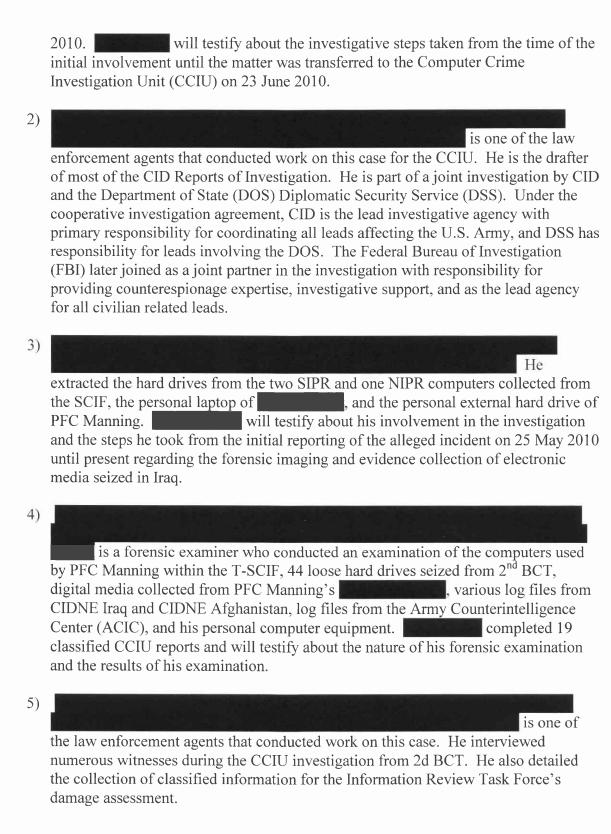
UNITED STATES)	
)	DEFENSE REQUEST FOR
V.)	ARTICLE 32 WITNESSES
)	
MANNING, Bradley E., PFC)	
U.S. Army,)	
Headquarters and Headquarters Company, U.S.)	
Army Garrison, Joint Base Myer-Henderson Hall,)	DATED: 2 December 2011
Fort Myer, VA 22211)	

On behalf of PFC Bradley E. Manning, his civilian counsel, David E. Coombs requests the attendance of each of the below listed witnesses for the following reasons:

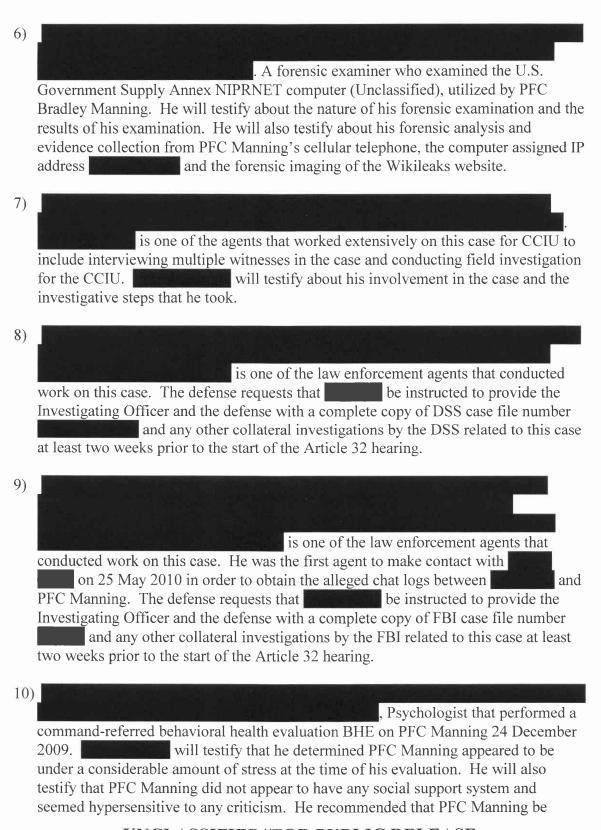
- a) In order to inquire into the truth of the matter alleged in the charges, consider the form of the charges, and assist the Investigating Officer in making recommendations as to disposition of the charges. *See* Rule for Courts-Martial (R.C.M.) 405(a);
- b) In order to serve as a means of discovery for the defense. The defense has been unable to speak with several of the listed witnessed due to their lack of cooperation with requests to be interviewed prior to the Article 32 hearing. *See* R.C.M. 405(a) Discussion (stating the "investigation also serves as a means of discovery" for the defense);
- c) In order to present matters in mitigation of the charged offenses. R.C.M. 405(f) (stating an accused has the right to present evidence in defense, mitigation, and extenuation); Article 32(b), Uniform Code of Military Justice (UCMJ) (stating an accused may "present anything he may desire in his own behalf, either in defense or mitigation, and the investigation officer shall examine available witnesses requested..."); *United States v. Garcia*, 59 M.J. 447, 451 (C.A.A.F. 2004)(ruling that an accused has the right to present anything he may desire in his own behalf at an Article 32 in defense or mitigation);
- d) In order to inquire into the issues of unlawful command influence and unlawful pretrial punishment in violation of Articles 13 and 37 of the UCMJ. *See* R.C.M. 405(e) Discussion (stating that inquiry in to other issues such as legality of searches or the admissibility of evidence is proper by an Article 32 Investigating Officer).

1)		is one of the
	law enforcement agents that conducted work on this case.	was the
	primary agent involved in the initial investigation of the case beginning	g on 25 May

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moved from the night shift to the day shift and that he be given a low intensity duty for the immediate future. He also determined that PFC Manning was potentially dangerous to himself and others and recommended removal of his weapon or removal of the bolt from his weapon along with increased monitoring and supervision. He will testify that he used a behavioral health evaluation form that was not approved, MEDCOM Form 4038. On that form, however, there was a block that permitted the behavioral health provider to indicate that the Soldier being evaluated was not suitable for continued access to classified material. Despite having this option, did not check this box. He will testify that he does not remember why he did not check that box. Had he done so, PFC Manning's security clearance would have been revoked and he would not have had access to classified materials after that date. 11) He will testify that he treated PFC Manning on numerous between 30 December 2009 and 26 May 2010. As part of his treatment, considered letters written by PFC Manning's noncommissioned officer in charge, then . He will testify expressed concern about PFC Manning's mental and emotional stability in the three letters noting that PFC Manning appeared to be suffering greatly and also having difficulty sharing his problem. will testify that he contacted after each evaluation was completed in order to give him a summary of the information from his review and to allow to share his thoughts and concerns. Despite the behavior of PFC Manning, admit that he never made a recommendation to the command concerning whether to suspend PFC Manning's security clearance. He did, however, speak with about his reviews and PFC Manning's need for ongoing long term psychotherapy to explore and understand his issues. 12) He is a psychiatrist that performed a behavioral health evaluation on PFC Manning on 22 May and 28 May 2010. He will testify that had expressed concern to him about PFC Manning around 10 April 2010, and had given him a memorandum where he documented his concerns. Since PFC Manning's primary clinician, , was on leave at the time, he completed the command directed mental health evaluation. Based on his interview of PFC Manning and review of his records,

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will testify that he determined PFC Manning was at risk to himself and others and recommended that he not have an operable weapon. He will testify that he

considered making a recommendation as to PFC Manning's access to classified information in his 22 May 2010 evaluation but did not do so because he had been informed that PFC Manning was no longer allowed in the T-SCIF. Instead, he deleted

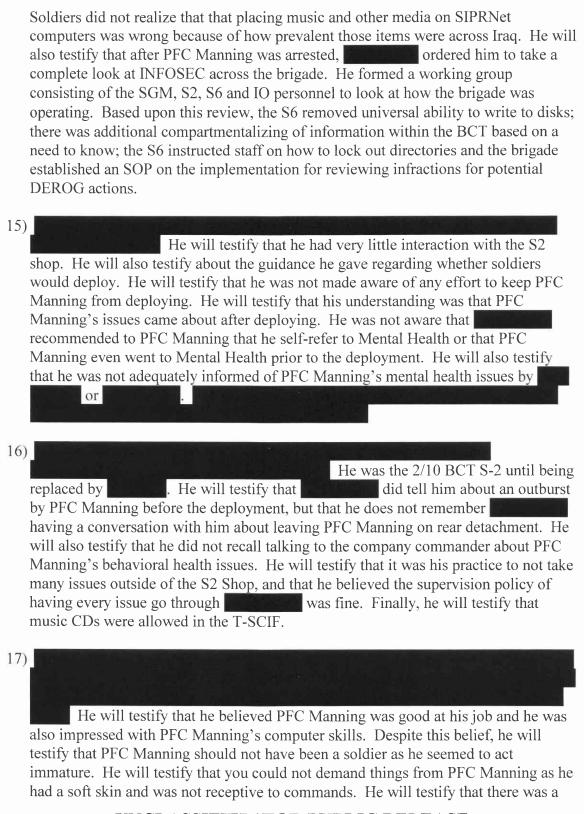
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the block referencing access to classified information on the MEDCOM Form 4038 in order to have more space to write notes on the form. will testify that he did receive training on the subject of Soldier suitability for access to classified information. The training that he received was informal "on-the-job" training during his residency. He will testify that the factors suggested to look for in making suitability determinations were (1) reliability, (2) stability, and (3) judgment. On his 28 May 2010 mental health evaluation, will testify that he made a recommendation that PFC Manning was not suitable for continued access to classified material and that his security clearance should be rescinded.
He will testify that the brigade did not want to take the wrong personnel forward, nor did the brigade want to leave a large rear D behind for a small staff to manage and lead. He expected the leaders in the Brigade to identify those soldiers who should not deploy. He will testify that his S-2, the officer in charge of PFC Manning, was not up to the standard of performance that he expected out of someone in that position. Based upon his discussions with then decided it was best to remove from his position as the S2 and place into that job. He will testify that from his perspective, the issues surrounding PFC Manning should have been something that the S2 personnel would have been more involved in than the company. However, there were several issues that may have impacted the response to PFC Manning's issues. First, during that time period the former company commander, was relieved over property accountability and due to the fact he was not making good decisions. Second, the NCOIC in the S2 Section, was "marginal, but not bad enough to either relieve or replace. He will testify that then was technically competent but that he lacked leader skills expected of a lange of the will also testify that commanders (in conjunction with their unit security manager) are allotted 30 days to submit an initial DA 5248-R following the discovery of credible derogatory information on a Soldier. After the initial DEROG is submitted and processed by SID/CCF, the unit has 90 days to submit a follow-up 5248-R if there is a pending investigation or adverse action taken (e.g., summary court-martial). Once the investigation/proceedings are completed and the Soldier has been cleared/charged of offense, the unit must submit a final DEROG. In this case, he will testify that then failed to keep the chain of command informed of PFC Manning emotional and mental condition. He will testify that this failure resulted in the command not submitting a DEROG in a timely manner.
He will testify

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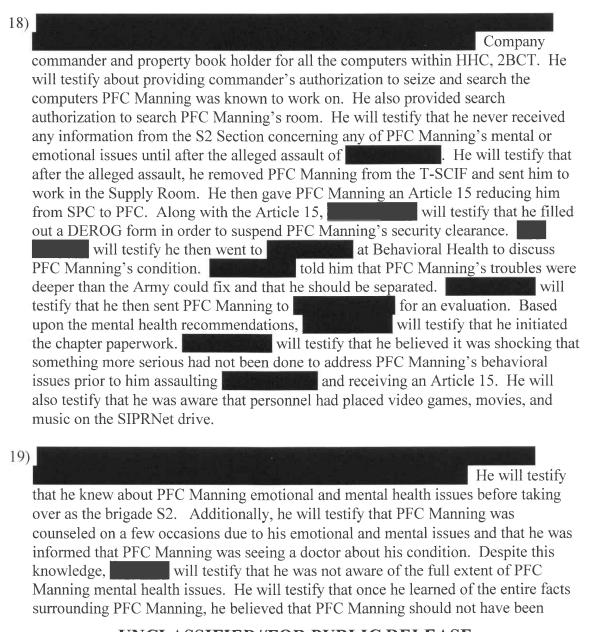
that he was direct supervisor. He believed that could
not provide with accurate or timely estimates or intelligence, and could
not talk to in a way that served the Commander's needs. The brigade
commander finally lost confidence in and made the decision after
approximately 6 months to move him. He will testify that the unit did not conduct a
formal relief for cause, but moved him to a transition team. According to
performance was weak, but not so weak as to warrant a relief for
cause. did not believe was not a strong leader. He tried to
decentralize operations but didn't have enough oversight to control. He empowered
junior members who were too inexperience to do the job and did not step in to correct
when they made mistakes. He will testify that was unable to mentor or
develop younger officers and didn't have much direct control over the shop. He will
also testify that was handicapped by weak NCO leadership in his shop.
Specifically, his NCOIC, then was not an effective leader. In his
opinion, both and and were weak leaders. He will testify that
he was unaware of any leadership guidance provided in the S2 sections regarding
enlisted personnel management. He will testify that it did not surprise him that
put out information that Warrant Officers and Noncommissioned Officers
were to defer all management responsibilities to
perhaps the command was too generous with and that removing him
from his position earlier would have been advantageous. He will testify that he
believes PFC Manning's mental and emotional issues were more than enough to put
others at risk and should have resulted in an immediate DEROG. He will testify that
he did not know anything about PFC Manning's conduct until a recommendation for
separation was made by the chain of command. He will testify that none of the
mental or emotional health concerns, prior to May of 2010, made it to his level.
will testify that the failure to properly DEROG PFC Manning's was the unit's
biggest failure. He believes that the unit should have pulled PFC Manning's access to
classified information much earlier. He will testify that the unit should have
recognized him as needing help and that his condition made him unfit for service as an intelligence analyst. He will also testify that the assistant S6 for the brigade,
came to him with concerns about unauthorized personal media on SIPRNet
machines. According to personnel were putting unauthorized media
on computers such as programs, games, videos, and music. will testify
that it was fairly common when the unit arrived to see games, music and movies on
the SIPRNet. He believed that it was fairly common across Iraq. He will testify that
he tried to get the staff to do the right thing, but media on the SIPRNet continued to
be the standard. He will testify that at no point was UCMJ punishment applied to
those who were placing unauthorized information on SIPRNet. He will acknowledge
that with respect to the media on the SIPRNet, he believed that the Army had become
too comfortable working on SIPRNet while deployed. It is his opinion that this may
have bred some complacency because of the ease of access. He believes that most
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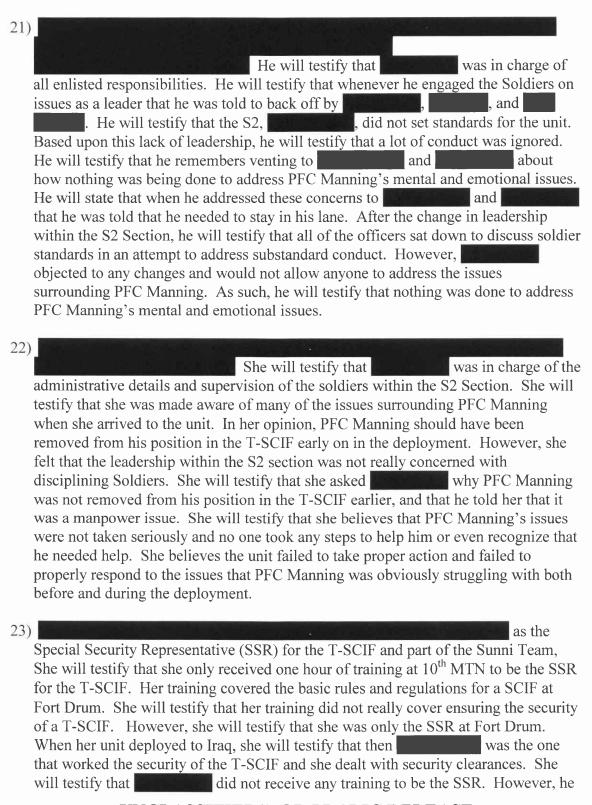
lack of leadership on the night shift which PFC Manning worked on. He will testify that from his perspective PFC Manning wanted to be a good soldier, but naturally was not good at the basic soldier skills. He will also testify that music, movies, and games were common on SIPRNet machines. He will testify that he went to a lot of people to try to determine if it was a problem to have media on SIPRNet because he did not think it was proper. He will testify that he spoke with several individuals within the T-SCIF about this issue, but no one could provide him with an answer. He will testify that eventually it became the norm to see soldiers listening to music, watching movies, and playing games on SIPRNet machines.



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	deployed. He will also testify that he gave a negative counseling to for failing to inform him of the various issues PFC Manning was struggling with during the deployment. will testify that soldiers were authorized to bring music CDs to listen to in the T-SCIF. will also testify that the T-SCIF failed to draft a Standard Operating Procedure (SOP). will testify that he passed the link to the U.S. Embassy cables to the various analysts, including PFC Manning. He disseminated the link to the BCT S2 shop and the BN S2's sometime in the beginning of January 2010 in order to allow the analysts to better understand the Iraqi political situation. He will also testify that the comments in the press that say the release of the CIDNE database compromised our key sources and put the lives of sources at risk are inaccurate. Any name in the CIDNE database (Iraq and Afghanistan) were just names put in by a soldier who spoke to some local national and not sources for the United States. believes that although a name may be in CIDNE, it was likely spelled phonetically and did not contain the full name of the individual. knows that he had the ability to pull 50 different ways to spell Muhammad when he would do a CIDNE database search. That fact there were so many different ways to spell Muhammad is indicative of the fact the names in the CINDE database were not accurate accounts.
20)	He was the assistant S-6 for the 2BCT. He will testify that the information assurance procedures were not being followed by the brigade. He knew that Soldiers would go to the local market and buy movies, music and games and place the information on their SIPR and NIPR computers. He tried to address the issue but could not get any support from the leadership to enforce the standards. He raised the movie and music concern to the S6, and the Brigade XO, but that nothing was done. When the mood struck him, he would scan the shared drive for music, movies and games and will testify that he would find it every day. Every time that he found unauthorized material on the SIPRNet, he would delete it. Occasionally, he would find a Soldier that would have a huge amount of unauthorized material on their computer —in one instance it was 500 Gigabytes of information, but nothing was done. He will testify that as the IASO he did not know that he needed to prepare a DoD Information Assurance Certification and Accreditation Process (DIACAP) packet for certification and accreditation of the brigade network. He will also testify that due to this failure, it was later determined that the brigade did not have an Approval to Operate (ATO) or an Interim Approval to Operate (IATO) for their network. Additionally, the brigade did not receive a formal IA certification and accreditation inspection during its tour, contrary to the guidance in MNF-I Directives. Finally, he will testify that he knew about personal software being loaded on the SIPRNet and he would remove the software when he came across it.

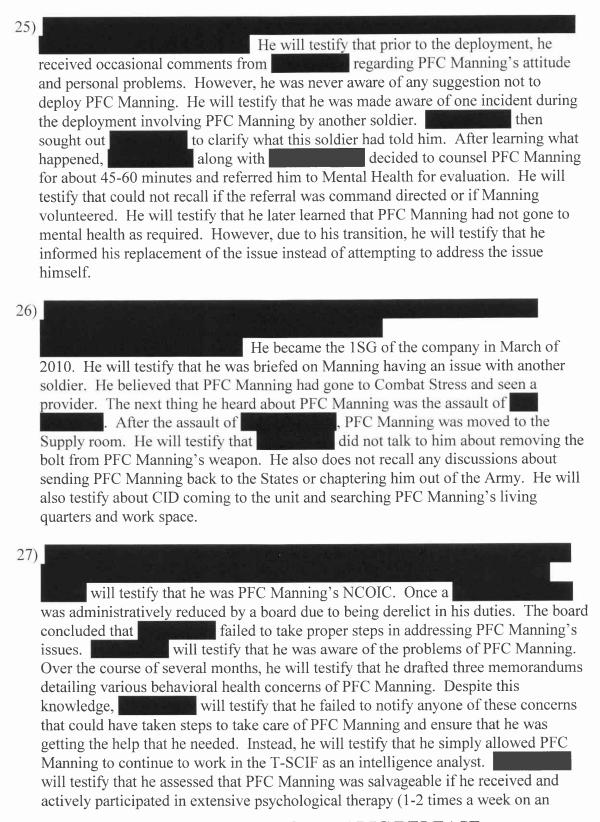
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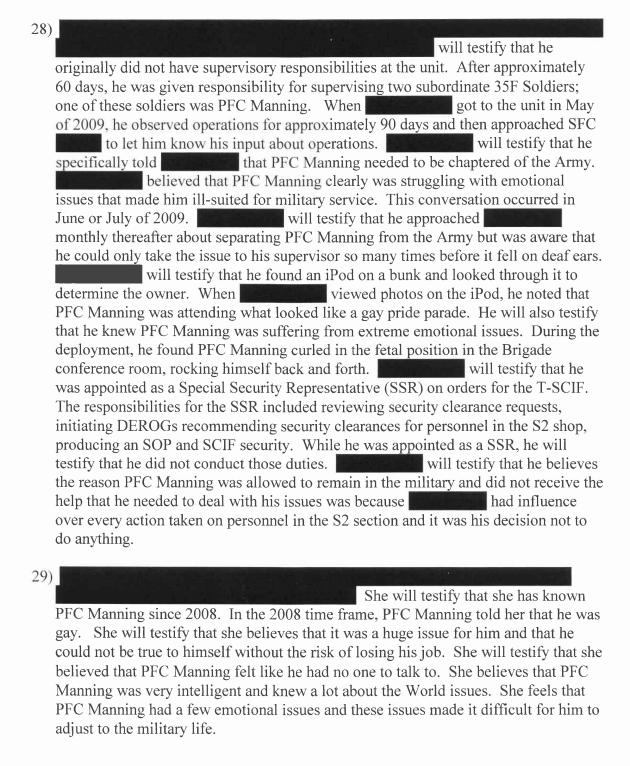
	testify that she believed provided terrible supervisory leadership. She thought he was a terrible leader because the problems within the unit were constantly being ignored. She will testify that it was obvious to everyone that PFC Manning was struggling with mental and emotional issues. However, she will testify that when she tried to deal with the issue and get PFC Manning help, she was told that it was an NCO problem and to stay out of it by that she will also testify that she did not believe that the Company 1SG cared about the S2 section because they were not co-located. She will testify that she was aware of multiple issues with PFC Manning, but stated that PFC Manning stayed in the T-SCIF because said that we needed personnel. She will testify that she believed that there was a lack of leadership across the board. She will testify that as leaders they should have pushed harder from the NCOs to the Officers. She will testify that she was puzzled why PFC Manning was not removed from the T-SCIF after previous behavior incidents that occurred between him and the stify that focused on T-SCIF operations during the deployment.
24)	will testify that he was told by and that he was not responsible for any personnel who worked in the S2 section. He will testify that on several occasions he returned to and to clarify their expectations about his responsibilities regarding enlisted Soldiers and Officers and his non-role in soldier leadership was reinforced on each occasion. was aware of multiple emotional outbursts by PFC Manning. He will testify that prior to the deployment he recommended that PFC Manning should not deploy and expressed this directly to and He will testify that he was told that PFC Manning would deploy due to manpower issues. He will testify that he was told that PFC Manning would deploy due to manpower issues. He will testify that he witnessed an incident in December of 2009 by PFC Manning that required him to physically involve himself in the situation in order to ensure PFC Manning did not try to harm himself or others. After this emotional outburst, he will testify that he spoke to and recommended that he take the bolt from PFC Manning's weapon, send him to mental health and then get him out of the Army. He also spoke with and about his concerns after the outburst by PFC Manning. He will testify that even after expressing these concerns, nothing was done.

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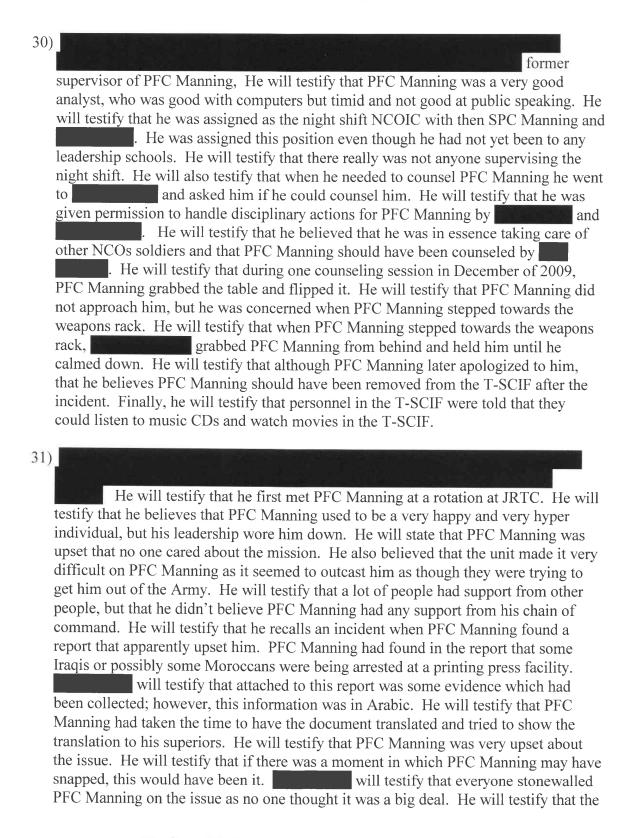


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indefinite basis) coupled with responsive psychiatric evaluations, medication and follow-up adjustments on dosages.

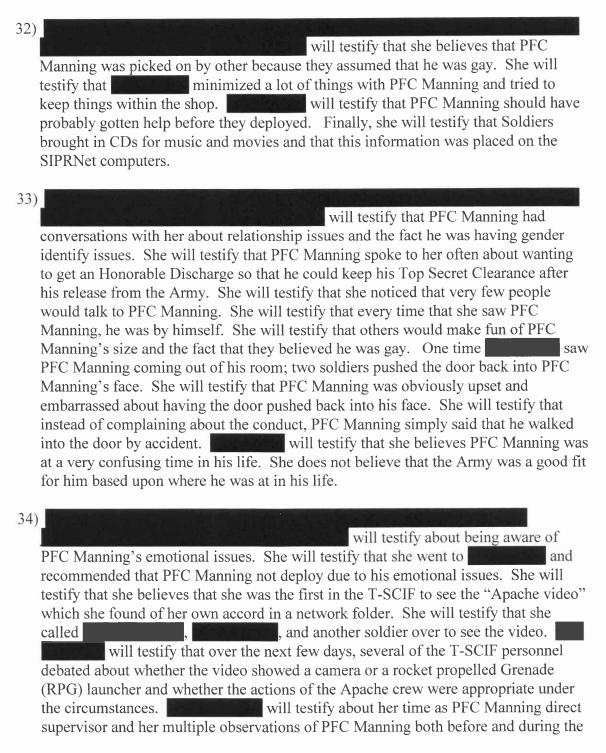


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translation indicated that the individuals being arrested had printed documents that were questioning whether the Iraqi government was embezzling public funds.

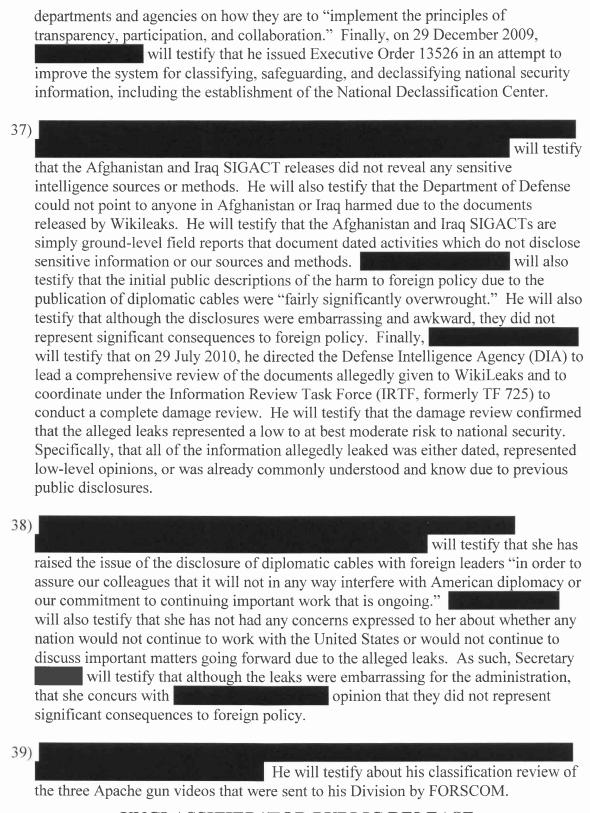


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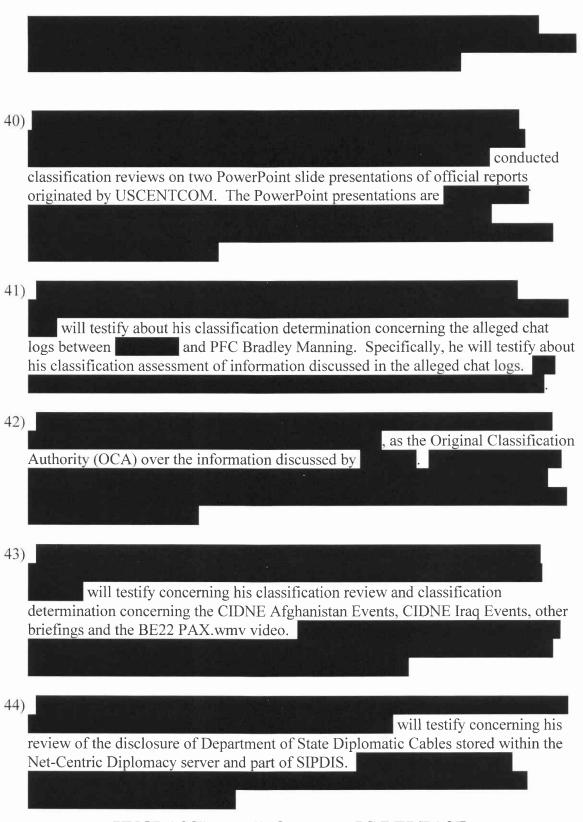
deployment that indicated to her PFC Manning was struggling both emotionally and mentally.

35)	will testify about the chat conversations that he had with an individual alleged to have been PFC Manning between 21 May 2010 and 25 May 2010. He will also testify about the nature of the conversations and his subsequent actions.
36)	The defense requests the presence of in order to discuss the issue of Unlawful Command Influence (UCI) Under Rule for Courts-Martial 405(e), the defense is entitled to explore the issue of UCI. 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. As the 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." The comments by are UCI. The defense intends to question 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. In additional to the UCI issue, will testify about his views on the Afghanistan SIGACTs released by WikiLeaks. He will testify that the leak did not reveal any issues that had not already informed our public debate on Afghanistan. He will also testify that the Afghanistan SIGACTs point to the same challenges that led him to conduct an extensive review of the Afghanistan policy. Will also testify about the problem of over-classification within the government. Specifically, that he supported and signed into law the Reducing Over-Classification Act on 7 October 2010. Additionally, he will testify that on his first full day in office, 21 January 2009, he issued two memoranda for the head of Executive Departments and Agencies that were related to transparency in government. The first memorandum focused on the administration of the Freedom of Information Act (FOIA), and the second focused on transparency and open government. Will testify that the establishment of "a system of transparency, public participation, and collaboration."
	that on 8 December 2009 his administration released a third memorandum – an Open Government Directive (OGD). The OGD included detailed instructions for

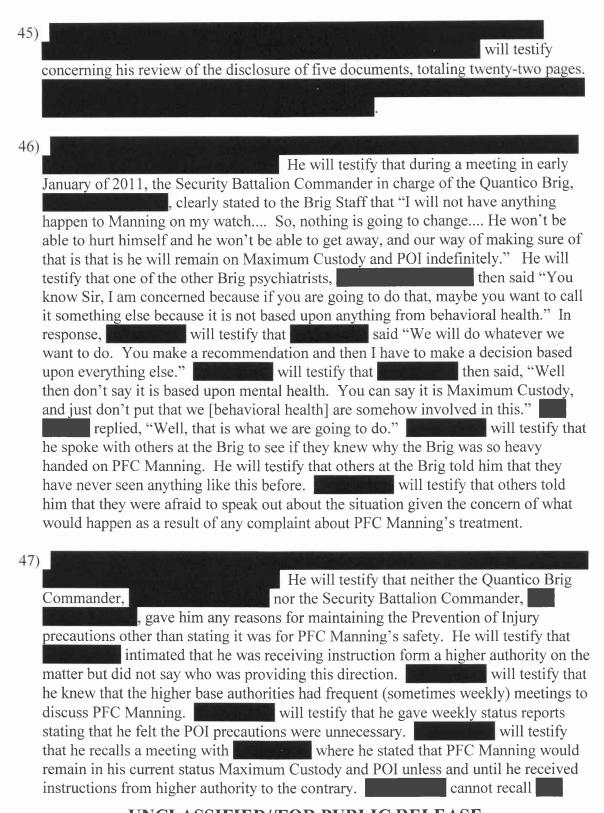
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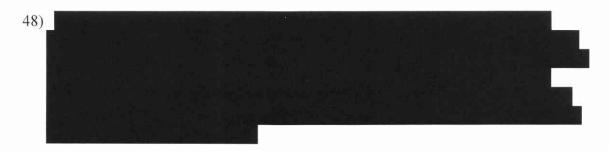


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exact words, but he does recall that made it clear that nothing would change with PFC Manning regardless of his behavior or the recommendations of behavioral health.



//s//
DAVID E. COOMBS
Civilian Defense Counsel