

# MSNBC'S NEW SOURCES ON BRADLEY MANNING'S TREATMENT: PENTAGON OFFICIALS

Back in January, long-time Pentagon reporter Jim Miklaszewski caused a stir when he published a story with two big scoops. First, that investigators had been unable to tie Bradley Manning to Julian Assange. More importantly, Miklaszewski cited "military officials" saying that Brig Commander James Averhart had improperly put Manning on suicide watch on January 18.

On Monday, U.S. military officials also strongly denied allegations that Manning, being held in connection with the WikiLeaks' release of classified documents, has been "tortured" and held in "solitary confinement" without due process. The officials told NBC News, however, that a U.S. Marine commander did violate procedure when he placed Manning on "suicide watch" last week.

Military officials said Brig Commander James Averhart did not have the authority to place Manning on suicide watch for two days last week, and that only medical personnel are allowed to make that call.

The official said that after Manning had allegedly failed to follow orders from his Marine guards, Averhart declared Manning a "suicide risk." Manning was then placed on suicide watch, which meant he was confined to his cell, stripped of most of his clothing and deprived of his reading glasses – anything that Manning could use to harm himself. At the urging of U.S. Army lawyers, Averhart lifted the suicide

watch. [my emphasis]

That's interesting because his version of similar allegations yesterday includes new sources: Pentagon officials (though the claim that Manning was not tortured remains sourced exclusively to "military officials").

Military and Pentagon officials insist the action was punishment for what the Marines considered disrespect from Manning. Such tactics for disciplinary reasons are against military regulations.

[snip]

This will make visits with his civilian attorney, family and some friends more difficult, but it's the nearest such facility for pre-trial confinement the Army has. Manning will have to return to Fort Belvoir in Virginia for any court appearances. Putting him back into Quantico is "out of the question," according to Pentagon and military officials, so the Army may make arrangements with a civilian detention facility to hold him temporarily as needed.

U.S. military officials, who spoke to NBC News on condition of anonymity, deny Manning was tortured, but one said "the Marines blew it" in terms of how they treated him. [my emphasis]

In other words, unless Miklaszewski is playing fast and loose with sourcing conventions, sometime in the last three months, some civilian(s) at the Pentagon reviewed what happened back in January and came to the same conclusions that the anonymous military officials had: Manning's forced nudity and suicide watch were punitive, not preventative.

And note what else his "Pentagon and military

officials” have to say: “Putting [Manning] back into Quantico is ‘out of the question.’” Contrary to all DOD’s on-the-record claims that Manning’s treatment at Quantico was proper, these anonymous officials sure seem to believe that something went wrong there.

Particularly given Manning lawyer David Coombs’ revelation that he was not informed that Manning was about to be moved until 20 minutes before DOD announced it to the world, and given that Coombs was about to file a habeas complaint over Manning’s treatment...

Like many others, the defense first learned of PFC Manning’s move to Fort Leavenworth, Kansas by reading that a government official, speaking on the condition of anonymity, leaked the information to the Associated Press. The defense was not officially notified of PFC Manning’s pending move until twenty minutes before the Pentagon’s press briefing. This is despite the fact that the Pentagon has “been thinking about this for a while.” Although the news of the move came as a surprise to the defense, the timing did not.

The defense recently received reliable reports of a private meeting held on 13 January 2011, involving high-level Quantico officials where it was ordered that PFC Manning would remain in maximum custody and under prevention of injury watch indefinitely. The order to keep PFC Manning under these unduly harsh conditions was issued by a senior Quantico official who stated he would not risk anything happening “on his watch.” When challenged by a Brig psychiatrist present at the meeting that there was no mental health justification for the decision, the senior Quantico official issuing the order responded, “We will do whatever we want to do.”

Based upon these statements and others, the defense was in the process of filing a writ of habeas corpus seeking a court ruling that the Quantico Brig violated PFC Manning's constitutional right to due process. See *United States ex. rel. Accardi v. Shaughnessy*, 74 S.Ct. 499 (1954) (violation of due process where result of board proceeding was predetermined); *United States v. Anderson*, 49 M.J. 575 (N.M. Ct. Crim. App. 1998) (illegal punishment where Marine Corps had an unwritten policy automatically placing certain detainees in MAX custody). The facts surrounding PFC Manning's pretrial confinement at Quantico make it clear that his detention was not "in compliance with legal and regulatory standards in all respects" as maintained at the Pentagon press briefing.

It seems that those civilians in the Pentagon, having done a review of Manning's treatment, realized that they'd be in trouble if the reasons behind Manning's forced nudity came to light.

Of course, if Coombs does carry through on his habeas complaint, they may come to light in any case.