In The Matter Of:

United States vs.
PFC Bradley E. Manning

Vol. 2
June 4, 2013
UNOFFICIAL DRAFT - 6/4/13 Morning Session

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1

1   VOLUME II

2   IN THE UNITED STATES ARMY

3

4   UNITED STATES

5   VS.

6   MANNING, Bradley E., PFC   COURT-MARTIAL

7   U.S. Army, xxx-xx-9504

8   Headquarters and Headquarters Company,

9   U.S. Army Garrison,

10 Joint Base Myer-Henderson Hall,

11 Fort Myer, VA 22211

12 _____/

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15   The Hearing in the above-titled matter was

16 held on Tuesday, June 4, 2013, at 9:30 a.m., at

17 Fort Meade, Maryland, before the Honorable Colonel

18 Denise Lind, Judge.

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1   DISCLAIMER

2   This transcript was made by a court

3   reporter who is not the official Government reporter,

4   was not permitted to be in the actual courtroom where

5   the proceedings took place, but in a media room

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7   permitted to make an audio backup recording for editing

8   purposes, and not having the ability to control the

9   proceedings in order to produce an accurate verbatim

10   transcript.

11

12   This unedited, uncertified draft transcript

13   may contain court reporting outlines that are not

14   translated, notes made by the reporter for editing

15   purposes, misspelled terms and names, word combinations

16   that do not make sense, and missing testimony or

17   colloquy due to being inaudible by the reporter.

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 1   APPEARANCES:

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 3            ON  BEHALF  OF  GOVERNMENT:

 4                MAJOR  ASHDEN  FEIN

 5                CAPTAIN  JOSEPH  MORROW

 6                CAPTAIN  ANGEL  OVERGAARD

 7                CAPTAIN  HUNTER  WHYTE

 8                CAPTAIN  ALEXANDER  van  ELLEN

 9

10            ON  BEHALF  OF  ACCUSED:

11                DAVID  COOMBS

12                CAPTAIN  JOSHUA  TOOMAN

13                MAJOR  THOMAS  HURLEY

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 1              PROCEEDINGS - MORNING SESSION
 2         THE COURT:  Court is called to order.  Trial
 3  counsel, please account for parties.
 4         MR. MORROW:  All present with exception
 5  Captain Overgaard.
 6         THE COURT:  Any issues we need to address
 7  before we proceed today?
 8         MR. COOMBS:  No, Your Honor.  David Shaver.
 9         MR. MORROW:  David Shaver.
10  Whereupon,
11                    DAVID SHAVER,
12  called as a witness, having been first duly sworn to
13  tell the truth, the whole truth, and nothing but the
14  truth, was examined and testified as follows:
15               EXAMINATION BY MR. MORROW
16  BY MR. MORROW:
17     Q.   You are Dave Shaver, Special Agent, special
18  inspector (inaudible) for the (inaudible)
19     A.   Yes, sir.
20     Q.   Special Agent Shaver, how long have you
21  worked for (inaudible)
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1   A.   For about a year and a half, sir.

2   Q.   What do you (inaudible)

3   A.   Special agent.

4   Q.   What specifically, what kind of work do you

5 do as special agent?

6   A.   Sir, my job mainly is to take digital media

7 which has been generated as part of a search warrant or

8 a subpoena and turn it into usable format in

9 (inaudible)

10   Q.   Explain the (inaudible)?

11   A.   It's special (inaudible)

12   Q.   Before becoming a special agent with the

13 Department of Treasury, what did you do?

14   A.   Sir, I was the special agent in charge for

15 the research branch of Computer Crime Investigative

16 Unit.

17   Q.   What is the Computer Crime Investigative

18 Unit?

19   A.   It's a unit of CCIU main focus CCII focus

20 investigate any intrusion computer (inaudible) in

21 support of that mission.

1   Q.   When did you begin working for Army CCIU?

2   A.   In 1999.

3   Q.   Can you describe your process throughout the

4   organization there?

5   A.   Yes, sir. In 1999 CCIU as enlisted temp and

6   2001 I left the army and 2000 early 2002 I came back to

7   work for CCIU as (Inaudible). In 2003 I became a

8   (Inaudible).

9   Q.   You are not a CCIU?

10   A.   No, sir.

11   Q.   (Inaudible)

12   A.   2005.

13   Q.   Is that supervisory position?

14   A.   Yes, it is.

15   Q.   How many people did you supervise?

16   A.   I directly supervised five. I also supported

17   about 78 examiners worldwide.

18   Q.   What kind of work did you do as special agent

19   in charge of (Inaudible)?

20   A.   Forensic evidence in counter intelligence

21   minimum I also policies for procedures methods and also

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 1   (Inaudible)

 2        Q.   What do you mean by tool validation?

 3        A.   It's concerning digital (inaudible) tools.

 4   To make sure the forensic program actually did what it

 5   was supposed to do.  Not what it was supposed to.

 6   Validated the findings.

 7        Q.   Do you have any formal education?

 8        A.   Yes, sir, I do.

 9        Q.   From where?

10        A.   (Inaudible).

11        Q.   What was your major there?

12        A.   Sociology criminology.

13        Q.   Background CV.  (Inaudible) The CV?

14        A.   Simply just examination after digital media.

15        Q.   What is the digital media?

16             THE COURT:  Just a moment.

17             MR. HURLEY:  Accept special agent as expert

18   in computer forensics.

19             MR. MORROW:  (Inaudible)

20             THE COURT:  That's fine.

21   BY MR. MORROW:
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 1        Q.    Special Agent shaver, what is digital media?

 2        A.    Digital media is just that.  Electronics such

 3   as cell phone, a computer, a server, any cell phone

 4   (Inaudible).

 5        Q.    Did you receive any certifications?

 6        A.    Yes, sir.

 7        Q.    What are those?

 8        A.    First ones the (Inaudible).  Specialist

 9   training Georgia.  Certified criminal defense center

10   otherwise DC3 Maryland.  (Inaudible)

11        Q.    Have you published any articles related to

12   computer forensics?

13        A.    Yes, I have.

14        Q.    What is that?

15        A.    In 2009 I chapter concerning (Inaudible)

16        Q.    Have you attended any conferences?

17        A.    Yes, sir, I have.

18        Q.    What are those conferences?

19        A.    The annual Department of Defense Conference

20   and the Annual Software Conference.

21        Q.    Did you ever receive any awards as a result
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1 of your work?

2   A.   Yes, sir, I have. In 2009 (inaudible) award

3 contribute forensic evidence, from the International

4 Chief of Police.

5   Q.   What was that award for?

6   A.   Two. One was (inaudible) and criminal

7 investigations and tool to examine computers to

8 determine (inaudible)

9   Q.   What do you mean by virtual?

10   A.   Virtual machine in this case we would take a

11 forensic item and convert it into machine so your

12 computer would be considered the host and the first

13 machine would be the guest. The guest computer can be

14 any operating system, whether it be MAC or Windows.

15 The advantage of this is to see the computer as the

16 person.

17   Q.   (Inaudible) to see the computer desktop?

18   A.   Same desktops, wallpaper, same program. It

19 is their computer.

20   Q.   Thank you. What is a forensic image?

21   A.   The forensic image, technically computers are

1   organized spaced lowest level (inaudible) operating

2   system but I know being two test wheels. And that it

3   is either a 1 or a zero that is called a bit. So

4   forensic image is it's bit by forensic image.

5   (Inaudible) tool would be the first zero and next byte

6   with us write the one. Continue to do this until media

7   has been copied.

8   Q.   You said forensic item. What tool is --

9   A.   I used EnCase for this program.

10   Q.   After the EnCase, what happens?

11   A.   (Inaudible) hash value and you think hash

12   value digital fingerprint.

13   Q.   If two values match, what does that tell you?

14   A.   They are the exact same thing.

15   Q.   Verified hash values. What is the next step

16   or examining the computer?

17   A.   The next step would be to answer the

18   questions which is posed by (inaudible).

19   Q.   You mentioned EnCase. Can you describe what

20   EnCase is?

21   A.   EnCase is basically the standard used

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 1   throughout the market.  Used by both government and
 2   corporate entities.
 3        Q.    And who owns EnCase?
 4        A.    That's a company (inaudible) in California.
 5        Q.    (Inaudible) EnCase to examine or create
 6   images?
 7        A.    You are allowed to view files in native
 8   format without altering them.  Gives you the ability to
 9   (inaudible) spaces -- (inaudible).
10        Q.    Alright.  What is the allocated space?
11        A.    Allocate space is just that, files that are
12   allocated.  If you create a folder on allocated.  It's
13   there.  Unallocated are deleted files on a hard drive
14   never been used.
15        Q.    You said allocate has never been used.  Does
16   EnCase or tools like that, do they allow you to see
17   deleted files or files that may have existed and are
18   now gone?
19        A.    Yes, sir.
20        Q.    Explain that, please.
21        A.    Again, if you think of a computer like a
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1   library. You want to find a certain book. You go to

2   the catalog. It will tell you where in the library the

3   book is.

4   In a computer obviously Windows is

5   something (inaudible). If you would like to view a

6   file, the operating system will go down the master file

7   table, locate where on the hard drive the file is and

8   retrieve it for you.

9   So when you delete the file, all you

10 basically do is remove the entry from the master file

11 table or remove the card from the catalog. If you do

12 that, the book is still physically in the library but

13 you can't access it.

14   Q.   When you say the book is still in the

15 library, with the data still on the computer, are you

16 always able to recover the full file or partial file?

17   A.   Again, once the computer erases the file

18 space in the file is now free to be used for something

19 else. It's free to use. If the operating system needs

20 to write something, it could overwrite part or all of

21 the file.

1   Q.   What do you mean by overwrite?

2   A.   Use the space for another file. If you

3 download some movies, it needs to put them somewhere,

4 it may overwrite deleted files.

5   MR. MORROW: At this time the United States

6 offers Special Agent Shaver as expert in computer

7 forensics.

8   THE COURT: Alright.

9   EXAMINATION BY HURLEY

10 BY MR. HURLEY:

11   Q.   Good morning, Mr. Shaver.

12   A.   Good morning.

13   Q.   You talked about the process of taking a

14 forensic image. You would agree with me in an

15 investigation that you are doing the forensic

16 examination, you are going to document things?

17   A.   Yes, sir.

18   Q.   You're going to have guidance from another

19 investigator and they are going to tell you what to

20 look for?

21   A.   Yes, sir.

 1   Q.   If you find anything related to what you have

 2 been told to look for, you're going to document it.

 3   Nothing further.

 4   THE COURT: Redirect.

 5   MR. MORROW: No, Your Honor.

 6   THE COURT: Special Agent Shaver, you are

 7 temporarily excused. You cannot talk with anyone other

 8 than counsel while trial is still going on.

 9   Call your next witness.

10   MR. MORROW: Yes, Your Honor. United States

11 calls Mr. Mark Johnson. (Inaudible).

12 Whereupon,

13   MARK JOHNSON,

14 called as a witness, having been first duly sworn to

15 tell the truth, the whole truth, and nothing but the

16 truth, was examined and testified as follows:

17   EXAMINATION BY MR. MORROW

18 BY MR. MORROW:

19   Q.   You are Mark Johnson, Army Computer Forensic

20 Investigative Unit, Army Criminal (Inaudible)

21   A.   I am.

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 1        Q.    Mr. Johnson, what is your current position
 2   with CCIU?
 3        A.    Digital Media Examiner.
 4        Q.    And you work for CCIU or you work for the
 5   Digital Media Branch of CCIU?
 6              THE COURT:  I'm having trouble hearing you.
 7   Maybe speak a little slower.
 8              THE WITNESS:  Yes, ma'am.
 9   BY MR. MORROW:
10        Q.    Where do you work?
11        A.    I'm (inaudible)  Question again.
12        Q.    Do you work for CCIU?
13        A.    I work for a branch, subunit of CCIU.
14        Q.    How long have you been in Digital
15   (inaudible)?
16        A.    Approximately June 2006.
17        Q.    Are you a special agent?
18        A.    No, sir.
19        Q.    What is your position?
20        A.    I'm a contract employee assigned to
21   (inaudible).
```

1   Q.   When did you become a contract employee for

2 CCIU?

3   A.   In June 2006.

4   Q.   So were you hired specifically to work at

5 CCIU for your contract?

6   A.   Yes.

7   Q.   What does a digital forensic examiner do?

8   A.   We are responsible for examination of digital

9 or media tool (inaudible) anything related to

10 computers.

11   Q.   What do you mean by network device?

12   A.   (Inaudible) routers, switches, communication.

13   Q.   Do you hold a supervisory position at CCIU?

14   A.   I do.

15   Q.   What is that position?

16   A.   I (inaudible)

17   Q.   How many people do you supervise?

18   A.   I currently have two subordinates.

19   Q.   Do you hold any certifications in Digital

20 (inaudible)?

21   A.   Yes, sir.

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 1        Q.    What are those?

 2        A.    Certified through the (Inaudible) DC3.  I

 3   hold digital (Inaudible).  (Inaudible)

 4        Q.    Do you hold any other industry

 5   certifications?

 6        A.    I do.

 7        Q.    What certifications do you hold?

 8        A.    I am a certified information systems security

 9   professional also known as CCISP.

10        Q.    Can you explain what is CCISP?

11        A.    Industrial standard certification respect in

12   the industry covers lots of domains related to

13   (Inaudible).

14        Q.    When did you obtain that certification?

15              MR. HURLEY:  We'll stipulate to Mr. Johnson.

16              THE COURT:  Do you have initial foundation

17   questions?

18              MR. MORROW:  I'll quickly review, Your Honor.

19                 At this time we'll offer Mr. Johnson as

20   an expert in computer forensics.

21              MR. HURLEY:  No objection.
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 1              THE COURT:  So recognized.

 2   BY MR. MORROW:

 3        Q.    (Inaudible)

 4        A.    Mr. No special agent Frederick.

 5        Q.    (Inaudible)

 6        A.    (Inaudible)

 7        Q.    Prior to Special Agent Shaver, who is the

 8   special agent in charge of?

 9        A.    Special agent (Inaudible).

10        Q.    How long did you work with (inaudible)

11        A.    Since June of 2006.

12        Q.    Typically now and also in your work with

13   Special Agent Shaver, how do you receive (inaudible)

14        A.    Receive a forensic request in writing that

15   details what is supposed to be looking for, what

16   evidence we are to look at, the type of information we

17   are looking for, the legal basis and other related

18   information.

19        Q.    Is this request for examination, is a formal

20   document?

21        A.    Yes, sir.
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1   Q.   When you receive request for an examination,

2 how long does a examination typically take?

3   A.   Anywhere from a day or two, months or years.

4   Q.   You said years?

5   A.   Yes, sir.

6   Q.   Why the variance?

7   A.   We have wide swaths of what we are looking

8 for, the detail how much in-depth we need to get into.

9 Also sheer volume. We have exams that (inaudible).

10 Takes a lot of time. It's not like you see on TV.

11   Q.   What is your task?

12   A.   We generate a report.

13   Q.   Where is that report sent?

14   A.   It's reviewed by a number of people.

15   Q.   Is it a formal report, informal report?

16   A.   Either or.

17   Q.   Why either or?

18   A.   It depends on the scope of what was needed.

19 Sometimes if it's an examination, not likely to be any

20 further investigative, it may or -- however in this

21 situation (Inaudible).

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1        Q.    You said AI?

2        A.    That is a CCID format of investigative

3   report.  More of memo type arrangement.

4        Q.    In the report generating process does anyone

5   review your work for accuracy?

6        A.    Yes, sir.

7        Q.    How does that process work?

8        A.    We have a peer review process, other

9   examiners in the office review the report and the

10  foundation behind it, make sure we covered everything,

11  that the findings are accurate.

12       Q.    When you are assigned a piece of digital

13  media, do you work on that alone?

14       A.    Not always.

15       Q.    Can you explain that, please.

16       A.    In some cases the work involves all of us or

17  in the case it is a collaborative process, just like

18  your teams split case when it's gets complicated.

19       Q.    So if you are splitting up like the

20  (inaudible) digital media how does that work?

21       A.    Same piece of evidence.
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 1        Q.    You say collaborative.  Can you explain that,

 2   please.  How is the office set up?

 3        A.    We have relatively small offices.  This is

 4   callid the (inaudible) about the size of a closet.  We

 5   actually sit right next to each other.

 6              MR. MORROW:  Just one moment.

 7                   Mr. Johnson, in your involvement in this

 8   case did you examine any digital media associated with

 9   the investigation in this case?

10        A.    Yes, sir.

11        Q.    What did you observe?

12        A.    Forensic evidence from an external hard

13   drive.

14        Q.    What did you say?

15        A.    Forensic evidence from a MAC and Pro hard

16   drive, external hard drive.

17        Q.    What is that Pro-

18        A.    Apple product for laptop.

19        Q.    Let's start with the external.  What is an

20   external drive?

21        A.    External drive is external piece for storage
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 1   media, all shapes and sizes.  In this case it's a

 2   container that contained an internal hard drive

 3   connected to the computer with USB.

 4        Q.   Did you examine the actual external drive in

 5   this case?

 6        A.   (Inaudible) that was collected by the

 7   collecting agent.

 8        Q.   Is that the (Inaudible)?

 9        A.   Yes, sir.

10        Q.   To your knowledge where was this item

11   collected?

12        A.   PFC Manning's.

13        Q.   Who asked you to imagine an external hard

14   drive?

15        A.   I don't recall specifically who.  Ultimately

16   it came from the original case unit, Agent Graham.

17        Q.   Let's talk about your process of examining

18   the external hard drive.  What did you do first?

19        A.   We checked out the evidence from our evidence

20   lockup.  Brought it back to our examination station.

21   We copied it to our examination workstation.  Loaded it
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 1   into and EnCase and validated the image is hash.
 2        Q.   Why do you validate the image as hash?
 3        A.   Make sure the evidence file matches what is
 4   originally collected.  The EnCase will copy the hash
 5   during my examination, come up with a mathematical
 6   value and compare that with the value that's embedded
 7   in the file itself.  We also compare that with evidence
 8   collection documentation.
 9        Q.   Were there any verification issues with the
10   hash value for the external hard drive that you
11   examined?
12        A.   No, sir.
13        Q.   And during your examination of the external
14   hard drive did you find anything of interest in this
15   investigation?
16        A.   We did.  There were three pieces of
17   information that we found that might be related.
18        Q.   And what were those pieces of information?
19        A.   Text file.  We found a PowerPoint
20   presentation and video.
21        Q.   Was the text file located on the external
```

25

1 hard drive?

2   A.   It was stored in (Inaudible).

3   Q.   When you reviewed the information in EnCase,

4 were you able to determine when the file was created?

5   A.   Yes.

6   Q.   And how did you determine when the file was

7 created?

8   A.   The file system contains operation date

9 sometimes.

10   Q.   When is that (inaudible)?

11   A.   Data about data. In this case the

12 information about the file itself.

13   Q.   How does EnCase show you that data

14 essentially? Explain that, please.

15   A.   EnCase in this situation will show it to me

16 in a spreadsheet like format.

17   Q.   Do you recall when this text file was

18 created?

19   A.   To my recollection it was 29 November of

20 2000 -- (Inaudible).

21   Q.   When you found this text file, did you review

1   the contents of the text file?

2   A.   I did.

3   Q.   I'm retrieving what has been marked as

4   Prosecution Exhibit 24 for identification.

5   I'm handing the witness what has been

6   marked as Prosecution Exhibit 24 for identification.

7   Mr. Johnson, do you recognize this document?

8   A.   I do.

9   Q.   And what is it?

10   A.   This is the contents of a text file

11   (inaudible.)

12   Q.   Does this document accurately depict the text

13   file you found on the external hard disk drive?

14   A.   It does.

15   Q.   If you printed this text file as you found

16   it, is this how it would appear?

17   A.   Yes.

18   Q.   Where was this file found?

19   A.   In the allocated (inaudible)

20   Q.   Move to admit Exhibit 24 for identification

21   as evidence.

27

1   (Pause)

2   BY MR. MORROW:

3   Q.   Mr. Johnson, you say you also found a

4   PowerPoint?

5   A.   Yes.

6   Q.   Where was this PowerPoint?

7   A.   Allocated file system.

8   Q.   Do you recall the name of the file?

9   A.   Not specifically. I do know it was

10   (inaudible).

11   Q.   So it's like the free (inaudible)

12   Your Honor, I'm retrieving what would be

13   Prosecution Exhibit 25 for identification. I'm handing

14   the witness what would be Prosecution Exhibit 25 for

15   identification.

16   I'm handing the witness what would be

17   marked as 25 for identification. Retrieving

18   Prosecution Exhibit 24.

19   Mr. Johnson, do you recognize this

20   document?

21   A.   I do.

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 1        Q.    What is it?

 2        A.    It is the PowerPoint that's been opened.

 3        Q.    (Inaudible) Open Office Presentation?

 4        A.    Open Office is the version that would be

 5   PowerPoint clone.

 6        Q.    It is a representation referring to printed

 7   form?

 8        A.    Yes, sir.

 9        Q.    I'm retrieving what would be marked as

10   Prosecution Exhibit 25 for identification.

11               No further questions, Your Honor.

12               EXAMINATION BY MR. HURLEY

13   BY MR. HURLEY:

14        Q.    Good morning.

15        A.    Good morning.

16        Q.    In the investigative process, the process of

17   taking forensic images, and what you do with those,

18   fair to say, you take a forensic image and you perform

19   your investigation?

20        A.    Yes.

21        Q.    When you are doing your investigation, you
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 1   are going to have things that you are looking for?
 2        A.   Yes, sir.
 3        Q.   And when you're talking about a computer or a
 4   hard drive, there is a lot of different types of
 5   information that you can have on that particular media?
 6        A.   Yes, sir.
 7        Q.   Emails?
 8        A.   Yes.
 9        Q.   PowerPoint presentations?
10        A.   Yes.
11        Q.   Text files?
12        A.   Yes, sir.
13        Q.   All potentially valuable.  They belong to, in
14   all likelihood, the person who owns that particular
15   media?
16        A.   Yes, sir.
17        Q.   In this particular case you were looking at
18   all those, you looked at everything on this particular
19   hard drive?
20        A.   Yes, sir.
21        Q.   And by this hard drive, I'm talking about the
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 1   external hard drive?
 2        A.   Yes, sir.
 3        Q.   With respect to this case there were
 4   particular things you were looking for.  You were
 5   looking for anything that implicated WikiLeaks; is that
 6   correct?
 7        A.   That is correct.
 8        Q.   You found, as you talked about on direct, you
 9   found some contact information?
10        A.   Yes, sir.
11        Q.   You didn't find anything else on that hard
12   drive that implicated WikiLeaks?
13        A.   I don't recall, sir.
14        Q.   Would you have mentioned that in your report?
15        A.   Yes, sir.
16        Q.   You would have also been looking for anything
17   that would have expressed a hatred of America on that
18   hard drive?
19        A.   It would have been noted.
20        Q.   You would have looked at everything on the
21   hard drive?
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 1        A.    Yes.

 2        Q.    If you would have seen that, you certainly

 3   would have noted that?

 4        A.    Yes, sir.

 5        Q.    You didn't note that on your report?

 6        A.    No, sir.

 7        Q.    Because you didn't find it?

 8        A.    Right.

 9        Q.    You also would have noted, if you had found

10   anything that related to terrorism?

11        A.    Yes, sir.

12        Q.    If there was any sort of evidence that

13   suggested that my client was supporting terrorism, you

14   would have noted that?

15        A.    Yes, sir.

16        Q.    You didn't note anything?

17        A.    I did not discover anything, no, sir.

18        Q.    You also would have made note of anything

19   that would have shown a transfer of funds?

20        A.    If I had discovered anything, yes.

21        Q.    If you had found something that seemed like a
```

1 lot of money for a PFC to have, you would have noted

2 that?

3   A.   Yes.

4   Q.   You didn't note that in this case?

5   A.   That is correct.

6   Q.   And going back to -- actually, no further

7 questions, Your Honor.

8   THE COURT: Redirect?

9   MR. MORROW: No, Your Honor.

10   THE COURT: Mr. Johnson, you are temporarily

11 excused.

12   MR. MORROW: United States requests a

13 ten-minute recess.

14   THE COURT: Alright. Any objection.

15   MR. HURLEY: No objection, Your Honor.

16   (Brief Recess)

17   THE COURT: Please be seated. Ready to

18 proceed?

19   MR. FEIN: Toni Edwards. Stipulation with

20 respect to testimony of Special Agent Toni Edwards, 3

21 January 2013. Prosecution Exhibit 26. Hereby agreed

1 defense counsel, trial counsel that if Special Agent

2 Edwards were present to testify during the merits of

3 the court martial, he would testify substantially to

4 the following:

5   Since March of 2012, I have been

6 employed as special agent, Homeland Security

7 Investigations, Department of Homeland Investigation

8 Atlanta Field Office, empowered by law to investigate

9 requests for unlawful (inaudible) of goods and

10 technology to destinations outside the United States.

11   Prior to working for HSI from March 2008

12 to March 2012, I was employed as Special Agent with the

13 (inaudible) criminal investigation U.S.A. CI Computer

14 Crime Investigative Unit, CCIU, at Ft. Belvoir,

15 Virginia.

16   In this capacity I was responsible for

17 the investigation of violations pertaining to computer

18 intrusions and to other types of malicious computer

19 activity directed against the United States Army, 18

20 U.S.C 1030.

21   Situational awareness U.S.A. CIDC

1   Special Agent I was to investigate crimes, all

2   violations of the Uniform Code of Military Justice and

3   other comparable Federal and State Laws where there is

4   United States Army or Department of Defense interest.

5   I have participated and conducted

6   investigations of violations of United States Laws and

7   regulations pertaining to computer intrusions and

8   participated in the execution of search warrants and

9   individuals and companies.

10   Before working at U.S.A. CCIU from

11   November 2007 to November 2008, I was employed as

12   Special Agent with the Bureau of Industry and Security

13   Office of (inaudible) Enforcement. And from May 2003

14   to October 2006, I was a deputy prosecutor for Morgan

15   County, Indiana.

16   From August 2000 to August 2005, I

17   served in the (inaudible) county, Indiana deputy

18   sheriff's department as deputy sheriff where I received

19   training in evidence collection.

20   Further, I am a graduate of Federal Law

21   Enforcement Training Center, Criminal Investigator

1 Training Program where I also received training in

2 evidence collection.

3 In addition to being employed as Special

4 Agent, I currently serve inactive ready reserve as

5 Judge Advocate in the national District of Columbia.

6 In 2003 I received a juris doctorate from Indiana

7 University and was subsequently admitted to the Indiana

8 Bar.

9 Bachelors of arts in psychology from the

10 University of North Florida and Doctorate Juris

11 Prudence from Indiana University, School of law.

12 Currently licensed to practice law in Indiana.

13 My experience (inaudible) as a state law

14 enforcement officer, state prosecutor and Special Agent

15 has included investigation of cases involving violent

16 and non-violent crimes, as well as the use of

17 computers.

18 I have also received training and gained

19 experience in interviewing and interrogation techniques

20 (inaudible) crime scene examination evidence

21 collection, search warrant applications and execution

 1   of searches and seizures and other criminal laws and

 2   procedures.

 3   Further, I have completed the Department

 4   of Defense Cyber courses, introduction to computer

 5   hardware, computer incident response course and Windows

 6   forensic examination EnCase.

 7   Together this afforded me certification

 8   as Department of Defense Certified Digital Media

 9   Collector and (inaudible)

10   (Inaudible). I review the custody of

11   document and also ensure the description of evidence.

12   I check, for example, recorded serial numbers markings

13   for identification and check the description match the

14   associated evidence.

15   I ensure the proper information such as

16   date and time are properly and accurately recorded. I

17   maintain secure custody of the evidence prior to

18   transferring to another evidence.

19   In this particular investigation I

20   assisted with witness interviews and handling of

21   evidence. In so doing I worked with Special Agent

1 Charles Clapper and Gary Young.

2 On 12 June 2010, I received several

3 pieces of electronic evidence relating to this

4 investigation from the hand of Mr. Adrian Lamo and with

5 his consent. On 12 June 2010, Agent Adrian Lamo

6 (inaudible) also gave contained law enforcement

7 personnel on two separate CID forms (inaudible) To

8 serve electronic devices for all information in any

9 form pertaining to communications which may be in the

10 form of emails, instant message, chats, documents, data

11 computer code or log files, drawings, photographs or

12 any other data, encrypted plain text or any other

13 format relating to PFC Manning and/or the disclosure

14 classified information which is the property of United

15 States Government.

16 The first piece of evidence collected

17 and further handled was Lenovo laptop computer with

18 computer hard drive (inaudible) or DA Form 4137 marked

19 as document number DN76-10 and known as Lamo hard

20 drive. It was collected from Mr. Lamo in Sacramento,

21 California on 12-June 2010.

1   The second piece of evidence collected

2 and further handled was HP mini-brand computer. Serial

3 number CNU90513VK with a CD computer hard drive, hard

4 drive Serial Number (inaudible) recorded as Item 1 on

5 DA Form 3137 marked as document number DN77-10 and

6 known as Lamo HP hard drive. It was collected from

7 (inaudible) Sacramento, California, 12 June 2010.

8   Using the DA form I released these

9 pieces of evidence to Special Agent Clapper. On 14

10 June, I properly regained possession from Special Agent

11 Clapper before properly leaving them to the evidence

12 custodian Mr. Gary Young on 15 June 2010, which is

13 documented on a DA Form 4137.

14   While in possession of these items I

15 maintained control over them, stored them properly and

16 allowed no one else to access them and did not alter

17 the evidence in any way.

18   I have no reason to believe this

19 evidence was damaged or contaminated in any way. After

20 releasing the evidence to Gary Young (inaudible) my

21 knowledge Ii had no further action with the evidence.

```
 1                    Prosecution Exhibit 13 for

 2   identification is a Lamo Fujitsu hard drive, Item 1 of

 3   DN76-10 Prosecution Exhibit 14 for identification Lamo

 4   HP Fujitsu hard drive Item DN7710.

 5                    United States calls Agent Lamo.

 6   Whereupon,

 7                    ADRIAN LAMO,

 8   called as a witness, having been first duly sworn to

 9   tell the truth, the whole truth, and nothing but the

10   truth, was examined and testified as follows:

11                    EXAMINATION BY MR. FEIN

12   BY MR. FEIN:

13        Q.   You are Mr. Lamo previously from the

14   Sacramento area of California?

15        A.   Yes, I am.

16        Q.   Thank you, sir.  Mr. Lamo, how do you know

17   PFC Manning?

18        A.   From a series of conversations we had online

19   in 2010.

20        Q.   When did you first interact with PFC Manning?

21        A.   On or about May 20th of 2010.
```

1   Q.   And what was the form of that interaction?

2   A.   In a two-way encrypted email from PFC Bradley

3 Manning.

4   Q.   How did you know that email was from PFC

5 Bradley Manning?

6   A.   Based on retrieving return address common to

7 all email.

8   Q.   What do you mean by return address

9 information?

10   A.   Information indicating where it originated

11 from which allowed the recipient to reply.

12   Q.   Is that an email address?

13   A.   Yes.

14   Q.   What was the email address?

15   A.   Bradley.e.manning@gmail.com, military

16 network.

17   Q.   So you received multiple emails from PFC

18 Manning?

19   A.   Yes, I did.

20   Q.   So the first one he said

21 bradley.e.manning@gmail.com. Can you explain to the

1   Court what the second email you received, what the name

2   was on the email?

3   A.   I'm sorry. Which one are you referencing?

4   Q.   The second one. The one you just mentioned,

5   army email address?

6   A.   Yes. A string of letters numbers that

7   identified (Inaudible).

8   Q.   Did it have a name as beginning user name?

9   A.   Yes. His name was presented as user name.

10   Q.   What happened after you received the initial

11 email?

12   A.   After the initial one I disregarded the

13 email. After receiving several more I wrote back

14 suggesting that the user should perhaps contact me via

15 AOL messenger to have a Xchat.

16   Q.   Was this email encrypted or not?

17   A.   The one which I sent reply was not, to the

18 best of my recollection.

19   Q.   Was the email that was sent to you encrypted?

20   A.   Yes, it was.

21   Q.   Would you explain to the Court what that

1 means?

2   A.   Encryption encodes an email to a particular

3 user rather to a user site affiliate recipient is

4 supposed to be able to read it.

5   Q.   What is a cypher?

6   A.   In this case public key cypher.

7   Q.   What do you mean by public key?

8   A.   Series of codes which instruct the computer

9 how to encrypt the message in such a way that the

10 recipient will decrypt it.

11   Q.   Were you able to read the initial email from

12 PFC Manning?

13   A.   I was not.

14   Q.   Why not?

15   A.   He had specified an incorrect cipher, one

16 which I formerly used but had fallen out of use.

17   Q.   How does one find this cypher, this code?

18   A.   There are a couple of trailers called

19 (inaudible) servers which contain collections of keys

20 so users can find themselves more easily.

21   Q.   And when did you then realize when you

1   started chatting this was PFC Manning?

2   A.   There was a particular point in our

3   interactions where PFC Manning mentioned his name was

4   Brad and I replied, oh, I'm an idiot. You are that guy

5   from the emails.

6   Q.   And how did you chat with PFC Manning?

7   A.   By a service message -- it was online called

8   messenger and through a free third party program.

9   Q.   So what program did you use?

10   A.   P-I-D-G-I-N.

11   Q.   Could you explain briefly -- so the network

12 is being, you used message online instant messaging?

13   A.   Yes.

14   Q.   You did not online instant message

15 programming?

16   A.   No. There were numerous chat lines that

17 support the service but are not made (inaudible)

18   Q.   Were these chats encrypted?

19   A.   Yes, they were.

20   Q.   What does that mean?

21   A.   That to a third party intercepting them on

1   (inaudible) this would be unreadable, the intended

2   party wouldn't be able to receive them.

3   Q.   Mr. Lamo, (inaudible). What is your

4   experience with computers networks?

5   A.   I have extensive experience (inaudible)

6   testing that is security of computer networks

7   conducting review of related to security. And finding

8   ways to bypass and improve security.

9   Q.   And how many years of experience in this

10   field have you worked?

11   A.   15.

12   Q.   In those 15 years have you been arrested?

13   A.   Yes, I have.

14   Q.   Based on that have you been arrested based on

15   activities related to that field?

16   A.   Yes, I have.

17   Q.   And what for?

18   A.   For unlawful access to computer networks at

19   the New York Times Company, Microsoft and Lexis-Nexis.

20   Q.   When did this occur?

21   A.   The first conduct took place in 2002. The

1 arrest took place in 2003 and the conviction in 2004.

2   Q.   So you were convicted?

3   A.   Yes, I was. I pled guilty.

4   Q.   Did you confess to those crimes when you pled

5 guilty?

6   A.   Yes, I did.

7   Q.   Going back, Mr. Lamo, when did you first

8 start chatting with PFC Manning?

9   A.   On or about May 20th, 2010.

10   Q.   How did you know once the chat started that

11 it was, in fact, PFC Bradley Manning?

12   A.   During the course of the chats I stated to

13 the user, perhaps we could connect on Facebook. Once

14 we did connect on Facebook, a social networking site

15 with (inaudible) information, one another I ascertained

16 that the name of the user was the same name as the

17 sender of the emails which I previously received.

18   Q.   Is this something you do for most individuals

19 that you chat with?

20   A.   Yes. Facebook is a very popular social

21 network which many people connect.

1   Q.   And what were your conclusions based off of

2 your analysis of Facebook and comparing that to the

3 chats?

4   A.   Based on the user description of themselves,

5 both in the chats and on Facebook, as well as return

6 email address, I ascertained that I was talking to

7 somebody who (inaudible) Brad Manning, who was

8 associated with the military network (inaudible) same

9 user.

10   Q.   What was the moniker the user name used in

11 chat between you and PFC Manning?

12   A.   I'm sorry. Mine or his?

13   Q.   Both.

14   A.   Mine was (inaudible) on AOL, (inaudible).

15 The defendant's was bradass87.

16   Q.   Did you only use the Pidgin program to chat

17 for online?

18   A.   That is correct.

19   Q.   To chat using Pidgin (inaudible) the program?

20   A.   I used two different computers.

21   Q.   How many computers at the time did you have

1   access to?

2   A.   More than two, fewer than five.

3   Q.   Did you only use these two computers that you

4   are referencing to chat with PFC Manning?

5   A.   Yes.

6   Q.   What were those two computers?

7   A.   One was a Lenovo Think Pad. The other was an

8   HP mini-

9   Q.   Lenovo Think Pad, is that desktop, laptop?

10   A.   It is a laptop made by the successor IBM

11   (inaudible).

12   Q.   HP, describe that for the Court?

13   A.   It was the netbook, small, Low powered,

14   mostly used online activity.

15   Q.   Where did you conduct these chats?

16   A.   In the state of various -- at my residence,

17   at Starbucks and at a different Starbucks, Safeway

18   offering access. Internet cafe's and at home.

19   Q.   Did you record these chats?

20   A.   Yes, I did.

21   Q.   Was it your normal practice to record the

1 chats?

2   A.   At that time and possibly still by default

3 recorded all chats. So, yes.

4   Q.   So did you activate, I guess, Pidgin, did you

5 affirmatively tell Pidgin to record those chats?

6   A.   No. It's not evident to user that feature is

7 enabled. I would have to disable it.

8   Q.   You had not done that?

9   A.   I had not.

10   Q.   You recorded all chats with all people?

11   A.   Yes, I did.

12   Q.   Did anyone else have access to these

13 computers at the time you were chatting?

14   A.   No. Access is prevented by various

15 countermeasures.

16   Q.   What do you mean by that?

17   A.   Encryption, password and physical

18 inaccessibility.

19   Q.   Let's start with physical inaccessibility.

20 How were they not physically accessible to anyone else?

21   A.   In that they were generally on my person.

```
 1   When I went out, I went out usually with one I would

 2   talk with.

 3        Q.   When did the chats first start?

 4        A.   On or about May 20th of 2010.

 5        Q.   When did they end?

 6        A.   On or about May 26th of 2010.

 7        Q.   You kept them on your person between those

 8   days?

 9        A.   Computer geeks do not always leave the house

10   much.

11        Q.   Did you keep them on yourself?

12        A.   Yes, I did.

13        Q.   When you went to Starbucks, you had both

14   computers?

15        A.   No.  As I say, I travel with one to Starbucks

16   and (inaudible).

17        Q.   And then what prevented someone in your

18   quarters, or if you were at Starbucks, from accessing

19   the actual information on the computer?

20        A.   They would require a password in order to

21   access the computer.  Then a pass phrase as well in
```

1   order to decrypt the drive.

2   Q.   How many people know that password or pass

3   phrase?

4   A.   At the time only myself.

5   Q.   You didn't share that with anyone?

6   A.   No. I was the only authorized user and the

7   only one capable of accessing that computer.

8   Q.   (Inaudible)

9   A.   (inaudible) June 12 of 2010.

10   Q.   Who did you meet with?

11   A.   Special Agent Toni Edwards.

12   Q.   Did Special Agent Edwards collect any

13   evidence from you?

14   A.   Yes, he did.

15   Q.   What did he collect; what computer?

16   A.   He collected a hard drive from the Lenovo

17   Think Pad and the HP mini in its entirety.

18   Q.   At the time he collected those were both the

19   hard drives that you just spoke about both in working,

20   proper working condition at the time?

21   A.   Yes, they were.

1   Q.   Did you ever copy, make copies of those chat

2 logs between the time of the chats and giving those

3 computers and computer and hard drive to him?

4   A.   Yes, I did.

5   Q.   Did you ever manipulate, change, alter,

6 delete, edit the original logs that were on your

7 computers?

8   A.   The original logs as preserved by Pidgin were

9 no way edited or redacted.

10   Q.   You did alter other versions of the logs?

11   A.   Yes. Ones which I shared.

12   Q.   What do you mean by "shared"?

13   A.   With people in the investigation.

14   Q.   You shared these logs at some point?

15   A.   Yes.

16   Q.   What people did you share the logs with?

17   A.   Kevin Poulsen and Ellen Kakashima

18   Q.   Those (inaudible) copies of the originals or

19 alter copies?

20   A.   They were copied with retained redactions.

21   Q.   You did not alter the originals?

```
 1        A.    I did not.

 2        Q.    How do you know that you did not alter the

 3   originals?

 4        A.    At no time did I save them or even open them

 5   in any way capable of saving them.

 6        Q.    When you surrendered digital media to Special

 7   Agent Edwards, did you sign over that evidence on

 8   custody form?

 9        A.    Yes, I did.

10        Q.    Did you sign that form?

11        A.    Yes.

12        Q.    Did you give Special Agent Edwards any other

13   laptops or computer hard drives?

14        A.    I gave Special Agent Edwards only the hard

15   drive from the Lenovo and the HP Mini.

16        Q.    Now, Mr. Lamo, have you ever been diagnosed

17   with mental health conditions?

18        A.    Yes, I have.

19        Q.    And what are those?

20        A.    Asperger Syndrome, autism, major depression

21   and generalized anxiety.
```

1   Q.   Do those conditions generally affect your

2 memory?

3   A.   No, they do not. And they are not known to.

4   Q.   Do you take prescribed medications to assist

5 you with living with those conditions?

6   A.   Yes, I do.

7   Q.   Have those medications ever affected your

8 memory?

9   A.   They have, yes.

10   Q.   Have you ever used those medications in a

11 manner that could affect your memory?

12   A.   Yes.

13   Q.   And would your chatting with PFC Manning in

14 2010, were you using those medications in a way that

15 affected your memory?

16   A.   I was not.

17   Q.   Between the time of your chats in May 2010,

18 and turning over the hard drive and laptop to Special

19 Agent Edwards in 2010, were you using those medications

20 that in any way affected your memory?

21   A.   I was not.

1   Q.   And today, Mr. Lamo, in this court martial

2 and this testimony, are you suffering from any memory

3 loss either from your diagnosed medical condition or

4 medication use?

5   A.   No.

6   MR. FEIN: No further questions, Your Honor.

7   THE COURT: Defense.

8   EXAMINATION BY MR. COOMBS

9 BY MR. COOMBS:

10   Q.   Mr. Lamo, in early 2000, you committed a

11 string of attacks against several large companies,

12 correct?

13   A.   A string of offenses, yes.

14   Q.   In 2004, you pled guilty to computer fraud?

15   A.   Yes, I did.

16   Q.   You received a six month sentence, house

17 arrest, two years probation?

18   A.   That's correct.

19   Q.   You were 22 years old at the time that you

20 pled guilty?

21   A.   I was.

```
 1        Q.    Same age that PFC Manning was when he started
 2   the IM chat with you?
 3        A.    That is also correct.
 4        Q.    As you said, your IM chats began on or about
 5   the 20th of May 2010?
 6        A.    Yes.
 7        Q.    And you chatted until on or about the 26th of
 8   May 2010?
 9        A.    That is also correct.
10        Q.    Now the day after your initial chat with PFC
11   Manning you contacted law enforcement?
12        A.    That's correct.  Well, (inaudible).
13        Q.    Law enforcement?
14        A.    Yes.
15        Q.    And you contacted law enforcement because you
16   were concerned about the type of information that PFC
17   Manning had shared with you?
18        A.    Yes.
19        Q.    You were also concerned for PFC Manning's
20   life?
21        A.    Yes.
```

```
 1        Q.    And after contacting law enforcement you

 2   continued to chat with PFC Manning?

 3        A.    That is correct.

 4        Q.    And based on your conversations you

 5   determined that PFC Manning was young?

 6        A.    Yes.

 7        Q.    You believed he was ideologically motivated?

 8        A.    That was my speculation, yes.

 9        Q.    You also saw him as well intentioned?

10        A.    From his point of view, yes.

11        Q.    From your point of view you saw him as well

12   intentioned?

13        A.    Subjectively, yes.

14        Q.    You also saw him as idealistic?

15        A.    Yes, I did.

16        Q.    Now you testified on direct that PFC Manning

17   identified himself in the chat conversations.

18        A.    Correct.

19        Q.    And you testified on direct that he said

20   Bradley Manning?

21        A.    Yes.
```

1   Q.   Now he told you during your conversation that

2 he wanted to disclose this information for public good?

3   A.   That was an interpretation, yes.

4   Q.   Based on your conversation you saw something

5 very familiar about that?

6   A.   Yes.

7   Q.   You saw a young 22 year old with good

8 intentions, much like you were?

9   A.   That was correct.

10   Q.   You did not know PFC Manning, correct?

11   A.   Not personally, no.

12   Q.   The two of your never met in person?

13   A.   No.

14   Q.   PFC Manning told you?

15   MR. FEIN: Objection, hearsay.

16   MR. COOMBS: It's not offered for the truth.

17 To explain the conduct at this point. I can ask the

18 question. I'll caution the witness not to answer

19 before the objection and we'll see what my question is.

20   THE COURT: Can you (inaudible) to ask the

21 question (inaudible) research on you and the issue.

```
 1            MR. COOMBS:  I'm not offering it for the
 2   truth.  (inaudible) just to explain the nature of this
 3   individual's response.
 4            THE COURT:  The initial question wasn't that
 5   question.  You can ask that question.
 6            MR. COOMBS:  That was my question.  PFC
 7   Manning told you he had done some background
 8   information on you.  PFC Manning told you and then I
 9   got the objection.
10            THE COURT:  Is that the question you objected
11   to?
12            MR. FEIN:  Yes.  That PFC Bradley Manning
13   told --
14            THE COURT:  I'm concerned about getting the
15   hearsay.  (Inaudible)
16   BY MR. COOMBS:
17       Q.   In this instance were you made aware that PFC
18   Manning knew facts about you?
19       A.   Yes.
20       Q.   And, in fact, you were a supporter of LBGT,
21   correct?
```

1   A.   Yes.

2   Q.   LBGT is Lesbian, Gay, Transgender Community?

3   A.   Yes.

4   Q.   And in 1998, you were appointed to the LBGT

5   (inaudible) task force on the (inaudible)

6   A.   That is correct.

7   Q.   You also became a volunteer for gay and

8   (inaudible)

9   A.   Yes.

10   Q.   PFC Manning knew that you were a threat

11   analyst and Gray Hacker. Is that correct?

12   MR. FEIN: Objection. Speculation.

13   MR. COOMBS: (inaudible)

14   MR. FEIN: It's hearsay based on what PFC

15   Manning did or didn't tell him.

16   THE COURT: It is hearsay.

17   MR. COOMBS: (Inaudible) for the conversation

18   not for the truth of the matter. To explain why PFC

19   Manning reached out to him and the nature of that

20   conversation.

21   THE COURT: Alright. (Inaudible) The trial

 1 is before me. It's hearsay. I'll disregard it. Go

 2 ahead.

 3 BY MR. COOMBS:

 4   Q.   So you knew that he was aware that you were

 5 in Gray Hat Hacker, correct?

 6   A.   Yes.

 7   Q.   And what is a threat analyst?

 8   A.   Analyst who involves (inaudible) threats and

 9 international threats they are (inaudible) or more.

10   Q.   What is a Gray Hat Hacker?

11   A.   A hacker is colloquially someone who

12 performs, not always with permission, not for military

13 purposes.

14   Q.   You also were aware that PFC Manning knew

15 that you had donated to WikiLeaks?

16   A.   I recall that he referenced that he was aware

17 because I mentioned WikiLeaks in connection with that.

18 I don't know whether he knew I donated.

19   Q.   Essentially that was kind of why PFC Manning

20 was reaching out to you?

21   A.   That was one reason, yes.

```
 1        Q.    Now I want to ask you some specific questions

 2   about your conversation with PFC Manning, okay?

 3        A.    Yes.

 4        Q.    Your conversation began with PFC Manning, of

 5   course, reaching out to you to make contact; is that

 6   right?

 7        A.    Yes.

 8        Q.    And he told you he was an intelligence

 9   analyst?

10              THE COURT:  Again, what is the basis for

11   this?

12              MR. COOMBS:  In this instance probably for

13   remainder of my questions the response (Inaudible).

14              THE COURT:  That exception (inaudible)

15   proceed.

16              MR. COOMBS:  (Inaudible) the declarant in

17   this case, the individual to testify about declarant

18   statement then.

19              THE COURT:  Existing statement.

20              MR. COOMBS:  So that's what I'm going after.

21              THE COURT:  Government, what is your
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 1   position?
 2            MR. FEIN:  Can I have a moment, Your Honor.
 3   State of mind but (inaudible) answer was for the entire
 4   line of questioning.
 5   BY MR. COOMBS:
 6        Q.   He told you he was an intelligence analyst?
 7        A.   Yes.
 8        Q.   He said to you, he thought he would reach out
 9   to somebody like you who would possibly understand?
10        A.   Yes.
11        Q.   During this initial chat conversation he told
12   you about his life and his upbringing?
13        A.    In some amount of detail, yes.
14        Q.   He told you that he was being challenged due
15   to a gender identity issue?
16        A.   Yes.
17        Q.   He also told you that he had been questioning
18   his gender for years, but started to come to terms with
19   that with his gender during the deployment?
20        A.   Yes.
21        Q.   He told you he believed he had made a huge
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 1  mess?
 2       A.   Yes, he did.
 3       Q.   And he confessed that he was emotionally
 4  fractured?
 5       A.   Yes.
 6       Q.   He said he was talking to you as somebody
 7  that needed moral and emotional support?
 8       A.   Yes.
 9       Q.   At this point he said he was trying not to
10  end up killing himself?
11       A.   That is also correct.
12       Q.   He told you that he was feeling desperate and
13  isolated?
14       A.   Yes.
15       Q.   He described himself as a broken sole?
16       A.   Yes, he did.
17       Q.   He said his life was falling apart and he
18  didn't have anyone to talk to?
19       A.   Yes, he did.
20       Q.   And he said he was honestly scared?
21       A.   He also said that.
```

1   Q.   He told you that he had no one he could

2 trust?

3   A.   Correct.

4   Q.   And he told you he needed a lot of help?

5   A.   Yes, he did.

6   Q.   He ended up apologizing to you on several

7 occasions for pouring out his heart to you since you

8 were total strangers?

9   A.   Correct.

10   Q.   Now at one point he asked you if you had

11 access to classified networks and so on, incredible

12 things, awful things, things that belonged to the

13 public domain, not on some servers dark room in

14 Washington, D.C. What would you do? Do you recall him

15 asking you that question?

16   A.   Yes, I did.

17   Q.   He told you he thought that the information

18 that he had would have impact on entire world?

19   A.   That is also correct.

20   Q.   He said the information would disclose

21 casualty figures in Iraq?

```
 1        A.    Yes.

 2        Q.    He believed the State Department, First World

 3  Countries exploited the Third World Countries?

 4        A.    He made that representation, yes.

 5        Q.    And he told you that the cables detailed what

 6  was criminal political fact dealings?

 7        A.    Yes.

 8        Q.    He believed that everywhere there was a U.S.

 9  post there was a diplomatic scandal?

10        A.    That he did.

11        Q.    He told you that he believed it was important

12  that the information got out?

13        A.    Correct.

14        Q.    He thought that if the information got out,

15  it might actually change something?

16        A.    Yes.

17        Q.    He told you he did not believe in good guys

18  versus bad guys anymore?

19        A.    Yes.

20        Q.    He only believed in a plethora of states

21  acting in self-interest?
```

1   A.   Correct.

2   Q.   He told you he thought he was maybe too

3 idealistic?

4   A.   Correct.

5   Q.   He told you that he was always a type of

6 person that tried to investigate to find out the truth?

7   A.   Something I could appreciate, yes.

8   Q.   And based upon what he saw, he told you he

9 could not let information just stay inside?

10   A.   Yes.

11   Q.   He said he could not separate himself from

12 others?

13   A.   Correct.

14   Q.   He felt connected to everybody?

15   A.   Yes.

16   Q.   Even told you it felt like we were all

17 distant family?

18   A.   Engagement.

19   Q.   And he said he cared?

20   A.   Yes.

21   Q.   He told you that he thought he would keep

1   track -- keep track of people that his job impacted?

2   A.   Correct.

3   Q.   And he wanted to make sure that everybody was

4   okay?

5   A.   Yes.

6   Q.   He told you that the way he separated himself

7   from other analysts was, he cared about people?

8   A.   He said that, yes.

9   Q.   PFC Manning told you he followed humanist

10 values?

11   A.   Yes, he did.

12   Q.   He said he had dogs tags saying "humanist" on

13 it?

14   A.   Yes.

15   Q.   Do you know what it means to be a humanist?

16   A.   From my understanding the importance of human

17 life and human beings and has a structure of morality.

18   Q.   PFC Manning told you that at the time he was

19 feeling (inaudible) and no one seemed to see that or

20 care?

21   A.   Yes.

1   Q.   He told you that he was bothered that nobody

2   seemed to care?

3   A.   Yes, he did.

4   Q.   He said he thought apathy was far worse than

5   active participation?

6   A.   Yes.

7   Q.   He told you that he preferred the truth

8   (Inaudible)?

9   A.   Yes, he did.

10   Q.   He also told you that he was maybe too

11   traumatized to really care about the consequences to

12   him?

13   A.   Yes.

14   Q.   He told you that he wasn't brave. He was

15   weak?

16   A.   Yes.

17   Q.   He said he was not so much scared of getting

18   caught and facing consequences as he was of being

19   misunderstood?

20   A.   Yes.

21   Q.   At one point you asked him what his end game

1 was, correct?

2   A.   Yes, I did.

3   Q.   And he told you, hopefully worldwide

4 discussions, debates and reforms?

5   A.   Yes, he did.

6   Q.   He told you that the reaction to the

7 (Inaudible)?

8   A.   Yes.

9   Q.   And he said he wanted people to see the

10 truth?

11   A.   Correct.

12   Q.   He said without information you can't make

13 informed decision as a whole?

14   A.   Yes, he did.

15   Q.   And he told you to, he was hoping that people

16 would actually change if they saw the information?

17   A.   Correct.

18   Q.   He also told you that he recognized that he

19 may be just young, naive and stupid?

20   A.   Yes.

21   Q.   And at one point you asked him why he didn't

1   just sell the information to Russia or China?

2   A.   Correct.

3   Q.   And he told you that the information belonged

4   in the public domain?

5   A.   Yes, he did.

6   Q.   He believed that information was in the

7   public domain and should be for the public good?

8   A.   Yes.

9   Q.   You asked him how long he had been helping

10 out WikiLeaks at one point?

11   A.   Yes, I did.

12   Q.   He told you that he essentially had been --

13   THE COURT: Sustained. Hearsay.

14   MR. COOMBS: Very well, Your Honor.

15 BY MR. COOMBS:

16   Q.   At one point he told you that his belief or

17 his feelings were that he wanted to eventually go into

18 politics?

19   A.   Yes.

20   Q.   And at the time he was thinking that humanity

21 could accomplish a lot, if smart people with ideas

 1 cooperated with each other?

 2   A.   Correct.

 3   Q.   At anytime did he say he had no loyalty to

 4 America?

 5   A.   Not in those words, no.

 6   Q.   At anytime did he say the American flag

 7 didn't mean anything to him?

 8   A.   No.

 9   Q.   At anytime did he say he wanted to help the

10 enemy?

11   A.   Not in those words, no.

12   MR. FEIN: Thank you. Your Honor.

13   EXAMINATION BY MR. FEIN

14 BY MR. FEIN:

15   Q.   Did PFC Manning say he knew Julian Assange?

16   A.   Yes, he did.

17   Q.   Did PFC Manning disclose he had classified

18 information, downloaded thousands of documents?

19   A.   Yes, he did.

20   Q.   Also, Mr. Lamo, when did PFC Manning start

21 talking to you, what day was that?

1   A.   On or about May 20th of 2010.

2   Q.   That's the end of May 2010?

3   A.   Yes.

4   MR. FEIN: Thank you, Mr. Lamo. No further

5   questions, Your Honor. Can we have a brief recess to

6   confer?

7   THE COURT: We will not recess. Go ahead and

8   confer.

9   (Pause)

10   THE COURT: Lastly, you are permanently

11   excused. You are free to go or you can stay in the

12   courtroom.

13   THE WITNESS: Thank you.

14   MR. FEIN: United States has multiple

15   stipulations at this point.

16   MR. COOMBS: Your Honor, could we take a

17   brief ten-minute comfort break.

18   THE COURT: Alright. Court is in recess

19   until 11:15. Let me see you one moment, both sides, in

20   my chambers.

21   (Brief Recess)

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 1            THE COURT:  Again, the parties are present in
 2   the Court -- there is an additional party.
 3            MR. FEIN:  Captain Whyte is present.
 4            THE COURT:  Is the Government ready to
 5   proceed?
 6            MR. FEIN:  We have three stipulations of
 7   expected testimony.  Special agent Charles Clapper, 3
 8   June 2013 PE27.  Hereby agreed (inaudible) accused
 9   defense counsel, trial counsel if Special Agent Charles
10   Clapper with present to testify during the merits of
11   presentencing phases of this court martial, testify
12   substantially as follows:
13                I'm a special agent for the U.S. Army
14   Criminal Investigation Division, CCIU.  Specifically I
15   work for the CCIU Investigative Unit, CCIU, current job
16   title special agent in charge (inaudible) of Arizona
17   branch office located in (inaudible)
18                As the SAC I run a two-man office that
19   handles exclusively computer crimes.  My job also
20   entails serving as CCIU's liaison officer for
21   additionally liaison officer to the regional computer
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 1   emergency response team.  That's another network

 2   operation securities center (inaudible).

 3                   I have served Arizona Special Agent for

 4   five years and I have been the SAC for three of those

 5   five years.  1986 to 1999 I was enlisted military

 6   police officer, MP.  I served as investigation section

 7   of (inaudible) Washington from 1993 to 194.

 8                   After becoming Agent in (inaudible) 19

 9   from 1999 to 2002 I serves as computer crimes

10   coordinator for the 5th MP, (inaudible).  I was also

11   the evidence custodian for the (Inaudible) in 2001 to

12   2002.

13                   I served as (inaudible) sergeant in

14   (inaudible) from 2004 to 2006 CCIU or (inaudible),

15   Virginia.  In 2007 I was (inaudible) contractor

16   performing forensic (inaudible) army computer emergency

17   response team in (inaudible).

18                   Became (inaudible) Arizona in 2008 and

19   currently serve in this capacity.  I received bachelors

20   degree (inaudible) located in New York.  I have had

21   extensive (inaudible) evidence, handling this includes
```

 1   (inaudible) course also advanced (inaudible) in assault

 2   Special Agent course in Army (inaudible) Georgia.

 3   In terms of training I have taken

 4   numerous courses at the Defense (inaudible) Maryland.

 5   Took these courses between the year 2000 and 2008.

 6   They covered a full range of (inaudible) and digital

 7   media collection issues.

 8   Between 2003 and 2006 I attended two

 9   courses (inaudible) software Reston, Virginia. This

10   company (inaudible) EnCase. In 2012 I attended Federal

11   Law Enforcement Training Center, computer network

12   training program in, Georgia.

13   These courses all discussed the

14   collection, handling of digital evidence. I have the

15   Department of Cyber Certificate from the DoD which is

16   the highest certification that one can receive in the

17   field.

18   The certification must be renewed every

19   two years. I received my first certification in 2006.

20   (inaudible) Last October 2012. In addition to my

21   training and certification I worked for 100 cases

1 current duty position in 100 and to 200 cases in my

2 previous capacity.

3   I (inaudible) evidence. Review custody

4 also, then matches evidence attached. I check for

5 (Inaudible). I ensure the appropriate information such

6 as dates and time are properly recorded.

7   Maintain secure custody of evidence

8 prior to transferring it to another individual. In

9 this particular investigation I worked with Special

10 Agent Toni Edwards, assisted with witness interviews

11 and handling evidence.

12   12 June 2010 I received evidence

13 relating to this investigation from Special Agent

14 Edwards. I also received to consent Form 87-signed by

15 Mr. Lamo on 12 June, 2010, which signing consent to law

16 enforcement personnel to search electronic devices for

17 all information in any form pertaining to

18 communications which made in the form emails, digital

19 messages, documents, data communications made, computer

20 log files (inaudible) any other data, encrypted plain

21 text, any other format relating to Bradley E. Manning

 1   on the disclosure of classified information or

 2   information which property of the United States

 3   Government.

 4   The first piece of evidence collected

 5   was a Lenovo laptop computer, Fujitsu hard drive,

 6   Serial Number K40T812 (inaudible) Item 1, DA Form

 7   marked as document number DN 7610 known as (inaudible)

 8   hard drive. It was collected from (inaudible) to

 9   California, 12 June.

10   The second piece of evidence was HP mini

11   (inaudible) computer CN90513VT with computer, hard

12   drive 51E2K recorded 4137 marked as document DN7710 and

13   known as Lamo HP Fujitsu hard drive. It was collected

14   (inaudible) Mr. Lamo 12 June 2010.

15   As I mentioned, both standard forensic

16   (inaudible) software which is original (inaudible)

17   Original information on hard driver. Using the DA Form

18   4137 I properly released the original evidence back to

19   Special Agent Edwards on 14 June 2010.

20   While in possession of these items I

21   maintained control. I returned the item in the same

1 condition that I received them. I have no reason to

2 believe that the evidence was damaged or contaminated

3 in any way.

4   After releasing the evidence to Special

5 Agent Adrian Edwards, I had no further interaction with

6 this evidence.

7   Stipulation expected Gary Young, dated

8 the 3, June 2013 PE28. Hereby (inaudible) agreed trial

9 counsel were present to testify presentencing phases of

10 this court martial he would as follows:

11   I am currently criminal intelligence

12 Program Manager CCIU. Of the CID. I have been with

13 CCIU for 10 years.

14   This position primarily entails

15 reviewing cases for entering them into database.

16 Reports (inaudible) alternative evidence custodian.

17 Alternate evidence custodian. I held this position for

18 10 years.

19   Associates degree, Central Texas

20 College. Military 1980. '87 I became military police

21 investigator. From 1989 to 1992 (inaudible) of

 1   investigation in Germany. During this time 1989 to

 2   1991 I was also the evidence custodian.

 3   I joined CID in (inaudible) from 1994 to

 4   1995 I was the alternate evidence custodian while

 5   (inaudible) in career. From 1995 to 1998 (inaudible)

 6   senior enlisted advisor primary evidence custodian.

 7   From 1998 until I retired in 2000, I

 8   worked CID headquarters on (inaudible). After three

 9   years working for 2003, I returned to the criminal

10   investigation by joining (inaudible). I have worked in

11   my current since then serving from 2003 to 2006

12   situational awareness alternate occasionally primary

13   items custodian at various times.

14   Throughout my years in law enforcement I

15   have worked more than 800 cases. In 1996 I took the

16   medical (inaudible) investigation training by the Armed

17   Forces Institute pathology held at Fort Lewis.

18   In 2005 I attended evidence management

19   course the United States Army Crime Lab in Georgia. In

20   2007 I returned to (inaudible) lab Special Agent

21   laboratory training.

1   These courses do cover physical and

2   digital (inaudible). I followed several handling

3   evidence as evidence custodian. First time I receive a

4   piece of evidence, I checked (inaudible) evidence

5   custody document to make sure the evidence matches the

6   description and that the marked for identification

7   number on the evidence matches what is recorded on the

8   form.

9   I also check to make sure the form has

10 been appropriately filled out and I sign the evidence

11 into the evidence room. I sign in the receipt column.

12 I then walk it into the evidence bought database before

13 placing it in the evidence room.

14   When someone asks to receive a stored

15 piece of evidence, I pull voucher number and locate the

16 evidence in its appropriate location. I check to make

17 sure the evidence I am handling matches the description

18 on the form and release it to the special agent for

19 (inaudible) that is requested it.

20   I sign that I have released it and the

21 individual receiving it signs that he, that she has

1   received it. Each time I relinquish or assume custody

2   of evidence, I check the description, make sure the

3   evidence being transferred matches the forms used to

4   transfer. It in my capacity as evidence custodian, I

5   worked with Special Agent (inaudible) and (inaudible)

6   (inaudible). It's normal for her to

7   sign evidence room for me to sign it back in.

8   I am involved in the present case

9   because my role in assisting the investigation team

10 with the secure storage evidence they collected I have

11 received evidence from Special Agent Edwards and

12 (inaudible).

13   15 June 2010 I received evidence related

14 to this investigation from Special Agent Edwards. I

15 took custody of Lenovo laptop computer, Fujitsu hard

16 drive, Serial Number (inaudible). Collected from Mr.

17 Lamo while Sacramento, California, 1 June 2010.

18 Recorded time D4137 marked as document 76-10 and known

19 as Lamo hard drive.

20   I also took HP mini computer, number

21 (inaudible) CN90513VT with HP computer hard drive,

```
 1   Serial Number (inaudible) collected from Mr. Lamo in

 2   Sacramento, California 12 June, 2010.  (inaudible)

 3                  Upon taking possession I logged it into

 4   the evidence using proper procedures.  I never logged

 5   it back out.  15 June 2010 (inaudible) evidence related

 6   to this investigation (inaudible) I took custody of

 7   (inaudible) VD marked (inaudible)

 8   0028-102CID221-10117DEPT of state server log,

 9   199.56.188.73.  Seized on 15 June 2010.  Recorded time

10   DA form marked as DN78-10 known as DOS serve logs.

11                  Taking possession I walked into the

12   evidence room, using proper procedures I described

13   earlier.  I never logged it back out.

14                  Your Honor, stipulation of expected

15   testimony from (inaudible) Marina, 3 June, 2013,

16   Prosecution Exhibit 29.  It is hereby agreed by the

17   (inaudible) were present to testify during merits

18   phases court martial, would testify essentially as

19   follows:

20                  I am the primary evidence custodian of

21   the (inaudible)  Investigation CID Quantico, Virginia.
```

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 1   I have held this position since 2006.  In this position
 2   I track and catalog evidence maintained by CCIU office.
 3               I have been certified evidence custodian
 4   since January of 2006.  I received this certification
 5   from U.S. Army Criminal Investigation Laboratory since
 6   January 2010.  I have also (inaudible) defense
 7   investigation training academy certified digital media
 8   collector.
 9               I follow general procedures.  The first
10   evidence I check the accompanying (inaudible) 47
11   custody document to make sure it matches the
12   description and the marked for identification over
13   evidence matches what is recorded on the form.
14               I also check to make sure the form has
15   been properly filled out.  I sign the evidence to the
16   evidence room.  I sign in the receipt column item log
17   it into evidence book and database before preserving it
18   into the evidence room.
19               After receiving stored piece I pull
20   voucher number, locate the evidence in the appropriate
21   location.  I check to make sure the evidence I'm
```

1 handing over matches the description on the form,

2 release it to the special agent, referring to the

3 examiner who has requested it.

4   I sign that I have released it and the

5 individual receiving it signs that he or she has

6 received it. Each time relinquish or assume custody of

7 evidence I check the description to make sure the

8 evidence being transferred matches the form used to

9 transfer it.

10   I first became involved in the present

11 case because of my role in assisting the investigation

12 team. I signed several piece evidence from the

13 investigation agent and further (inaudible) into the

14 evidence room and release back to them when they needed

15 it for their investigation or examination.

16   In my role as evidence custodian I

17 worked with and receive evidence from Special Agent

18 Kirk Ellis, Special Agent Edwards, Davis Shaver,

19 Special Agent (inaudible), Special Agent John

20 (inaudible). I also know Gary Young. He used to be

21 the primary evidence custodian when I began working for

```
 1   Army CCIU.  Mr. Young currently serves as (inaudible).

 2                   In June 2010, one Lenovo laptop computer

 3   with (inaudible) hard drive, Serial Number (inaudible)

 4   K4014 (Inaudible) collected from (inaudible) on 12

 5   June, 2010, recorded as time one DA form 4137 marked as

 6   Document Number DN76-10 and known as (inaudible) hard

 7   drive.

 8                   Referring to (inaudible) for

 9   examination.  I also sign out HP mini (inaudible) CID

10   hard drive, Serial Number 5 (inaudible) collected from

11   (inaudible on 12 June (inaudible) DA form 4137 marked

12   as DN77-10 known as (inaudible) HP hard drive to

13   Special Agent Shaver for the same reason.

14                   Returned these items that same day.  I

15   received release evidence according to the proper

16   procedures I just described.  I did not alter this

17   evidence in any way.

18                   On (inaudible) 10 related to

19   investigation from Special Agent Wilbur recorded in

20   Item 1 DA (inaudible) 4137 marked DN15.  CD marked

21   WikiLeaks (inaudible), 13 October 10 (inaudible) from
```

1   Upon receiving this evidence I properly

2 logged it into the evidence room using the same

3 procedures described earlier. November 2010

4 temporarily released it to Shaver for examination. He

5 returned it later that same day. I (inaudible)

6 released evidence (inaudible) described earlier. I did

7 not alter this evidence in any way.

8   On 3 November 2010, I received 19 pieces

9 of evidence from (inaudible), 2 November, 2010 recorded

10 Items 1 through 19 on DA Form, Form 4137 marked as

11 DN162-10.

12   Item 2 on this DA form, Form 4137 was SD

13 memory card Serial Number (inaudible) SD card.

14   On 10 December 2010, I released SD card

15 to Special Agent Shaver for examination. He returned

16 it later that same day. I appropriately received the

17 evidence back into the evidence room according to the

18 proper procedures I described earlier. I did not alter

19 this evidence in any way.

20   That's the end of the three stipulations

21 of testimony. And United States will move to admit

1 what has been marked as Prosecution Exhibits 13 and 14

2 for identification as Prosecution Exhibit 13 and 14

3 respectively.

4   (Pause)

5   MR. FEIN: United States requests a lunch

6 recess a little earlier, requesting two-hour lunch

7 recess in order for the parties to work on

8 administrative issue.

9   MR. COOMBS: No objection, Your Honor.

10   THE COURT: Alright. We'll come back at

11 1345. That will be 1:35 in civilian parlance.

12   THE COURT: 45. I'm sorry. 1345 or 1:45 in

13 civilian parlance. Court is recessed until 1:45.

14   (The trial recessed at 11:40 a.m.)

15

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21

United States vs.
PFC Bradley E. Manning

UNOFFICIAL DRAFT
6/4/13 Morning Session

- Vol. 2
June 4, 2013

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