

PFC Bradley Manning Requests Barack Obama and Hillary Clinton as witnesses

by Josh Gerstein via stan - Politico *Monday, Dec 5 2011, 6:15am*

international / injustice/law / other press

An Army intelligence analyst charged with leaking a huge trove of diplomatic cables and military reports to WikiLeaks is demanding that President Barack Obama and Secretary of State Hillary Clinton testify as witnesses at a preliminary hearing set to begin next week.



PFC Bradley Manning

A defense lawyer for Private Bradley Manning made the request Friday; deep in a 20-page list of defense witnesses for a so-called Article 32 hearing scheduled to start Dec. 16 at Fort Meade, Md. The hearing, akin to a probable cause hearing in the civilian justice system, is to consider whether Manning's case should be referred for a full-scale court martial.

Manning's civilian defense attorney, David Coombs, released the request for witnesses Saturday via a posting on his blog. The names of Obama and Clinton were deleted from the version Coombs posted on the Internet (and here on our site). However, their identities are evident from the explanations of why their testimony would be relevant to the case.

The defense request alleges that comments Obama made about Manning's case—and his guilt—during a political fund raiser in San Francisco in April represent "unlawful command influence" since the president acts as commander-in-chief of the armed forces.

"Under the Uniform Code of Military Justice (UCMJ), a superior officer in the chain of command is prohibited from saying or doing anything that could influence any decision by a subordinate in how to handle a military justice matter," the defense request says. Obama "made improper comments on 21 April 2011 when he decided to comment on PFC Manning and his case. On that date, he responded to questions regarding PFC Manning's alleged actions by concluding that 'We're a nation of laws. We don't let individuals make their own decisions about how the laws operate. He [PFC Manning] broke the law.'"

Obama made the comments while shaking hands at a fund raiser where some guests earlier burst out in song to protest Manning's treatment. The president's back and forth about Manning was captured on a [mobile phone](#) camera.

Coombs said he wants to question Obama about the "nature of his discussions with members of the military regarding this case and whether he has made any other statements that would either influence the prosecution of this case or PFC Manning's right to obtain a fair trial." Manning's defense also wants to ask Obama about the alleged lack of impact of WikiLeaks' disclosure of the leaked U.S. military reports on Afghanistan, as well as open government issues and the phenomenon of overclassification.

The request for Clinton's testimony doesn't allege any impropriety on her part, but seeks to have her confirm that the impact of the diplomatic cables disclosed by WikiLeaks, allegedly after being leaked by Manning, was minimal.

Clinton "will testify that she has raised the issue of the disclosure of diplomatic cables with foreign leaders 'in order to assure our colleagues that it will not in any way interfere with American diplomacy or our commitment to continuing important work that is ongoing.' [She] will also testify that she has not had any concerns expressed to her about whether any nation would not continue to work with the United States or would not continue to discuss important matters going forward due to the alleged leaks," the defense filing says. "As such, Secretary [Clinton] will testify that although the leaks were embarrassing for the administration, that she concurs with [redacted] opinion that they did not represent significant consequences to foreign policy."

Manning, who has been in custody for more than 18 months, faces preliminary charges ranging from disobeying an order to violating the Espionage Act to aiding the enemy. The latter charge can carry the death penalty but military prosecutors have indicated they do not intend to seek capital punishment in the case.

© 2011 Politico LLC

<http://tinyurl.com/7tytg19>

Cleaves Alternative News. <http://cleaves.lingama.net/news/story-2872.html>