GlobalResearch
Center for Research on Globalization

The Release of Chelsea Manning

By Dr. Binoy Kampmark
Global Research, March 16, 2020
Region: USA
Theme: Law and Justice

Chelsea Manning's release last Thursday by order of Virginia District Court judge Anthony Trenga had an air of oddness to it. "The court finds Ms. Manning's appearance before the Grand Jury is no longer needed, in light of which her detention no longer serves any coercive purpose."

Her detention had never served any coercive purpose as such – she remained unwilling to testify before an institution she questions as dangerous, secretive and oppressive. She steadfastly refused to answer any questions relating to WikiLeaks and Julian Assange. What her detention has done is disturb her health and constitute an act of State harassment that ranks high in the annals of abuses of power.

In March 2019, the former military analyst was summoned to appear and give testimony to the Grand Jury convened in the Eastern District of Virginia. As the *New York Times* put it at the time, "there were multiple reasons to believe that the subpoena [forcing Manning to testify] is related to the investigation of Mr Assange." She challenged the legitimacy of the subpoena, though lost and was held for contempt. Having already been court martialled and sentenced, Manning saw little need having to go through another round of ear bashing interrogations. "Chelsea," submitted her support committee in a statement, "gave voluminous testimony during her court martial. She has stood by the truth of her prior statements, and there is no legitimate purpose to having her rehash them before a hostile grand jury."

In May that year, Manning was granted one week of freedom until the next grand jury was convened. Again, she was found to be in civil contempt and remanded "to the custody of the Attorney General until such time as she purges herself of contempt or for the life of the Grand Jury". Her refusal to purge herself of contempt after 30 days duly incurred a fine of $500 per day, an amount that was increased to $1,000 after 60 days.

As Nils Melzer, UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment noted at the time, such limitations on Manning's liberty did "not constitute a circumscribed sanction for a specific offence, but an open-ended, progressively severe measure of coercion fulfilling all the constitutive elements of torture or other cruel, inhuman or degrading punishment." The mental degradation inflicted by the process did almost achieve its worst. On March 11, Manning attempted to take her own life.

In attempting to battle her fine, Manning argued that the Court vacate the imposed sanctions, as they exceeded "their lawful functions as coercive" and were punitive in character. Her legal team had argued that she lacked savings, seen "an uncertain speaking career … abruptly halted by her incarceration, and is moving her few belongings into storage, as she can no longer afford to pay her rent." Financial records were duly shared

with the court to make the case of “compromised earning capacity”.

Judge Trenga refused to bite. Despite accepting the premise that detaining her had ceased any utility, the fines amounting to $256,000 were not “punitive but rather necessary to the coercive purpose of the Court’s civil contempt order.”

The brutish episode has done much to confirm Manning’s views that the Grand Jury has powers that are needless, serve no purpose other than to vex those it seeks to ensnares, and remains an odd fit in a democratic state. As Manning herself explained in a letter to Judge Trenga in May last year, “I object to this grand jury … as an effort to frighten journalists and publishers, who serve a crucial public good. I have had these values since I was a child, and I’ve had years of confinement to reflect on them. For much of that time, I depended on survival on my values, my decisions, and my conscience. I will not abandon them now.”

The rosy standpoint – that such body served, in Robert Gilbert Johnson’s words, as “security to the accused against oppressive prosecution and as protector of the community against public malfeasance and corruption” – can be put to bed and strangled. The very secrecy that supposedly protects the grand jurors against corrupt eyes and venal prosecutors has been used to ensure its flourishing. Prosecutors can be assured of compliance rather than challenge being, in District Judge Edward Becker’s sharp observation, “essentially controlled by the United States Attorney [as] his prosecutorial tool”.

The current crop of critics is also growing in number. According to Natasha Lennard, writing on the subpoena directed at Manning, “Prosecutors and other authorities use grand juries to map out political affiliations while sowing paranoia and discord.” She quotes the views of civil rights attorney and Manning’s legal representative Moira Meltzer-Cohen. “While the federal grand jury purports to be a simple mechanism for investigating criminal offences, it can be – and historically has been – used by prosecutors to gather intelligence to which they are not entitled, for example about lawful and constitutionally protected political activity.” The US, being a galloping imperium, needs certain tools to rein in the dissidents and rabble rousers.

A funding campaign was commenced to ease Manning’s burden and, with $267,002 raised, met its goal handsomely. But the legacy of the grand jury, and the continuing prosecution of Assange and the WikiLeaks project, retain their menace and sting.

*

Note to readers: please click the share buttons above or below. Forward this article to your email lists. Crosspost on your blog site, internet forums. etc.

Dr. Binoy Kampmark was a Commonwealth Scholar at Selwyn College, Cambridge. He lectures at RMIT University, Melbourne. He is a frequent contributor to Global Research and Asia-Pacific Research. Email: bkampmark@gmail.com

Featured image is from Massoud Nayeri

Comment on Global Research Articles on our Facebook page

Become a Member of Global Research

Articles by: Dr. Binoy Kampmark