

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 Notification of
Security Clearances for
Defense Witnesses

22 April 2013

On 15 October 2012, the defense requested that the United States produce several individuals, to include Ambassador Peter Galbraith; Colonel Morris D. Davis, USAF Retired; and Professor Yochai Benkler, as witnesses in the above-captioned court-martial. *See* Appellate Exhibit (AE) 344. On 26 October 2012, the defense requested approval to share classified information with the above individuals. *See* AE 372. On 23 November 2012, the defense moved to compel production of the above individuals. *See* AE 408. The Court subsequently ordered the production of the three witnesses. On 14 February 2013, the United States provided the Court an update on the security clearances for the three witnesses. This updated notice is provided pursuant to the Court calendar. *See* Scheduling Order, dated 17 April 2013.

a. **Ambassador Galbraith.** The United States Army approved Ambassador Galbraith applying for a security clearance, and the Department of State approved access to Department of State classified information only if Ambassador Galbraith is granted a security clearance from the Department of the Army. As of 17 April 2013, Ambassador Galbraith is not willing to cooperate with the prosecution or Headquarters, Department of the Army by completing the required paperwork. Since the middle of March 2013, the United States has offered to assist Ambassador Galbraith with the process to no avail. On 18 April 2013, the United States requested Ambassador Galbraith discuss his participation with Mr. Coombs and the defense team to determine whether the defense still seeks to share classified information with him. The United States will not grant Ambassador Galbraith access to classified information without his voluntary submission to a background investigation and a subsequent granting of a security clearance.

b. **Col Davis, USAF Retired.** The United States Army approved Col Davis, USAF Retired, for a security clearance. As of 18 April 2013, the defense may share and use with Col Davis the classified information outlined in the defense's notice, so long as the information remains classified, and the information is properly protected under applicable laws and regulations and not disclosed publically. Any proposed alternatives to the classified information must be approved by the equity holders to ensure the information is properly protected.

c. **Professor Benkler.** The United States Army disapproved Professor Benkler as he is not eligible for a security clearance; however, Professor Benkler is approved for limited access to classified information for the purposes of this court-martial only if he meets certain requirements. On 9 April 2013, the United States notified Professor Benkler of his conditional

approval and the requirement that he fill out a Standard Form 85P, have his fingerprints taken, and sign requisite agreements. As of 16 April 2013, Professor Benkler is in the process of completing all the requirements.



ASHDEN FEIN
MAJ, JA
Trial Counsel

I certify that I served or caused to be served a true copy of the above on Mr. David Coombs, Civilian Defense Counsel via electronic mail, on 22 April 2013.



ASHDEN FEIN
MAJ, JA
Trial Counsel