

By Congressman Dennis Kucinich

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Since my initial request to visit Private First Class (Pfc.) Bradley Manning on February 4, 2011, the Department of Defense (DoD) has consistently sought to frustrate any attempts to communicate with Pfc. Manning regarding his well-being.

I or my staff have been shuffled between the Secretary of the Army, the Secretary of the Navy, and the Office of Secretary Gates. I was initially told that I would need Pfc. Manning's approval in order to meet with him. When Pfc. Manning indicated his desire to meet with me, I was belatedly informed that the meeting could only take place if it was recorded because of a Monitoring Order imposed by the military's Special Courts-Martial Convening Authority on September 16, 2010, which was convened for the case. Confidentiality is required, however, to achieve the candor that is necessary to perform the oversight functions with which I am tasked as a Member of the Committee on Oversight and Government Reform. I was also told that I could be subpoenaed to testify about the contents of my conversation with Pfc. Manning.

This is a clear subversion of the constitutionally protected oversight process and it severely undermines the rights of any Member of Congress seeking to gather information on the conditions of a detainee in U.S. custody.

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Though he has been held in custody since July 29, 2010, Pfc. Manning has not been convicted of any crime. His lawyer reports that he continues to be held in isolation 23 hours a day. He was also forced to [strip naked](#) at night and to stand at attention during roll call in front of other prisoners. The conditions of his treatment may violate his right to be protected from 'cruel and unusual punishment,' and punishment without trial as enshrined in the 8th and 5th Amendments of the Constitution.

We now hear that the UN Special Rapporteur on Torture, Juan E. Mendez, was denied a private meeting with Pfc. Manning in order to determine whether the conditions of Manning's confinement amount to torture. The very existence of a U.N. Special Rapporteur on torture investigation speaks volumes about the conditions of his treatment.

The continued delays I have experienced amount to a subversion of Pfc. Manning's legal rights as well as my own rights and obligations as a Member of Congress to conduct oversight. The whole world is now watching.

What is going on with Secretary Gates and the Department of Defense with respect to Pfc. Manning's treatment is more consistent with Kafka than the U.S. Constitution. I will not cease in my efforts to determine whether or not the conditions under which he has been held constitute torture.

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