UNITED STATES OF AMERICA	)	
	)	**SUPPLEMENT TO GOVERNMENT**
v.	)	**ADDENDUM TO MOTION TO**
	)	**TAKE JUDICIAL NOTICE**
Manning, Bradley E.	)	**DATED 16 NOVEMBER 2012**
PFC, U.S. Army,	)	
HHC, U.S. Army Garrison,	)	
Joint Base Myer-Henderson Hall	)	**11 January 2013**
Fort Myer, Virginia 22211	)	

RELIEF SOUGHT

The United States requests this Court take judicial notice of the adjudicative facts listed in the Government Addendum to Motion to Take Judicial Notice. *See* Appellate Exhibit 465. This filing supplements the Government Addendum, as well as the Government's Motion to Take Judicial Notice, dated 16 November 2012. *See* Appellate Exhibit 398. During oral argument at the last Article 39a session, the Court asked the Government to briefly describe the relevance of the adjudicative facts listed in the Government Addendum, as well as provide additional source information for the facts sought to be judicially noticed. Each fact listed in the Government Addendum is addressed in turn below.

Adjudicative Facts

a. Julian Assange was located in Iceland in February 2010 and working on the Icelandic Modern Media Initiative. *See* Enclosures 1-5 (accessible via hyperlinks below).

This fact is relevant because the United States intends to introduce into evidence chat logs between Mr. Assange and the accused that reference Mr. Assange's presence in Iceland and the Icelandic Modern Media Initiative. *See* Enclosure 6, at 1 and 10. As the accused leaked information involving Iceland, the adjudicative fact also tends to explain the accused's misconduct generally and provide context to the statements made in the chat logs. The relevant enclosures establish that this fact is not subject to reasonable dispute in that the fact is capable of ready and accurate determination by resort to the published news.

Enclosure 1:
http://www.nytimes.com/2010/02/22/business/media/22link.html?pagewanted=all&_r=0
Enclosure 2: http://www.guardian.co.uk/media/organgrinder/2010/feb/15/wikileaks-editor-excited-iceland-journalism
Enclosure 3: http://www.guardian.co.uk/world/2010/feb/12/iceland-haven-freedom-speech-wikileaks
Enclosure 4: http://news.bbc.co.uk/2/hi/8504972.stm
Enclosure 5: http://news.bbc.co.uk/2/hi/technology/8510927.stm

b. LTC Lee Packnett was quoted in a New York Times article, dated 18 March 2010. *See* Enclosure 7.

This fact is relevant because the United States intends to introduce into evidence chat logs between Mr. Assange and the accused that reference LTC Packnett and the article published by the New York Times. *See* Enclosure 6, at 14. Because the article was published by the New York Times and is accessible over the internet or in print, the existence of this article and the dates of its publication, as well as its use of a quote from LTC Packnett, are facts not subject to reasonable dispute in that they are widely known or capable of ready and accurate determination by resort to sources whose accuracy cannot be questioned.

c. A New Yorker profile of Julian Assange, titled "No Secrets: Julian Assange's Mission for Total Transparency" was dated 7 June 2010. *See* Enclosure 8 (accessible via the hyperlink below).

This fact is relevant because the United States intends to introduce into evidence chat logs between the accused and Adrian Lamo that reference this New Yorker profile. *See* Enclosure 9, at 16. The chat logs indicate that the accused had knowledge of the article before the date of publication. The existence of this article and the date of its publication are facts not subject to reasonable dispute in that they are capable of ready and accurate determination by resort to the article itself.

Enclosure 8: http://www.newyorker.com/reporting/2010/06/07/100607fa_fact_khatchadourian

d. WikiLeaks began releasing the alleged Department of State diplomatic cables over the weekend of 27-28 November 2010. *See* Enclosures 10-15 (accessible via the hyperlinks below).

This fact is relevant because the accused is charged with compromising alleged Department of State diplomatic cables. As such, it is necessary to develop a timeline to prove the elements of the relevant specification. The release of alleged cables at this time is a fact not subject to reasonable dispute in that it is widely known and capable of ready and accurate determination by resort to the relevant enclosures.

Enclosure 10: http://articles.latimes.com/2010/nov/30/world/la-fg-wikileaks-20101130
Enclosure 11: http://www.theglobeandmail.com/news/politics/canadian-spy-secrets-exposed-in-wikileaks-dump/article1316198/
Enclosure 12: http://www.nytimes.com/2010/11/29/world/29cables.html?pagewanted=all&_r=0
Enclosure 13: http://www.guardian.co.uk/news/blog/2010/nov/28/wikileaks-us-embassy-cables-live-blog
Enclosure 14: http://www.washingtonpost.com/wp-dyn/content/article/2010/11/28/AR2010112802395.html
Enclosure 15: http://www.defense.gov/News/NewsArticle.aspx?ID=61876

e. Al-Qaeda (AQ), al-Qaeda in the Islamic Maghreb, al-Qaeda in Iraq, and al-Qaeda in the Arabian Peninsula are all listed as foreign terrorist organizations by the Department of State. Additionally, they are, in fact, enemies of the United States. *See* Enclosures 16-18 (accessible via the hyperlinks below).

These adjudicative facts are relevant because the accused is charged with Giving Intelligence to the Enemy under Article 104, UCMJ. For Specification 1 of Charge II, the United States must also prove that the accused had knowledge that intelligence published on the internet was accessible to the enemy. Further, the United States intends to introduce evidence that AQ was in possession of information compromised by the accused as part of its merits and sentencing cases. The fact that the Department of State considers these organizations terrorist organizations is appropriate for judicial notice because it is not subject to reasonable dispute in that the relevant enclosures, accessible via the State Department's website, are sources whose accuracy cannot reasonably be questioned. The widely accessible nature of this information and the official nature of the source establish that the fact is not subject to reasonable dispute. The fact that AQ and affiliates are enemies of the United States is widely known and appropriate for judicial notice, but is specifically supported by Enclosure 17, which lists "the al-Qaida (AQ) network" under the section "defining the enemy."

Enclosure 16: http://www.state.gov/j/ct/rls/other/des/123085.htm
Enclosure 17: http://www.state.gov/j/ct/enemy/index.htm
Enclosure 18: http://www.state.gov/r/pa/prs/ps/2010/01/135364.htm

f. Usama bin Laden (UBL) is a member of al-Qaeda and an enemy of the United States. *See* Enclosures 19-20 (accessible via the hyperlinks below).

This adjudicative fact is relevant because the Government intends to introduce evidence that Usama bin Laden asked for, and received, classified information compromised by the accused. The fact that UBL was a member of al-Qaeda and an enemy of the United States is widely known, as well as capable of ready and accurate determination through the relevant enclosures, sources whose accuracy cannot reasonably be questioned.

Enclosure 19: http://www.fbi.gov/wanted/topten/usama-bin-laden
Enclosure 20: http://www.state.gov/j/ct/rls/rm/2011/178499.htm
Enclosure 21: http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4820

g. Adam Gadahn is a member of al-Qaeda and an enemy of the United States. *See* Enclosures 22-24 (accessible via the hyperlinks below).

This adjudicative fact is relevant because the Government intends to introduce evidence that Adam Gadahn was in possession of material released by WikiLeaks and released a video relating, in part, to the WikiLeaks disclosures. The fact that Gadahn is a member of al-Qaeda and an enemy of the United States is widely known, as well as capable of ready and accurate determination through the relevant enclosures, whose accuracy cannot reasonably be questioned.

Enclosure 22: http://www.fbi.gov/wanted/wanted_terrorists/adam-yahiye-gadahn
Enclosure 23: http://www.state.gov/j/ct/rls/crt/2006/82728.htm
Enclosure 24:http://www.defense.gov/news/newsarticle.aspx?id=116193

h. "Inspire" is a magazine. It advocates violent jihad and promotes the ideology of al-Qaeda in the Arabian Peninsula. *See* Enclosures 25-29 (accessible via the hyperlinks below).

These adjudicative facts are relevant because the Government intends to introduce evidence that this magazine, which promotes the ideology of recognized terrorist organizations, encouraged readers to gather information released by WikiLeaks. The relevant enclosures are articles from mainstream news organizations. They evidence that the two adjudicative facts at issue here are not subject to reasonable dispute in that they are capable of ready and accurate determination.

Enclosure 25: http://www.adl.org/main_Terrorism/al_qaeda_english_magazine.htm
Enclosure 26:
http://edition.cnn.com/2010/WORLD/meast/07/01/al.qaeda.magazine/?fbid=CE2WTvs0hMG
Enclosure 27: http://www.upi.com/Top_News/US/2010/07/01/Al-Qaida-launches-English-language-e-zine/UPI-39151277988860/
Enclosure 28: http://www.theatlantic.com/politics/archive/2010/06/al-qaedas-first-english-language-magazine-is-here/59006/
Enclosure 29:
http://www.adl.org/main_Terrorism/al_qaeda_magazine_calls_for_us_terror_attacks.htm?Multi_page_sections=sHeading_1

CONCLUSION

As indicated above, the United States respectfully requests the Court take judicial notice of the listed adjudicative facts.

JODEAN MORROW
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Assistant Trial Counsel

I certify that I served or caused to be served a true copy of the above on Mr. David E. Coombs, Civilian Defense Counsel, via electronic mail, on 11 January 2013.

JODEAN MORROW
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Enclosures

1. "A Vision of Iceland as Haven for Journalists" New York Times 22 Feb 2010
2. "WikiLeaks editor: why I'm excited about Iceland's plans for journalism" The Guardian 15 Feb 2010
3. "Iceland plans future as global haven for freedom of speech" The Guardian 12 Feb 2010
4. "Wikileaks and Iceland MPs propose 'journalism haven'" BBC News 12 February 2010
5. "Iceland's journalism freedom dream prompted by Wikileaks" BBC News 12 Feb 2010
6. Chat Logs between the accused and Julian Assange
7. "Pentagon Sees a Threat from Online Muckrakers" New York Times 18 March 2010
8. "No Secrets" The New Yorker 7 June 2010
9. Chat Logs between the accused and Adrian Lamo
10. "U.S. scrambles to contain WikiLeaks damage" Los Angeles Times 30 Nov 2010
11. "Canadian spy secrets exposed in WikiLeaks dump" The Globe and Mail 29 Nov 2010
12. "Leaked Cables Offer Raw Look at U.S. Diplomacy" New York Times 28 Nov 2010
13. "WikiLeaks US embassy cables: live updates" The Guardian 28 Nov 2010
14. "WikiLeaks's unveiling of secret State Department cables exposes U.S. diplomacy" Washington Post 29 Nov 2010
15. "Clinton: WikiLeaks' Release Attacks International Community" American Forces Press Service 29 Nov 2010
16. "Foreign Terrorist Organizations" Department of State 28 Sept 2012
17. "The Terrorist Enemy" Department of State
18. Press Statement: "Designations of Al-Qa'ida in the Arabian Peninsula (AQAP) and Senior Leaders" Department of State 19 January 2010
19. FBI Ten Most Wanted Fugitive: Usama Bin Laden, Federal Bureau of Investigation
20. Conference Remarks: "Al-Qaida After Bin Laden" Department of State 8 Dec 2011
21. "Background Briefing with Senior Intelligence Official at the Pentagon on Intelligence Aspects of the U.S. Operation Involving Osama Bin Laden" Department of Defense 7 May 2011
22. Most Wanted Terrorists: Adam Yahiye Gadahn, Federal Bureau of Investigation
23. Country Reports on Terrorism: "Chapter 5 – Terrorist Safe Havens (7120 Report)" Department of State 30 April 2007
24. "Bin Laden Letters Show Desire to Attack U.S. Targets" America Forces Press Service 3 May 2012
25. "Al Qaeda Releases First-Ever English Terror Magazine" Anti-Defamation League 19 July 2010
26. "Al Qaeda launches English language magazine" CNN 1 July 2010
27. "Al-Qaida launches English-language e-zine" United Press International, Inc. 1 July 2010
28. "Al Qaeda's First English Language Magazine Is Here" The Atlantic 30 June 2010
29. "Al Qaeda English Magazine Calls for Terror Attacks in the U.S." Anti-Defamation League 4 Nov 2010