

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)

RELEVANCE AND NON-HEARSAY
PURPOSE FOR FACTS TO
BE JUDICIALLY NOTICED

28 June 2013

The United States provides the following statement to the defense and Court in support of its request for judicial notice of certain adjudicative facts:

Julian Assange was located in Iceland in February of 2010 and working on the Icelandic Modern Media Initiative. See AE 472.

The Government has presented evidence that PFC Manning searched on Intelink for “Iceland” and “wikileaks.” The defense stipulated to this fact during the testimony of Mr. Chad Madaras. The Government presented evidence that PFC Manning searched the Open Source Center for “Iceland” and “wikileaks” on 20 February 2010. The Government presented evidence that PFC Manning and the “pressassociation” account – associated with Julian Assange – discussed topics related to WikiLeaks, the Icelandic Modern Media Initiative (IMMI), and Iceland generally in the March 2010 timeframe. This fact is relevant as it provides context to the nature of the chats between PFC Manning and “pressassociation.” This fact is also relevant to PFC Manning’s knowledge and relationship to WikiLeaks and Assange, and whether PFC Manning acted “wantonly” and “caused to be published” intelligence information on the internet, two elements of Specification 1 of Charge II.

That LTC Lee Packnett was quoted in a New York Times article, dated 18 March 2010. In this instance, judicial notice is conditional upon relevance and a non-hearsay or hearsay exception usage. See AE 472.

The Government presented evidence that PFC Manning and Julian Assange discussed LTC Packnett being quoted in a New York Times article in the March 2010 timeframe. This fact is relevant as it provides context to the nature of the chats between PFC Manning and “pressassociation.” The date of the New York Times article is not hearsay as it is not a statement. The fact that the article exists and that LTC Packnett is quoted is not hearsay as it is not a statement. This adjudicative fact is relevant to PFC Manning’s knowledge and relationship with WikiLeaks and Assange, facts that tend to show that PFC Manning acted “wantonly” and “caused to be published” intelligence information on the internet, two elements of Specification 1 of Charge II.

That a New Yorker profile of Julian Assange, titled “No Secrets: Julian Assange’s Mission for Total Transparency” exists and was dated 7 June 2010. In this instance, judicial notice is conditional upon relevance and a non-hearsay or hearsay exception usage. See AE 472.

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The Government presented evidence that PFC Manning and Mr. Adrian Lamo discussed a New Yorker profile of Julian Assange in late May 2010. The fact that PFC Manning knew about the New Yorker article prior to the date of publication is relevant to show the extent of PFC Manning's knowledge and relationship with WikiLeaks and Assange, facts that are relevant to whether PFC Manning "caused to be published" intelligence information on the internet, an element of Specification 1 of Charge II. The date of the New Yorker profile of Julian Assange (7 June 2010) is not hearsay as it is not a statement.


JODEAN MORROW
CPT, JA
Assistant Trial Counsel

I certify that I served or caused to be served a true copy of the above on defense counsel, via electronic mail, on 28 June 2013.


JODEAN MORROW
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