

**In The Matter Of:**  
*United States vs.*  
*PFC Bradley E. Manning*

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*Vol. 1*  
*June 3, 2013*  
*UNOFFICIAL DRAFT - 6/3/13 Morning Session*

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*Provided by Freedom of the Press Foundation*

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VOLUME I  
IN THE UNITED STATES ARMY  
UNITED STATES  
VS.  
MANNING, Bradley E., PFC COURT-MARTIAL  
U.S. Army, xxx-xx-9504  
Headquarters and Headquarters Company,  
U.S. Army Garrison,  
Joint Base Myer-Henderson Hall,  
Fort Myer, VA 22211

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The Hearing in the above-entitled matter was held on Monday, June 3, 2013, at 9:30 a.m., at Fort Meade, Maryland, before the Honorable Colonel Denise Lind, Judge.

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1 APPEARANCES :

2

3

ON BEHALF OF THE GOVERNMENT :

4

JOE MORROW

5

ASHDEN FEIN

6

ANGEL OVERGAARD

7

8

ON BEHALF OF THE ACCUSED :

9

DAVID COOMBS

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THOMAS HURLEY

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JOSHUA TOOMAN

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PROCEEDINGS

THE COURT: (INAUDIBLE) here with announcing the new appellate exhibits that have been added to the record.

THE PROSECUTION: Yes, Your Honor. Your Honor, the 21st of May, 2013, defense filed a (INAUDIBLE) the government's first five witnesses was published or was filed, that's 552. On the 21st of May, 2013, the government's proposed daily trial schedule was filed and that's been marked as appellate exhibit 553.

THE COURT: Let me stop you for just a moment. Mr. Coombs, did the defense have any objection to the government's proposed trial plan?

MR. COOMBS: No, Your Honor.

THE COURT: I believe an email to that effect that's also been filed and is an appellate exhibit with the original trial plan. Go ahead.

THE PROSECUTION: Yes, ma'am. One correction, Your Honor, the government's proposed trial plan is marked as 553 Alpha and the defense's

1 email stating no objection is 553 Bravo.

2 Your Honor, the 30th of May, 2013, or the  
3 23rd of May, 2013, there were, Your Honor, there's  
4 two immunities that have been filed but they have not  
5 been marked. The court during 802 discussed those.  
6 We will address those later with the witnesses.

7 Your Honor, on the 31st of May, 2013, the  
8 government filed MRE 505 G use for, this is marked as  
9 appellate exhibit 555. And then the same day the  
10 United States filed an unclassified and redacted  
11 version and that has been marked as appellate exhibit  
12 556.

13 On the 1 of June --

14 THE COURT: Hold on. Before you go  
15 there. Defense, do you have any objection to the 505  
16 filing by the government?

17 MR. COOMBS: No, Your Honor.

18 THE COURT: All right.

19 Proceed.

20 THE PROSECUTION: Yes, ma'am. Your  
21 Honor, on the 1st of June, 201, the government filed

1 an updated Section 9 disclosure that has been marked  
2 as appellate exhibit 557.

3 And then, Your Honor, on 31 May, 2013,  
4 (INAUDIBLE) received a third-party request that has  
5 not been filed by either party but has been marked as  
6 appellate exhibit 558.

7 THE COURT: All right. Is this the  
8 request from third party people who are not parties  
9 to the trial?

10 THE PROSECUTION: Yes, Your Honor.

11 THE COURT: About witnesses Galindez and  
12 Kay Bruton?

13 THE PROSECUTION: Yes, Your Honor.

14 THE COURT: All right. And that's been  
15 marked as an appellate exhibit also?

16 THE PROSECUTION: Yes, Your Honor.  
17 Appellate exhibit 558.

18 THE COURT: All right. Does the  
19 government have a position with respect to this  
20 request for public access or in the alternative  
21 motion to intervene to vindicate the right of public

1 access.

2 THE PROSECUTION: No, Your Honor.

3 THE COURT: Defense.

4 MR. COOMBS: No, Your Honor.

5 THE COURT: All right. The court will  
6 take this under advisement.

7 Government, anything else?

8 THE PROSECUTION: No, Your Honor.

9 THE COURT: All right.

10 All right. Before we continue, I do want  
11 to go back to something that was filed at the last  
12 time, the court's closure ruling discussed the  
13 preparation of a transcript and a classification  
14 review after that. I'm not quite sure what appellate  
15 exhibit that was.

16 THE PROSECUTION: Your Honor, that's  
17 appellate exhibit 548.

18 THE COURT: (INAUDIBLE) is for each  
19 individual closure there will be a plan in place and  
20 a time line for the classification review for each of  
21 the specific closures prior to the closure, so the



1 court will know what it is before allowing the  
2 closure. Is that understood?

3 THE PROSECUTION: Yes, ma'am.

4 THE COURT: Defense, in light of that,  
5 any objection to phase three?

6 MR. COOMBS: No, Your Honor.

7 THE COURT: For each individual closure  
8 there will be a plan in place and a time line for the  
9 classification review for each of the specific  
10 closures prior to the closure, so the court will no  
11 what it is before allowing the closure. Is that  
12 understood?

13 THE PROSECUTION: Yes, ma'am.

14 THE COURT: Defense, in light of that,  
15 any objection to phase three?

16 MR. COOMBS: No, Your Honor.

17 THE COURT: All right.

18 I would like the government to set forth  
19 for the record what are the procedures that have been  
20 put into place for public access to this trial?

21 THE PROSECUTION: Yes, ma'am. Ma'am,

1 there are two different sets of procedures that have  
2 been put in place for public's access. First, the  
3 United States will discuss the general public and  
4 then the press's access.

5 First, Your Honor, the general public,  
6 there are 16 seats presently in the courtroom that  
7 are dedicated to the public's access to sit in this  
8 court martial within the actual confines of the  
9 courtroom.

10 There is a trailer which is an extension  
11 of the courtroom with a feed from this courtroom  
12 based off the cameras and that seats 35 individuals.

13 And then if there is an overflow of those  
14 35 individuals in the trailer, Your Honor, there is a  
15 theater next door to this courthouse that seats  
16 presently 100 individuals or could seat 100  
17 individuals. However, there is flexibility up to 540  
18 based off of the fire marshal coming in and changing  
19 some arrangement of the seats, if needed. That's the  
20 general public, Your Honor.

21 As far as the media, Your Honor, there

1 are ten positions, ten seats in this courtroom for  
2 media organizations that are credentialed and there's  
3 also two additional seats for two credentialed sketch  
4 artists.

5 At the media operations center offsite  
6 down the street there is seats for 70 credentialed  
7 members of the media.

8 And then, Your Honor, there is a press  
9 pit and a satellite truck area of a live feed and  
10 there is a currently unlimited space in both the  
11 press pit and the satellite truck live feed area.

12 THE COURT: All right. You said  
13 credentialed media. Is there criteria for  
14 credentialing?

15 THE PROSECUTION: Yes, Your Honor. What  
16 the United States just had marked as appellate  
17 exhibit 561, appellate 56 is a copy of the latest  
18 media advisory published by the United States Army  
19 military district of Washington public affairs office  
20 dated May 10, 2013. This advisory outlines the  
21 criteria for members of the media to be credentialed.

1 Just to highlight a few areas, Your Honor. First,  
2 credentials will be granted to reporters from the  
3 following types of news media, newspaper, week lease  
4 and magazines, wire services, broadcast media, wet  
5 media and accredited free-lance writers. The media  
6 advisory goes further in defining the required  
7 material for each of those categories. And then the  
8 media advisory also outlines a deadline for  
9 registration on the second page. Registration has to  
10 be completed no later than 2:00 p.m. Wednesday, May 9  
11 with the following information provided.

12 This was what was published out and this  
13 is what the rules needed to be followed in order to  
14 be credentialed.

15 THE COURT: All right. Would the  
16 government also discuss what electronics are allowed  
17 or not allowed in the various places, noting for the  
18 record that RCM 806 C prohibits audio or video  
19 recording, taking photographs and those are the court  
20 rules as well.

21 THE PROSECUTION: Yes, ma'am. As the

1 court just alluded, to Your Honor, not only the RCM,  
2 but the trial prohibits recording devices. In the  
3 courtroom, Your Honor, the rules are strictly  
4 followed and the extension of the courtroom, meaning  
5 the theater. The court has approved a relaxation of  
6 the rules in the media operations center solely for  
7 the purpose for having laptops to prepare stories for  
8 publications, but no live recording or live  
9 publication. It is not until there is a recess when  
10 court is not in session that members of the media are  
11 allowed to upload or connect outside of media  
12 operations center, and then during that recess that's  
13 when news stories will be published. And again,  
14 there's no recording devices authorized. So laptop  
15 computer, handheld recording devices or cellphone.

16 (AUDIO OUT.)

17 THE PROSECUTION: The United States would  
18 say that a Stenograph is being used as long as it is  
19 not recording the information then it is not a  
20 recording device. If it is a Stenograph with a  
21 stenographer, a traditional one without recording

1 capability, then that would fall within the rules of  
2 being permitted.

3 THE COURT: All right. Thank you.

4 Defense, do you have anything to add?

5 MR. COOMBS: No, Your Honor.

6 THE COURT: All right. And finally, has  
7 appellate exhibit 561 been publicly available?

8 THE PROSECUTION: Yes, Your Honor. It  
9 was published actually by the public affairs office  
10 through media distribution.

11 THE COURT: All right. Thank you.

12 And for the record, counsel and I held a  
13 brief RCM 802 conference. Once again, that is a  
14 conference where I talk about scheduling and  
15 logistics issues with counsel and we basically just  
16 discuss sort of the order of march on how we're going  
17 to go, how we're going to proceed today and the  
18 things that we just announced were pretty much what  
19 we discussed.

20 The government's proposed trial plan, I  
21 haven't actually authorized a proposed trial plan.

1 What I did talk to counsel about is we're going to  
2 try the government's proposed trial plan this week  
3 which basically provides for a brief RCM 802  
4 conference before we begin, starting court at 0930,  
5 we were a little bit late today, and ending  
6 approximately six o'clock or 1800. We're going to  
7 try that this week, see how it works, see if there's  
8 any modifications that need to be made and the court  
9 will come out with something more definitive probably  
10 by the end of the week. But that's the proposed plan  
11 for this week.

12 Is there anything else, counsel, that we  
13 need to address before I go over with PFC Manning  
14 just briefly, it's been a long time since we've had  
15 arraignment, forum selection and plea, so I just want  
16 to go through. Do you believe you understand them?

17 THE ACCUSED: I understand that.

18 THE COURT: In fact, in back I believe in  
19 February you made a forum selection which was trial  
20 by military judge alone, we went through the colloquy  
21 there going through your right to trial with members,

1 officers panel or enlisted panel, or your right to by  
2 military judge, you elected military judge alone  
3 knowing that I would be the military judge. Is that  
4 still your forum selection?

5 THE ACCUSED: Yes, ma'am.

6 THE COURT: Also back in February you  
7 entered pleas to lesser included offenses of --  
8 (INAUDIBLE) do you believe you understand them?

9 THE ACCUSED: I understand them.

10 THE COURT: And back in I believe  
11 February you made a forum selection which was trial  
12 by military judge alone, we went through the colloquy  
13 again, going through your right to trial with  
14 members, officer panel or enlisted panel or your  
15 right to military judge alone. You elected military  
16 judge alone knowing that I would be the military  
17 judge. Is that still your forum selection?

18 THE ACCUSED: Yes, ma'am.

19 THE COURT: Also back in February you  
20 entered pleas to lesser included offenses of a number  
21 of the offenses that were charged. Do you still



1 desire to continue with your guilty plea to those  
2 lesser included offenses?

3 THE ACCUSED: Yes, Your Honor.

4 THE COURT: Do you have any changes, Mr.  
5 Coombs, or PFC Manning, to those pleas?

6 MR. COOMBS: No, Your Honor.

7 THE COURT: Mr. Manning?

8 THE ACCUSED: No. No, ma'am.

9 THE COURT: Let's talk about some  
10 stipulations of expected testimony that the parties  
11 have agreed to. Mr. Fein, if you could list those  
12 and what appellate exhibits those are, please.

13 MR. FEIN: Yes, Your Honor. Prosecution  
14 exhibit 21 for identification, Sergeant Berry.

15 Prosecution exhibit 23 for  
16 identification, Special Agent Paul Roberts.

17 Prosecution exhibit 26 for  
18 identification, Special Agent Tony Edwards.

19 Prosecution exhibit 27 for  
20 identification, Special Agent Charles Clafter.

21 Prosecution exhibit 28 for

1 identification, Mr. Garrett Doane.

2 Prosecution exhibit 29 for  
3 identification, Mrs. Maura Freeman.

4 And prosecution exhibit 36 for  
5 identification, Staff Sergeant Alejandro Marin.

6 THE COURT: Is that seven stipulations?

7 MR. FEIN: It is, Your Honor.

8 THE COURT: PFC Manning, do you have a  
9 copy of all of those stipulations of expected  
10 testimony before you?

11 THE ACCUSED: Yes, Your Honor.

12 THE COURT: Now, on the end of each of  
13 those stipulations are three signature blocks; one  
14 for the trial counsel, one for the defense counsel  
15 and one for you. Did you sign all of those  
16 stipulations?

17 THE ACCUSED: Excuse me, ma'am?

18 Yes. Yes, ma'am.

19 THE COURT: PFC Manning, when I ask you  
20 questions, please take your time, whatever time you  
21 need.

1                   Did you read those stipulations  
2 thoroughly before you signed them?

3                   THE ACCUSED: Yes, ma'am.

4                   THE COURT: Do you understand the  
5 contents of the stipulation?

6                   THE ACCUSED: Yes, Your Honor.

7                   THE COURT: And the stipulations, before  
8 signing the stipulations did your defense counsel  
9 explain to you what the stipulations are?

10                  THE ACCUSED: Yes, ma'am.

11                  THE COURT: All right. Do you understand  
12 you have an absolute right to refuse to stipulate to  
13 anything in this case?

14                  THE ACCUSED: Yes, ma'am.

15                  THE COURT: Now, you understand you  
16 should enter into these stipulations only if you  
17 believe it's in your best interest to do that?

18                  THE ACCUSED: Yes, Your Honor.

19                  THE COURT: Now, we've discussed  
20 stipulations before. You've entered one stipulation  
21 of fact and two stipulations of expected testimony

1 already and we talked about the differences in that.  
2 All seven of these are stipulations of expected  
3 testimony. Now, what those are, and counsel for both  
4 sides and you agreed to stipulations of expected  
5 testimony, you are agreeing that if each of these  
6 witnesses was here testifying under oath they would  
7 testify substantially as to what is in the  
8 stipulation of expected testimony. The stipulation  
9 can be attacked, contradicted or explained in the  
10 same way as if the person were here testifying in  
11 court. So it's different from a stipulation of fact  
12 where you're saying this is factually true. The  
13 stipulation of expected testimony, you're agreeing  
14 that this is what this person would say. Do you  
15 understand the distinction?

16 THE ACCUSED: Yes, that's correct, Your  
17 Honor.

18 THE COURT: And then what I've told you  
19 and what your defense counsel told you earlier about  
20 each of these stipulations, do you still desire to  
21 enter into each of these stipulations?

1 THE ACCUSED: Yes, Your Honor.

2 THE COURT: Do counsel concur in the  
3 contents of each of these?

4 MR. FEIN: Yes, Your Honor.

5 MR. COOMBS: Yes, ma'am.

6 THE COURT: Each of those stipulations is  
7 admitted into evidence.

8 May I have them, please?

9 (BRIEF PAUSE.)

10 THE COURT: All right. Prosecution  
11 exhibits 36, 29 -- I have a prosecution exhibit blank  
12 for identification. I think we just need to add that  
13 one. 26. 28. 27. I have two 26s.

14 All right. 26, prosecution exhibit 26,  
15 dated 3 June 2013, is admitted. That would be the  
16 stipulation of expected testimony of Special Agent  
17 Antonio Edwards.

18 Prosecution exhibit 23 for identification  
19 is admitted.

20 And finally prosecution exhibit 21 for  
21 identification is admitted.

1                   That is seven stipulations of expected  
2 testimony.

3                   Now, is there anything else we need to  
4 address before we proceed to opening? I understand  
5 the government was planning on using a slide show  
6 that the defense had not seen yet. Are there, do we  
7 need a recess before we continue?

8                   THE PROSECUTION: Yes, Your Honor. We  
9 also have a copy for the court.

10                  THE COURT: All right. How long of a  
11 recess do we need? Before we recess, is there  
12 anything else we need to take up before we proceed to  
13 opening statements?

14                  MR. COOMBS: No, Your Honor.

15                  MR. FEIN: No, Your Honor.

16                  THE COURT: How long of a recess do you  
17 need?

18                  MR. COOMBS: Defense would request a  
19 break to 10:30, Your Honor.

20                  THE COURT: Does that comport with the  
21 government's idea?

1 MR. FEIN: Yes, ma'am.

2 THE COURT: How long do you believe the  
3 recessing will be?

4 MR. COOMBS: I believe the 802 will take  
5 around 15 minutes, and depending on what the court  
6 does, might need some time to make adjustments.

7 THE COURT: We'll put the court into  
8 recess until quarter to eleven. We'll send the  
9 bailiff outside to advise everyone if that recess is  
10 to go longer.

11 (BRIEF RECESS.)

12 THE COURT: Before we proceed to discuss  
13 the government slide show I did have a couple more  
14 questions with respect to public access to this  
15 court-martial.

16 Major Fein, you stated for the record  
17 earlier that the theater has been used as an overflow  
18 room. We've had a number of Article 29A sessions  
19 since this case was referred back in February of  
20 2012. Can you please state for the record how many  
21 times that theater has been used as an overflow

1 during this?

2 MR. FEIN: Yes, Your Honor. Since the  
3 court-martial has been referred to this court, the  
4 theater has not been used. It has only been used,  
5 although available, it has been used the first day of  
6 the Article 32 hearing prior to referral.

7 THE COURT: And with respect to the fact  
8 that it hasn't been used during these proceedings, is  
9 that because it was not necessary that the public was  
10 accommodated by the other, by I guess the courtroom  
11 itself and the media operations center?

12 MR. FEIN: Yes, ma'am, that is precisely  
13 it. Although available, the garrison is available to  
14 use it when needed, but there has not been a queue or  
15 line of individuals that could not attend and observe  
16 the court-martial. And it is open today if needed.

17 THE COURT: Is the theater being used  
18 today?

19 MR. FEIN: Your Honor, my understanding  
20 is it is anticipated to be used. I do not know if it  
21 is currently being used.



1           THE COURT: Has any specific person been  
2 excluded from attendance at either in court, in the  
3 media center, well, in the overflow room, any of  
4 those three venues?

5           MR. FEIN: Ma'am, as far as the general  
6 public, to the best of the prosecution's knowledge  
7 there has not been anyone excluded without court's  
8 directions, so, no.

9           As far as the media, Your Honor, there  
10 were five members of the media that were not  
11 credentialed. Two were not listed in the BOCUS  
12 system which is one of the requirements of being  
13 registered, independent commercial press service  
14 organization. That was in the media advisory. Two  
15 were not in the BOCUS and three submitted their  
16 credentialing late so they were not credentialed.  
17 Otherwise everyone has access to the media operations  
18 center. And those individuals, Your Honor, still  
19 have access to the press pit and the satellite truck  
20 live feed area.

21           THE COURT: What is that?

1           MR. FEIN: Your Honor, the press pit is  
2 an area where there can be, it's a congregation of  
3 members of the media to ask questions and to receive  
4 answers. And then the satellite truck live feed area  
5 is where there are satellite trucks for national or  
6 local media organizations where they can have live  
7 update, live reporting. That's another area that is  
8 segregated. And right now it's unlimited space for  
9 those two areas.

10           THE COURT: All right. Defense, do you  
11 have any reason to believe otherwise?

12           MR. COOMBS: No, Your Honor.

13           THE COURT: Also for the record the  
14 government filed its motion for use of alternative  
15 under MRE 505J2. We discussed that earlier, the  
16 defense had no objection to it. The court never  
17 actually ruled on that, so the court will grant that  
18 motion with respect to paragraphs, one, two and four  
19 which is use of the information at trial and will  
20 address the sealing issue later.

21           MR. FEIN: Yes, Your Honor.

1           THE COURT: Now, with respect to the  
2 government's proposed slide show. Defense.

3           MR. COOMBS: Yes, Your Honor. The  
4 defense reviewed the slide show this morning. There  
5 are two areas where the defense would have an  
6 objection. Page three of the government's slide  
7 presentation, at least the version the defense has  
8 received, has two slides per page. And then also  
9 page 18 through 20 of the government's slide show  
10 presentation. And the basis for our objections would  
11 be authentication.

12           The defense's understanding of how the  
13 government obtained the 2009 WikiLeaks most wanted  
14 list was by having one of their forensic examiners  
15 use a program to search the Internet history in order  
16 to be able to pull something that at one time existed  
17 on the Internet. This witness doesn't have personal  
18 knowledge that this is the WikiLeaks 2009 most wanted  
19 list, so in addition to authentication problems under  
20 MRE 901 we would say personal knowledge.

21           THE COURT: Why would he have to have

1 personal knowledge if he just wanted to see what's on  
2 the Internet at a given time?

3 MR. COOMBS: Because the only reason it's  
4 relevant is if the government is arguing if this is  
5 in fact the WikiLeaks 2009, and this witness has no  
6 personal knowledge of that to lay the authentication  
7 of that item.

8 In addition, because the government is  
9 offering it, would be trying to elicit information  
10 from it, there's hearsay objections, so MRE 801. In  
11 this case probably hearsay within hearsay because the  
12 forensic expert is going to be testifying about  
13 something he read or seen that apparently was placed  
14 on the Internet.

15 But then more importantly, a relevance  
16 objection under MRE 401. And also an objection under  
17 MRE 403.

18 The 2009 WikiLeaks most wanted list, the  
19 government apparently wants to use that to suggest  
20 that PFC Manning was taking his direction from  
21 WikiLeaks, and there's simply no evidence to support

1 that. In fact, when you look at the 2009 most wanted  
2 list, if in fact we do, one of the items is general  
3 order number one, that's probably the easiest thing  
4 that somebody could obtain, and WikiLeaks doesn't  
5 have that. And so there is no real evidence to  
6 suggest that PFC Manning was using this list as a  
7 guide for what he would be giving to WikiLeaks.

8           Additionally, there's no forensic  
9 connection between PFC Manning and this list. The  
10 government at no time in their minute by minute  
11 account of what PFC Manning was doing on SIPRNET  
12 computers found any reference to searches that track  
13 this whole list. At best they found something that  
14 they could argue that, oh, this kind of looks like  
15 something that's on this list. So the defense's  
16 position on this is that it's simply not relevant.  
17 And to the extent that there is some minor relevance  
18 as circumstantial evidence, it's unfairly prejudicial  
19 because, again, PFC Manning was not taking his  
20 direction from WikiLeaks.

21           THE COURT: All right. Thank you.

1           Government, please address each basis of  
2 the defense's objection.

3           MR. FEIN: Yes, ma'am. First,  
4 authentication. United States intends to call  
5 special agents who used what other courts have  
6 approved or have allowed for authentication purposes  
7 an approved method of searching historic records that  
8 existed at the time on the Internet using what's  
9 called the way back machine, and then independently  
10 looking at other processes like the Google cache and  
11 other information to confirm that that is the  
12 WikiLeaks most wanted list from that time. That's  
13 what the special agent did himself. He used this  
14 device or this website using it in the way that it's  
15 intended to be used and we intend to present evidence  
16 to that point. So that's authentication, Your Honor.  
17 He actually downloaded it. In fact, the versions  
18 that are being used are the ones he printed and  
19 signed after he did it.

20           As far as the hearsay, Your Honor, first  
21 and foremost, United States isn't offering it for the

1 truth of the matter asserted, but effect on the  
2 listener. PFC Manning, the government intend to show  
3 that he used this as a guide, as a menu to do his  
4 searches and figure out what he was going to give  
5 WikiLeaks and not, and that's what the evidence is  
6 going to show.

7 Example, Your Honor, from the slide show  
8 using what the defense just offered is that the  
9 Intelink logs which are what the minute by minute  
10 account evidence we have, and that's from a SIPRNET  
11 system that the WikiLeaks most wanted list was not  
12 on, PFC Manning searched for a term such as D M S O P  
13 detainee use and interrogation and that was around  
14 late November, December of 2009. Those exact things  
15 are what WikiLeaks was asking for and is listed on  
16 the WikiLeaks most wanted screen shot. So the  
17 relevance there is clear, Your Honor.

18 The reason the United States isn't  
19 offering or doesn't have what the defense is claiming  
20 we must have, which is a forensic trail to show PFC  
21 Manning on this, and that's why United States would

1 argue and will argue later circumstantial evidence,  
2 is because PFC Manning wiped his personal Macintosh  
3 computer, forensically cleared it so there's no  
4 forensic evidence on 25 January 2010, and evidence  
5 will show that as well, Your Honor.

6           So it is authentic or the United States  
7 will be able to show it's authentic and defense will  
8 be able to object and we'll be able to litigate this  
9 issue, but we do have a good faith basis to believe  
10 that it is what it purports to be and it is otherwise  
11 admissible. And we believe we would not be offering  
12 it for hearsay purposes, but it's the effect on why  
13 and what drove PFC Manning to do the searches he did,  
14 which we do have forensics for.

15           THE COURT: All right. Well, the court  
16 will rule on all these when the evidence is actually  
17 presented.

18           As far as opening statement, this is a  
19 judge alone trial. The court is well versed in  
20 ruling on motions and disregarding evidence should I  
21 find that it is not authenticated properly, that it



1 is offered as improper hearsay or it's not relevant  
2 or is unduly prejudicial, so I can unring the bell  
3 should that need be. So government, I believe you  
4 established a good faith basis to at least use it as  
5 part of your opening statement.

6 So defense objections at this point are  
7 overruled.

8 But again, I'm not ruling on the  
9 admissibility of the evidence at this time.

10 MR. COOMBS: Yes, Your Honor.

11 MR. FEIN: Yes, ma'am.

12 THE COURT: Anything else we need to  
13 address before we proceed with opening statements?

14 MR. COOMBS: No, Your Honor.

15 MR. FEIN: No, Your Honor.

16 THE COURT: All right. Once again,  
17 you're all familiar with, opening statements are not  
18 evidence, rather they are what counsel expect the  
19 evidence will show in the case.

20 Does the government have an opening  
21 statement?

1 MR. MORROW: Yes, Your Honor.

2 THE COURT: Proceed.

3 MR. MORROW: If it please the court. If  
4 you have unprecedented access to classified networks  
5 14 hours a day, seven days week for eight plus  
6 months, what would you do?

7 The evidence will show that those are the  
8 words of PFC Bradley Manning, Your Honor. This is  
9 not a case about an accidental spill of classified  
10 information. This is not a case about a few  
11 documents left in a barracks with you. This is not a  
12 case about a government official who made discrete  
13 targeted disclosures of classified information based  
14 on content (INAUDIBLE) careful. This, Your Honor,  
15 this is a case about a soldier who systematically  
16 harvested hundreds of thousands of documents from  
17 classified databases and then literally dumped that  
18 information on to the Internet and into the hands of  
19 the enemy. Material he knew, based on his training  
20 and experience, could put the lives and welfare of  
21 his fellow soldiers at risk.

1           This is a case about what happens when  
2 arrogance meets access to sensitive information. The  
3 evidence will show that beginning in November 2009,  
4 less than two weeks after starting work in the  
5 Sensitive Compartmented Information Facility at  
6 Bagram, Iraq, PFC Manning disregarded the judgment of  
7 senior officials, the rules governing the protection  
8 of classified information, and his own acknowledged  
9 (INAUDIBLE) to safeguard our nation's secrets. The  
10 evidence will show that PFC Manning violated the  
11 (INAUDIBLE) of his superiors to the detriment of the  
12 soldiers he served with and to the aid of our  
13 adversaries.

14           The evidence will show that PFC Manning  
15 used his military training to gain the notoriety he  
16 craved. In short, the evidence will show that PFC  
17 Manning knew the consequences of his actions and  
18 disregarded that knowledge in his own self interest.

19           Over the course of approximately six  
20 months the evidence will show that PFC Manning  
21 systematically and indiscriminately harvested more

1 than 700,000 government records from various  
2 databases and transmitted the information to random  
3 opportunists without any appropriate limits.

4           The government will show that at every  
5 step in the process PFC Manning attempted to hide  
6 what he was doing from others. He repeatedly, the  
7 evidence will show, moved CDs containing classified  
8 information from his work station in the SCIF to his  
9 containerized housing unit. And once there, the  
10 evidence will show that PFC Manning packaged the  
11 information, encrypted the information and  
12 transmitted the information using tools designed to  
13 insure he would not be caught. And after  
14 transmitting the information, the evidence will show  
15 that PFC Manning often took painstaking steps to  
16 erase any evidence of what he had done through his  
17 computers.

18           The evidence will show that PFC Manning  
19 repeatedly (INAUDIBLE) his access to the SIPRNET  
20 which searching for no logical nexus to the work he  
21 was supposed to be doing in Iraq. The evidence will

1 show that PFC Manning was well-versed in the type of  
2 information, that it disclosed unauthorized persons  
3 could reasonably be expected to call damage to the  
4 national security. The evidence will also show that  
5 PFC Manning did not discriminate with gathering  
6 documents. Much of the evidence will show that his  
7 interest was in gathering information in bulk.

8           Aside from a few documents in this case,  
9 Your Honor, the evidence will show that PFC Manning's  
10 actions were not calculated (INAUDIBLE) of documents  
11 onesies and twosies. These were massive, massive  
12 downloads aided by PFC Manning's mastery of an  
13 unauthorized software program known as WGet, packaged  
14 and out the door to WikiLeaks in a few hours in some  
15 cases.

16           Finally, the evidence will show that this  
17 massive amount of information has great value to our  
18 adversaries and, in particular, our enemies.

19           On the screen, Your Honor, is a brief  
20 road map of the government's case in chief or  
21 intended case in chief.

1           The first several witnesses will discuss  
2 the investigation in Iraq. We'll have witnesses  
3 discuss PFC Manning's training at Fort Huachuca, PFC  
4 Manning's deployment to Iraq. And the government  
5 will proceed through the charges and specifications  
6 in essentially chronological order with the forensics  
7 relating to each charge and specification presented  
8 simultaneously as well as evidence relating to the  
9 nature of the information.

10           Your Honor, before we proceed with the  
11 charge in the specifications, the government would  
12 like to highlight a few pieces of evidence and some  
13 terms you'll hear referenced throughout the trial.

14           Some key evidence in this case, Your  
15 Honor, SIPRNET computers, Intelink logs. And when I  
16 speak of Intelink logs, Your Honor, I'm talking about  
17 the evidence will show that they are logs that  
18 capture, audit logs that capture activity on the  
19 SIPRNET.

20           PFC Manning's, a personal computer from  
21 PFC Manning's CHU, as well as an external hard drive,

1 and an SD card which is a portable card used for,  
2 collected from his aunt's house in Potomac, Maryland.

3 The government will present evidence  
4 recovered from a Brookhaven National Laboratory in  
5 New York.

6 CENTCOM SIPRNET Sharepoint logs. The  
7 evidence will show that Sharepoint, Your Honor, is  
8 simply a web server that's used by staff at CENTCOM  
9 to post documents, share documents.

10 A supply annex NIPRNET computer collected  
11 because PFC Manning was new to the supply net during  
12 the end of his deployment.

13 PFC Manning signed non-disclosure  
14 agreements. And as referenced earlier, what the  
15 evidence will show to be a WikiLeaks most wanted list  
16 from 2009.

17 First, Your Honor, dot 22 and dot 40  
18 computers. When a witness refers to dot 22 or dot  
19 40, the evidence will show that they're referring to  
20 the last octet of the two IP addresses of the SIPRNET  
21 computers collected in Iraq. The evidence will show

1 that PFC Manning's primary computer was the dot 22,  
2 and on that computer will testify that there was file  
3 called backup dot S R K X. This spreadsheet, Your  
4 Honor, is evidence that the PFC Manning was  
5 downloading evidence. In particular, Your Honor, the  
6 evidence will show that the number at the top left,  
7 251287 was the next number in line after the amount  
8 of cables that were released, department of state  
9 cables released on WikiLeaks. The evidence will show  
10 that WikiLeaks released 251,287 documents.

11 The secondary SIPRNET computer, Your  
12 Honor, was dot 40, and the special agent will testify  
13 that there were more than 100,000 full base 64  
14 encoded department of state cables. Base 64, Your  
15 Honor, is simply a method of encoding information  
16 that optimizes the transmission of that information  
17 over the Internet, and the special agent will testify  
18 regarding this.

19 Intelink logs, Your Honor. Intelink is a  
20 SIPRNET search engine, very similar to Google, in  
21 fact, powered by Google. The logs collected in this



1 case, related to this case are the dot 22 and dot 40  
2 addresses and span the length of Manning's  
3 deployment, so approximately the 1 November 2009 to  
4 the end of May. The evidence will show that those  
5 computers searched for WikiLeaks more than 100 times  
6 on the SIPRNET.

7           Next, Your Honor, Manning's personal  
8 laptop. This laptop, an Apple brand laptop, was  
9 collected from Manning's personal living space on FOB  
10 Hammer and special, I'm sorry, Mr. Johnson, one of  
11 the forensic examiners will testify that he was able  
12 to recover two different sets of chat logs. First  
13 are chat logs that were recovered from what's all the  
14 unallocated space, and those chat logs are between  
15 Manning and what the evidence will show to be Julian  
16 Assange.

17           The next set of chat logs, Your Honor,  
18 also recovered on this computer were between Manning  
19 and Adrian Lamo. And Your Honor, you'll hear  
20 evidence that Adrian Lamo is the individual who  
21 brought PFC Manning to law enforcement's attention.

1 Those logs are the chat logs between Manning and  
2 Adrian Lamo, Your Honor, which were found in the  
3 allocated space, meaning it was an actual file on the  
4 computer. The chat logs between and pressassociation  
5 or Julian Assange were found in unallocated space.  
6 And unallocated space, you'll hear from witnesses, is  
7 a space on the computer that's not used with,  
8 currently being used with active data. So it might  
9 be information that's deleted or it might never have  
10 been used by the computer.

11 The importance of these chat logs is that  
12 there are several admissions made by PFC Manning in  
13 them.

14 First, Your Honor, the evidence will show  
15 that PFC Manning admitted to beginning to help  
16 WikiLeaks right after the Thanksgiving timeframe of  
17 2009. And where you it says bradass87, the evidence  
18 will show, bradass87 is the user name or the chat log  
19 name for PFC Manning.

20 PFC Manning also made several admissions  
21 in the chat log relating to information that's the

1 subject of this court-martial, information that he  
2 allegedly (INAUDIBLE).

3 The chat logs between PFC Manning who is  
4 the (INAUDIBLE) to be dog network show a familiarity  
5 between the dog network and pressassociation, or what  
6 the evidence will show to be Julian Assange.

7 Again, Your Honor, these are chat logs  
8 recovered from the unallocated space, so they were  
9 deleted chat logs.

10 Finally, Your Honor, some of the chat  
11 logs the evidence will show PFC Manning indicated  
12 what he thought WikiLeaks was.

13 Also recovered from PFC Manning's  
14 computer, Your Honor, is what forensic examiners will  
15 refer to as mounting data. Your Honor, mounting data  
16 is simply data that's created by the personal laptop  
17 when a CD is inserted.

18 Your Honor, on the screen now is the  
19 mounting data recovered from the deleted space or the  
20 unallocated space on PFC Manning's personal computer.  
21 And specifically, Your Honor, the evidence will show

1 that the numerics there, that you see at the top,  
2 100215 underscore 621, you'll hear testimony that  
3 that is the way that the Roxio CD burning program on  
4 PFC Manning's SIPRNET laptop date and time stamp CDs  
5 when it's burned. What this mounting data did was it  
6 captured essentially the name of the CD, and the  
7 evidence will show that it also captured the files on  
8 the CD as well.

9 As you can see, Your Honor, the evidence  
10 will show that about the sixth line down, the  
11 document that is the subject of specification 14 of  
12 charge two is there.

13 Also collected from PFC Manning's CHU or  
14 personal living space, Your Honor, were two documents  
15 of interest. The first was a PowerPoint brief  
16 prepared by PFC Manning for what the evidence will  
17 show to be PFC Manning at advanced individual  
18 training at Fort Huachuca. Mr. Brian Madid, one of  
19 the platoon sergeants for PFC Manning, will testify  
20 that PFC Manning was required to give this OPSEC  
21 brief at training.

1                   Additionally, Your Honor, forensic  
2 examiners were able to recover contact information  
3 for Julian Assange, and the evidence will show that  
4 the metadata related to that file shows that the file  
5 was created on 29 November 2009.

6                   Your Honor, on the screen is the actual  
7 content of the text file.

8                   CID also collected the SD card, Your  
9 Honor. An SD card is simply a portable memory device  
10 used for cameras and things like that. That SD card  
11 was collected from PFC Manning's aunt's house in  
12 Potomac, Maryland. And the evidence will show that  
13 on that SD card were two complete databases. The  
14 Combined Information and Data Network Exchange, CIDNE  
15 Iraq SigAct database and the CIDNE Afghanistan SigAct  
16 database.

17                   The evidence will show that the metadata  
18 related to those files shows that the Afghan database  
19 was created on January 8, 2010. The metadata related  
20 to the Iraq database was created on 5 January 2010.  
21 And finally, Your Honor, you'll see a text file was

1 also on this SD card entitled read me created on 9  
2 January 2010. In that text file, Your Honor, was a  
3 note. This is the actual content of that text file,  
4 Your Honor.

5 On the SD card as well were pictures of  
6 PFC Manning. The evidence will show that this was  
7 PFC Manning's portable electronic device.

8 FBI and CID agents also collected a  
9 computer from Brookhaven National Laboratory in New  
10 York. The evidence will show that this work computer  
11 belonged to an individual named Jason Katz. The  
12 evidence will also show that on this work computer  
13 was a forensic match of the video charged in  
14 specification 11 of charge two, the BE 22 PAX dot zip  
15 video was on this computer. And forensic examiners  
16 will testify that that video was on the computer on  
17 15 December 2009.

18 CID agents also collected CENTCOM SIPRNET  
19 Sharepoint logs. Again, Your Honor, the Sharepoint  
20 logs are simply logs related to the Sharepoint server  
21 at CENTCOM where the staff and the employees of

1 CENTCOM posted documents for collaboration. These  
2 logs show the downloading of 334 files on 10 April  
3 2010. Those files, the evidence will show, related  
4 to an investigation into an air strike in Farah  
5 province in Afghanistan in May 2009. The evidence  
6 will show that none of the videos related to this  
7 investigation were downloaded on that day.

8 CID agents also collected an NIPRNET  
9 computer from the supply annex. As I stated earlier,  
10 Your Honor, that computer was collected because PFC  
11 Manning was moved there in early May 2010. The  
12 evidence will show that that computer was used to  
13 download the United States Forces Iraq Global Address  
14 List. And the evidence will show that the computer  
15 was used to essentially create two different files,  
16 one file containing the emails of 74,000 service  
17 members in Iraq, the other file contained the  
18 personal information of approximately 74,000 service  
19 members in Iraq.

20 Now, Your Honor, on the screen is a  
21 snippet of the personal information file. The

1 government has redacted or taken off the left side,  
2 Your Honor, which show the last names of the  
3 individuals. In the full file, Your Honor, though,  
4 the evidence will show that the full names are there.

5 PFC Manning also signed a number of  
6 non-disclosure agreements throughout his time in the  
7 Army. In these non-disclosure agreements the  
8 evidence will show that PFC Manning acknowledged his  
9 responsibilities upon being granted access to  
10 classified information. The evidence will show that  
11 PFC Manning acknowledged the special trust and  
12 confidence placed in him by the United States  
13 government. PFC Manning acknowledged the potential  
14 damage that could accrue from the unauthorized  
15 disclosure of classified information. PFC Manning  
16 acknowledged that classified information was the  
17 property of the United States government. And  
18 finally, Your Honor, PFC Manning acknowledged that  
19 there were consequences to unauthorized disclosures.

20 This non-disclosure agreement, Your  
21 Honor, has already been admitted as prosecution



1 exhibit 8.

2 Specifically, Your Honor, the government  
3 notes that what the evidence will show that PFC  
4 Manning acknowledged that he could be liable for  
5 criminal offenses under 18 United States Code 641 and  
6 793.

7 PFC Manning signed that document on 17  
8 September 2008.

9 Your Honor, the evidence will show that  
10 WikiLeaks posted a most wanted list in 2009, and  
11 specifically, Your Honor, the evidence will show that  
12 PFC Manning made searches from the SIPRNET computer  
13 related to information that was also found on the  
14 most wanted list.

15 Specifically, Your Honor, on 28 November  
16 2009, the evidence will show that the dot 40 SIPRNET  
17 computer searched for retention of interrogation  
18 videos. And, Your Honor, you haven't seen this yet,  
19 but this is what the evidence will show to be a  
20 summary of the Intelink searches made throughout PFC  
21 Manning's deployment. This is an excerpt of that

1 search log.

2 The most wanted list in 2009 also sought  
3 information very similar.

4 Your Honor, the government also would  
5 like to highlight a few key witnesses you'll hear.  
6 Several of these witnesses you'll hear throughout the  
7 trial.

8 First, Special Agent David Shaver led a  
9 team of forensic examiners, Your Honor, from the  
10 digital forensics and research branch of the Army  
11 computer crimes investigative unit. Special Agent  
12 Shaver, the evidence will show, is a leader in his  
13 field. They conducted most if not all of the  
14 forensic examinations in this case, as well as the  
15 examination of (INAUDIBLE).

16 Mr. Johnson was one of his forensic  
17 examiners, he'll testify regarding his examination of  
18 the personal laptop computer of PFC Manning as well  
19 as the external hard drive. Special Agent Williamson  
20 will testify on his examination of the supply annex  
21 computer.

1           You'll hear from one of PFC Manning's  
2 instructors at AIT, Mr. Moul. Mr. Moul is a retired  
3 all-source intelligence analyst, and he'll testify  
4 that he provided training during AIT on classified  
5 documents, handling of classified material,  
6 information security and operations security, as well  
7 as training on the enemy's use of the Internet.

8           Your Honor, this is just, this will show  
9 one of the slides PFC Manning was provided training  
10 on.

11           Your Honor, you'll also hear from  
12 government officials from various agencies, including  
13 the Department of Defense, Department of State and  
14 other government organizations, and these witnesses  
15 will testify regarding the nature and content of the  
16 charged information. You'll hear from original  
17 classification authorities from several of these  
18 agencies as well, and they'll discuss the  
19 classification of documents they reviewed.

20           You'll also hear from Mr. Lewis. Mr.  
21 Lewis, Your Honor, the evidence will show is a

1 Department of Defense counter intelligence expert  
2 with approximately 30 years of experience. He'll  
3 testify that there is a market for government  
4 information and specifically a market for classified  
5 information. And he'll also testify that that market  
6 is defined by thousands of dollars for just a handful  
7 of documents.

8           Your Honor, you'll also hear from several  
9 of the unit witnesses, so witnesses that were in the  
10 S2 section who worked with PFC Manning. They'll  
11 discuss the Iraq deployment, they'll testify  
12 regarding PFC Manning's work product and his  
13 skill-sets, and they'll discuss and testify regarding  
14 the duties of an all-source intelligence analyst.

15           During trial, Your Honor, the government  
16 will attempt to simplify complicated evidence by  
17 presenting events chronologically. What the evidence  
18 will show is that PFC Manning arrived in Iraq in  
19 early November 2009 or late October 2009, began  
20 working regularly at the SCIF in mid November 2009,  
21 and in late November 2009, less than two weeks after

1 beginning work, PFC Manning began helping  
2 (INAUDIBLE). Again, Your Honor, this is an excerpt,  
3 the evidence will show this is an excerpt, that this  
4 is an excerpt in the chat logs with Adrian Lamo.

5 The evidence will show that the first  
6 transmission of classified information PFC Manning  
7 made was a transmission in late November 2009, and  
8 that transmission was the video charged in  
9 specification 11 of charge two. The evidence will  
10 show that this video was located on the CENTCOM  
11 SIPRNET Sharepoint under CENTCOM, legal  
12 investigations, Farah.

13 The investigation will show that this  
14 video was password protected, meaning that it could  
15 not be opened without the password. You'll hear  
16 evidence from CID agents who traveled to CENTCOM in  
17 order to collect the password.

18 You'll also hear evidence, Your Honor,  
19 that this same video, a forensic duplicate of this  
20 video was on the work computer of Jason Katz on 15  
21 December 2009.

1                   This is also an excerpt from the chat  
2 logs with Adrian Lamo, Your Honor. The evidence will  
3 show that PFC Manning admitted to transmitting the  
4 Granai air strike video. This excerpt also shows,  
5 Your Honor, that PFC Manning acknowledged that the  
6 video was encrypted.

7                   Jason Katz, Your Honor, you'll hear in  
8 the evidence, was a Department of Energy employee at  
9 Brookhaven National Laboratory in New York. And  
10 forensic examiners will testify that password  
11 cracking software was found on the same computer.  
12 Additionally, Your Honor, the evidence will show that  
13 on 8 January 2010 WikiLeaks tweeted that they had a  
14 copy of an encrypted video.

15                   This is evidence from the WikiLeaks  
16 Twitter feed, Your Honor, that will be presented at  
17 trial. As you can see, Your Honor, the tweet is  
18 dated 8 January 2010.

19                   The evidence will show also, Your Honor,  
20 that if you click on the link there, that links to an  
21 article about the Farah or Granai air strike.

1           After the transmission of this single  
2 video, Your Honor, the evidence will show that PFC  
3 Manning moved on to much larger database, and  
4 specifically he moved on to the information charged  
5 in specifications four through seven of charge two.

6           The evidence will show that in early  
7 January 2010 PFC Manning downloaded the entire  
8 Combined Information and Data Network Exchange Iraq  
9 database. The evidence will show that he accessed  
10 that database locally. The evidence will also show  
11 that in this same timeframe, early January, he  
12 downloaded the CIDNE Afghanistan database. And the  
13 evidence will show that in order to access that  
14 database he had to go through a server at CENTCOM.

15           You'll hear testimony, Your Honor, that  
16 both these CIDNE databases were only available on  
17 classified networks. In other words, Your Honor, the  
18 evidence will show that PFC Manning had to use his  
19 SIPRNET access to access these documents. You'll  
20 hear testimony that the reports identified in  
21 specification five and specification seven were

1 classified, and you'll hear testimony regarding the  
2 value of this information.

3 Your Honor, you'll also hear testimony  
4 from the forensic examiners relating to their  
5 examination of the SD card, and the testimony will  
6 show that metadata of those files was CIDNE Iraq was  
7 packaged on 5 January, and CIDNE Afghan was packaged  
8 on 8 January. Again, that's the metadata file from  
9 the SD card.

10 It's also helpful at this time, Your  
11 Honor, to go through sort of a timeline of early  
12 events. The evidence will show, as I stated earlier,  
13 that PFC Manning arrived in Iraq in November 2009.

14 On 21 January 2010, so approximately two  
15 weeks after the files related to the CIDNE databases  
16 were created, the evidence shows that PFC Manning  
17 left Iraq for R and R. On the 24th of January, 2010,  
18 the evidence will show that PFC Manning arrives in  
19 the D.C. area. And on the 25th of January 2010, the  
20 evidence will show that PFC Manning cleared his  
21 computer, he wiped his computer of all of the data



1 and he reinstalled the operating system on his Apple  
2 laptop.

3           You'll hear testimony, Your Honor, from  
4 the forensic examiners who will discuss what wiping  
5 is, but essentially no information on the personal  
6 computer can be recovered prior to 25 January 2010.

7           On the 26th of January 2010 the evidence  
8 will show that personal computer and PFC Manning left  
9 D.C. for Boston.

10           And on the 31st of January, 2010, the  
11 evidence will show that while in Boston PFC Manning  
12 cleared his computer of all the data in the  
13 unallocated or free space. The evidence will show,  
14 Your Honor, that that means that no data can be  
15 recovered from the deleted space prior to 31 January  
16 2010.

17           Around the 1st of February, 2010, PFC  
18 Manning returned to D.C., and on the 11th of  
19 February, 2010, the evidence will show that PFC  
20 Manning returned to the Iraq theater. And that same  
21 day, Your Honor, the evidence will show that PFC

1 Manning created an encrypted file on his personal  
2 file, a strong box dot DMG. Approximately three days  
3 later, Your Honor, the evidence will show that PFC  
4 Manning returned to work and immediately began  
5 harvesting government information.

6 This first day back on the SCIF, Your  
7 Honor, the evidence will show that PFC Manning began  
8 collecting information relating to Iceland. The  
9 evidence will show that WikiLeaks at this time was  
10 based in Iceland, and specifically Julian Assange.

11 The evidence will also show that on the  
12 15th of February 2010, PFC Manning burned the  
13 document charged in specification 14 in charge two,  
14 the diplomatic cable Reykjavik 13. Here's the  
15 mounting data or metadata recovered from unallocated  
16 space on PFC Manning's personal computer. As stated  
17 earlier, Your Honor, Reykjavik 13 was on a disc  
18 inserted into PFC Manning's computer, as well as  
19 other information related to Iceland.

20 In that same timeframe, Your Honor, the  
21 evidence will show that PFC Manning also on that same

1 disc that contained Reykjavik 13 was the video  
2 charged in specification two of charge two, commonly  
3 referred to as the Granai air strike video. This  
4 video, Your Honor, was located on the brigade's  
5 SIPRNET Sharepoint drive under the SJA folder.  
6 You'll hear from a CENTCOM FOIA officer who will  
7 testify that the video was not released when CENTCOM  
8 released the investigation related to this video.

9           You'll also hear testimony, Your Honor,  
10 that when the Apache video, so, when the 12 July  
11 video was initially released by WikiLeaks, it was  
12 released as an edited version, and the evidence will  
13 show that PFC Manning was part of this editing  
14 process. This email, Your Honor, was recovered from  
15 PFC Manning's personal computer.

16           You'll also hear testimony, Your Honor,  
17 from an Army aviator who will testify and explain how  
18 the video could be useful to foreign adversaries.

19           Your Honor, the evidence will show that  
20 PFC Manning conducted research on WikiLeaks  
21 throughout the deployment. His first search for

1 WikiLeaks on the SIPRNET, Your Honor, the evidence  
2 will show was 1 December 2009.

3           The evidence will show that prior to and  
4 after 15 February 2010, PFC Manning researched  
5 WikiLeaks extensively on the SIPRNET. And the  
6 Intelink log activity, Your Honor, that will be  
7 presented at trial will show that PFC Manning  
8 conducted more than 100 searches for WikiLeaks on the  
9 SIPRNET. The evidence will also show, Your Honor,  
10 that on 1 December 2009 PFC Manning first access the  
11 document charged in specification 15 of charge two,  
12 the ASIG document.

13           Your Honor, there's a screen shot again  
14 of the excerpts from the SIPRNET search log on  
15 Intelink. As you can see, on 1 December the computer  
16 searched for the word WikiLeaks. That search, Your  
17 Honor, led to this report. Your Honor, this is an  
18 excerpt of the document charged in specification 15  
19 of charge two.

20           This report, Your Honor, made several key  
21 judgments, and specifically stated that recent

1 unauthorized release of DOD sensitive and classified  
2 documents provide foreign intelligence groups,  
3 insurgents and other foreign adversaries with  
4 potential actual information for targeting U.S.  
5 forces.

6 In short, Your Honor, the evidence will  
7 show that this document alerted readers that  
8 WikiLeaks was a source of intelligence for  
9 adversaries. The evidence will show that this  
10 document had not been released publicly, it was only  
11 available to individuals with access to the SIPRNET  
12 or higher. And initially, the evidence will show  
13 that it was marked top and bottom with classification  
14 as you saw earlier.

15 In addition to the document charged in  
16 specification 15 of charge two, the ASIG document,  
17 (INAUDIBLE) PFC Manning found.

18 The evidence will show, Your Honor, that  
19 this is an excerpt from the C3 document.

20 That document as well as an IIR,  
21 intelligence information report relating to WikiLeaks

1 was on a CD inserted into PFC Manning's computer  
2 around 15 February of 2010. Again, Your Honor, this  
3 is an excerpt of the mounting data recovered from PFC  
4 Manning's personal computer.

5           After this transmission of several  
6 documents on 15 February, 2010, the evidence will  
7 show that PFC Manning moved on to again or went back  
8 to larger databases and, specifically, Your Honor,  
9 the information charged in specifications eight and  
10 nine of charge two.

11           On 5 March 2010, the evidence will show  
12 that PFC Manning attempted to download the JTF-GTMO  
13 detainee assessment database manually. And what I  
14 mean by manually, Your Honor, Your Honor, is clicking  
15 and saving to a computer. Special Agent Shaver will  
16 explain using the Intelink logs how he can tell the  
17 activity. The evidence will show that PFC Manning  
18 stopped after downloading approximately 400 detainee  
19 assessments on 5 March.

20           But on 7 March the evidence will show  
21 that PFC Manning went back and he downloaded the

1 entire detainee assessment database, more than 750  
2 records. The evidence will show that PFC Manning  
3 used a program named WGet to automate this process.

4           The chat logs with Julian Assange, Your  
5 Honor, the evidence will show discussed this  
6 information. This excerpt from the chat logs, Your  
7 Honor, on 7 March, the excerpt shows PFC Manning  
8 asked Julian Assange how valuable these memos are.  
9 And by the 8th of March, Your Honor, the evidence  
10 will show that PFC Manning already had a program that  
11 organized the intel as much as possible. Again, this  
12 is an excerpt from the recovered chat logs on PCF  
13 Manning's personal computer.

14           You'll hear testimony, Your Honor, that  
15 each detainee assessment was marked on the top and  
16 bottom with classification, and you'll hear testimony  
17 from the intelligence analyst who maintained this  
18 database and maintained many of the assessments, and  
19 he'll testify that the detainee assessments were only  
20 available on the SIPRNET and higher. And that the  
21 assessments had not been released to the public.

1           In this same timeframe, Your Honor, I'm  
2 now referring to specification two of charge three,  
3 the evidence will show that PFC Manning -- I'm sorry,  
4 excuse me.

5           In this timeframe, Your Honor, is the  
6 first known use of the program named WGet. You'll  
7 hear testimony, Your Honor, that WGet is free  
8 software available on the Internet and it's used to  
9 rapidly download information from web servers.  
10 You'll also hear testimony that acceptable use  
11 policies prohibited the addition of freeware or free  
12 software and executables on government information  
13 systems.

14           As you can see, Your Honor, that is an  
15 excerpt of the regulation you've taken judicial  
16 notice of, 25-2.

17           That's an excerpt of an acceptable use  
18 policy.

19           In the same timeframe, Your Honor, the  
20 evidence will show that PFC Manning, with the help of  
21 what the evidence will be to show Julian Assange



1 attempted to devise a way to browse the SIPRNET  
2 anonymously. On the screen, Your Honor, is an  
3 excerpt of a chat log. Again, these are the chat  
4 logs recovered from PFC Manning's personal computer.  
5 And these chat logs, the evidence will show, PFC  
6 Manning asked any good at LM hash cracking. The LM,  
7 the evidence will show, stands for LAN manager.  
8 Pressassociation responds we have rainbow tables for  
9 LM.

10 Your Honor, the evidence will show that  
11 an LM hash is essentially the way a Windows computer  
12 stores passwords on that computer. It doesn't store  
13 the passwords as, you know, one, two, three, four,  
14 five. It stores it as a hash value. Special Agent  
15 Shaver will testify that the hash value, the second  
16 line from the bottom, is a system file on the SIPRNET  
17 computers of PFC Manning, a system file related to  
18 the password for the administrator account.

19 Hash cracking, Your Honor, is essentially  
20 reverse engineering the password.

21 In late March 2010 and early April 2010

1 PFC Manning again went back to larger databases. In  
2 this case, Your Honor, the evidence will show that  
3 PFC Manning used WGet to systematically harvest more  
4 than 250,000 Department of State diplomatic cables.  
5 The evidence will show that 251,287 purported  
6 Department of State cables were released by  
7 WikiLeaks. This activity occurred between 28 March  
8 and early April 2010, and Special Agent Shaver will  
9 testify regarding his examination of the firewall  
10 logs related to the Department of State and he'll  
11 testify that between PFC Manning's SIPRNET computers  
12 and the firewall logs were more than 700,000  
13 connections in this timeframe.

14 250,000 diplomatic cables, Your Honor,  
15 that's 25,000 cables a day, more than a thousand  
16 cables an hour. And the evidence will show that this  
17 process was automated.

18 The evidence will show that WGet and  
19 programs like it were prohibited by the acceptable  
20 use policy signed by every service member who has  
21 access to a government information system. And what

1 WGet does is it bypasses the normal mechanism for  
2 access to these cables. Click, open, save evidence  
3 will show that WGet acted as a technical boost for  
4 downloading large amounts of information from web  
5 servers.

6 The evidence will show that literally the  
7 day after this download of information was completed,  
8 this initial download of 250,000 cables, PFC Manning  
9 went back to the CENTCOM SIPRNET Sharepoint site.  
10 The evidence will show that the logs from this  
11 SIPRNET Sharepoint site show the entire 15-6 related  
12 to the Granai air strike were downloaded,  
13 approximately 334 records.

14 Again, Your Honor, these logs also show  
15 that none of the videos related to this air strike  
16 were downloaded on the same day and Special Agent  
17 Shaver will testify regarding the log evidence.

18 Again, Your Honor, this is an excerpt  
19 from the chat logs between PFC Manning and Adrian  
20 Lamo.

21 You'll hear testimony, Your Honor, that

1 these documents were located in a folder devoted to  
2 the investigation. The investigation was only  
3 available on the SIPRNET. These documents had not  
4 been released publicly and they were marked with  
5 classifications.

6 On May 4, Your Honor, the evidence will  
7 show that PFC Manning was having trouble with WGet on  
8 his computer, and so the evidence will show that PFC  
9 Manning went back to the SIPRNET, downloaded WGet  
10 again, and moved it from his NIPRNET computer to the  
11 SIPRNET computer in the SCIF.

12 On this same day, Your Honor, the  
13 evidence will show that PFC Manning used WGet again  
14 to download an additional approximately 11,000 cables  
15 again from the Department of State Net-Centric  
16 Diplomacy Database.

17 This is the Excel spread sheet I showed  
18 you earlier, Your Honor, a backup that was found on  
19 PFC Manning's dot 22 computer. Again, Your Honor,  
20 251,287 cables were released by WikiLeaks, purported  
21 cables released by WikiLeaks. These are the next

1 cables in line.

2 And that file, Your Honor, that file of  
3 Department of State cables the evidence will show was  
4 burned on to a CD in the SIPRNET and moved to PFC  
5 Manning's personal computer. Again, this is the  
6 mounting data recovered from PFC Manning's personal  
7 computer.

8 Shortly after this download, Your Honor,  
9 the evidence will show PFC Manning was moved to the  
10 supply annex from the SCIF. At this point, Your  
11 Honor, the evidence will show that PFC Manning did  
12 not have access to the SIPRNET, he worked for the  
13 supply sergeant, Staff Sergeant Peter Bigelow, and on  
14 7 May, Your Honor, a tweet from WikiLeaks sought more  
15 information. That tweet, Your Honor, released 7 May  
16 asked for a list of as many dot mil email addresses  
17 as possible. That tweet was released 7 May 2010.

18 Around 11 May 2010, the evidence will  
19 show that PFC Manning extracted the email addresses  
20 and personal information of more than 74,000 service  
21 members in Iraq. The names, email addresses, the

1 ranks, the positions of everyone in the United States  
2 Forces Iraq Global Address List. Special Agent  
3 Williamson will testify that between the two files  
4 extracted from the GAL are more than 2,000 pages of  
5 printed material.

6 Again, Your Honor, on the screen is an  
7 excerpt from one of the files containing personal  
8 information, and the file the evidence will show  
9 contains the entirety. The government has redacted  
10 the left side.

11 These two files, Your Honor, one file  
12 containing email addresses and the other file  
13 containing personal information, were both moved to  
14 PFC Manning's computer.

15 You'll also hear testimony relating to  
16 the value of this information. Mr. Lewis, a counter  
17 intelligence expert, will testify that by providing  
18 this type of personal information you are providing  
19 foreign intelligence services with essentially a  
20 number book. And CW4 Rouillard will testify that  
21 adversaries who spearfish -- so spearfishing is

1 accurately using the target email to obtain personal  
2 financial information from individuals -- use these  
3 types of lists to target individuals.

4 You will also hear testimony from the  
5 information assurance expert who will discuss the  
6 provisions of regulation and appropriate uses of  
7 government information systems.

8 Finally, Your Honor, the evidence will  
9 show that the accused knowingly gave intelligence to  
10 the enemy. As discussed earlier, Your Honor, the  
11 evidence will show that PFC Manning searched for  
12 WikiLeaks more than 100 times on the SIPRNET. The  
13 evidence will show that he understood the nature of  
14 the organization. The search he made on 1 December  
15 2009, the search for WikiLeaks, the evidence will  
16 show, led him to this document in particular, the  
17 documents charged in specification 15 of charge two.

18 The evidence will show that PFC Manning's  
19 training warned him repeatedly of the use of the  
20 enemy at large, and PFC Manning's research warned him  
21 of the use of WikiLeaks.

1                   And he was right. You will hear that  
2 enemies of the United States reviewed information  
3 provided by PFC Manning. You will hear evidence that  
4 during the raid that killed Usama bin Laden  
5 government officials collected several items of  
6 digital media. On one of these items of digital  
7 media was the entire CIDNE Afghanistan database  
8 released on WikiLeaks as well as Department of State  
9 information. (INAUDIBLE), was asked for this  
10 information and received reports by another member of  
11 al Qaeda.

12                   Your Honor, the evidence will show that  
13 PFC Manning worked daily in an area that provided  
14 (INAUDIBLE) between open source information and  
15 information that, if released, could cause damage to  
16 national security or be used to the advantage of  
17 another country. And the evidence will show that if  
18 he wasn't sure, he was required to check with  
19 someone. The evidence will show that PFC Manning  
20 knew the dangers of unauthorized disclosure to an  
21 organization like WikiLeaks and he ignored those



1 dangers.

2 At the close of evidence, after PFC  
3 Manning's knowledge of the information was apparent,  
4 after the court has a full appreciation for the  
5 forensic evidence revealing PFC Manning's intent, the  
6 government is confident you will find that PFC  
7 Manning committed the offenses as charged.

8 THE COURT: Defense, are you going to  
9 have an opening statement or are you going to  
10 reserve?

11 MR. COOMBS: We'll have an opening  
12 statement, Your Honor. If we could take just a ten  
13 minute comfort break, I think I could do my opening  
14 and still get us where we are for lunch.

15 THE COURT: So you want to do the opening  
16 before lunch then?

17 MR. COOMBS: Yes, Your Honor.

18 THE COURT: All right. Any objection?

19 MR. FEIN: No, Your Honor.

20 THE COURT: All right. Ten minutes.  
21 Court is in recess until 10 minutes after twelve.

1 (BRIEF RECESS.)

2 MR. FEIN: Before defense goes, the slide  
3 show the United States just used has been marked as  
4 appellate exhibit 562.

5 THE COURT: All right. Thank you.

6 MR. COOMBS: Ma'am, it was 24 December  
7 2009. He was 22 years young, in Iraq, his first  
8 deployment, his first unit. He was excited to be in  
9 Iraq, and he was excited to achieve his mission, and  
10 hopefully make Iraq a safer place.

11 The EFP alert that went out on that day  
12 broke the silence of an otherwise calm Christmas Eve.  
13 EFP had claimed the lives of too many soldiers. So  
14 when an alert went out, everybody in the TOC and in  
15 the SCIF went into an immediate frenzy to get  
16 information.

17 PFC Manning was sent from the SCIF to the  
18 TOC to find out what he could find out about the EFP.  
19 At that point all they really knew was that an  
20 element of the 210 was driving down a road that was  
21 rarely used and the lead element had been /TPHAUD.

1           PFC Manning went to get some additional  
2 information but none could be found. They didn't  
3 have any updates, so he went back to the SCIF  
4 empty-handed.

5           A few tense moments later came the  
6 welcome news. Despite the lead element being hit, no  
7 soldiers were killed, no soldiers were injured.  
8 Everyone in the TOC started celebrating, everyone in  
9 the SCIF started celebrating. Good news was welcome  
10 on any day, but especially on Christmas Eve.

11           A few minutes later came some additional  
12 news about that EFP, and the report indicated that as  
13 the lead element was driving down this road there was  
14 this civilian car in front of them, and that civilian  
15 car pulled over to the side, as was typical, to allow  
16 the convoy to go by, and they pulled over right in  
17 front of where that EFP was placed. The car had five  
18 occupants, two adults and three children. And that  
19 EFP went right through that car and hit that lead  
20 element. All five of the occupants were taken to the  
21 hospital, one died en route. Everyone in the TOC, in

1 the SCIF was celebrating. Everyone was happy.  
2 Everyone but PFC Manning. He couldn't celebrate. He  
3 couldn't be happy. The reason why is he couldn't  
4 forget about the life that was lost on that day. He  
5 couldn't forget about the lives and the family that  
6 was impacted on that Christmas Eve.

7           And from that moment forward PFC Manning  
8 started a struggle. You see, PFC Manning is not a  
9 typical soldier. The evidence will show that when he  
10 deployed to Iraq he had custom dog tags, ID tags that  
11 he had made, and on the back of those tags read  
12 humans.

13           THE COURT: Read?

14           MR. COOMBS: Humans. He was a humanist,  
15 and a humanist was the religious belief that he  
16 ascribed to, and those values are placing people  
17 first, placing value on human life.

18           In the months and weeks leading up to the  
19 deployment, PFC Manning engaged in an IM chat  
20 conversation with Zachary Antolak, who now has  
21 changed his name to Lauren McNamara, and he's gone

1 from a he to a she. And the two of them talked about  
2 a wide variety of topics. And in that chat  
3 conversation they talked about PFC Manning's humanist  
4 beliefs and they talked about PFC Manning feeling a  
5 huge amount of pressure, pressure to do everything he  
6 could to help his unit. He was reading more into  
7 politics, reading more in philosophy, and he  
8 indicated the reason he was doing that was he wanted  
9 to give the best possible information to his command  
10 and hopefully save lives.

11 He talked about feeling a strong desire  
12 and a need to do everything he could to help his  
13 unit, and in the hopes of every one of the soldiers  
14 that deployed with him would come home safely. Every  
15 one of the DOD civilians that worked with them would  
16 come home safely. And he also talked about the fact  
17 that he hoped that local nationals, people that they  
18 were trying to help in Iraq, would be able to go home  
19 safely.

20 That was his mindset leading into the  
21 deployment. But after that 24 December 2009

1 incident, things started to change for him. And he  
2 started to struggle. And the evidence will show the  
3 reason why he started to struggle was no longer could  
4 he read SigActs or human reports and just see a name  
5 or number and not think about that family on  
6 Christmas Eve who had just pulled over their car to  
7 let the convoy go by. And his struggles were public.  
8 He was struggling not only with the feeling of  
9 obligation and duty to people, but also with the  
10 struggle and internal struggle, a very private  
11 struggle with his gender. And this was public for  
12 his unit to see.

13           And his struggles led him to feel that he  
14 needed to do something, that he needed to do  
15 something to make a difference in this world. He  
16 needed to do something to help improve what he was  
17 seeing. And so from that moment forward, and that  
18 was January of 2010, he started selecting information  
19 that he believed the public should hear and should  
20 see. Information that he believed that if the public  
21 saw would make the world a better place. But

1 importantly, information that he specifically  
2 selected that he believed could not be used against  
3 the United States. And information that he believed,  
4 if public, and everyone knew it, could not be used by  
5 a foreign nation.

6 The first data set that he selected to  
7 download was the SigActs charged in specifications  
8 four, five, six and seven of charge two. He selected  
9 specific information from SigActs. He had dealt with  
10 SigActs from the time that he got to Fort Drum, but  
11 really on a daily basis when he got to Iraq. And he  
12 knew that SigActs were low level filtered reports.  
13 These are the reports by the unit on the ground that  
14 documented essentially the five Ws, the who, what,  
15 where, when and why of a particular incident. And he  
16 knew that the SigActs were always written for any  
17 engagement with the enemy, or anything that led to  
18 the death of a civilian, or the injury or death of a  
19 civilian employee or local national.

20 He knew that the SigActs that he selected  
21 were all older than 72 hours. He knew that SigActs

1 were generally considered a historical document, a  
2 document that had accounted for what had happened in  
3 the past. He knew that SigActs did not discuss  
4 future operations. He knew that SigActs did not  
5 contain the names of intelligence sources.

6           When he reviewed the SigActs that he was  
7 looking through, he also knew that they documented  
8 activity for the most part that was engaging with the  
9 enemy, so the enemy was aware of what was happening.  
10 He knew that.

11           And he knew that the SigActs were really  
12 essentially a diary of the day to day activities that  
13 was happening. And as he was reading these SigActs  
14 now with the benefit or more probably appropriately  
15 the burden of what happened on 24 December 2009, his  
16 mindset, he started to see that this information  
17 should be public. The American public should know  
18 what is happening on a day to day basis.

19           And as the government showed, he believed  
20 at that point, this is one of the more important  
21 documents of our time, lifting the fog of war and



1 showing the true nature of 21st century asymmetric  
2 warfare.

3 He also released the Apache video, and he  
4 knew information specifically about that. That's  
5 charged in investigation specification in charge two.  
6 First he knew that another intelligence analyst was  
7 the first to find that video. She found that video  
8 in an archive folder from the previous unit. And she  
9 had pulled the video out and everyone was kind of  
10 talking about the ethical implications of what they  
11 were seeing and hearing.

12 He knew that the video depicted a 2007  
13 attack. He knew that it resulted in the death of two  
14 journalists. And because it resulted in the death of  
15 two journalists it had received worldwide attention.

16 He knew that the organization Reuters had  
17 requested a copy of the video in FOIA because it was  
18 their two journalists that were killed, and they  
19 wanted to have that copy in order to find out what  
20 had happened and to insure that it didn't happen  
21 again. He knew that the United States had responded

1 to that FOIA request almost two years later  
2 indicating what they could find and, notably, not the  
3 video.

4 He knew that David Finkel, an author, had  
5 written a book called The Good Soldiers, and when he  
6 read through David Finkel's account and he talked  
7 about this incident that's depicted in the video, he  
8 saw that David Finkel's account and the actual video  
9 were verbatim, that David Finkel was quoting the  
10 Apache air crew. And so at that point he knew that  
11 David Finkel had a copy of the video.

12 And when he decided to release this  
13 information, he believed that this information showed  
14 how we valued human life in Iraq. He was troubled by  
15 that. And he believed that if the American public  
16 saw it, they too would be troubled and maybe things  
17 would change.

18 He also released the diplomatic cables  
19 charged in specifications 11 and 12 -- excuse me --  
20 12 and 13 of charge two, and what he knew about the  
21 diplomatic cables was this: Captain Morton, his

1 boss, the S 2, had put out a link to the Net-Centric  
2 Diplomacy Database, the diplomatic cables, and said  
3 to all analysts go look at this stuff, start  
4 incorporating this into your work product. And so  
5 PFC Manning started looking at the diplomatic  
6 database as directed. And as he looked at it, he  
7 knew and found out additional information about it.

8           The cables were called SIPDIS, that was  
9 the tag that was placed on them, and SIPDIS stands  
10 for SIPRNET distribution. The cables were available  
11 to anyone who had SIPRNET access, and he knew that  
12 that was at least a million people. He knew that the  
13 cables that were available on the Net-Centric  
14 Diplomacy Database didn't require passwords to log  
15 into them. There were no limitations on what you did  
16 or didn't do when you went there. It was just the  
17 entire cables in one area he wanted to look at. He  
18 knew from looking that the cables showed SIPDIS  
19 cables from 1996 to 2009.

20           He did some research, and the chats will  
21 confirm this, and found a regulation released by the

1 Department of State. And that regulation much like  
2 Army regulations indicated what type of information  
3 could be placed in a SIPDIS cable. And it talked  
4 about that the information that was placed in a  
5 SIPDIS cable could only be that information that  
6 could be widely shared with inter agencies across the  
7 government. It could not possess any other more  
8 restrictive covenant. Importantly, it could not have  
9 intelligence sources and it could not have key  
10 sensitive information.

11 He knew because he started to review the  
12 Iraq SIPDIS cables as directed that the information  
13 even in those cables tended to be unclassified. And  
14 as he looked at other areas where he was reviewing  
15 things based upon either geographical area or an area  
16 of interest, he knew that the majority of the cables  
17 he came across were unclassified. And that met with  
18 SIPDIS regulations that he reviewed.

19 And after reviewing that, he felt that  
20 this showed how we dealt with other countries, how we  
21 valued life in other countries. How we didn't,

1 unfortunately, based upon his view believed, always  
2 do the right thing by other countries.

3 He also released the Farah video, the  
4 Granai air strike and the other accompanying  
5 documents charged in specifications ten and eleven,  
6 and he knew some information with that as well. He  
7 knew that it depicted in 2009 air attack. He knew  
8 that that attack resulted in the death of over 150  
9 men, women and children. He knew because of what  
10 happened, it received worldwide press. He had seen  
11 and reviewed General Petraeus interviews talking  
12 about what had happened, why it happened and what the  
13 government was trying to do, more importantly the  
14 military, to avoid this from happening again.

15 He knew that there was a FOIA request for  
16 the information and that the Pentagon had promised to  
17 release the video. But the video was not released.

18 At the time he released this information,  
19 he believed it was important because it showed how  
20 something happened and, more importantly, why it  
21 should never have happened in the first place.

1                   Next, he next released the DAG, the  
2 detainee assessment groups, and he knew certain  
3 information about the detainee assessment briefs.

4                   THE COURT: And that's specifications?

5                   MR. COOMBS: Thank you, ma'am. If you  
6 didn't ask me that, I could have given you that with  
7 no problem. Specifications eight and nine.

8                   And what he knew there, ma'am, was that  
9 these were found in an archive folder that they were  
10 dated mostly from 2002 up to as early or as late as I  
11 guess 2009. He knew that they didn't have  
12 intelligence sources by name, that they're mostly  
13 biographical information. The chat logs with Zachary  
14 Antolak talk about the Guantanamo issue for him and  
15 he knew that the president had promised to close  
16 Guantanamo.

17                   Looking at the DABs he knew that most of  
18 that information had been released by the Pentagon in  
19 2006 and 2007, the name of the detainees, their  
20 detainee numbers, their country of origin, and both  
21 the combatant status of review tribunals and the

1 administrative review board that contained much of  
2 the same information in the DABs.

3 He also looked at that and he knew what  
4 almost everyone else in America knew as well, that a  
5 lot of people there really didn't need to be there.  
6 They were being held there year after year with no  
7 hope of coming into a courtroom.

8 And at the time that he released this  
9 information, even as the government showed, he didn't  
10 know for sure the value of it, how valuable would  
11 this information be, but based upon that conversation  
12 he knew that it might be valuable to the attorneys  
13 that were representing those who were still in  
14 Guantanamo. He also knew that it might be valuable  
15 to historians to be able to put a true account of  
16 what our nation did in Guantanamo.

17 Lastly, he selected the documents charged  
18 in specifications three and 15, the other government  
19 agency documents and the Army counter intelligence  
20 report. And what he knew from these documents was  
21 they didn't possess any intelligence sources. They

1 were largely based upon publicly available  
2 information. The documents did not contain any  
3 intelligence collection. They were simply  
4 conversations being batted around of possibilities.  
5 And the reason why these documents were selected were  
6 the topic matter of what was discussed and how that  
7 troubled him. These would be documents on  
8 specification three as to what our government was  
9 talking about and concerned about.

10           At the time that PFC Manning selected  
11 this information that he believes he was selective.  
12 He had access to literally hundred of millions of  
13 documents as an all-source analyst, and these were  
14 the documents he released. And he released these  
15 documents because he was hoping to make the world a  
16 better place.

17           He was 22 years old. He was young. He  
18 was a little naive in believing that the information  
19 that he selected could actually make a difference.  
20 But he was good intentioned in that he was selecting  
21 information that he hoped would make a difference.



1           He wasn't selecting information because  
2 it was wanted by WikiLeaks. He wasn't selecting  
3 information because of some 2009 most wanted list.  
4 He was selecting information because he believed that  
5 this information needed to be public.

6           At the time that he released the  
7 information he was concentrating on what the American  
8 public would think about that information, not  
9 whether or not the enemy would get access to it, and  
10 he had absolutely no actual knowledge of whether the  
11 enemy would gain access to it.

12           Young, naive, but good intentioned.

13           Thank you.

14           THE COURT: All right. I know this is  
15 the time now. Would this be an appropriate time to  
16 take a lunch break?

17           MR. FEIN: Yes, ma'am.

18           THE COURT: How long would you like?

19           MR. FEIN: An hour and 15 minutes, Your  
20 Honor?

21           THE COURT: All right. Why don't we just

1 go 1350, how about that?

2 Anything else we need to address before  
3 we recess the court?

4 MR. COOMBS: No, Your Honor.

5 MR. FEIN: No, ma'am.

6 (LUNCH RECESS.)

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