

THE NATIONAL LAWYERS GUILD
MILITARY LAW TASK FORCE



October 10, 2013

To: GEN Jeffrey S. Buchanan
From: Kathleen M. Gilbert, Executive Director
Military Law Task Force of the National Lawyers Guild

Subj: PVT Bradley Manning clemency petition

On behalf of the one hundred and sixty lawyers, law students, legal workers and counselors of the National Lawyers Guild's Military Law Task Force, I am calling on you, as Convening Authority, to reduce PVT Manning's sentence to time served and to upgrade the dishonorable discharge imposed by the court. The Military Law Task Force has been in existence for some forty years, and we have collectively developed considerable experience and tried many cases before courts-martial. PVT Manning's case is, however, unique.

One of the benefits of courts-martial, rapidly disappearing from civilian courts, is the emphasis on the individual in determining an appropriate sentence. PVT Manning was accused of, and owned up to, various violations of the law, but motivation and character were not adequately considered by the military law judge. You have the opportunity to correct that.

The information PVT Manning revealed, while embarrassing to the government, is universally recognized as important for a democratic society to have and to debate. It is, as many have pointed out, similar to the revelations made by Daniel Ellsberg and Anthony Russo with their release of the Pentagon Papers. They, too, were prosecuted, albeit unsuccessfully because of government violations of their rights and, today, their act is regarded as patriotic and noble. PVT Manning's rights were also violated, with overlong pre-trial confinement under conditions that were, at a minimum, cruel, inhuman and degrading. Even if insufficient to warrant dismissal of the charges, those conditions certainly warrant that there be no further incarceration.

We would suggest that PVT Manning should be given the kind of consideration given to James Clapper, Director of National Security, who unquestionably perjured himself in testimony to Congress about government surveillance, yet was not prosecuted and has not even lost his job. Without any proof that any of PVT Manning's revelations were damaging, and with substantial sentiment that they were beneficial to our democracy, immediate release from confinement seems the least that can be done.

PVT Manning acted out of conscience and the best of motives under difficult circumstances, including moral struggle and isolation. While many would not have made the same choices, we should nonetheless respect the courage of his convictions that PVT Manning possesses.

For all these reasons and more, which others have no doubt expressed, we believe that PVT Manning should be freed immediately.

Respectfully submitted

KATHLEEN M. GILBERD
For the Military Law Task Force