

UNCLASSIFIED//FOR PUBLIC RELEASE  
**MILITARY COMMISSIONS TRIAL JUDICIARY  
GUANTANAMO BAY**

UNITED STATES OF AMERICA

v.

KHALID SHAIKH MOHAMMAD,  
WALID MUHAMMAD SALIH MUBARAK  
BIN 'ATTASH,  
RAMZI BIN AL SHIBH,  
ALI ABDUL AZIZ ALI,  
MUSTAFA AHMED ADAM  
AL HAWSAWI

AE266B(WBA)

**Defense Reply** to Government Response to  
Defense Motion for Order to Protect the Right  
to a Fair Trial

Date Filed: 12 February 2014

**1. Timeliness:** This reply is timely filed.

**2. Law and Argument:**

**A. Government Arguments with Respect to Compliance with Disclosure, Discovery,  
and Classified Information Obligations are Unpersuasive**

In seeking to avoid enforcement of its disclosure, discovery, and classified information handling requirements, the prosecution's Response posits two general arguments: (1) the defense misunderstands its own obligations and (2) the prosecution is in compliance with its obligations. With respect to the first argument, the prosecution points to AE013III, in which counsel mount a legal challenge to the prosecution-drafted Memorandum of Understanding (MOU) on the basis that the MOU serves as a barrier to effective representation and allows the Government to avoid compliance with the Military Commissions Act's classified discovery provisions. The prosecution's attempt to shift the focus to AE013III instead of the instant motion is a thinly veiled attempt to obfuscate their own lapses in being candid and transparent.

While the Government wants to focus on AE013 litigation in the instant motion, it is not germane to this issue. Whether the defense is correct in AE013III, the prosecution is correct in AE013MMM, or neither party is correct in the AE013 series, the relief requested in AE266 is not dependent upon rulings there. The prosecution has obligations to provide discovery, refrain from publicly misrepresenting the facts or law, and refrain from posing legal arguments outside of the proceedings, regardless of the issues raised in AE013.

Ultimately, the prosecution's rationale for seeking to avoid imposition of a protective order with respect to discovery of both classified and unclassified information is that the proposed defense protective order and MOU at AE266 Attachment B is superfluous because "the prosecution is fully aware of its discovery obligations in this case and has satisfied them to date." AE266A at 13; *see also* AE 266A at 19 (proposed defense protective order would be a "nullity" because "[t]he prosecution and original classification authorities are well aware of their obligations under applicable law governing classified information."). The argument is in fact strikingly similar to that put forward by the defense in opposition to elements of the prosecution's own protective order. However, there is a key difference between the prosecution's claim that they will follow the law and defense's opposition to the protective order and MOU in AE013. The prosecution (with the notable exception of its strained argument regarding AE013III) has largely agreed with the Commission and the defense that its own Memorandum of Understanding Regarding the Receipt of Classified Information is superfluous and unnecessary because the defense must comply with existing classification obligations. *See, e.g.* Tr. at 4268 (Trial Counsel stated that "the [prosecution MOU] simply delineates what the parties' obligations are under the existing order. So to the extent that the order changes, then the responsibilities under the MOU would also reflect that."); Tr. at 6758 (Trial Counsel stated that

“the defense understand their obligations with their security clearance; the prosecution recognized they have all signed nondisclosure agreements.”).

On the other hand, in asking for the Commission to issue a protective order on the Government in AE266, the defense points to multiple specific instances in which the prosecution has failed to satisfy its discovery/disclosure obligations and obligations pertaining to classification authority contained in Executive Order 13526. The prosecution asserts that it is *aware* of its responsibilities and the defense must accept that at face value. However, continuing abuse in the face of the prosecution’s admitted awareness justifies imposition of the proposed protective order in AE266.

In point of fact, the prosecution’s Response actually highlights several instances of continuing prosecutorial abuse, one example being the prosecution’s admitted failure to respond to what it refers to as an “omnibus request for discovery” submitted by Mr. bin ‘Attash more than two years ago. The prosecution’s newly stated reason for its failure to respond: it won’t “highlight for the defense that which is classified by simply responding to the unclassified portions of the requests.” AE266A at 13. The prosecution’s rationale for its failure to respond, posited for the first time in its Response, is remarkably unconvincing for two reasons.

First, the prosecution’s newly advanced theory stands in stark opposition to the reasons cited for avoiding their discovery obligations in 2011. In a 7 October 2011 written response to Mr. bin ‘Attash’s request for discovery, the prosecution claimed that it was not providing responsive discovery not because of classification concerns but rather because “Rule for Military Commission (RMC) 701 does not confer a right to discovery prior to referral of a case.” The prosecution went on to state that “[s]hould the charges currently sworn against your client be referred to trial, this office will consider your first request for discovery dated 20 September

2011 at that time.” Nowhere is concern regarding classified information mentioned in the prosecution’s written correspondence.

Second, the prosecution’s claim that it might accidentally disclose a forbidden classified topic by way of providing material and responsive unclassified discovery is disingenuous and entirely without merit. In fact, the prosecution has regularly indicated that certain areas of discovery pertain to classified information, when it is in the prosecution’s interest to do so. For example, in its very Response the prosecution argues repeatedly that its failure to comply with AE108J concerning a defense visit to Mr. bin ‘Attash’s place of confinement is due to the classified nature of the facility. In making the specious argument that the Government has failed to provide unclassified discovery because it is a strategy, the Government has in fact conceded that portions of Mr. bin ‘Attash’s earlier requests for discovery pertain to unclassified information. The suggestion by the prosecution that it can avoid providing responsive unclassified discovery because it somehow protects topics of classified information represents yet another level of prosecutorial obstructionism. The prosecution’s own arguments reinforce the need for a protective order mandating that the prosecution not play games and instead comply with its discovery obligations.

In another example of prosecutorial abuse and obfuscation highlighted by the prosecution’s Response, the prosecution now claims that the years-long saga concerning “presumptive classification” is in reality a shining example of “the prosecution working with original classification authorities to ensure that information is declassified to the maximum extent possible.” This argument is surprising, given that when the prosecution was forced to finally cede the issue of presumptive classification it did so “[w]ithout conceding that the

[original order containing presumptive classification] placed unduly burdensome restrictions upon defense counsel.” AE013L at 6.

The prosecution’s Response also attempts to shift the focus from the problem of the prosecution representing unclassified material as classified. For example, the Response is notably silent on Trial Counsel’s initial insistence that the nature and source of the external audio and video disruption to the Commission feed on 28 January 2013 was classified information – an example of misclassification entirely independent of any outside agency.

Finally, on the issue of classified and unclassified discovery, the prosecution seeks solace in the fact that “[t]he Military Judge has not set a deadline for the provision of discovery in this case as of the date of this filing.” AE266A at 13. Given that representation, it appears that the Government requires a protective order to remind it that its ongoing discovery obligations are independent of any Commission-imposed deadline. As noted in AE266, ethics rules require disclosure “at the earliest feasible opportunity.” *ABA Standards for Criminal Justice: Prosecution and Defense Function* (3d ed., 1993), Standard 3-3.11. With respect to potentially exculpatory *Brady* material, the Department of Justice’s own guidance indicates that “[d]ue process requires that disclosure of exculpatory and impeachment evidence material to guilt or innocence be made in sufficient time to permit the defendant to make effective use of that information at trial.” U.S. Dep’t of Justice, *United States Attorneys’ Manual* § 9-5.001(d) (2010); *see also United States v. Coppa*, 267 F.3d 132, 135 (2d Cir. 2001) (“*Brady* material must be disclosed in time for its effective use at trial.”). In the present case, where following a potential exculpatory lead often requires expansive investigation and overseas travel, the prosecution cannot continue to insist on an unrealistically early trial date while at the same time stalling the release of *Brady* material.

**B. Comparison of Extrajudicial Statements of Prosecution and Affiliated Entities and Statements of Defense Counsel Misleads the Commission**

With respect to that portion of the defense's proposed protective order seeking to bar the extrajudicial statements of the prosecution and affiliated entities that present a "substantial likelihood of material prejudice to a fair trial," the prosecution's Response is another obfuscation. The prosecution seeks to deflect attention from its own media initiative by highlighting the statements of defense counsel concerning the fairness of these proceedings and by suggesting that any R.M.C. 806(d) order must apply universally to all parties. While the prosecution is correct that the bare "substantial likelihood of material prejudice" test enshrined in R.M.C. 806(d) and ABA Model Rule 3.6(a) applies equally to the parties, it should be aware that the application of the test will yield very different results between the prosecution and defense. The "substantial likelihood of material prejudice" test is objective and requires an examination of the "proximity and degree of harm." *Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1037 (1991). Under an objective analysis, degree of harm will vary greatly depending upon whether the extrajudicial statement was made by the prosecution or by the defense.

There is an objective difference between a defense counsel's extrajudicial statements with regard to his or her client and the extrajudicial statements of prosecutors concerning pending litigation. This objective difference, which the Government should be aware of, is ignored by the prosecution. The objective difference between a prosecutor's statements and a defense counsel's statements is recognized in regulations, in rules of professional conduct, and in jurisprudence interpreting the role and responsibility of the prosecutor as a public official. In fact, this objective difference is recognized even by the Supreme Court in *Gentile*, the case cited most frequently by the prosecution. In *Gentile*, four Justices (not the majority suggested by the prosecution) found that a defense attorney's statements at a press conference regarding

prosecution witnesses and evidence in a particular case were “innocuous” given existing pretrial publicity, the time between the press conference and the empaneling of a jury, and the specific nature of the information ultimately admitted at trial. By contrast, four other Justices would have upheld the sanctions against the defense attorney, and the case was ultimately decided in favor of the attorney not upon facts specific to his extrajudicial statements but rather on a semantic technicality in the Nevada Supreme Court’s disciplinary rule regulating extrajudicial statements. None of this context is provided by the prosecution.

Also not provided by the prosecution is the fact that, in assessing the proximity and degree of harm of the attorney’s extrajudicial statements and finding the statements to be unobjectionable, the four Justices led by Justice Kennedy that found the statements to be innocuous placed heavy emphasis upon the unique role of the defense counsel in relation to that of the prosecution, noting that “an attorney may take reasonable steps to defend a client’s reputation and reduce the adverse consequences of indictment, especially in the face of a prosecution deemed unjust or commenced with improper motives. A defense attorney may pursue lawful strategies to obtain dismissal of an indictment or reduction of charges, including an attempt to demonstrate in the court of public opinion that the client does not deserve to be tried.” *Id.* at 1043. This portion of the *Gentile* decision, which dovetails perfectly with the unique position of the defense in the instant case, is conveniently not mentioned in the prosecution’s highly selective citation. *Gentile* is replete with examples of objective distinction between prosecution and defense conduct, as the Court notes, “[the speech at issue] involved not the prosecutor or police, but a criminal defense attorney. Respondent and its *amici* present not a single example where a defense attorney has managed by public statements to prejudice the prosecution of the State’s case. Even discounting the obvious reason for a lack of appellate

decisions on the topic – the difficulty of appealing a verdict of acquittal – the absence of anecdotal or survey evidence in a much-studied area of the law is remarkable.” *Id.* at 1055; *see also Id.* at 1056 (“[t]he police, the prosecution, other government officials, and the community at large hold innumerable avenues for the dissemination of information adverse to a criminal defendant...By contrast, a defendant cannot speak without fear of incriminating himself and prejudicing his defense, and most criminal defendants have insufficient means to retain a public relations team apart from defense counsel for the sole purpose of countering prosecution statements. These factors underscore my conclusion that blanket rules restricting speech of defense attorneys should not be accepted without careful First Amendment scrutiny.”).

The instant case is a prime example of Justice Kennedy’s concern in *Gentile* (recognized now by ABA Model Rule 3.6(c)) that it may be appropriate for a defense attorney in particular to offer comment to defend and rehabilitate a client’s reputation and to counteract the adverse impact of an indictment. In fact, nowhere is this more appropriate than in the present case, where Government officials ranging from the Chief Prosecutor to the JDG Commander to the President of the United States have offered all manner of extrajudicial comment besmirching the reputation of Mr. bin ‘Attash and his co-accused and prejudicing and unlawfully influencing the upcoming trial. *See, e.g.* AE031 and associated pleadings (summarizing comments of senior Administration officials, for example, the Vice President’s 14 February 2010 remark that “looking at the evidence that’s been made available to me as part of, in a generic sense, the executive branch and the prosecuting team, I am absolutely convinced that [Khalid Shaikh Mohammad] will be put away for a long, long time...one way or another he will be held accountable.”).

While the defense may ethically utilize the media to respond to and to counteract a massive Government investigation, prosecution, and media offensive aimed at executing Mr. bin ‘Attash and his co-accused, the prosecution occupies a very different role and therefore should be far more limited in its public relations efforts. Any efforts of the defense to utilize the always present media to counteract the negative impact of a referral to a capital military commission pertaining to September 11 would surely come as no surprise to any objective observer and are unlikely to prejudice an upcoming proceeding. On the other hand, the prosecutor in addition to being an attorney for the Government “has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice, that guilt is decided upon the basis of sufficient evidence, and that special precautions are taken to prevent and to rectify the conviction of innocent persons.” ABA Model Rule 3.8, Comment 1.

Recognizing that the public views the prosecutor in a unique light and that the prosecutor’s extrajudicial statements are more likely than those of defense counsel to prejudice an upcoming trial, courts beyond *Gentile* have focused on the statements of prosecutors as being more prejudicial and worthier of close scrutiny. *See, e.g. Berger v. United States*, 295 U.S. 78, 88 (1935) (“[t]he United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.”); *United States v. Wade*, 388 U.S. 218, 257-58 (1967) (White, J., concurring in part, dissenting in part) (contrasting the impartial role of law enforcement with defense counsel who must “defend his client whether he is innocent or guilty” and for whom “we countenance or require conduct which in many instances has little, if any,

relation to the search for truth.”); *Chicago Council of Lawyers v. Bauer*, 522 F.2d 242, 253 (7th Cir. 1975) (“[t]hose attorneys involved in the investigation for the Government are in a different position [than defense counsel]. They have the ability of influence and ensure proper governmental procedure without resort to public opinion. Moreover, they know what charges may be brought and are a prime source of damaging [extrajudicial] statements. Admittedly, our formulation may place prosecutors in a difficult position since they may be criticized for a particular investigation but may not publicly respond. This is a situation that competing interests necessitate.”).

The seminal case addressing all manner of prejudicial pretrial publicity also distinguishes between Government conduct and defense counsel conduct. *Sheppard v. Maxwell*, 384 U.S. 333 (1966) is cited heavily in the analysis to R.C.M. 806(d), which is identical to R.M.C. 806(d) and referenced by the prosecution in AE266A. In *Sheppard*, the Supreme Court focuses heavily on the conduct of the prosecution and its affiliated entities, including the extrajudicial statements of the chief prosecutor and the conduct of the coroner. In one example out of many, the coroner provided the news media with evidence that the defendant had failed a lie detector test – akin in the instant case to the confinement facility commander falsely claiming that his guards suffer from PTSD from being in continuous “enemy contact” with Mr. bin ‘Attash and his fellow pretrial detainees. The *Sheppard* Court, while not ignoring the conduct of defense counsel, clearly placed greater emphasis on the conduct of prosecutors and other public officials, noting that “[g]iven the pervasiveness of modern communications and the difficulty of effacing prejudicial publicity from the minds of the jurors, the trial courts must take strong measures to ensure that the balance is never weighed against the accused.” *Id.* at 362.

It is the accused in the instant case that are the most likely to be harmed by pre-trial publicity mission of the Chief Prosecutor and his allies. The prospective panel members are all required to be military officers. The Chief Prosecutor is a Brigadier General in the United States Army. The learned counsel quoted in the prosecution's Response are civilians with no military rank. The likelihood of substantially prejudicing the outcome of the case against Mr. bin 'Attash is exponentially exacerbated by the one star rank of the Prosecutor in question. The remarks of civilian counsel have no comparable effect given the location of this trial and the composition of the panel likely to be prejudiced.

In addition to the unique role of the prosecutor recognized by the courts with respect to extrajudicial statements, ethical rules and attorney regulations also make a distinction between prosecutors and defense counsel. For example, while the prosecution Response emphasizes ABA Model Rule 3.6, applicable equally to prosecutors and defense counsel, the Response scarcely mentions ABA Model Rule 3.8, which specifically governs the conduct of prosecutors. Model Rule 3.8(f) expands upon Rule 3.6's prohibition against prejudicial extrajudicial statements by additionally requiring prosecutors to "refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused..." This ethical prohibition is broader than Rule 3.6 and exists entirely independent of those factors highlighted by the prosecution to demonstrate a lack of prejudicial impact, such as the time remaining prior to seating of the panel. Moreover, while the prosecution politely dismisses persuasive Department of Justice guidelines tightly limiting the pretrial statements of prosecutors as merely a "respected source of nonbinding guidance for military counsel," one need not look even beyond the Commission's own implementing regulations to find a distinction between prosecutors and defense counsel regarding extrajudicial statements. Regulation for Trial by

Military Commission (R.T.M.C.) § 8-7 dictates that “[p]ersonnel assigned to the OMC-P may communicate with news media representatives regarding cases and other matters related to military commissions only when approved by the Convening Authority.”

Notably, the Chief Prosecutor has never certified (and does not certify in AE266A) that OMC-P (the prosecution) has received *any* authorization from the Convening Authority to speak with the media, much less *carte blanche* authority to carry on wide-ranging conversations concerning all aspects of the ongoing proceedings. By contrast, R.T.M.C. § 9-7 distinguishes defense counsel and provides defense counsel with broader and more permissive guidance, indicating that “[p]ersonnel assigned to the OCDC...may communicate with news media representatives regarding cases and other matters related to military commissions. Comments to the media and in other public forums by both civilian and detailed defense counsel are subject to the Rules of Professional Conduct of their licensing jurisdictions and of the Judge Advocates General of their respective military departments...”

In distinguishing between the conduct of prosecutors and defense counsel, the R.T.M.C. is largely in accord with service policies that draw similar distinctions. For example, in a 22 January 2014 memorandum to all United States Army legal personnel, the Judge Advocate General of the Army commented that “[w]hen responding to requests for information from the news media, we must be mindful of our special obligations...In matters of military justice, we must ensure that a Soldier’s right to a fair trial is not jeopardized.” Attachment B. While generally striking a precautionary tone regarding interaction with the media, the memorandum went on to distinguish only those personnel assigned to U.S. Army Trial Defense Service and the Defense Appellate Division, counseling that those personnel “will handle responses to the news media in accordance with [separate defense division policies].” *Id.*

The importance of issuing a R.M.C. 806(d) protective order on the prosecution and its affiliated entities is only underscored by the Government's reaction to the instant motion. On 7 February 2014, an article appeared in the New York Times discussing the defense motion for a protective order. Charlie Savage, *Motion Is Filed to Silence Prosecutor in Sept. 11 Case*, <http://www.nytimes.com/2014/02/07/us/motion-is-filed-to-silence-prosecutor-in-sept-11-case.html>. In the article, LTC Todd Bresseale is quoted as a "Pentagon spokesman" stating that "[t]he chief prosecutor is well within his ethical limits in discussing the nature of the military commissions and explaining it to the public...I am unaware of him attempting to try these cases in the court of public opinion and have been witness to him avoiding questions that would attempt to discuss the guilt or innocence of particular defendants." The defense was not contacted by LTC Bresseale prior to his comments to the New York Times. LTC Bresseale is a spokesman for the Office of the Secretary of Defense, Office of the General Counsel (OGC). Notably, OGC sits atop the organizational chain of both the Office of the Chief Prosecutor and the Office of the Chief Defense Counsel, and LTC Bresseale is assigned to neither entity. Therefore, he would presumably offer a neutral viewpoint and provide purely factual information concerning the Commission. Yet, with respect to the instant motion, LTC Bresseale, who previously served with the Chief Prosecutor in Afghanistan, has clearly adopted an advocacy role as a mouthpiece for the Chief Prosecutor and his staff. Beyond even simple advocacy, LTC Bresseale interjected himself *personally* into the conversation on behalf of the prosecution, vouching that he personally had "been witness" to the Chief Prosecutor acting in an ethical manner. LTC Bresseale's action in publicly responding on behalf of the prosecution in a matter of fresh dispute not even fully briefed before the Commission belies the prosecution's argument that it provides only "basic information to a public generally unfamiliar with the military

commissions system,” and it reinforces the reasons why the Department of Justice constrains its own prosecutors to comment only on “incontrovertible, factual matters.” AE266A at 21. As a spokesman for the Secretary of Defense, LTC Breassale’s remarks further smack of actual and apparent unlawful influence over this Commission that was convened under the auspice of the Secretary of Defense and that still must rule upon the instant motion.

### **C. Conclusion**

Mr. bin ‘Attash is entitled to a protective order to ensure that his most basic and fundamental trial rights are respected. It is telling that the prosecution’s primary defense against the imposition of a protective order appears to be that the proposed order “merely restated applicable law with no proof that the applicable law actually has been violated by the prosecution.” AE266A at 41. How frequently could the same statement be made regarding AE013DDD and the accompanying MOU? The distinction is important however – the defense, as highlighted in AE266 and in this Reply, is able to point to and demonstrate specific examples of prosecutorial abuse, overreaching, and prejudicial statements and conduct. The proposed protective order at AE266 Attachment B is a vital prophylactic measure to protect against future abuse and rectify existing problems, and Mr. bin ‘Attash reiterates his request that the Commission issue the proposed order.

### **3. Witnesses:**

- A. LTC Joseph T. Breasseale
- B. Ms. Leslie Stahl
- C. Mr. Richard Bonin
- D. VADM Bruce MacDonald
- E. Mr. Paul Oostburg-Sanz
- F. The defense reserves the right to add to or amend this list.

### **4. Attachments:**

- A. Certificate of Service
- B. Memorandum for Judge Advocate Legal Service (JALS) Personnel dtd 22 Jan 14

//s//

CHERYL T. BORMANN  
Learned Counsel

//s//

JAMES E. HATCHER  
LCDR, USN  
Defense Counsel

//s//

MICHAEL A. SCHWARTZ  
Capt, USAF  
Defense Counsel

//s//

TODD M. SWENSEN  
Capt, USAF  
Defense Counsel

**CERTIFICATE OF SERVICE**

I certify that on 12 February 2014, I electronically filed the attached **Defense Reply to Government Response to Defense Motion for Order to Protect the Right to a Fair Trial** with the Trial Judiciary and served it on all counsel of record by e-mail.

*//s//*

CHERYL BORMANN  
Learned Counsel

**Attachment A**





REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
2200 ARMY PENTAGON  
WASHINGTON, DC 20310-2200

22 JAN 2014

DAJA-ZA

MEMORANDUM FOR JUDGE ADVOCATE LEGAL SERVICE (JALS) PERSONNEL

SUBJECT: Communication with the Media - **POLICY MEMORANDUM 14-03**

1. When responding to requests for information from the news media, we must be mindful of our special obligations. We must carefully balance the need to withhold information, particularly when a Soldier's, family member's, or civilian employee's privacy rights are concerned, against the public interest in release. In matters of military justice, we must ensure that a Soldier's right to a fair trial is not jeopardized. I expect all Judge Advocates to be familiar with Army policies on release of information (AR 25-55, the Department of the Army Freedom of Information Act Program, and AR 340-21, the Army Privacy Program); ethical considerations regarding trial publicity (AR 27-26, Rules of Professional Conduct for Lawyers); and the proper usage of social media (The United States Army Social Media Handbook).

2. To our Staff Judge Advocates (SJA), Command Judge Advocates (CJA), and other senior legal advisors---no member of your office should, without your approval, prepare a written statement for publication or permit him or herself to be quoted by the media on official matters within the purview of your office. Moreover, all personnel should remember that it is a commander's prerogative to comment on local command issues. Individual counsel will not speak on behalf of the command on a legal matter unless prior coordination is made with you and the command's Public Affairs Office (PAO). Similarly, unless first cleared through the Executive Officer, neither you nor any member of your office may be interviewed by, or provide statements to, representatives of the media on topics with Army-wide, national, or international implications.

3. Generally, the PAO of your command will respond to all news media inquiries. I urge SJAs, CJAs, and other senior legal advisors to establish local procedures with the PAO for media inquiries concerning legal matters. The PAO should view these leaders as the primary source of information concerning legal matters.

4. Personnel assigned to the U.S. Army Trial Defense Service (USATDS) will handle responses to the news media in accordance with USATDS policy. Personnel assigned to the Defense Appellate Division (DAD), U.S. Army Legal Services Agency, will handle media inquiries in accordance with the policies of the Chief, DAD.

A handwritten signature in blue ink, appearing to read "Flora D. Darpino".

FLORA D. DARPINO  
Lieutenant General, USA  
The Judge Advocate General