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1 [The R.M.C. 803 session was called to order at 1101,
2 11 December 2015.]

3 MJ [COL POHL]: The commission is called to order. All
4 parties are again present that were present when commission
5 recessed.

6 Defense, you have a rebuttal argument? And Major
7 Poteet, apparently, you do.

8 DDC [Maj POTEET]: Yes, Your Honor.

9 Your Honor, the emotional stridence of the
10 prosecution is not something I'm criticizing. Instead, I am
11 noting it, because it illustrates that this is exactly the
12 situation where we need to be especially careful of
13 inappropriate influences on the decisions of officials in this
14 case.

15 Public statements over time, as we've seen the
16 timeline, have grown increasingly irresponsible and reckless
17 in this case. They have not been checked. They have not
18 ceased. They have reinforced earlier statements. Officials
19 such as Admiral MacDonald, who testified that they would keep
20 an open mind and would be willing to reconsider, they're
21 witnesses to the public statements of government officials,
22 and this reinforcement of earlier statements continues and
23 perpetuates and deepens the appearance of unlawful influence

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1 in this case.

2 Yesterday, and I'm not emphasizing this point because
3 it's -- there's some overlap in the motions, and there's a UCI
4 aspect to 254, and so -- but in terms of the prosecutor's
5 argument that there's no evidence, but yesterday, in this
6 courtroom a witness testified that he had made an
7 overstatement in his sworn declaration. I note that that
8 overstatement was overstated in the direction of the chain of
9 command's view of the female guards interim order.

10 The prosecutor distinguished between courts-martial
11 and military commissions. I took that to be an argument that
12 the decision here in this case might not be a precedent in
13 future military tribunals. And it's correct that Article 37
14 of the Uniform Code of Military Justice prohibits unlawful
15 command influence, whereas the Military Commissions Act has a
16 broader prohibition. It doesn't have to be a commander.
17 Doesn't have to be someone who's in that chain of command, but
18 instead prohibits all unlawful influence. But, of course,
19 here the most egregious example are individuals who are within
20 the chain of command.

21 There are powerful examples of individuals who are
22 outside the chain of command: The Commander in Chief, two
23 successive Commanders in Chief, the two Commanders in Chief

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1 that we have had since the events of September 11th have both
2 made irresponsible and reckless comments about this on more
3 than one occasion.

4 Mr. Swann's argument ultimately revealed that the
5 driving force of the government's position is that, because of
6 the charges, because of what the defendants are accused of,
7 that they do not have the right, indeed, the temerity, to ask
8 for due process and a fair forum. The point is that any
9 objective observer would reasonably conclude that a conviction
10 and a sentence of death in this case is a done deal, that the
11 fix is in, that the convening authority's already hand-picked
12 a jury of military officers to decide Mr. Mohammad's fate.
13 Any objective observer, fully informed, would be astonished if
14 the verdict were not conviction and a death sentence.
15 Mr. Swann says that that's because of the gravity of the
16 offenses. This is a very important case. That does not mean
17 that our nation's most senior officials cannot make a mess of
18 it; they have done that.

19 Under the Eighth Amendment, there's not allowed to be
20 any automatic death penalty because of the seriousness of the
21 crime, even after conviction. Under due process, the
22 seriousness of the charge is not supposed to influence the
23 likelihood of conviction. Whether a trial as a practical

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1 matter can be completely free of prejudicial influence, the
2 question is what to do when senior officials are the source of
3 that influence, as is demonstrated here.

4 If Your Honor determines that dismissal of the
5 charges is not appropriate, even on these egregious facts,
6 where the President of the United States has called for the
7 execution of the defendant, even if Your Honor determines that
8 this case should proceed to that long and rigorous trial, it
9 should proceed in that situation involving one less sentencing
10 option. That would be the only alternative to dismissal of
11 the charges, to unring that bell and remove that taint.

12 And even that, even that alternative remedy, does not
13 completely eliminate the impact of these statements on
14 likelihood of conviction. But it is a meaningful remedy that
15 is the only way to signal to these senior national officials
16 in a meaningful way that they would actually notice that they
17 cannot continue these irresponsible and reckless statements.
18 They cannot continue to hint or openly make statements that
19 constitute unlawful influence.

20 MJ [COL POHL]: Thank you.

21 DDC [Maj POTEET]: Thank you.

22 MJ [COL POHL]: Mr. Harrington.

23 LDC [MR. HARRINGTON]: Judge, I did not make original oral

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1 argument, but in response to Mr. Swann, I'd like to make a
2 couple of comments.

3 MJ [COL POHL]: Sure.

4 LDC [MR. HARRINGTON]: Judge, free speech is guaranteed in
5 the First Amendment of our Constitution, but free speech is
6 unpleasant, and it has consequences for it. If I go out and
7 protest in the street in a certain manner, I may subject
8 myself to all sorts of things. I may be arrested, it may
9 affect my job, all sorts of things.

10 None of us on the defense side quarrel with the
11 President of the United States or the Secretary of Defense or
12 anyone else who -- for exercising their rights of free speech.
13 But, again, there are consequences sometimes when you do that,
14 and that's one of the things that is attempted to be raised in
15 this particular motion.

16 Mr. Swann seems to say that because Admiral MacDonald
17 has a distinguished career and has done many good things in
18 his life, that apparently the only way that unlawful influence
19 can be established would be if he comes in and admits it.
20 Now, he could have done that, so -- but he has denied it, so
21 you have to go to the next step. And it's very similar to a
22 circumstantial evidence case, in a case where a person denies
23 the charges and says to the government, you have to prove it,

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1 and you don't have any direct proof but you have
2 circumstantial evidence. And that is essentially what we have
3 here.

4 And he -- he seems to take great offense to the fact
5 that this motion is brought, and it has a lot of pages in it,
6 and it's a capital case where we have an obligation, almost a
7 sacred responsibility, to pursue any type of motion that has
8 any merit at all. And that's clearly what has been done here,
9 especially by Mr. Ruiz.

10 None of us are disparaging the accomplishments of
11 Admiral MacDonald, but, Judge, we're all human. And look at
12 the case of General Petraeus, who was lionized by the country,
13 and he had a fall from grace, somebody who is as distinguished
14 as he is. All I'm saying is the fact that someone has done
15 great things in their past, or done -- has a distinguished
16 career does not mean that that person cannot be -- do
17 something that they shouldn't do.

18 And, Judge, he seems to say that there's no -- that
19 we haven't proven that there's been any harm to us. So, for
20 example, he mentions the listening devices in the interview
21 rooms with our clients, and he said not one shred of proof do
22 we have that the government listened to us; and how would we
23 have proof of that unless somebody from the government came in

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1 and admitted it?

2 And it's not just this prosecution team. It's not
3 just the FBI investigators in this team or the people that
4 have worked in this case or the people that have worked on
5 this case. We have other entities that are involved that are
6 part of the same government.

7 Judge, we just finished -- temporarily, I think --
8 motion 292 about the conflict issue. Since that time, I have
9 received discovery from the government. And I can tell you,
10 Judge, that 292 is coming back and the motions that are going
11 to arise as a result of the discovery in 292 are going to come
12 roaring into this court, and it is going to give you proof of
13 the invasion of the defense counsel.

14 So I'm only asking, Judge, that you put his comments
15 in the context I think they really should be. Thank you.

16 MJ [COL POHL]: Thank you, Mr. Harrington.

17 LDC [MR. CONNELL]: Nothing further, Your Honor.

18 MJ [COL POHL]: Mr. Ruiz?

19 LDC [MR. RUIZ]: Judge, I want to echo Mr. Harrington's
20 point. It seemed to me that what the prosecutor was doing in
21 this case, at least in that portion of the argument that
22 related to the Admiral, is what we recognize in the military
23 as the good military character defense. I think that's

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1 exactly what he was doing; that because Admiral MacDonald has
2 risen to the rank of Admiral, was the Staff Judge Advocate for
3 the United States Navy, and because of his stature, you should
4 presume that the testimony that he gave was without
5 equivocation or truthful.

6 What Mr. Swann ignored were the facts. And what
7 Mr. Swann did not rebut in any way, shape or form while he was
8 engaging in this good military character defense -- he's an
9 Admiral, so we should not question his word -- I guess, as I
10 say that, Judge, would it be any different if he was an E-1 or
11 an E-2 or an E-3. Would his credibility, would his character
12 or his word because he is an Admiral be any more worthy of
13 belief than perhaps any one of those men over there who are
14 E-4s or E-5s? The answer to that is clear, and the fallacy of
15 the argument speaks for itself.

16 Facts. Facts. Mr. Swann did not talk about Admiral
17 MacDonald's testimony where he indicated, as I referenced
18 yesterday, that military commission trials could be tried
19 pretty quickly. And we believe that's one piece of the
20 analysis. That also leads me to say, Judge, that when you
21 look at -- when you look at the unlawful influence motion that
22 has become AE 031, this legacy pleading, what I submit to you
23 you cannot do is to make decisions based by segmenting

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1 different portions or different layers of that motion.

2 What I really tried to do in my argument and in my
3 presentation, as best I could, was to lay the continuum for
4 you from the inception of the very facts that began 031 to the
5 continual violations and additional facts and additional
6 layers that continued to feed 031 into what it has become
7 today. And I would submit to you that in order for you to
8 truly assess the impact of the unlawful influence on 031, you
9 can't divorce it of any one of its contingent parts because
10 031 is a sum of all of those parts.

11 I did notice Mr. Swann focused on the first and on
12 the last, but the facts and the substance in the middle he
13 dispersed with a couple of throw-away phrases. So I'm going
14 to highlight a few of those.

15 Going back to Admiral MacDonald, he testified that
16 these trials could be tried fairly quickly. He was clearly
17 selected by the Department of Defense General Counsel, Jeh
18 Johnson. That's a fact. During the time that he was being
19 courted for this position, Admiral MacDonald, the referral
20 process was coming back. The military commissions were coming
21 back into place. And what I sought to give you were facts
22 that show that he was put in place with the expectation that
23 military commissions would handle these cases. We believe

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1 those facts are there. We believe they exist to the best of
2 our ability. We have presented those facts to you.

3 Another fact Mr. Swann did not talk about when he was
4 talking about the rank and stature of Admiral MacDonald is
5 that Admiral MacDonald testified once again before Congress
6 that he had been to Guantanamo Bay, he had talked to
7 intelligence collectors, and they were still involved in the
8 process of gathering intelligence. That's a fact that we have
9 from Admiral MacDonald.

10 Another fact, Admiral MacDonald ----

11 MJ [COL POHL]: When did he testify to that effect?

12 LDC [MR. RUIZ]: 2006 and 2009, I believe.

13 MJ [COL POHL]: Okay. Thank you. Go ahead.

14 LDC [MR. RUIZ]: And we have submitted those to you in one
15 of our supplements to 031. The entire testimony of Admiral
16 MacDonald is before you so you will be able to take a look at
17 that.

18 Now, enter Admiral MacDonald's orders on
19 attorney-client communications. It was not a figment of our
20 imagination that Admiral MacDonald, under extensive
21 cross-examination, which, yes, is what's required when these
22 issues arise, testified under oath that he had conferred with
23 the CIA and the CIA had had a chop on the orders. That's a

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1 fact.

2 Whether Admiral MacDonald is an admiral, whether he
3 is a colonel, whether he is -- well, he can't be a colonel in
4 the Navy -- but a commander or captain, it doesn't matter.
5 It's a fact. I know it's inconvenient and, in fact, a fact
6 that he doesn't want to talk about because he wants to talk
7 about his rate and his rank, but it's a fact and not a figment
8 of our imagination. It's also not a figment of our
9 imagination that in the orders he attempted to impose on the
10 defense, one of them was contemporaneous monitoring of
11 attorney and client communications via phone. Same language
12 requirements between translators and between the persons we
13 represent.

14 Again, those are facts. Those are facts that have
15 been admitted. Those are facts that exist and are provable in
16 this case concerning Admiral MacDonald's involvement in this
17 case.

18 Now, not only is the -- does 031 involve the
19 influence on Admiral MacDonald, the recruitment process and
20 his knowledge and his understanding of what an administration
21 wanted, that's part of it, but it's not the only part of it.
22 And I understand that the prosecutor has tried mightily to
23 restrict the 031 analysis to that. But it also involves the

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1 influence that Admiral MacDonald himself exerted on the
2 process beyond the referral, and it extends to the judgment of
3 the counsel in this case and our ability to do our work.

4 I noticed that Mr. Swann did not mention any of that
5 in his argument. He tried to narrow it and focus it on a
6 referral decision, which I understand why he would want to do
7 that. And he wants to take this timeline, he wants to segment
8 it, he wants to break it up and focus on one piece and ignore
9 the middle and get to the end. That is the structure overall
10 of the argument that Mr. Swann presented. But you can't do
11 that, and you shouldn't do that because this is a -- an issue
12 that is so interconnected.

13 So along with that process and the influence that he
14 came to this job with is the actions that he took, the
15 decisions that he made, the orders that he helped to create,
16 the assistance that he lent to the implementation, to the
17 creation, to the facilitation, and ultimately to the
18 application of those orders on defense counsel in a way that
19 caused us to change, to adjust our judgment about how we went
20 about doing our job, about the kinds of things that we could
21 discuss with the persons we represented, about whether we
22 should put them in writing versus discussing them in the
23 interview room, about whether we should attempt to find

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1 another way to communicate with them in the meeting that
2 wouldn't be subject to monitoring.

3 Now, Judge, when the arraignment took place in this
4 case, I and my colleagues came into this courtroom and one of
5 the things that you had us do, the learned counsel and all of
6 the other counsel in this case, is you asked us to place our
7 qualifications on the record. And I actually submitted my
8 qualifications for learned counsel, the experience and the
9 training that I had in cases in state and federal courts,
10 capital cases that I've represented. And I will submit to you
11 that you rightfully qualified and determined that I was
12 qualified to try this case as a learned counsel.

13 What didn't happen was I did not place on the record
14 any qualifications for countersurveillance or
15 counterintelligence or monitoring. I have no intelligence
16 background. I have no ability to out people who are
17 monitoring me or discover surreptitious devices. I have no
18 ability on this island to go to places where such people may
19 or may not be. I am absolutely unqualified to run
20 countersurveillance operations on what is probably the most
21 sophisticated intelligence agency in the world or law
22 enforcement agencies in this world.

23 So when Mr. Swann gets up and says, "They have

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1 presented no evidence that anyone is listening to them, it is
2 baseless, it is a figment of their imagination," he
3 conveniently ignores that the instruments for the listening
4 were proven and were found -- were proven to exist, were found
5 in our attorney-client rooms, and had the capability to be
6 listened in on.

7 Now, I did not have the ability to take the -- they
8 don't use cords anymore, but if they did, to follow the cord
9 all the way back to where the person may have been listening,
10 but I think it's a reasonable inference to say, hey, you've
11 told us before that there are no listening devices in our
12 attorney-client meeting rooms, but guess what, now we've found
13 that there is a surreptitious -- and I say surreptitious
14 because it was disguised as a smoke detector -- listening
15 device in our room.

16 So if I were to find a toaster in that room, I think
17 a reasonable inference would be that it was to make toast.
18 And so when we get up and we argue to you, Judge, look, we had
19 surreptitious listening devices to listen in our
20 attorney-client privileged communications, yes, I don't have
21 the operative wrapped up. I didn't bring him in here tied up,
22 throw him on the stand and say, Judge, there's the CIA
23 operative, there's the guard who was doing the illicit

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1 monitoring. But I'd like to think that showing you the
2 instruments that would enable that to occur is enough to take
3 this beyond the realm of imagination and take it to a place
4 and to a point where we can have a reasonable conversation
5 about whether this, in fact, is being used, has been used,
6 contrary to what was represented to us. But those facts are
7 inconvenient. Those facts are facts that we will sweep to the
8 side.

9 Similarly with the external control of these -- of
10 these proceedings. He didn't say anything about that, and I'm
11 certain I did not imagine that either. Now, can I show you
12 the person who pushed the button? I can't. I'm sorry. I
13 just don't have the capabilities to do that. What I do know
14 without a doubt, Judge, is that Mr. al Hawsawi's
15 attorney-client privileged documents have been seized. I know
16 that his attorney-client privileged documents contain
17 information that dealt with specifically the strategy of this
18 case. I know those documents were disappeared for periods of
19 time, they were unaccounted for, and I know that has never
20 been something I have been able to get to the bottom of. I'll
21 acknowledge that much.

22 But I don't have the ability to do that. All I have
23 the ability to do is to place those facts -- facts -- before

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1 this court and ask this court to help us try to do some
2 fact-finding with respect to those kinds of issues. So I
3 think when it comes to the word "baseless," and we've gone
4 through, I think, a pretty concerted effort to give you the
5 facts and the pleadings and an argument, I think that
6 sufficiently addresses that issue as well.

7 Judge, if there is any doubt who I am -- who I am
8 speaking with, then I want to be very clear about it. I'm
9 speaking directly to you. You are the official who has the
10 power and the authority to take action on this case and in
11 this issue. You have the power and the authority to take
12 whatever measures you think will purge this courtroom from
13 this taint. And regardless of how much Mr. Swann wants to
14 detract from that, nobody in this courtroom is going to forget
15 the events of 9/11; but that does not enter into your legal
16 analysis about the unlawful influence that has been visited
17 upon this military commission.

18 Yes, our leaders can and should talk about these
19 issues publicly. They should. The law does not prohibit
20 that. What the law prohibits are statements that are
21 conclusory in nature that are about expected outcomes of
22 judicial proceedings, that's not allowed; that the death
23 penalty will be applied, the men will be convicted followed

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1 closely by the euphemism that justice will be delivered. Why
2 isn't that allowed, not just allowed from a commander or a
3 Commander in Chief, or a Vice President, as the Military
4 Commissions Act recognizes it should be broadened, it's not
5 allowed because it undermines -- it undermines the very fabric
6 and the foundation, legitimacy of a system that they've
7 attempted to build.

8 Now, I am not certain, Judge. I've asked you for
9 dismissal of charges as a second remedy, I've asked you to
10 dismiss the death penalty. Yesterday you discussed the issue
11 of severance. Today we've also talked some about jury
12 selection and measures that could be taken in jury selection.
13 But I am not certain that any of that will ever purge these
14 military commissions from the taint that exists to this date,
15 recounted based on the facts that I have put before you, facts
16 that we put before you about instances and occurrences and
17 violations. I am not certain that can happen.

18 But at best, a dismissal would send a message that
19 the military commissions is serious about this process. That
20 the military commission is serious about trying to bring not
21 only accountability to a very worthy end; which is, in our
22 country when you have a crime or when you have a series of
23 facts where you're alleging a violation, and you charge that,

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1 to put it through a judicial process, that means something.
2 And for it to mean something, it has to be more than rounding
3 people up in a stadium and stoning them to death or doing
4 beheadings on the street.

5 But to the extent this process is undermined by this
6 putrid stench of all of the influence that has been visited
7 upon it, it doesn't leave us very far from that. And that's
8 ultimately what this law, unlawful influence, is meant to
9 eradicate. It's meant to uphold the legitimacy of this
10 tribunal and these military commissions, Judge. And I am
11 speaking directly and most pointedly to you and no one else.

12 Now, of course, in our tradition of transparency,
13 even though I must point out that the prosecution has
14 steadfastly declined and objected to opening up these
15 proceedings to more sites in the United States so more of our
16 citizens can see this process, that is -- that's what is
17 required. And we're asking you, Judge, we're asking you to
18 take whatever action you can to return the legitimacy to this
19 court.

20 Because in the end, the means do not justify the end.
21 And as I said, the end is a worthy one, but the prosecution is
22 too focused on the end, understandably so, and they have
23 forgotten that the means matter, too. And burying their head

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1 in the sand, ignoring the facts, and making impassioned
2 closing arguments cannot and should not substitute for facts
3 and law.

4 MJ [COL POHL]: Thank you Mr. Ruiz.

5 Major Schwartz, do you have anything further.

6 DDC [Maj SCHWARTZ]: No, Your Honor.

7 MJ [COL POHL]: Mr. Swann, last word. If you have one.

8 TC [MR. SWANN]: No more passion, Your Honor.

9 MJ [COL POHL]: Okay. The motion is taken under
10 advisement. I still have a potentially outstanding issue
11 dealing with the classified portion of Mr. Ruiz's argument,
12 but that's all that's left on 031.

13 Let's start for the way ahead from now further on.
14 Mr. Ryan, assuming you want some time to look at the -- I
15 believe it was 387? 386, I'm sorry.

16 TC [MR. RYAN]: Your Honor, on 386, at the 802 it was put
17 forward to the commission that the briefing cycle was not
18 complete.

19 MJ [COL POHL]: It wasn't at that time.

20 TC [MR. RYAN]: Right. I understand, sir. Of course, my
21 assumption at the time, it was -- and I believe the way the
22 commission stated, it was off at that point until it was
23 complete.

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1 MJ [COL POHL]: Uh-huh.

2 TC [MR. RYAN]: I turned my attention to other matters. I
3 did get a copy from counsel, which I appreciate, of the item
4 that was filed yesterday. I have been frantically reading.
5 By my count it cites about seven or so new cases I haven't
6 seen before. This whole area of the law is very case
7 intensive ----

8 MJ [COL POHL]: Mr. Ryan, are you telling me you'd rather
9 put this to the next time?

10 TC [MR. RYAN]: Yes, I am, sir.

11 MJ [COL POHL]: Okay. Since that was the plan, I
12 don't ---

13 LDC [MR. CONNELL]: It's fine with me, Your Honor. I just
14 thought it might ----

15 MJ [COL POHL]: I understand, Mr. Connell. You both have
16 been reasonable on this, but I do think it makes sense for an
17 intelligent argument for an opportunity to prepare for it.
18 Because I'm assuming that you put cases in there that you'd
19 like Mr. Ryan to read them.

20 LDC [MR. CONNELL]: They're mostly the government's cases,
21 but I'd like him to read those, too.

22 MJ [COL POHL]: Maybe they will be swayed to your side.

23 LDC [MR. CONNELL]: It springs eternal, sir.

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1 TC [MR. RYAN]: Judge, to assure the court and the
2 commission as well as the parties, for the next session, we
3 can do every aspect of the interpreter issue, 386, 350. I'll
4 be prepared on everything.

5 MJ [COL POHL]: Okay. Okay. I think we indicated, just
6 coming back to the docket, that 018, we're not going to
7 address this at this session. We had 112 teed up. I believe
8 194, there was no need -- I think this is one of yours,
9 Mr. Connell?

10 LDC [MR. CONNELL]: Yes, sir.

11 MJ [COL POHL]: 194, I think we determined that there is
12 no classified issue anymore; is that correct?

13 LDC [MR. CONNELL]: Yes, sir.

14 MJ [COL POHL]: Okay. Is there -- is there a need to
15 address the base motion? What I'm saying, is the government
16 giving you this or not giving you this stuff?

17 LDC [MR. CONNELL]: I need to argue the motion, Your
18 Honor ----

19 MJ [COL POHL]: It's a motion to compel statements of your
20 client.

21 LDC [MR. CONNELL]: Yes, the motion needs to be argued, if
22 that's what the point is.

23 MJ [COL POHL]: Okay. But we could actually argue that

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1 one, too.

2 LDC [MR. CONNELL]: Yes, I'd like to argue that.

3 MJ [COL POHL]: I mean, it's been fully briefed. I'm
4 trying to think what we can get to.

5 LDC [MR. CONNELL]: So my proposed way ahead, sir, if you
6 don't mind, sir, 112, 194, 195.

7 MJ [COL POHL]: Okay.

8 LDC [MR. CONNELL]: And that would probably take us
9 through ----

10 MJ [COL POHL]: If we got through those, does anybody else
11 have -- I want to kind of give you guys a roadmap ahead so
12 you're prepared. Do 112, 194, 195. If we get done with those
13 three, if we have more time, either side have a suggestion for
14 more after that? Again, I want to give counsel an opportunity
15 to prepare if we need to. Some of the things like 206 I think
16 is implicated on the discovery issue that we discussed a long
17 time ago.

18 LDC [MR. CONNELL]: Sir, I'd also be happy to do 161. I
19 don't know that we'll get that far, but if we do ----

20 MJ [COL POHL]: Okay. Well, since you're volunteering,
21 Mr. Connell, we'll put that on the list.

22 Let's start 112.

23 LDC [MR. NEVIN]: Your Honor, just one other one that

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1 could be done, maybe expeditiously, is 182H. I think it's
2 fully submitted, and we'd be able to argue it.

3 MJ [COL POHL]: Okay. Okay. Just for the way ahead, and
4 we'll figure this out, we're going to do 112 and potentially
5 194, 195, 161, and a 182H. That will take up the rest of
6 today. So each side should be prepared to do that,
7 understanding we probably will go to about 1630 today or 1600
8 because there's travel arrangements that need to be made.

9 LDC [MR. CONNELL]: That's the longest possible -- these
10 Fridays are the longest possible days.

11 MJ [COL POHL]: Okay. Got it. 112.

12 LDC [MR. CONNELL]: Sir, I -- excuse me just one moment.

13 [Pause.]

14 LDC [MR. CONNELL]: Your Honor, may I approach?

15 MJ [COL POHL]: You have some PowerPoints here,
16 Mr. Connell?

17 LDC [MR. CONNELL]: Sir, I've handed the military
18 commission and the parties a copy of the slides for AE 112. I
19 would ask that they be marked as the next number in the AE 112
20 series and made a part of the record.

21 MJ [COL POHL]: Okay.

22 LDC [MR. CONNELL]: I've previously provided a copy to the
23 court information security officer.

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1 MJ [COL POHL]: What's the number on this? Okay. 112J.

2 Go ahead, Mr. Connell.

3 LDC [MR. CONNELL]: Thank you. Your Honor, if we could
4 have the feed from Table 4, I would ask that the slides be
5 displayed on the screens and published to the gallery.

6 MJ [COL POHL]: Sure, go ahead. Yeah. That's fine.

7 LDC [MR. CONNELL]: Sir, I'm just waiting for it to come
8 up on the screen. Thank you.

9 MJ [COL POHL]: Okay. I tell you what, I want to take a
10 look at the slides. We're going to take a ten-minute recess.
11 Commission is in recess.

12 [The R.M.C. 803 session recessed at 1137, 11 December 2015.]

13 [END OF PAGE]

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