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# United States Senate

WASHINGTON, DC 20510-1401

March 25, 2011

Ms. Elizabeth King  
Asst. Secretary of Defense  
for Legislative Affairs  
U.S. Department of Defense  
1300 Defense Pentagon  
Washington, D.C. 20301

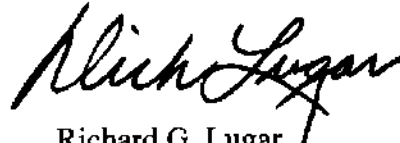
Dear Ms. King:

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested.

Your findings and views, in duplicate form, along with the return of the enclosure, will be greatly appreciated. Please direct your reply to the attention of Darlee McCollum of my Washington office.

Thank you for your thoughtful attention.

Sincerely,



Richard G. Lugar  
United States Senator

RGL/cgd  
Enclosure

OSD 04775-11



28	(b)(6)	(b)(6)	3/7/2011	 Fair Play for Bradley Manning
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From: (b)(6)  
Date: 3/7/2011 5:11:41 PM  
To: "webmail@lugar-iq.senate.gov" <webmail@lugar-iq.senate.gov>  
Cc:  
Subject: Fair Play for Bradley Manning

<IP>67.173.31.105</IP>  
<APP>SCCMail  
<PREFIX>Mr </PREFIX>  
<FIRST>(b)(6) </FIRST>  
<LAST>(b)(6) </LAST>  
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<ZIP>(b)(6) </ZIP>  
<PHONE>(b)(6) </PHONE>  
<EMAIL>(b)(6) </EMAIL>  
<ISSUE>Judiciary</ISSUE>

<MSG>I continue to read with absolute disbelief the horrible conditions under which Private Bradley Manning is being held at Quantico. Especially compared with the lack of confinement and punishment of the helicopter forces who so callously and maliciously killed dozens of innocent civilians and Reuters reporters in Iraq.

Is there no shame among the judiciary--the military? Well, I have lived in this country and this state for more than 70 years. I have a history to draw on and I tell you that I am ashamed, terribly ashamed, of what passes for justice in this country today and so should you.

With warm regards,

(b)(6) </MSG>

</APP>



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
1600 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1600

MAY 23 2011

GENERAL COUNSEL

The Honorable Richard G. Lugar  
Attn: Ms. Darlee McCollum  
United States Senate  
Washington, DC 20510

Dear Senator Lugar:

I am pleased to respond to your letter to the Assistant Secretary of Defense for Legislative Affairs, dated March 25, 2011, in which you forward the concerns of your constituent (b)(6) about the pre-trial confinement of Private Bradley Manning at Quantico, Virginia.

Private Manning is charged with very serious offenses involving classified information and U.S. national security, but in our system of military justice, as in our system of civilian justice in this country, he is presumed innocent until proven guilty. Likewise, pre-trial confinement is common in both the military and civilian criminal justice systems, and has been determined to be appropriate in Private Manning's case.

Following his arrest in May 2010, Private Manning was originally in pre-trial confinement at Camp Arifjan, Iraq. In July 2010, Private Manning was transferred to pre-trial confinement at the Marine Corps Base Quantico Pre-trial Confinement Facility. The reason for this transfer was that Private Manning's court martial is based in the Washington, DC-area, and Department of Defense regulations generally require pre-trial confinement at a facility nearest the court-martial proceedings.

(b)(6) expressed concern to you about the conditions of Private Manning's confinement at Quantico. Unfortunately, there was considerable misinformation in the public dialogue about Private Manning's confinement there. We are satisfied that Private Manning's pre-trial confinement at Quantico was in compliance with legal and regulatory standards in all respects. While there, Private Manning was classified as a maximum security detainee based on a variety of factors in regulations promulgated by the Department of the Navy. Though Private Manning was classified a maximum security detainee at Quantico, he occupied the very same type of single-occupancy cell that all other pretrial detainees occupied, regardless of their security classification. Further, Private Manning was permitted one hour of recreation time a day; access to a gym and basketball court, meals, medical care, mental health counseling, television, outside visitors, phone calls, mail, and routine visits from his lawyer.



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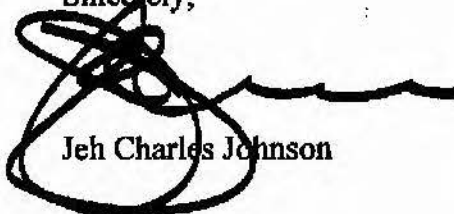
Meanwhile, at the request of Private Manning's defense counsel, an assessment was undertaken to determine whether Private Manning is mentally competent in the event his court-martial goes to trial. On April 9, the inquiry phase of that process -- known in military justice terms as a "706 Board" -- was completed and Private Manning's presence in the Washington, DC area was no longer necessary for that purpose.

Given the completion of the inquiry phase of the 706 Board, the length of time Private Manning had been in pre-trial confinement up until that point, and the likely period of time Private Manning is projected to remain in pre-trial confinement in the future, the Department of Defense determined that the new Joint Regional Correctional Facility at Fort Leavenworth was the most appropriate facility for Private Manning for continued pre-trial detention, though, as stated before, our regulations generally establish a preference for pre-trial confinement at a location nearest the court-martial proceedings.

Private Manning was transferred to the Fort Leavenworth facility on April 20. This facility, which opened in October (and which opened a pre-trial confinement capability on January 1) is a state-of-the-art, medium security complex with the best and widest range of support services available to pre-trial prisoners within the Department of Defense corrections system, to include resident medical and mental health care staff. After careful review, Army Corrections Command determined that this facility is appropriate to meet Private Manning's health and welfare needs in the future, given the likelihood that the pre-trial phase of the case will continue for a period of months. On April 28, the Army also reported publicly that the 706 Board had completed its work, and determined that Private Manning was competent to stand trial.

Thank you for bringing (b)(6) concerns to our attention. I trust this letter explains Private Manning's conditions of pre-trial confinement and dispels the misconceptions that he has been treated inappropriately.

Sincerely,



Jeh Charles Johnson

OSD-04775-11