justice.

On June 3, United States v. Bradley Manning court-martial proceedings began. Pre-trial, Obama pronounced him guilty by accusation. Doing so denies any possibility of judicial fairness. His word is final.

"We are a nation of laws," he claimed. "We don't let individuals make decisions about how the law operates. (Manning) broke the law."

No nation spurns inviolable laws more egregiously than America. Obama reflects the worst of US governance. He rules by diktat authority. He does so secretly. He's waging war on humanity. He does so at home and abroad.

With a stroke of his pen he could free Manning. Pronouncing guilt by accusation assures his conviction. Doing so publicly leaves no doubt.

So do secret trial proceedings. They violate constitutional law. The Sixth Amendment states:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence."

The Constitution mandates ALL criminal prosecutions. Pentagon ones aren't exempt. Especially high-profile cases like Manning. If convicted, he faces possible life in prison. At issue is convicting him for doing the right thing.

Manning's trial proceedings will be secret, not public. Doing so violates constitutional law.

It mandates the right to a speedy trial by an impartial jury. He's denied both. The Uniform Code of Military Justice (UCMJ) calls for trial within 120 days of restraint and arraignment.

The Rule for Court Martial (RCM) 707 mandates the same thing. It's to assure speedy trial proceedings. Manning's been held over three years without trial.

He's been isolated throughout much of it. Doing so violates Eight Amendment protection against "cruel and unusual punishments." US statute laws were violated.

So was UCMJ's Article 13. It prohibits pre-trial confinement conditions "any more rigorous" than what's minimally needed to ensure the accused appears for court hearings.

America should be on trial, not Manning! He revealed war crimes too egregious to be kept secret. He should be honored for doing so. Top culpable civilian and military officials should be held fully accountable. Justice demands no less.

Manning faces 22 charges. He pleaded guilty to 10 lesser ones. He denied 12 greater ones. He called war logs given WikiLeaks "some of the most important documents of our time." He chose ones he believed "wouldn't cause harm to the United States."

He hoped a national debate would follow his revelations. It's sorely needed more than ever.

America's "obsessed with capturing and killing people," he said. "Collateral murder" is policy. US helicopter pilots gunned down innocent civilians.

They murdered anyone trying to help them. Shooting wounded victims was like "a child torturing ants with a magnifying glass," he said.

He wanted everyone to know. It's their right. At issue are high crimes of war and against humanity. They're too grave to ignore.

Manning's charges include 1917 Espionage Act violations. Doing so contradicts the law's intent. It doesn't deter Justice Department or Pentagon officials from using it. It passed shortly after America's entry into WW I. Over time, it's been amended numerous times.

Originally it prohibited interfering with US military operations, supporting the nation's enemies, promoting insubordination in the ranks, or obstructing military recruitment.

In 1921, its most controversial provisions were repealed. In 2010, Manning was wrongfully charged under the Act. Technically its under Articles 104 and 134 of the Uniform Code of Military Justice (UCMJ). It includes parts of the US Code.

Colonel Denise Lind is both judge and jury. Official transcripts of proceedings will be kept secret. Weeks earlier, [Freedom of the Press Foundation](#) "launched a campaign to crowd-fund a court stenographer."

Manning's trial "will have an enormous impact on press freedom and the rights of future whistleblowers," it said. "The government refuses to make its transcripts available to the public."

Floyd Abrams is a constitutional law expert. Yochai Benkler is Harvard Law School's Berkman Professor of Entrepreneurial Legal Studies.

In March 2013, their [New York Times op-ed](#) headlined "Death to Whistle-Blowers?"

At issue is Manning's trial. If found guilty on serious charges, "the prosecution will establish

a chilling precedent: national security leaks may subject the leakers to a capital prosecution or at least life imprisonment.”

“Anyone who holds freedom of the press dear should shudder at the threat that the prosecution’s theory presents to journalists, their sources and the public that relies on them.”

Former Supreme Court Justice Hugo Black one said:

“The guarding of military and diplomatic secrets at the expense of informed representative government provides no real security for our Republic.”

What’s more destructive than imposing capital penalties or imprisoning heroic whistleblowers for life for doing the right thing.

According to Abrams and Benkler, Manning’s “leaks included important disclosures (and) their publication is protected by the First Amendment no less than the publication of the Pentagon Papers was.”

“We cannot allow our concerns about terrorism to turn us into a country where communicating with the press can be prosecuted as a capital offense.”

Both contributors agreed. WikiLeaks is part of the Fourth Estate. It’s right to publish is no less than any other media organization or contributor.

Over 350 media sources submitted applications to witness Manning’s trial. Only 70 got permission. In other words, those considered safe may do so. Others are prohibited.

Claiming space limitations denies others doesn’t wash. Proceedings can be held anywhere. According to the Freedom of the Press Foundation (FPF):

“In previous hearings, the Army has opened a public overflow theater with live audio and video streaming of the hearing.”

“Additionally, the Army has sole discretion over which room(s) to designate as media rooms – including how many rooms to make available.”

FPF enlisted a reputable court stenographer firm. With permission, its stenographers will work in shifts.

Doing so will provide a public record. All media sources will have access. Independent alternative ones are most important. People will learn what otherwise they won’t know.

On June 1, FPF [headlined](#) “Crowd-funded Stenographers Denied Press Passes to the Bradley Manning Court Martial.”

It said three of its media partners were denied them. It remains to be seen if FPF’s request discussed above will or won’t fare better.

Manning’s trial will be held at Fort Meade, MD. On June 2, [Bradley Manning.org](#) headlined “Nearly two thousand rally for Bradley Manning at Ft. Meade.”

They did so on June 1. Washington charged Manning with indirectly “aiding the enemy.”

Saying so defies reason. It mocks fundamental constitutional rule of law principles.

Manning's a political prisoner. Amnesty International (AI) claims otherwise. It refuses to name him a prisoner of conscience. From January 2012 – January 2013, former Hillary Clinton aide Suzanne Nossel headed AI USA. She's an imperial insider.

Interim co-executive directors Bob Goodfellow and Frank Jannuzi replaced her. They've acted no less irresponsibly than she did.

According to Francis Boyle:

"Amnesty International is primarily motivated not by human rights but by publicity. Second comes money." It relies on corporate foundations and other dubious sources to provide it. Services rendered in return are expected. Conflicts of interest are rife.

The Bradley Manning Support Fund is "100%" responsible for his legal expenses. Around 20,000 supporters contributed over \$1.25 million.

[David Coombs](#) represents Manning. On June 2, he said:

"On behalf of both myself and PFC Manning, I would like to thank everyone for their continued support over the last three years."

"I especially appreciate the the tireless fundraising and awareness efforts of Courage to Resist and the Bradley Manning Support Network."

"Finally, a special thank you to those journalists who have been reporting on PFC Manning since the beginning and who have brought worldwide attention to this important case."

"I AM BRADLEY MANNING."

We're all Bradley Manning! His fate is ours!

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His new book is titled "Banker Occupation: Waging Financial War on Humanity."

<http://www.claritypress.com/LendmanII.html>

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