

19 Jan 11

MEMORANDUM

From: PFC Bradley E. Manning
To: Col. Daniel J. Choike
Via: (1) CWO4 James Averhart
(2) Staff Judge Advocate, Office of the Staff Judge Advocate, US
Army Military District of Washington, Fort Lesley J. McNair

Subj: REQUEST FOR REDRESS (ARTICLE 138, UCMJ) OF PFC BRADLEY MANNING

Ref: (a) SECNAVINST 1649.9C
(b) ARTICLE 138, UCMJ

1. I, PFC Bradley E. Manning, am a member of the US Army on active duty, assigned to Headquarters and Headquarters Company, U.S. Army Garrison, Joint Base Myer-Henderson Hall, Fort Myer, Virginia. On 29 July 2010, I was transferred to the Quantico Brig from Kuwait. Upon my arrival, I was placed in Maximum (MAX) custody and under suicide risk.

2. On 6 August 2010, Capt. William Hocter, the forensic psychiatrist for the Brig, recommended that I be moved from suicide risk to Prevention of Injury (POI) watch. CWO4 Averhart followed that recommendation and I was moved to POI watch. Due to my improvement and adjustment to confinement, Capt. Hocter recommended on 27 August 2010 that I be taken off of POI watch and that my confinement classification be changed from MAX to Medium Custody In (MDI).

3. Over the course of the following three months, Capt. Hocter and the other Brig forensic psychiatrist, COL Ricky Malone, consistently recommended to CWO4 Averhart that I be taken off of POI watch. The only exception to this was on 10 December 2010 when Capt. Hocter recommended that I remain under POI watch for one week. The following week, he once again recommended to CWO4 Averhart that I be removed from POI watch. Despite Capt. Hocter and COL Malone's consistent recommendations, I remained on POI watch and in MAX custody.

4. On 18 January 2011, over the recommendation of Capt. Hocter and the defense forensic psychiatrist, Capt. Brian Moore, CWO4 Averhart placed me under suicide risk. The suicide risk assignment means that I sit in my cell for 24 hours a day. I am stripped of all clothing with the exception of my underwear. My prescription eyeglasses are taken away from me. I am forced to sit in essential blindness with the exception of the times that I am reading or given limited television privileges. During those times, my glasses are returned to me. Additionally, there is a guard sitting outside of my cell watching me at all times.

5. Life was not much better for me under the previous confinement assignment of POI watch. Like suicide risk, I was held in solitary confinement. For 23 hours per day, I sat in my cell. The guards checked on me every five minutes by asking me if I was okay. I was required to respond in some affirmative manner. At night, if the guards could not see me clearly, because I had a blanket over my head or I was curled up towards the wall, they would wake me in order to

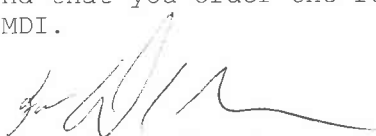
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ensure that I was okay. I received each of my meals in my cell. I was not allowed to have a pillow or sheets. I was not allowed to have any personal items in my cell. I was only allowed to have one book or one magazine at any given time to read. The book or magazine was taken away from me at the end of the day before I went to sleep. I was prevented from exercising in me cell. If I attempted to do push-ups, sit-ups, or any other form of exercise I was forced to stop. I received one hour of exercise outside of my cell daily. The guards would take me to an empty room and allow me to walk. I usually walked in figure eights around the room. When I went to sleep, I was required to strip down to my underwear and surrender my clothing to the guards. My clothing was then returned to me the next morning.

6. My defense counsel, Mr. David Coombs (a reserve Lieutenant Colonel in the Army) and I have raised our objection to these confinement conditions on multiple occasions. On 5 January 2011, my attorney filed a formal complaint with CWO4 Averhart. On the same day, I also filed a formal complaint through the confinement grievance process. Both complaints requested that I be removed from POI watch and that my classification level be reduced from MAX to MDI. CWO4 Averhart did not respond to either complaint as required by SECNAVINST 1649.9C PP 8301(21).

7. Based on the foregoing, I believe that the action of holding me under POI watch for over five months and placing me on suicide risk is wrong under Article 138, UCMJ. I do not believe that CWO4 Averhart, as the Brig commander, has the discretion to keep me in confinement under these circumstances.

8. I believe the classification of me in MAX and under an assignment of suicide risk is based upon an inappropriate reason and is therefore an abuse of CWO4 Averhart's discretion, and a wrong within the meaning of Article 138, UCMJ. As redress, I request that you order my removal from suicide risk and POI watch and that you order the reduction of my classification level from MAX to MDI.



B. E. Manning
PFC, US Army

I have assisted PFC Bradley Manning with the drafting of his request for redress, and have signed for him given the present circumstances. I concur with the matters he has expressed in his request, and join him in requesting that you order his removal from suicide risk and also from POI watch and that you order a reduction in his classification level from MAX to MDI.



D. E. Coombs
Civilian Defense Counsel