

**UNITED STATES OF AMERICA**

**V.**

**Manning, Bradley E.**  
**PFC, U.S. Army,**  
**HHC, U.S. Army Garrison,**  
**Joint Base Myer-Henderson Hall**  
**Fort Myer, Virginia 22211**

**Prosecution Objection to  
Providing an “Example” Witness  
to Examine the Viability of  
Reasonable Alternatives to Closure**

**Enclosure 8**

**3 April 2013**

UNCLASSIFIED

Encl 8 to  
APPELLATE EXHIBIT 512  
PAGE REFERENCED: \_\_\_\_\_  
PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES

alexaoobrien.com | blog | interviews | audio | video | features | about | in the press | contact | archives | time line | redacted names and notables

Results tagged "REDACTED Unknown Diplomatic Security Services (DSS) at the Department of State (State Department) (DoS) Agent No. 8 on 2 December 2011 Defense Request for Article 32 Witnesses XXXXXXXXXX [ WHO IS THIS? ] is one of the law enforcement agents that conducted work on this case. The defense requests that XXXXXXXXXX [ WHO IS THIS? ] be instructed to provide the Investigating Officer [ Lt. Col. Paul Almanza ] and the defense with a complete copy of DSS [Diplomatic Security Services at the Department of State (State Department) (DoS)] case file number XXXXXXXXXX [ WHAT IS THIS NUMBER? ] and any other collateral investigations by the DSS [Diplomatic Security Services at the Department of State (State Department) (DoS)] related to this case at least two weeks prior to the start of the Article 32 hearing"

## Witness | US v WikiLeaks, Unidentified Diplomatic Security Services (DSS) Agent

By Alexa O'Brien on December 8, 2011 11:59 AM

US v. Pfc. Bradley Manning is being conducted in de facto secrecy. This page is a work in progress and may contain errors. The page is developing and may be updated. All updates and amendments will be noted.

For more information on the lack of public and press access to *United States v. Pfc. Bradley Manning*, visit the *Center for Constitutional Rights*, which filed a petition requesting the Army Court of Criminal Appeals (ACCA) "to order the Judge to grant the public and press access to the government's motion papers, the court's own orders, and transcripts of proceedings, none of which have been made public to date."

### General Description

This unidentified Diplomatic Security Service (DSS) Agent was on the government's original 7 July 2010 witness list.

The unidentified DSS agent, however, was the only agent requested by defense for the December 2011 Article 32 Pretrial Hearing that the Government objected to. The defense sought to compel this agent's testimony.

While there is no public record of Almanza's denial of this DSS agent's testimony, the agent did not appear during any open session of the Article 32 Pretrial Hearing. The public record shows that at least fourteen witnesses were granted to defense for the Article 32 Pretrial Hearing. In Lt. Col. Almanza's ruling on the **Defense Request for Article 32 Witnesses**, 12 witnesses were granted to the defense, 10 of whom were also requested by the Government. **Defense said in open Court on December 16, 2011**, that Lt. Col. Almanza granted two additional witnesses to defense that morning.

### No. 8 on the December 2, 2011 Defense Request for Article 32 Witnesses



[ WHO IS THIS? ] is one of the law enforcement agents that conducted work on this case. The defense requests that [ WHO IS THIS? ] be instructed to provide the Investigating Officer [ Lt. Col. Paul Almanza ] and the defense with a complete copy of DSS [Diplomatic Security Services at the Department of State (State Department) (DoS)] case file number [ WHAT IS THIS NUMBER? ] and any other collateral investigations by the DSS [Diplomatic Security Services at the Department of State (State Department) (DoS)] related to this case at least two weeks prior to the start of the Article 32 hearing.

### December 8, 2011 Defense Request to Compel the Production of

### Article 32 Witnesses

The fact that the defense-requested agents mirror those of the government (with the exception of [ Unidentified DSS [Diplomatic Security Service Agent at the Department of State (State Department) (DoS)] Agent ] should speak to the reasonableness of the defense's request. The defense has requested the attendance of [ Unidentified DSS [Diplomatic Security Service Agent at the Department of State (State Department) (DoS)] Agent ] in order to provide the Investigating Officer with testimony concerning the joint investigations being conducted by both the Department of State and the Federal Bureau of Investigation. Notably, [ Unidentified DSS [Diplomatic Security Service Agent at the Department of State (State Department) (DoS)] Agent ] was on the original government's witness list filed on 7 July 2010. According to the government's memo dated 7 December 2011, the other agents [ WHO IS THIS? ] can provide the needed testimony." Their testimony, however, will in large part be hearsay evidence about what other agents have done on the case and what witnesses have told these other case agents. Such testimony will do little to aid the Investigating Officer in conducting a "thorough and impartial investigation of all matters" as required by Article 32(a) UCMJ. Further, the defense has a legitimate interest in using the Article 32 hearing as a discovery tool (see discussion to RCM 405(a)). If the defense does not have the opportunity to question the case agents about evidence they developed, witnesses they interviewed, leads they pursued, leads they elected not to pursue, and other relevant matters, the defense will also be denied an important function that the Article 32 investigation is designed to accomplish. Given the status of current and ongoing operations and the fact that case agents are likely spread throughout the United States and overseas, the Article 32 investigation is the only realistic mechanism available to the defense to personally question the case agents involved in the investigation.

1



Alexa O'Brien  
carwinb

kennethlipp Email to Attorney Jason Flores-Williams Regarding the Motion to Quash Prosecution's Subpoena to Cloudflare [bit.ly/14NC1YZ](http://bit.ly/14NC1YZ)  
7 hours ago · reply · retweet · favorite

carwinb @enquerre Ta.  
29 minutes ago · reply · retweet · favorite

enquerre Audio of @JulianBurnside speaking last night in Adelaide at #swedjudge event  
[vimeo.com/63258441](http://vimeo.com/63258441) cc @m\_cetera @carwinb @wikileaks  
29 minutes ago · reply · retweet · favorite

carwinb In the end the US cannot give what it hasn't got.  
10 hours ago · reply · retweet · favorite


Join the conversation

### Categories

Features (18)  
GTMO (14)  
Ideas (13)  
In the Press (52)  
Interviews with... (35)  
NDAA, Hedges et al v Obama et al (13)  
Occupy Wall Street (62)  
Panel Discussions (7)  
Podcast Video (1)  
Podcasts Audio (16)  
Published on WL Central (2)  
Regions or Countries  
Bahrain (6)  
Balkans (1)  
Cambodia (1)  
Egypt (3)  
Europe (2)  
Gaza (2)  
Iran (6)  
Saudi Arabia (1)  
Yemen (1)  
War on Terror  
Whistleblower Protection Act (3)  
WikiLeaks (43)  
Bradley Manning (34)  
Chain of Command (10)  
Donate (1)  
Interviews (4)  
Investigations (1)  
Central Intelligence Agency  
Department of Defense (1)  
Secretary of the Army 15-6 (1)  
Department of Justice  
Federal Bureau of Investigation  
Department of State  
Live Video Updates (2)  
U.S. v Pfc. Manning Appellate Exhibits (11)  
U.S. v Pfc. Manning Charges (4)  
U.S. v Pfc. Manning Damage Assessments (3)  
State Department (1)  
U.S. v Pfc. Manning Defense (1)  
U.S. v Pfc. Manning Legal Filings (51)  
10 USC 904 aiding the enemy (4)  
18 USC 1030 exceed authorized access (6)

18 USC 2703d (1)  
 18 USC 641 Public money property or records (2)  
 18 USC 793 espionage (3)  
 Article 13 (8)  
 Discovery (20)  
 Harm (2)  
 Lesser Included Offenses (3)  
 Plea and Forum (7)  
 Protective Order (1)  
 Speedy Trial (1)  
 Witness Lists (8)  
 U.S. v Pfc. Manning Military District of Washington (2)  
 U.S. v Pfc. Manning Officials of the Court (3)  
 U.S. v Pfc. Manning Prosecutors (1)  
 U.S. v Pfc. Manning Transcripts (28)  
 U.S. v Pfc. Manning Witness Profiles (60)  
 Agents (11)  
 Informants (1)  
 Original Classification Authorities (OCAs) (7)  
 Pretrial Confinement (13)  
 US Army (29)  
 White House (1)  
 Sweden v Assange (1)  
 U.S. v WikiLeaks Investigating US Agents and Officials (5)  
 U.S. v WikiLeaks Time Line (2)  
 WikiLeaks Grand Jury (11)  
 WikiLeaks Grand Jury Legal Dockets and Files (8)  
 18 USC 2703d (1)  
 WikiLeaks Grand Jury Prosecutors (3)  
 WikiLeaks Grand Jury Witness Profiles (2)  
 usdayofrage.org (59)

 [Subscribe](#)

 Feed of results tagged "REDACTED Unknown Diplomatic Security Services (DSS) at the Department of State (State Department) (DoS) Agent No. 8 on 2 December 2011 Defense Request for Article 32 Witnesses XXXXXXXXXX [ WHO IS THIS? ] is one of the law enforcement agents that conducted work on this case. The defense requests that XXXXXXXXXX [ WHO IS THIS? ] be instructed to provide the Investigating Officer [ Lt. Col. Paul Almanza ] and the defense with a complete copy of DSS [Diplomatic Security Services] at the Department of State (State Department (DoS)) case file number XXXXXXXXXX [ WHAT IS THIS NUMBER? ] and any other collateral investigations by the DSS [Diplomatic Security Services] at the Department of State (State Department (DoS)) related to this case at least two weeks prior to the start of the Article 32 hearing"

[alexaobrien.com](#) | [blog](#) | [interviews](#) | [audio](#) | [video](#) | [features](#) | [about](#) | [in the press](#) | [contact](#) | [archives](#) | [time line](#) | [redacted names and notables](#)



This work by Alexa O'Brien is licensed under a Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Unported License.  
 Permissions beyond the scope of this license may be available at [email@alexaobrien.com](mailto:email@alexaobrien.com).