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Washington Post, July 25, 2013

In Bradley Manning case, Judge Lind prefers to keep low profile but ruling may have big impact

By Billy Kenber, Published: July 24

From her position on the bench, Judge Denise Lind, an Army colonel, is just feet away from the slight, bespectacled private whose fate has been placed in her hands.

For more than seven weeks, Lind has presided over the biggest trial of her career, the court martial of Bradley Manning. And the imminent verdict — Lind's alone to decide — could have far-reaching implications for the future leaking and publication of classified defense information, according to press freedom and civil liberties groups.

Closing arguments in the trial of Manning, a former intelligence analyst in Iraq, begin Thursday. If he is convicted on all charges, the 25-year-old faces life in prison for passing 700,000 classified military and diplomatic documents to the anti-secrecy group WikiLeaks.

Lind's handling of the trial has already drawn the ire of Manning's supporters who accuse the judge, a 53-year-old career officer, of favoring the government. They have cited her recent decision to let stand the most serious charge, aiding the

enemy. Lind accepted the prosecution's argument that Manning should have known that al-Qaeda could access the material once WikiLeaks posted it. "I think it's just outrageous for her to support the notion that essentially any leak to the Internet of classified information is aiding the enemy," said Daniel Ellsberg, who in 1971 leaked the Pentagon Papers, a classified official history of U.S. involvement in Vietnam.

But Lisa Schenck, associate dean for academic affairs at the George Washington University Law School, where Lind teaches, said the judge is a model of fairness. "She'll go through every bit of evidence and every element of proof, and she will be 100 percent sure that the government meets its burden," Schenck said. "She is the most thorough person that you could put on that trial."

Born Denise Rose Fitzgerald on Dec. 18, 1959, Lind grew up in Upstate New York, close to the U.S.-Canada border. She was an only child in a family with no history in the military, friends said. She surprised her parents by signing up for the ROTC while studying political science at Siena College, a small, Franciscan liberal arts college in New York state.

John Christian, a classmate at Siena, said that at the time there were few women in the ROTC, which trains commissioned officers and requires a "tough physicality."

"It was swimming upstream, moving against the norm, so you really had to have more backbone and idea of where you wanted to go," said Christian, who recalled Lind as a hardworking and serious student who was "clearly towards the higher end academically." After graduating in 1982, Lind went to Albany Law School, where she met her future husband, Scott. The pair enlisted in the Army's legal division, the Judge Advocate General's (JAG) Corps.

Fourteen years ago, while studying for a master's degree in law, Lind wrote her thesis on what was to prove a remarkably prescient topic: the media's right of access to military cases.

In a published version, she indicated that she supported opening up military justice to scrutiny, arguing that existing restrictions on access to proceedings "violate the media First Amendment right of access."

But some of the Manning case has been heard behind closed doors, and Lind rejected requests for official transcripts to be provided, forcing supporters to crowd-source funding for their own stenographers.

"If you read her article, she gives the appearance of someone who would be eager to see greater transparency in military courts," said Shane Kadidal, a lawyer with the Center for Constitutional Rights. However, when the center made an application seeking the release of transcripts, filings and court orders, Lind rejected the requests, which Kadidal described as "a slap-dash treatment of what we thought was a pretty serious issue."

Lind, a registered Democrat, according to voting records, has been a military judge since 2004. Her only previous brush with public attention came in 2010, when she presided over the case of Col. Terrence Lakin.

Lakin, an Army flight surgeon who refused to deploy to Afghanistan because he believed "birther" conspiracy theories that President Obama was not born in the United States, was sentenced to six months in military prison.

According to friends, Lind prefers to keep a low profile and doesn't read newspaper or online reports about herself.

Schenck, who met Lind in 1999 when they shared an office in the criminal law division at JAG's Rosslyn headquarters, described her as someone who "reads criminal law for fun." Lind has continued to teach a summer course at George Washington University during the Manning trial.

"There's no down time with Denise Lind. She's intense; she's really intense," said Schenck, describing her friend as a keen skier and someone who runs five miles every day.

"If she doesn't run, she's, like, totally wired," she added.

Under the military justice system, Manning could have elected to be tried by a panel of officers and enlisted personnel. Instead, he decided to be tried by a single judge.

Lind cannot have failed to notice some of the intense scrutiny she is under and the political attention the case has attracted. She reacted angrily when a covert recording of Manning's testimony was posted on the Internet, and activists wearing black T-shirts with the slogan "Truth" have been in a Fort Meade, Md., courtroom every day.

Trevor Timm, executive director of the Freedom of the Press Foundation, said it has been "disappointing to see that almost every ruling, whether they're major or minor, seems to go against the defense." Other activists highlighted Lind's rulings on Manning's right to a speedy trial — the defendant spent three years in pretrial confinement, but the judge found the delays had been "reasonable."

Schenck said Lind has already been informed that she will take up a new position, as a judge on the U.S. Army Court of Criminal Appeals, when the Manning trial ends. And she said Lind will not be swayed by the politics of the case.

"She's oblivious to the media," Schenck said. "She's not afraid to do the right thing. If the guy was not guilty, she would acquit him."



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Education

B.A., Siena College; J.D., Albany Law School; M.S., Industrial College of the Armed Forces; LL.M., The Army Judge Advocate's General School; LL.M., The George Washington University Law School

Biographical Sketch

Denise Lind currently serves as chief judge, 1st Judicial Circuit, U.S. Army Trial Juciciary. She has served in the Army Judge Advocate General's Corps for 25 years, including 4 years as a military judge in Europe, Iraq, Kuwait, Afghanistan, and Washington, DC. Col. Lind has also served as an assistant professor of national security studies at the Industrial College of the Armed Forces, National Defense University, as chief counsel, U.S. Army Government Appellate Division, general counsel, Fort Belvoir, VA, Army working group member of the Joint Service Committee on Military Justice, and assignments as a supervisory defense counsel, senior prosecutor, and special assistant U.S. attorney. She is a member of the New York Bar.



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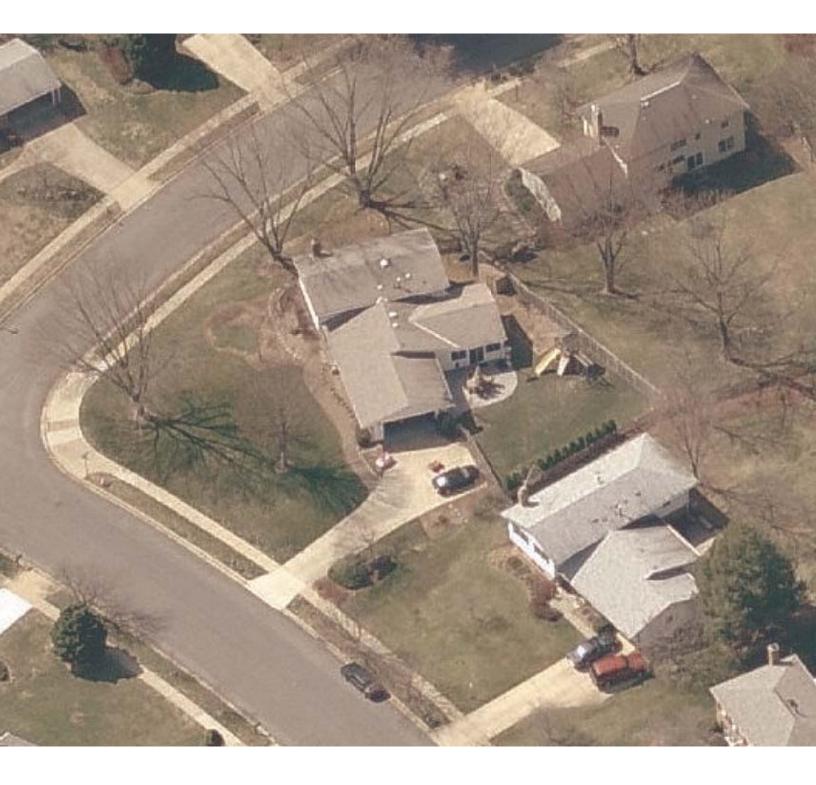
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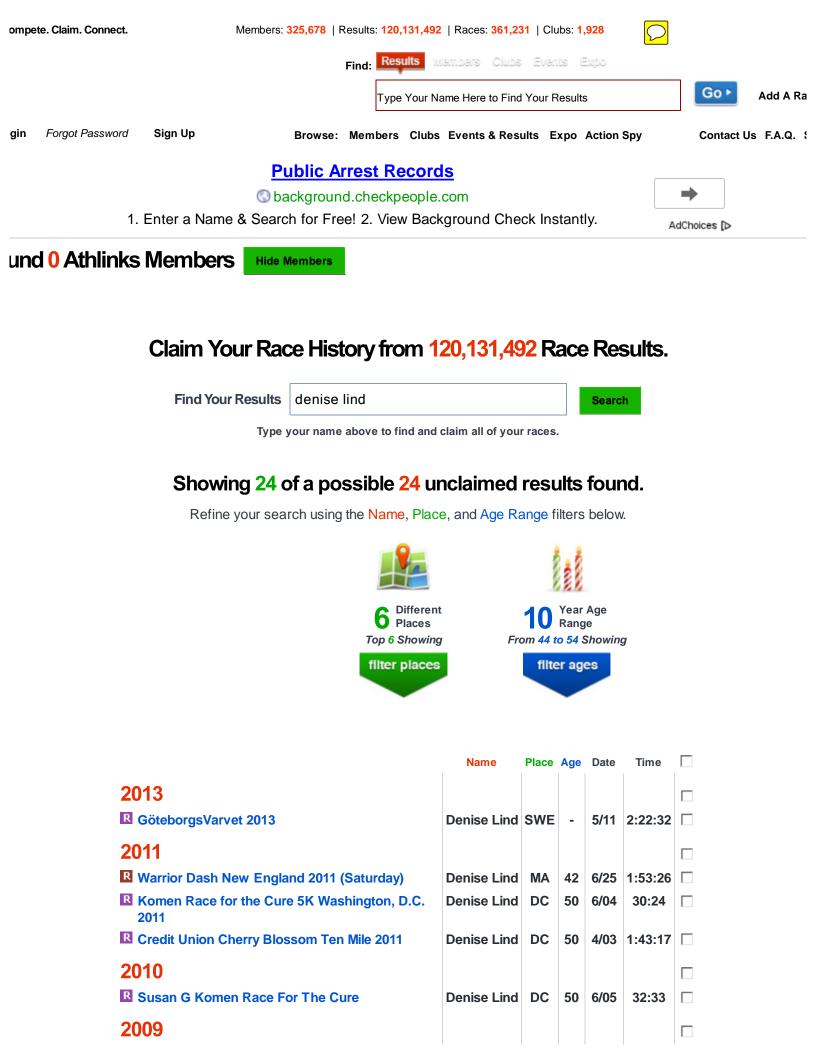
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