

WIKILEAKS LEAKER BRADLEY MANNING FINALLY CHARGED

The government has finally charged Bradley Manning, the Wikileaks leaker. He is charged with two counts of violating the UCMJ, one related to loading onto his own unsecure computer a set of information and adding unauthorized software to a military network computer, and the other related to accessing and passing information onto someone not entitled to have it.

I find the charge sheet particularly interesting for two reasons. What the government says that Manning did with the material he accessed, and an apparent discrepancy between the government's depiction of the timing and Wired's depiction of it.

What the government knows about what Manning did with the information

First, it describes the information he accessed differently as follows:

- The video of the July 12, 2007 Apache killing of Reuters journalists (obtained via unauthorized access, loaded onto his unsecured computer, transmitted to someone unauthorized to receive it)
- The Rejkjavik State Department cable leaked by WikiLeaks (obtained via unauthorized access, transmitted to someone unauthorized to receive it)
- 50 State Department cables

- (loaded onto his unsecured computer, transmitted to someone unauthorized to receive them)
- 150,000 State Department cables (obtained information from them via unauthorized access)
 - A classified Microsoft Powerpoint presentation (obtained via unauthorized access, loaded onto his computer)

Now, these details are interesting for more than the way they add up to what might be a 52-year sentence if convicted of all of them. They may reflect what the government knows about Manning's activities.

Note, first of all, the absence of any reference to the Gharani video, which Wikileaks also claims to have but has not yet released, and which Manning claimed to have passed onto Wikileaks. That may suggest that the government doesn't have evidence tying Manning to the leak of that video (as opposed to the Iraqi one). It may suggest someone entirely different leaked it to Wikileaks. Or it may simply suggest the video wasn't successfully leaked (which I raise because of the possibility that the government may have managed to sabotage an attempted leak).

Next, note how the charge sheet treats the diplomatic cables differently. The charge sheet traces the Rejkjavik cable via Manning's alleged unauthorized access, loaded onto his computer, and transmitted to someone unauthorized to receive it. It alleges 50 State Department cables (which may or may not include the Rejkjavik one) were loaded onto Manning's computer and **transmitted to someone unauthorized to receive them.** That means the government has some kind of proof that 50 cables were

transmitted. That's particularly curious given that, on May 22, Manning told Adrian Lamo that he would have to ask Julian Assange to learn if he had leaked anything beyond the Rejkjavik cable.

(1:44:11 PM) Manning: you missed a lot..

(1:45:00 PM) Lamo: what kind of scandal?

(1:45:16 PM) Manning: hundreds of them

(1:45:40 PM) Lamo: like what? I'm genuinely curious about details.

(1:46:01 PM) Manning: i dont know... theres so many... i dont have the original material anymore

(1:46:18 PM) Manning: uhmm... the Holy See and its position on the Vatican sex scandals

(1:46:26 PM) Lamo: play it by ear

(1:46:29 PM) Manning: the broiling one in Germany

(1:47:36 PM) Manning: im sorry, there's so many... its impossible for any one human to read all quarter-million... and not feel overwhelmed... and possibly desensitized

(1:48:20 PM) Manning: the scope is so broad... and yet the depth so rich

(1:48:50 PM) Lamo: give me some bona fides ... yanno? any specifics.

(1:49:40 PM) Manning: this one was a test: Classified cable from US Embassy Reykjavik on Icesave dated 13 Jan 2010

(1:50:30 PM) Manning: the result of that one was that the icelandic ambassador to the US was recalled, and fired

(1:51:02 PM) Manning: thats just one cable..

(1:51:14 PM) Lamo: Anything unreleased?

(1:51:25 PM) Manning: i'd have to ask
assange

So if the government charged that Manning leaked 50 cables, it presumably didn't come from his own confession, unless he leaked those cables to someone after May 22. That means they either got proof from Wikileaks that it received the cables, Manning leaked the cables after May 22, or someone else (Lamo?) received the cables and therefore offered proof they got leaked.

So there are 50 cables that got leaked, which have not yet been released to the public yet which the government is sufficiently certain have been leaked so as to charge Manning with that leak.

Then the charge sheet alleges that Manning obtained information from 150,000 State Department cables. But it doesn't allege he loaded them onto his computer or passed them on. That suggests that the government at least doesn't have proof he passed them on. Also, note that the charge sheet uses a different number than Manning himself used in IM chats with Lamo.

(02:16:10 AM) Lamo: So how would you
deploy the cables? If at all.

(02:16:26 AM) Manning: oh no... cables are
reports

(02:16:34 AM) Lamo: ah

(02:16:38 AM) Manning: State Department
Cable = a Memorandum

(02:16:48 AM) Lamo: embassy cables?

(02:16:54 AM) Manning: yes

(02:17:00 AM) Manning: 260,000 in all

(02:17:10 AM) Manning: i mentioned this
previously

(02:17:14 AM) Lamo: yes

(02:17:31 AM) Lamo: stored locally, or retrieveable?

(02:17:35 AM) Manning: brb latrine =P

(02:17:43 AM) Manning: i dont have a copy anymore

(02:17:59 AM) Lamo: *nod*

(02:18:09 AM) Manning: they were stored on a centralized server...

There may be any of several explanations for the difference in number. But there's certainly reporting that the government was concerned about 260,000 cables even though Manning appears to say clearly that he doesn't have a copy "any more." [Note: scribe points out here that the charging document refers to the State cables as "more than" in each case. That means that the description of "more than 150,000" cables might refer to the 260,000 that Manning references. And the "more than 50" might include all 150,000 (though that's more dubious). The larger point still stands: the charging document makes a distinction between several different kinds of treatment of some subset of State Department cables.]

Then there's the Powerpoint presentation which Manning allegedly did load onto his computer, but did not—at least according to the charge sheet—pass on. There's nothing apparently described as a Powerpoint presentation in what Manning claimed to Lamo to have passed on.

(04:33:21 PM) Lamo: Anything else interesting on his table, as a former collector of interesting .com info?

(04:33:44 PM) Manning: idk... i only know what i provide him xD

(04:34:14 PM) Lamo: what do you consider the highlights?

(04:35:31 PM) Manning: The Gharani airstrike videos and full report, Iraq

war event log, the “Gitmo Papers”, and State Department cable database

Mind you, some of these could be a PowerPoint presentation: the Gharani report, the event log. Hell, DOD does everything as a PowerPoint, right? In any case, it would presumably be easy for the government to prove what Manning loaded onto his computer, since they have that computer.

Wired’s timing and the government’s timing

The second thing of interest in the charge sheet is a slight discrepancy of timing. Wired has published IM logs that go through May 25; it says Manning was seized on May 26. But the charge sheet describes the end date of Manning’s alleged activities to be May 27. And it appears to say he was put in pre-trial confinement on May 29, not May 26.

In other words, the charge sheet appears to say that the chronology that has been published to date about Manning’s detention—a chronology that largely derives from Wired which in turn derives from Lamo—is incorrect.

Questions about the government’s prosecution

All of which raises some questions about what the government knows and how it knows it. Clearly, they are not using Lamo’s IM logs as primary evidence; Manning claimed to have leaked the Gharani video and yet that’s not among the leaks he is charged with. But even though—in the logs—Manning appears to be at least coy if not ignorant of 50 leaked State Department cables, they appear to think they have solid proof of that.

Now, I’m guessing that means Lamo did more than tip off the government about Manning. But that’s just a wildarsed guess.