

Manning's Upside-Down Punishment

The cruel irony of how the United States has addressed post-9/11 war crimes, including President Bush's invasion of Iraq and his use of torture, is that no major government official has been held accountable, yet whistleblowers have faced harsh reprisals, most notably Pvt. Bradley Manning, as Marjorie Cohn explains.

By Marjorie Cohn

In a historic verdict, Judge Denise Lind correctly found Bradley Manning not guilty of aiding the enemy because the evidence failed to establish that Manning knew information he provided to WikiLeaks would reach al-Qaida. A conviction of aiding the enemy would have sent a chilling message to the news media that if they publish leaked classified information, their officers could face life in prison. That would deprive the public of crucial information.

The verdict finding Manning guilty of Espionage Act offenses, however, sends an ominous warning that could deter future whistleblowers from exposing government wrongdoing. It's important to keep in mind that Manning provided information indicating the U.S. had committed war crimes.



Traditionally the Espionage Act has been used only against spies and traitors, not whistleblowers. Yet President Barack Obama has used the Espionage Act to prosecute more whistle-blowers than all prior administrations combined.

Manning's revelations actually saved lives. After WikiLeaks published his documentation of Iraqi torture centers established by the United States, the Iraqi government refused Obama's request to extend immunity to U.S. soldiers who commit criminal and civil offenses there. As a result, Obama had to withdraw U.S. troops from Iraq.

The American public needed to know the information Manning provided. He revealed evidence of war crimes in the "Collateral Murder" video, which depicts a U.S. Apache attack helicopter crew killing 12 unarmed civilians and wounding two children in Baghdad in 2007. The crew then killed people attempting to rescue the wounded. A U.S. tank drove over one of the bodies, cutting it in half. Those actions constitute war crimes under the Geneva Conventions.

The Bush administration waged an illegal war in Iraq in which thousands of people were killed. It also established an interrogation program that led to the torture and abuse of people in Iraq, Afghanistan, Guantanamo and the CIA black sites. Yet it is Bradley Manning, not the Bush officials, who is being prosecuted.

Judge Lind has already reduced any sentence Manning may receive by 112 days because of his mistreatment during the first 11 months of his custody, when he was kept in solitary confinement and humiliated by being forced to stand naked for inspection. Hopefully the judge will take into account how Manning's revelations benefit our society when she passes sentence. Manning is still facing 90 years in prison for his convictions on 19 of the 21 counts with which he was charged.

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