

## DECLARATION OF KEVIN GOSZTOLA

I, Kevin Gosztola, declare as follows:

1. I am a writer for Firedoglake ("Firedoglake.com"), a website engaged in news coverage with a specific emphasis on criminal trial issues. The site rose to fame with its award-winning coverage of the Valerie Plame affair and the Scooter Libby trial. Firedoglake has been covering the Bradley Manning case since his arrest in 2009. Because many of our writers have extensive expertise in criminal process, other journalists are frequent readers of Firedoglake; ABC news correspondent Jake Tapper referenced Firedoglake's coverage while questioning President Obama during a press conference recently.

2. I cover issues related to civil liberties and digital freedom at a blog on the site titled "The Dissenter." I have been credentialed to cover Pfc. Bradley Manning's legal proceedings for Firedoglake. I have appeared on *Democracy Now!*, *The Young Turks* on Current TV, RT's *The Alyona Show*, Free Speech Radio News and Sirius XM Left's *The Mike Feder Show* to share updates on the proceedings.

3. As a credentialed reporter, I would like access to court filings in the Manning proceedings to ensure that what I report is accurate and that quotes that I share with the public are not shared without proper context.

4. I have to scramble to keep up with the judge when she reads court filings into the record because they are not being made available to the press or public. The judge often reads through the filing quickly to ensure the reading does not unnecessarily prolong the proceedings. The judge's rapid-fire reading is usually the only chance the media has to write down whatever important information is in the filing. This means reporters run the risk of not getting down a significant detail, hearing something incorrectly, transcribing a phrase that they will report without proper context, etc.

5. From experience, reporters in the media pool for the Manning proceedings have on multiple occasions come together to compare notes. Reporters read what they were able to get down to each other. For example, they make sure they heard statements made by the prosecution or defense that are critical to coverage of the case. This has become a necessity because there is no access to court filings.

6. Reporters ask the Army's legal matter expert (who is present at the hearings and available for briefings) to take notes and share them after the proceedings so what they heard

from the defense, prosecution and defense can be verified. This is an unfair burden to place on the legal matter expert. It is not his job to take notes for the press because they do not have access to court filings. The legal matter expert tries to keep up but he often is unable to get down key details. Therefore, he is unable to help the media.


7. The Media Operations Center (MOC) at Fort Meade, a side room outside the courtroom where most reporters observe the proceedings via a video feed, frequently has technical glitches that disable its courtroom feed. In April, the feed went on and off at least 50 times. The technical issues made it nearly impossible for reporters in that room to cover the proceedings. Since press were unable to look at court filings after the day's proceedings, they had to ask the few media that were in the courtroom to share notes they wrote down on what the judge, defense and prosecution stated in court.

8. I have readers who ask me why I have not been in the courtroom to report the proceedings. I do not go into the courtroom because I do not have access to court filings. I cannot scribble down notes by hand fast enough to keep up with the judge, defense and prosecution. I am much better at keeping up by typing up notes on a computer. However, computers are not allowed in the courtroom. Therefore, I have to choose: Either I can go into the courtroom and guarantee key details are missed or I can miss out on the scene in the courtroom and ensure that I am able to get down most of what is stated in court.

9. I would have liked to have seen the pre-trial publicity order. It would have helped me understand what the prosecution, defense and judge want to protect in the proceedings and what they are willing to have disclosed to the public.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 23d day of May, 2012.

  
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Kevin Gosztola