

[REDACTED]

UNITED STATES OF AMERICA)

v.)

MANNING, Bradley, E., PFC)

U.S. Army, (b) (6))

Headquarters and Headquarters Company, U.S. Army)

Army Garrison, Joint Base Myer-Henderson Hall)

Fort Myer, Virginia 22211)

Defense Notice of Intent
to Use Classified Information
& Proposed Alternatives to
Court Closure

CORRECTED COPY
13 May 2013

1. (U) This notice is based on the defense's original filing of its intent to use classified evidence under MRE 505(h)(2) dated 22 February 2013 (AE 490). The purpose of this filing is to provide the Government and the Court with greater factual specificity and identify, where appropriate, the alternatives to Court closure that will be used in order to adduce the testimony from the particular witness in open court, rather than a closed session. Nothing in this document should be read as being inconsistent with the 22 February notice. In the event of a conflict, the defense reserves the opportunity to make an additional filing in order to clarify the nature of the information.

2. (U) Both parties have described for the Court alternatives to closure. See pages 2-5 of AE 479 (Government's original *Grunden* filing) and pages 2-3 of AE 489 (Defense Response to Government's Original *Grunden* filing). The alternatives will only be discussed below in the context of how they apply to certain portions of classified evidence that will be discussed during the cross examinations of the identified Government witness.

3. (U) The Government has indicated that it will call approximately 141 witnesses. The testimony of seventy-three (73) of those witnesses will involve classified information. It wishes to close the Court to hear the testimony of twenty-eight (28) witnesses. The defense is certainly willing to work with the Government in order to ensure that the alternatives it uses for the remaining forty-five (45) witnesses is consistent for the sake of the witnesses and the Court.

4. [REDACTED]

5. (U) The defense provides the following notice with respect to those witnesses who the defense believes will testify in open court regarding USCENCOM information:

A. (U) RADM Kevin Donegan.

I. [REDACTED]

[REDACTED]

[REDACTED]

II. [REDACTED]

B. (U) Mr. Jacob Grant.

I. (U) Information. The defense does not believe that any classified testimony will be elicited from Mr. Grant during cross examination.

II. (U) Alternatives. This witness is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

C. (U) Mr. Bert Haggett.

I. (U) Information. The defense does not believe that any classified testimony will be elicited from Mr. Haggett during cross examination.

II. (U) Alternatives. This witness is not a court closure witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

D. (U) VADM Robert Harward.

I. [REDACTED]

[REDACTED]

[REDACTED]

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

E. (U) LT Thomas Hoskins.

I. [REDACTED]

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

F. (U) MajGen Kenneth McKenzie.

I. [REDACTED]

II. (U). Alternatives. The defense believes that MajGen McKenzie may testify in open court with the use of a syllabus or code words. The general information he provides may be discussed in open

[REDACTED]

court. [REDACTED]

[REDACTED] This witness is conversant with classified information and, if properly prepared, will avoid the accidental disclosure of classified information.

G. (U) Mr. Ken Moser.

I. (U) Information. The defense does not believe that any classified testimony will be elicited from Mr. Moser during his cross examination.

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

H. (U) MG Michael Nagata.

I. [REDACTED]

II. (U) Alternatives. The defense believes that MG Nagata may testify in open court with the use of a syllabus or code words. The general information he provides may be discussed in open court. [REDACTED]

[REDACTED] This witness is conversant with classified information and, if properly prepared, will avoid the accidental disclosure of classified information.

I. (U) Mr. Martin Nehring.

I. [REDACTED]

[REDACTED]

[REDACTED]

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

J. (U) Ms. Jacqueline Scott.

I. (U) Information. The defense does not believe that any classified evidence will be elicited from Ms. Scott during her cross examination.

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

K. (U) Mr. Louis Travieso.

I. [REDACTED]

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

L. (U) Mr. Charles Vankleek.

I. (U) Information. The defense does not believe that any classified evidence will be elicited from Mr. Vankleek during his cross examination.

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

6. (U) The defense provides the following notice with respect to those witnesses who the defense believes will testify in open court regarding Department of State information:

A. (U) Ms. Elizabeth Dibble.

I. [REDACTED]

[REDACTED]

II. (U) Alternatives. The defense believes that Ms. Dibble may testify in open court with the use of a syllabus or code words. [REDACTED]

[REDACTED] This witness is conversant with classified information and, if properly prepared, will avoid the accidental disclosure of classified information.

B. (U) Mr. John Feeley.

I. [REDACTED]

[REDACTED]

II. (U) Alternatives. The defense believes that Mr. Feeley may testify in open court with the use of a syllabus or code words. The general information he provides may be discussed in open court.

[REDACTED] This witness is conversant with classified information and, if properly prepared, will avoid the accidental disclosure of classified information.

C. (U) Mr. Glen Johnson.

I. (U) Information. The defense does not believe that any classified evidence will be elicited from Mr. Johnson during his cross examination.

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

D. (U) AMB Patrick F. Kennedy.

I. [REDACTED]

II. (U) Alternatives. The defense believes that AMB Kennedy may testify in open court with the use of a syllabus or code words. The general information he provides may be discussed in open court.

[REDACTED] This witness is conversant with classified information and, if properly prepared, will avoid the accidental disclosure of classified information.

E. (U) AMB Michael Kozak.

I. [REDACTED]

[REDACTED]

II. (U) Alternatives. The defense believes that AMB Kozak may testify in open court with the use of a syllabus or code words. The general information he provides may be discussed in open court. The specific problems and processes can be elicited through the use of code words or a syllabus. This witness is conversant with classified information and, if properly prepared, will avoid the accidental disclosure of classified information.

F. (U) Mr. James Moore.

I. [REDACTED]

II. (U) Alternatives. The parties have tentatively agreed to stipulate to the testimony of this witness. If a stipulation fails, the defense believes that Mr. Moore may testify in open court with the use of a syllabus or code words. The general information he provides may be discussed in open court. [REDACTED]

[REDACTED] This witness is conversant with classified information and, if properly prepared, will avoid the accidental disclosure of classified information.

G. (U) Mr. Gerald Mundy.

I. (U) Information. The defense does not believe that any classified testimony will be elicited from Mr. Mundy during his testimony.

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

H. (U) Mr. Nicholas Murphy.

I. [REDACTED]

[REDACTED]

II. (U) Alternatives. This is not a court closure witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

I. (U) AMB David Pearce.

I. [REDACTED]

II. (U) Alternatives. The defense believes that AMB Pearce may testify in open court with the use of a syllabus or code words. The general information he provides may be discussed in open court. The specific effects in any particular country can be described through the use of code words or a syllabus. [REDACTED]

[REDACTED] This witness is conversant with classified information and, if properly prepared, will avoid the accidental disclosure of classified information.

J. (U) Mr. H. Dean Pittman.

I. [REDACTED]

II. (U) Alternatives. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense believes that Mr. Pittman may testify in open court with the use of a syllabus or code words. The general information he provides may be discussed in open court. The specific effects in any particular country or organization can be paired with the effect to fully describe the potential harm from the leak. This witness is conversant with classified information and, if properly prepared, will avoid the accidental disclosure of classified information.

K. (U) SA Ronald Rock.

[REDACTED]

I. (U) Information. The defense does not believe that any classified testimony will be elicited from SA Rock during his testimony.

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness for both merits and sentencing. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

L. (U) AMB Stephen Seche.

I. [REDACTED]

II. (U) Alternatives. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense believes that AMB Seche may testify in open court with the use of a syllabus or code words. The general information he provides may be discussed in open court. [REDACTED]

[REDACTED] This witness is conversant with classified information and, if properly prepared, will avoid the accidental disclosure of classified information.

M. (U) Ms. Susan Swart.

I. (U) Information. The defense does not believe that any classified testimony will be elicited from Ms. Swart during her testimony.

II. (U) Alternatives. This is not a court closure witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

N. (U) Ms. Tasha Thian.

I. (U) Information. The defense does not believe that any classified testimony will be elicited from Ms. Thian during his testimony.

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

O. (U) Mr. Charlie Wisecarver.

I. (U) Information. The defense does not believe that any classified testimony will be elicited from Mr. Wisecarver during his testimony.

[REDACTED]

II. (U) Alternatives. This is not a court closure witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

P. (U) AMB Don Yamamoto.

I. [REDACTED]

II. (U) Alternatives. The defense believes that AMB Yamamoto may testify in open court with the use of a syllabus or code words. [REDACTED]

[REDACTED] This witness is conversant with classified information and, if properly prepared, will avoid the accidental disclosure of classified information.

Q. (U) AMB Marie Yovanovitch.

I. [REDACTED]

II. (U) Alternatives. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense believes that AMB Yovanovitch may testify in open court with the use of a syllabus or code words. The general information she provides may be discussed in open court. [REDACTED]

[REDACTED] This witness is conversant with classified information and, if properly prepared, will avoid the accidental disclosure of classified information.

R. (U) Mr. Joseph Yun.

I. [REDACTED]

[REDACTED]

II. (U) Alternatives. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense believes that Mr. Yun may testify in open court with the use of a syllabus or code words. The general information he provides may be discussed in open court. [REDACTED]

[REDACTED] This witness is conversant with classified information and, if properly prepared, will avoid the accidental disclosure of classified information.

7. (U) The defense provides the following notice with respect to those witnesses who the defense believes will testify in open court regarding Defense Intelligence Agency information:

A. (U) Commander Youssef Aboul-Enein.

I. [REDACTED]

II. [REDACTED]

B. (U) BG Robert Carr.

I. [REDACTED]

[REDACTED]

II. (U) Alternatives. The defense believes that BG Carr may testify in open court with the use of a syllabus or code words. The general information he provides may be discussed in open court. He will be able to associate organization, effect, and location using code words or a syllabus. This witness is conversant with classified information and, if properly prepared, will avoid the accidental disclosure of classified information.

C. (U) Colonel Julian Chesnutt.

I. [REDACTED]

[REDACTED]

[REDACTED]

II.

[REDACTED]

D. (U) Mr. John Kirchhofer.

I.

[REDACTED]

[REDACTED]

[REDACTED]

II. (U) Alternatives. The defense believes that Mr. Kirchhofer may testify in open court with the use of a syllabus or code words. The general information he provides may be discussed in open court. The specific effects can be listed separately with the organization that has suffered a particular type of damage. Mr. Kirchhofer will be able to match the classified effects with the appropriate organization. This witness is conversant with classified information and, if properly prepared, will avoid accidental disclosure of classified information.

E. (U) Mr. Randall MacRobbie.

I. [REDACTED]

II. (U) Alternatives. The defense believes that Mr. MacRobbie may testify in open court with the use of a syllabus or code words. The general information he provides may be discussed in open court. The specific effects achieved can be described with the use of a syllabus that lists the organization, the particular effect, and the country involved. This witness is conversant with classified information and, if properly prepared, will avoid the accidental disclosure of classified information.

F. (U) Mr. Danny Lewis.

[REDACTED]

I. (S//NF) [REDACTED]

II. [REDACTED]

8. (U) The defense provides the following notice with respect to those witnesses who the defense believes will testify in open court regarding Joint Task Force Guantanamo information:

A. (U) Mr. Jeffery Motes.

I. [REDACTED]

II. (U) Alternatives. This witness is not a closed court witness. The parties have tentatively agreed to a stipulation for the testimony this witness will give during the merits portion of the trial. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court. For sentencing, we will work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

B. (U) RADL David Woods.

I. [REDACTED]

II. (U) Alternatives. This witness is not a closed court witness. The parties have tentatively agreed to a stipulation for this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

[REDACTED]

9. (U) The defense provides the following notice with respect to those witnesses who the defense believes will testify in open court regarding Joint Improvised Explosive Device Defeat Organization (JIEDDO) information:

A. (U) Mr. James McCarl.

I. [REDACTED]

[REDACTED]

II. [REDACTED]

[REDACTED]

B. (U) Mr. Adam Pearson.

I. [REDACTED]

[REDACTED]

II. [REDACTED]

[REDACTED]

10. (U) The defense provides the following notice with respect to those witnesses who the defense believes will testify in open court regarding Department of Defense Law Enforcement information:

[REDACTED]

[REDACTED]

A. (U) Mr. Mark Johnson.

I. (U) Information. Mr. Johnson will discuss his experience as a computer forensic specialist in law enforcement. He will then discuss his involvement in this particular case. He will discuss the process he used to examine the digital media he was given to analyze. Mr. Johnson will use any reports he drafted to describe the nature of the forensic analysis performed as well as the computer forensic tools used.

II. (U) Alternatives. This is not a closed court witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

B. (U) SA Mark Mander.

I. [REDACTED]

II. (U) Alternatives. This is not a closed court witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

C. (U) SA Calder Robertson.

I. [REDACTED]

II. (U) Alternatives. The parties have tentatively agreed to stipulate to the testimony of this witness. Furthermore, this is not a closed court witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

11. (U) The defense provides the following notice with respect to those witnesses who the defense believes will testify in open court regarding non-Department of Defense Law Enforcement information:

A. (U) SA Troy Bettencourt.

I. [REDACTED]

[REDACTED]

II. (U) Alternatives. This is not a closed court witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

B. (U) SA David Shaver.

I. [REDACTED]

II. [REDACTED]

Otherwise, SA Shaver can be treated like the other computer forensic investigators and handled with whatever alternative the Government uses with those witnesses.

C. (U) Ms. Mary Horvath.

I. [REDACTED]

II. (U) Alternatives. The parties have tentatively agreed to stipulate to the testimony of this witness. Furthermore, this is not a closed court witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

12. (U) The defense provides the following notice with respect to those witnesses who the defense believes will testify in open court regarding Department of Defense Personnel or Department of Defense Contractors information:

A. (U) Mr. Peter Artale.

I. (U) Information. The defense does not believe that any classified testimony will be elicited from Mr. Artale during his cross examination.

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

B. (U) Mr. Steve Buchanan.

I. (U) Information. Mr. Buchanan will discuss his familiarity with Intelink and the process by which Intelink logs are created internally in the database. He will discuss his interpretation of the

[REDACTED]

Intelink logs in this particular case. He will also discuss his involvement in this case, how he was directed to participate, and the form of his report when it was sent back to his superiors.

II. (U) Alternatives. The parties have tentatively agreed to stipulate to the testimony of this witness. Furthermore, this is not a closed court witness. If the proposed stipulation fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

C. (U) Mr. Wyatt Bora.

I. [REDACTED]

II. (U) Alternatives. The parties have tentatively agreed to stipulate to the testimony of this witness. Furthermore, this is not a closed court witness. If the proposed stipulation fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

D. (U) Mr. Sean Chamberlain.

I. (U) Information. The defense does not believe that any classified testimony will be elicited from Mr. Chamberlain during his cross examination.

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

E. (U) Dr. Michael Collins.

I. (U) Information. Dr. Collins will discuss the basic framework of Centaur and its creation of internal activity logs. Dr. Collins will also discuss his involvement in this case (e.g. who tasked him to help, the typical method that these sorts of requests are handled, and how it was handled in this case). Finally, Dr. Collins will discuss his own interpretation of the handling of the logs as well as how this interpretation identifies PFC Manning's activity on the server.

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

F. (U) Mr. Jim Downey.

I. (U) Information. Mr. Downey will discuss the basic framework of Centaur and its creation of internal activity logs. Mr. Downey will also discuss his involvement in this case (e.g. who tasked him to help, the typical method that these sorts of requests are handled, and how it was handled in this case).

[REDACTED]

Finally, Mr. Downey will discuss his own interpretation of the handling of the logs as well as how this interpretation identifies PFC Manning's activity on the server.

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

G. (U) Mr. Patrick Hoeffel.

I. [REDACTED]

II. (U) Alternatives. This is not a closed court witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

H. (U) Mr. Mark Kitz.

I. (U) Information. Mr. Kitz will testify about his experience with the DCGS-A system. Initially, he will discuss the history, function, and purpose of the computer system. Mr. Kitz will discuss the changing nature and uses of the DCGS-A system over time, focusing on its function during the charged offenses. He will also discuss the overall cost of the system. Finally, he will discuss any vulnerabilities of the system and what steps, if any, have been taken to address those deficiencies.

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

I. (U) Mr. Jason Milliman.

I. (U) Information. The defense does not believe that any classified testimony will be elicited from Mr. Milliman during his cross examination.

II. (U) Alternatives. This is not a court closure witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

J. (U) CW4 Armond Rouillard.

I. (U) Information. CW4 Rouillard will testify about how the USF-I GAL was created. He will go on to indicate what servers are associated with this GAL and its cost of maintenance. CW4 Rouillard will also discuss the appropriate way the GAL can be obtained and used. Finally, CW4 Rouillard will discuss how the GAL fits within the general framework of Army information technology systems

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

[REDACTED]

13. (U) The defense provides the following notice with respect to those witnesses who the defense believes will testify in open court regarding Department of Defense information with respect to the unit witnesses:

A. (U) SFC Jose Anica.

I. (U) Information. The defense does not believe that any classified evidence will be elicited from SFC Anica during his cross examination.

II. [REDACTED] Alternatives. This is not a court closure witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

B. (U) SPC Kimberly Bales.

I. (U) Information. The defense does not believe that any classified evidence will be elicited from SPC Bales during her cross examination.

II. [REDACTED] Alternatives. This is not a court closure witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

C. (U) SGT Lorena (Cooley) Defrank.

I. (U) Information. The defense does not believe that any classified evidence will be elicited from SGT Defrank during her cross examination.

II. [REDACTED] Alternatives. This is not a court closure witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

D. (U) CPT Casey (Martin) Fulton.

I. (U) Information. The defense does not believe that any classified evidence will be elicited from CPT Fulton during her cross examination.

II. (U) Alternatives. This is not a court closure witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

E. (U) CW3 Hondo Hack.

I. (U) Information. The defense does not believe that any classified evidence will be elicited from CW3 Hack during his cross examination.

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

F. (U) CPT Steven Lim.

I. (U) Information. The defense does not believe that any classified evidence will be elicited from CPT Lim during his cross examination.

[REDACTED]

II. (U) Alternatives. This is not a court closure witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

G. (U) SGT Chad Madaras.

I. (U) Information. The defense does not believe that any classified evidence will be elicited from SGT Madaras during his cross examination.

II. (U) Alternatives. This is not a court closure witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

H. (U) SGT Daniel Padgett.

I. (U) Information. The defense does not believe that any classified evidence will be elicited from SGT Padgett during his cross examination.

II. (U) Alternatives. This is not a court closure witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

I. (U) SGT Daniel Sadtler.

I. (U) Information. The defense does not believe that any classified evidence will be elicited from SGT Sadtler during his cross examination.

II. (U) Alternatives. This is not a court closure witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

J. (U) Ms. Jihreah Showman.

I. (U) Information. The defense does not believe that any classified evidence will be elicited from Ms. Showman during her cross examination.

II. (U) Alternatives. This is not a court closure witness. The defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

14. [REDACTED] The defense provides the following notice with respect to those witnesses who the defense believes will testify in an open session regarding [REDACTED] information:

A. (U) Mr. Maxwell Allen.

I. (U) Information. Mr. Allen is an informational technology contractor working for [REDACTED]. He will discuss his work history with the [REDACTED] in general and unclassified terms. He will then discuss the administration of the database that supports [REDACTED], including a description as to how the logs are created and maintained inside the system. Mr. Allen will then discuss how he came to be involved in the investigation, the nature of the task given to him, the search he performed, and the results of the search given the parameters. He will discuss the frequency with which these types of searches are performed.

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

[REDACTED]

B. (U) Ms. Cathryn Strobl.

I. (U) Information. Ms. Strobl is an information technology contractor that works for [REDACTED]. Ms. Strobl will discuss how the systems that create the logs function generally [REDACTED]. She will also testify as to how those systems work together to create the logs, the relevant content of the logs, and how she came to retrieve those logs.

II. (U) Alternatives. This is not a court closure witness. The parties have tentatively agreed to stipulate to the testimony of this witness. If that fails, the defense is happy to work within the alternatives developed by the Government to ensure consistency for the witness and the Court.

15. (U) The defense provides the following notice with respect to those witnesses who the defense believes will testify in a closed session regarding USCENTCOM information:

[REDACTED]

I. [REDACTED]

II. (U) Alternatives. The defense concedes that the Court should close to hear the testimony of this witness and follow the procedures described by the Government to prevent the disclosure of the identity of this witness. The parties have tentatively agreed to stipulate to the testimony of this witness, pending the response to the defense interrogatory.

16. (U) The defense provides the following notice with respect to those witnesses who the defense believes will testify in a closed session regarding [REDACTED] information:

A. [REDACTED]

[REDACTED]

II. (U) Alternatives. The defense concedes that the Court should close to hear the testimony of this witness and follow the procedures described by the Government to prevent the disclosure of the identity of this witness. The parties have tentatively agreed to stipulate to the testimony of this witness.

B. [REDACTED]

[REDACTED]

I. [REDACTED]

II. (U) Alternatives. The defense concedes that the Court should close to hear the testimony of this witness and follow the procedures described by the Government to prevent the disclosure of the identity of this witness. The parties have tentatively agreed to stipulate to the testimony of this witness.

C. [REDACTED]

I. [REDACTED]

II. (U) Alternatives. The defense concedes that the Court should close to hear the testimony of this witness and follow the procedures described by the Government to prevent the disclosure of the identity of this witness.

17. The defense provides the following notice with respect to those witnesses called by the defense:

A. (U) Professor Yochai Benkler.

I. (U) Professor Benkler will discuss the document that serves as the basis for Specification 15 of Charge II. Specifically, he will contextualize the response from the U.S. Government to the "threat" posed by the Wikileaks organization.

II. (U) Alternatives. The defense will avoid discussing classified information by having Professor Benkler describe the response of the U.S. Government in general terms, rather than associate with the charged document contemplated by Specification 15.

B. (U) Colonel Morris Davis (Retired).

I. (U) Colonel Davis will discuss the charged documents from Specifications 8 and 9 of Charge II. He will discuss the rationale behind the drafting of those charged documents and how those documents were shared inside the U.S. Government. Colonel Davis will identify how those documents were used

[REDACTED]

from their creation until their public disclosure. He will also place the release of these charged documents in the context of other releases of the same or similar information from the same headquarters.

II. (U) Alternatives. The defense will avoid discussing classified information by having Colonel Davis talk in general terms about how these charged documents were used from their creation until Summer 2010. If reference to a specific charged document is required, Colonel Davis will identify the particular piece of classified information by its reference to a location on a page and then discuss how that information may have been revealed prior to the disclosure by PFC Manning.

C. (U) Ambassador Peter Galbraith.

I. (U) Ambassador Galbraith will testify about the SIPDIS system and the type of cable that would and would not be distributed through SIPDIS. He will discuss the general contents of the NCD database while not identifying any specific cable or openly discussing its contents. Instead, he will testify about the general type of information contained within a SIPDIS cable. He will also testify that the NCD described international affairs from 300 embassies dating from 1966 to 2010, including cables that he drafted or that were drafted by his office. Additionally, he will testify about the number of cables released that were unclassified, confidential, and secret. He will also discuss how none of the cables were classified as top secret.

II. (U) To date, Ambassador Galbraith has not been granted clearance to review any classified documents associated with this case. The defense will avoid discussing classified information by having Ambassador Galbraith testify in general terms about the topics described above.

D. (U) Mr. Charles Ganiel.

I. (U) Mr. Ganiel will testify as an intelligence analyst expert witness. Mr. Ganiel will testify that he conducted internet search of the information relayed in the documents charged in Specification 13 and found many documents that relayed the same factual information.

II. (U) Alternatives. This witness will testify about classified information by referring to the document itself and directing the Court to the portion of classified information that has been publicly revealed already. He will then show the Court what information was found during his internet research. Both aspects of this testimony will avoid publicly mentioning the substance of either of the groups of documents in open court.

E. (U) Mr. Cassius Hall.

I. (U) Mr. Hall will testify about the charged documents that serve as the basis for Specifications 5 and 7 of Charge II. He will discuss how those products are used and how much of the information contained in those documents was already publicly available over the internet or through other unclassified means. Mr. Hall will testify about those charged materials that serve as the basis for Specifications 2 and 11 of Charge II. Mr. Hall will testify about the charged documents that serve as the basis for Specifications 3, 10, and 15.

II. (U) Alternatives. For Specifications 5 and 7, Mr. Hall will testify about classified information by referring to the document itself and directing the Court to the portion of the classified information that has been publicly revealed already. He will then show the Court what information was found

[REDACTED]

during his internet research. Both aspects of this testimony will avoid publicly mentioning the substance of either of the groups of documents in open court. For his testimony regarding Specifications 2, 3, 10, 11, and 15, Mr. Hall will testify about these charged classified documents in a way that does not identify them to the open public or confirm information contained in the documents. Mr. Hall will direct the Court's attention to the particular substance of this testimony and then convey his testimony to the Court in a way that avoids disclosing classified information.

18. [REDACTED]

Thomas F. Hurley

THOMAS F. HURLEY

MAJ, JA

Defense Counsel