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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 )

STIPULATION OF  
EXPECTED TESTIMONY

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28 June 2013

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(U) Classification

4. (U) Section 1.1(a) of EO 13526 lists three classification levels for national security information. Information shall be classified TOP SECRET if its unauthorized disclosure reasonably could be expected to result in exceptionally grave damage to the national security; SECRET if its unauthorized disclosure reasonably could be expected to result in serious damage to the national security; and CONFIDENTIAL if its unauthorized disclosure reasonably could be expected to result in damage to the national security.

5. (U) Section 6.1(i) of the EO defines "classified national security information" or "classified information" as "information that has been determined pursuant to this order or any predecessor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form." Section 6.1(cc) of the EO defines "national security" as the "national defense or foreign relations of the United States."

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6. (U) Section 1.4 of EO 13526 lists the substantive categories of national security information that are eligible for classification. These categories include information pertaining to intelligence activities and intelligence sources and methods, as well as information pertaining to the foreign relations or foreign activities of the United States.

7. (U) The authority to classify information is derived from a succession of EOs, the current one being EO 13562. Section 1.3(a) of EO 13526 provides that the authority to classify information originally may be exercised only by the President, the Vice President, agency heads and officials designated by the President, and United States Government officials delegated authority pursuant to section 1.3(c). Section 1.3(c)(3) provides that TOP SECRET original classification authority may be delegated only by the President, the Vice President, or any agency head or official designated pursuant to section 1.3(a)(2).

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9. (U) Section 1.1(a) of the EO provides that information may be originally classified under the terms of this Order only if all of the following conditions are met: (1) an original classification authority is classifying the information; (2) the information is owned by, produced by or for, or is under the control of the United States Government; (3) the information falls within one or more of the categories of information listed in section 1.4 of the Order; and (4) the original classification authority determines that the unauthorized disclosure of the information reasonably could be expected to result in some level of damage to the national security and the original classification authority is able to identify or describe the damage.

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11. (U) Section 1.1(a)(4) of EO 13526 provides that information may only be classified if unauthorized disclosure of the information reasonably could be expected to cause damage to the national security (which includes defense against transnational terrorism) and the original classification authority is able to identify or describe the damage. As described above, EO 13526 states that information shall be classified at one of three levels: TOP SECRET, SECRET, or CONFIDENTIAL depending on the damage to the national security that reasonably could be expected to result from unauthorized disclosure.

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