

**MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA**

UNITED STATES OF AMERICA

v.

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

AE 615R (KSM)

Mr. Mohammad's Motion
To Reconsider AE 613E/615P RULING

26 February 2019

1. Timeliness

This pleading is timely filed. R.M.C. 905(f).

2. Relief Requested

Mr. Mohammad requests that the Military Judge reconsider the ruling in AE 613E/615P¹ and grant, in full, AE 615 (WBA),² AE 613B (AAA)³ and 613C (KSM)⁴ in light of the Special Trial Counsel filing in AE 615Q (GOV SRT).⁵

¹ AE 613E/615P (Rul), RULING, Defense Motion to Conduct Thorough Inquiry into Actual and/or Potential Attorney Conflict of Interest Pursuant to R.M.C. 901 and *Holloway v. Arkansas*, 435 U.S. 475 (1978) and to Cancel Proceedings Pending Inquiry, 25 January 2019 ("AE 613E/615P").

² AE 615 (WBA), Defense Motion to Conduct Thorough Inquiry Into Actual and/or Potential Conflict of Interest Pursuant to R.M.C. 901 and *Holloway v. Arkansas*, 435 U.S. 475 (1978) and to Cancel Proceedings Pending Inquiry, 9 January 2019.

³ AE 613B (AAA), Mr. al Baluch's Response to Under Seal, *Ex Parte*, In Camera, Classified Filing by Special Review Team, 16 January 2019.

⁴ AE 613C (KSM), Mr. Mohammad's Notice in Response to AE 613 and AE 613A Government Unclassified Notices of *Ex Parte*, In Camera, Under Seal Classified Filings, 23 January 2019.

⁵ AE 615Q (GOV SRT), Notice by Special Review Team of Redacted Declaration by the Army Counterintelligence Coordinating Authority, AE 613 (GOV), and AE 613A (GOV SRT), 14 February 2019. The Special Trial Counsel attorneys are interchangeably referred to throughout proceedings in the military commission as Special Trial Counsel (STC) and/or the Special Review Team (SRT). *See e.g.*, AE 003L (GOV) SPECIAL TRIAL COUNSEL DETAILING MEMORANDUM (28 October 2016), available at [https://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20\(AE003L\(Gov\)\).pdf](https://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20(AE003L(Gov)).pdf). Mr. Mohammad will refer to them in this pleading by the title in the Detailing Memorandum.

3. Overview

A motion for reconsideration should be granted whenever a tribunal has “‘patently’ misunderstood the parties, made a decision beyond the adversarial issues presented, [or] made an error in failing to consider controlling decisions or data.” *Lyles v. District Court of Columbia*, 65 F.Supp.3d 181, 188 (D.D.C. 2014) (citations omitted). *See, also, Palmer v. Champion Mort.*, 465 F.3d 24, 30 (1st Cir. 2006) (motion for reconsideration has colorable basis where the tribunal “has misapprehended some material fact or point of law”). The ruling in AE 613E/615P satisfies such criteria: the Military Judge misunderstood the scope of the conflict burdening Mr. Mohammad’s counsel – and consequently failed to address one of its principal bases; the Military Judge mistakenly anticipated that the Special Trial Counsel would obey the order to provide Mr. Mohammad’s attorneys with “a declaration from the other military organization involved in the investigation” and other information sufficient to “alleviate their concerns” regarding the existence of a conflict;⁶ and the Military Judge’s factual findings were either unsupported by the record or affirmatively reinforce, rather than dispel, the potential existence of a conflict.

First, despite Mr. Mohammad’s repeated explanations that potential conflicts arose from *both* an investigation of the defense teams by multiple governmental agencies, *and* the unrefuted evidence that reasonably pointed to renewed intrusion by government agents into the confidential, inner workings of the defense, the Military Judge’s limited inquiry and analysis in AE 613E/615P addressed only the former concern. As Mr. Mohammad explained, and the government did not dispute, counsel’s constitutional, ethical and professional obligations prevent them from proceeding under circumstances that present serious and unresolved questions

⁶ AE 613E/615P at 8 and fn. 32; *see, also*, Unofficial/Unauthenticated Transcript (“Transcript”) at 22190-91.

regarding the integrity of their confidential consultations with Mr. Mohammad and other members of his defense team.⁷ The factual findings, and the limited resolution of the conflict issue addressed in AE 613E/615P, nowhere acknowledge, let alone reflect consideration of significant, extensive record evidence developed in the AE 292 litigation, which documents the government's persistent efforts to pressure defense team members into becoming government moles. The Military Judge should reconsider AE 613E/615P, and abate the proceedings until defense counsel reasonably can be assured the government has not, once again, intruded into defense functions.

Second, AE 613E/615P rested, in part, on the Military Judge's prospective, factually inaccurate finding that the Special Trial Counsel's future disclosure of "redacted versions of AE 613 (GOV) and AE 613A (GOV SRT)," and a declaration from an investigating "military organization," would serve to "alleviate" counsel's concerns that they might be the target of a government investigation.⁸ This is the "new factual basis" that constitutes one entirely sufficient prong of the test for reconsideration. Generally this prong is satisfied by new affirmative facts which emerge after the ruling and which materially change the basis for the ruling. Here, the factual basis prospectively relied upon by the military judge evaporated when Special Trial Counsel tendered the utterly uninformative and heavily redacted documents which actually worsen counsel's fears that there is a continuing effort to investigate defense teams for defending these clients, and that this is merely the latest example of that years-long endeavor by the government.

⁷ See AE 615I at 18-20.

⁸ AE 613E/615P at 7-8 and fn. 32; *see also*, Transcript 22190-91.

What the Special Trial Counsel ultimately provided were 58 pages of material, 33 of which are entirely redacted. The remaining 25 pages were either heavily redacted or non-substantive. The overbreadth of the redactions is staggering. The government purported to find it necessary to redact every jot and tittle of an entire 33-page attachment. In turn, the declaration from the “military organization” did not refute the material facts of the declaration provided by a former paralegal for Mr. bin ‘Attash in describing how the FBI and military counterintelligence used deceptive means to lure him to the scene of an extensive interrogation that encompassed questions about the inner workings of the co-defendant’s team, as well as the other defense teams, their members and clients. *See* AE 615 (WBA), Attachment B. It is respectfully submitted that the Military Judge expected the Special Trial Counsel to produce far more substantial and reassuring information than the evasive and insubstantial materials that were actually provided. As a matter of fact and law, the materials are inadequate to dispel the existence of a conflict of interest. Indeed, far from alleviating Counsel’s concerns, the government’s filing has only served to reinforce them. Accordingly, in light of the Special Trial Counsel’s filing, the Military Judge should reconsider AE 613E/615P, and compel the disclosure of materials adequate to reflect a thorough inquiry into whether the government is conducting investigations, criminal or otherwise, of defense teams.

Third, as described in AE 613E/615P, the data considered by the Military Judge was inadequate to provide a reliable factual basis for the sweeping finding that no current defense team member “is currently, or likely to be, under investigation by the FBI or any other government agency.” AE 613E/615P at 6. The Military Judge’s inquiry essentially consisted of reading “the Government’s ex parte notices,” and the declaration of FBI Supervisory Special Agent John F. Stofer, followed by the Military Judge’s discussion with the Special Trial Counsel

of the “facts set forth in the initial Government notices and declaration.” *Id.* Although the Military Judge characterized this as “an in-depth inquiry,”⁹ there is no indication the Military Judge received authoritative declarations from other government intelligence and law enforcement agencies, or from an official in a position to comment on possible investigations by every such agency (such as the Director of National Intelligence).

Similarly, the Military Judge’s findings explicitly underscored the fact that the government’s investigation was focused on “a known defense team member,” based on “the activity of such a defense team member in his/her capacity as a defense team member.” AE 613E/615P at 4. The team member was interrogated regarding the inner workings of the defense team, the nature and substance of the team member’s interactions with the defendant, as well as questions about the other defendants and the other defense teams, thus raising the familiar specter of government agents investigating the defense teams in this capital case. If yet another investigation of defense team members has begun, and is one that includes questions directed to other teams, then counsel for Mr. Mohammad reasonably assume that they are, once again, potentially under investigation and, therefore, are laboring under a conflict of interest.

Critical questions remain unanswered, and subsequent information calls the adequacy of the inquiry into doubt. Additional inquiry is required.

4. Burden of Proof and Persuasion:

The burdens of proof and persuasion are on the defense as the moving party. R.M.C. 905(c).

⁹ AE 613E/615P at 6.

5. Facts

[REDACTED]

[REDACTED] Within two weeks or less, the investigation had focused on a member or members of the defense teams in this case.

b. On 3 December 2018, the prosecution, through the regular trial counsel team, filed a classified *ex parte, in camera*, under seal notice,¹¹ informing the Military Judge of the investigation.¹² The notice was required by AE 292 QQ *Amended* Order because the subject of the “FBI investigation,” was “a known defense team member in” this case, and “the reason for the investigation involves and/or is the activity of such a defense team member in his/her capacity as a defense team member.” AE 613E/615P at 4.

c. Although the Special Trial Counsel had been involved in the investigation “since its inception,”¹³ it used the cover of the regular prosecution team to file the notice, and to do so under a new “AE” number unrelated to the AE 292 series, thereby obscuring its connection to a possible investigation of defense teams.

d. On December 20, 2018, approximately two and a half weeks after the filing of AE 613, agents of the FBI, Army Counterintelligence and another unnamed governmental agency, used deceptive tactics to lure a member of Mr. bin ‘Attash’s team into an interrogation room at Fort Hood, in Killeen, Texas. For more than two and a half hours, over the course of two days,

¹⁰ AE 615D (GOV SRT), Reply by Special Review Team to AE 615 (WBA), Defense Motion to Conduct Thorough Inquiry into Actual and/or Potential Attorney Conflict of Interest Pursuant to R.M.C. 901 and *Holloway v. Arkansas*, 435 U.S. 475 (1978) and to Cancel Proceedings Pending Inquiry, 17 January 2019, [REDACTED]

¹¹ AE 613 (GOV), Government Unclassified Notice of Ex Parte, In Camera, Under Seal Classified Filing, 3 December 2018.

¹² See AE 613E/615P at 4.

¹³ Unofficial/Unauthenticated Transcript, January 28, 2019, p. 22159.

the team member was subjected to extensive questioning about all aspects of work with his team and client, as well as being questioned about the other teams and other defendants; and forced to take a polygraph examination.¹⁴

e. Following his release from the interrogation, the team member executed a declaration documenting his experiences.¹⁵

f. Counsel for Mr. bin ‘Attash determined that they were laboring under a potential conflict of interest and began preparing a motion requesting that the Military Commission conduct a thorough inquiry into any actual or potential conflict of interest that might exist.

g. On or about January 2, 2019, Mr. bin ‘Attash’s Learned Counsel wrote to the regular prosecution trial team requesting “the names and contact information of persons comprising the ‘Special Trial Counsel’ and/or ‘Special Review Team’ as utilized by the Military Commission in the AE292 series of motions.” Counsel explained more specifically that she was

“requesting the contact information for walled-off Trial Counsel who can represent the United States’ interests in matters related to the Commission’s orders as detailed on page 35 of AE292QQ (Amended Order) and as follows:

“c. The SRT, or any other appropriate government attorney, will notify the Commission, ex parte and in camera, after learning of any future FBI investigation, where the subject of the investigation is a known defense team member in the above- captioned case, and where the reason for the investigation involves and/or is the activity of such a defense team member in his/her capacity as a defense team member. If such notification takes place, the Commission will be told the steps

¹⁴ AE 615 (WBA), Attachment B.

¹⁵ *Id.*

that will be taken to ensure that information collected as part of that investigation remains appropriately segregated and not shared with the Prosecution Team in this case.”¹⁶

See, Attachment B, Emails re: “Request for Point of Contact Information Related to Conflict Burdening Defense Counsel,” 2-3 January 2019.

h. Although the regular prosecution trial counsel had filed AE 613, and knew precisely the nature of Learned Counsel’s concern, he nevertheless responded to her request by stating:

Without conceding that whatever potential conflict you now claim is an issue cannot be handled by the regular Prosecution team, the Prosecution agrees to have the DOJ SRT look at any Defense team filing first to determine whether litigation of the issue would necessitate exposing Defense privileged information such that the DOJ SRT would be the appropriate attorneys to represent the United States. You may initially serve the DOJ SRT with this filing by contacting Jocelyn Ballantine at [USDOJ email address].

Id.

i. On or about January 7, 2019, Mr. bin ‘Attash’s counsel informed the Special Trial Counsel that they intended “to file a motion to conduct a thorough inquiry into actual and/or potential attorney conflict of interest, pursuant to R.M.C. 901 and *Holloway v. Arkansas*, 435 U.S. 475 (1978), and to cancel proceedings pending inquiry; and requesting the Special Trial Counsel’s position.”¹⁷

¹⁶ Attachment B, hereto, Emails re: “Request for Point of Contact Information Related to Conflict Burdening Defense Counsel,” 2-3 January 2019.

¹⁷ Attachment C, hereto, Emails re: “Request for Position -- Motion to Conduct Thorough Inquiry Into Actual and/or Potential Attorney Conflict of Interest and to Cancel Proceedings Pending Inquiry (~~UNCLASSIFIED~~),” 7-8 January 2019.

j. Again, although the Special Trial Counsel was aware of the facts underlying the filing in AE 613, to include the facts that it involved an investigation of a defense team member for activity in his capacity as a team member, the Special Trial Counsel responded to Mr. bin ‘Attash’s counsel by stating:

We oppose your motion to conduct an inquiry into an alleged actual or potential conflict of interest, and to cancel any proceedings pending such and inquiry. We note that you have failed to identify the alleged reason(s) for such a request, and the Special Review Team *is not aware of any conflict of interest that would necessitate any such inquiry* or a delay in the proceedings.¹⁸

k. On 9 January 2019, Mr. bin ‘Attash filed AE 615, requesting that the Military Judge conduct a thorough inquiry into any actual or potential conflict of interest that might exist for counsel concerning their representation of Mr. bin ‘Attash as a result of facts contained in the team member’s declaration and to cancel all proceedings until a conclusion was made that no such conflict exists. Counsel for Mr. bin ‘Attash also filed several notices in response to pending motions stating they cannot represent Mr. bin ‘Attash’s interests until the conflict is resolved.¹⁹

¹⁸ *Id.*; emphasis added.

¹⁹ AE 615C (WBA), Mr. bin ‘Attash’s Notice of Conflict Affecting Representation of Mr. bin ‘Attash’s Interests in Filing Pleadings in the AE 614 Motions Series, 17 January 2019; AE 615E (WBA), Mr. bin ‘Attash’s Notice of Conflict Affecting Representation of Mr. bin ‘Attash’s Interests in Filing Pleadings in the AE 616 Series, 17 January 2019; AE 615F (WBA), Mr. bin ‘Attash’s Notice of Conflict Affecting Representation of Mr. bin ‘Attash’s Interests Pursuant to AE 530 (GOV) 17 January 2019.

l. The next day, on 10 January 2019, the Special Trial Counsel Review Team, filed AE 613A,²⁰ a classified *ex parte, in camera*, under seal notice, which, despite the Special Trial Counsel's earlier claimed ignorance of any conflict, "elaborated upon the nature and scope of the investigation noticed in AE 613 (GOV)."²¹ Mr. Mohammad received notice of the filing, but not the contents of the document.

m. On 11 January 2019, in AE 615A, Mr. Mohammad moved to suspend briefing schedules immediately, pending resolution of AE 615.²² On this same date, the Military Commission issued an order deferring ruling on Mr. Mohammad's request, and established an expedited briefing schedule for the STC's response to AE 615.²³

n. On 16 January 2019, Mr. al Baluchi responded to AE 613A requesting any relief the STC may have requested in AE 613A be denied, or in the alternative, that the SRT be ordered to serve a copy of AE 613A redacted as necessary to protect ongoing investigations.²⁴

o. On 17 January 2019, the STC filed AE 615D²⁵ requesting that the relief requested in AE 615 be denied, arguing that no conflict of interest exists for any member of the defense

²⁰ AE 613A (GOV SRT), Notice of Under Seal, *Ex Parte, In Camera* Classified Filing by Special Review Team, 10 January 2019.

²¹ AE 613E/615P at 5.

²² AE 615A (KSM), Mr. Mohammad's Motion to Suspend Briefing Deadlines Pending Resolution of AE 615, 11 January 2019.

²³ AE 615B (Ord), ORDER Expedited Briefing Schedule and Deferral of Ruling on Motion to Suspend Briefing Deadlines, 11 January 2019.

²⁴ AE 613B (AAA), Mr. al Baluch's Response to Under Seal, *Ex Parte, In Camera*, Classified Filing by Special Review Team, 16 January 2019.

²⁵ AE 615D (GOV SRT), Reply by Special Review Team to AE 615 (WBA), Defense Motion to Conduct Thorough Inquiry into Actual and/or Potential Attorney Conflict of Interest Pursuant to R.M.C. 901 and *Holloway v. Arkansas*, 435 U.S. 475 (1978) and to Cancel Proceedings Pending Inquiry, 17 January 2019.

teams and no inquiry into the matter is necessary. In support of its filing, the STC attached a declaration by FBI Supervisory Special Agent John F. Stofer.²⁶

p. On 22 January 2019, the Commission ordered the STC to provide an *ex parte*, “robust presentation on the facts and circumstances surrounding the FBI investigation and what additional investigative steps, if any, are contemplated.”²⁷

q. On 23 January 2019, Mr. Mohammad filed a notice joining Mr. al Baluchi in AE 613B, adding two additional requests: (1) to compel the United States to serve a redacted version of AE 613 (GOV) on the defense; and (2) to order the government to disclose any and all privileges, statutes, or regulations relied upon for filing AE 613 (GOV) and AE 613A (GOV SRT) *ex parte* and under seal.²⁸

r. On 23 January 2019, replies to AE 615D were filed by Messrs. Bin al Shihb,²⁹ Mohammad,³⁰ and bin ‘Attash,³¹ requesting an abatement of all proceedings and a thorough inquiry into the facts surrounding AE 613 and AE 613A to determine whether a conflict of interest exists.

²⁶ AE 615D (GOV SRT), Attachment A.

²⁷ AE 615H INTERIM ORDER, 22 January 2019.

²⁸ AE 613C (KSM), Mr. Mohammad’s Notice in Response to AE 613 and AE 613A Government Unclassified Notices of *Ex Parte*, In Camera, Under Seal Classified Filings, 23 January 2019.

²⁹ AE 615G (RBS), Mr. Bin al Shihb’s Reply to AE 615D (GOV SRT) Reply by Special Review Team to AE 615 (WBA), Defense Motion to Conduct Thorough Inquiry into Actual and/or Potential Attorney Conflict of Interest Pursuant to R.M.C. 901 and *Holloway v. Arkansas*, 435 U.S. 475 (1978) and to Cancel Proceedings Pending Inquiry, 23 January 2019.

³⁰ AE 615I (KSM), Mr. Mohammad’s Reply to Reply by Special Review Team to AE 615 (WBA), 23 January 2019.

³¹ AE 615J (WBA), Defense Reply to AE 615D (GOV SRT), 23 January 2019.

s. Messrs. Mohammad,³² Hawsawi³³ and bin al Shibh³⁴ filed notices of objection to the Commission's interim order directing an *ex parte* presentation. Mr. bin al Shibh requested a complete record of the *ex parte* proceeding be preserved in the record and provided to the defense if the proceeding was held.³⁵

t. On 25 January 2019, the STC filed a notice that it had met *ex parte* with the Commission the previous day and, during that hearing, provided the Commission a declaration from Daniel Purtill, Director of Security, Washington Headquarters Services.³⁶ The STC attached a redacted version of this declaration to its filing.

u. On 25 January 2019, the Military Commission issued AE 613E/615P disposing of the issues raised in both the AE 613 and AE 615 series, finding that the government had complied with AE 292QQ *Amended* Order in the filing of both AE 613 and AE 613A, and finding that "no current member" of any defense team was being investigated by either the FBI or the "other military organization" investigating the former team member. Additionally, the Commission ordered that a copy of these filings, redacted as necessary to protect the on-going investigation, be provided to the defense, along with a declaration from the other military organization involved in the investigation regarding their involvement.³⁷

³² AE 615K (KSM), Mr. Mohammad's Notice of Objection to *ex parte* hearing required by AE 615H INTERIM ORDER, 23 January 2019.

³³ AE 615L (MAH), Mr. al Hawsawi's Objection to Military Judge's Order (AE 615H) for Ex Parte Hearing with Government Special Review Team, and Motion for Hearing with Defense, 24 January 2019.

³⁴ AE 615M (RBS), Mr. Bin al Shibh's Motion for Appropriate Relief, 24 January 2019.

³⁵ *Id.*

³⁶ AE 615N (GOV SRT), Notice by Special Review Team of Declaration by Director of Security, Washington Headquarters Services, Shared with the Commission on 24 January 2019, filed 25 January 2019.

³⁷ AE 613E/615P, RULING, 25 January 2019.

v. Only after ruling on all matters raised by the defense pleadings, did the Military Judge then schedule adversarial oral argument for January 28, 2019.³⁸ At the conclusion of argument, he verbally amended his ruling to direct the SRT to provide the additional materials specified in AE 613E/615P to the defense “as soon as they become available” to “assist in alleviating defense concerns, given the unique nature of this case.”³⁹

6. Law and Argument

Why Reconsideration Should Be Granted

R.M.C. 905(f) permits the Military Judge to reconsider any ruling, other than one amounting to a finding of not guilty, prior to the authentication of the record of trial. Courts grant motions for reconsideration if, “there has been an intervening change in controlling law, there is new evidence, or there is a need to correct clear error or prevent manifest injustice.” *United States v. Libby*, 429 F. Supp. 2d 46, 46-47 (D.D.C. 2006) (internal quotation marks omitted); accord *Nat’l Ctr. for Mfg. Scis. v. Dep’t of Defense*, 199 F.3d 507, 511 (D.C. Cir. 2000); see also Court of Appeals for the Armed Forces (C.A.A.F.) Rule 32; *United States v. Wiesen*, 57 M.J. 48, 49 (C.A.A.F. 2002); *United States v. Ward*, 54 M.J. 390, 391 (C.A.A.F. 2001). A motion for reconsideration should be granted “as justice requires,” a standard that is met when a tribunal has “‘patently’ misunderstood the parties, made a decision beyond the adversarial issues presented, [or] made an error in failing to consider controlling decisions or data.” *Lyles v. District Court of Columbia*, 65 F.Supp.3d 181, 188 (D.D.C. 2014) (citations omitted). See, also *Patzy v. Hochberg*, 266 F.Supp.3d 221, 223 (D.D.C. 2017).

³⁸ Transcript 22105.

³⁹ Transcript 22190-91.

These principles warrant reconsideration of AE 613/615 because the Military Judge's inquiry and ruling address only one species of the conflicts burdening counsel, and purport to resolve even that limited issue on the basis of internally inconsistent factual findings and nonexistent evidence. The factual basis proffered in advance of its disclosure by the military judge wholly fails to allay the reasonable fears of counsel that they labor under a conflict. Given this patent reality, the interests of justice require a full inquiry, and an opportunity to be heard *before* the ruling, to decide if defense counsel can proceed or if conflict counsel should be appointed for Mr. Mohammad.

“Where a constitutional right to counsel exists, our Sixth Amendment cases hold that there is a correlative right to representation that is free from conflicts of interest.” *Wood v. Georgia*, 450 U.S. 261, 271 (1981). Both counsel and the Military Judge have independent obligations to ensure that no conflict of interest exists which may affect Counsel's representation of Mr. Mohammad. *See Holloway* at 485-486 and fn.8.

a. Additional inquiry and evidence is necessary to determine whether the government has again breached confidential attorney-client communications.

The American Bar Association Model Rules of Professional Responsibility (“the Model Rules”) impose a continuing obligation on counsel to “determine whether a conflict of interest exists” at any point while representing a client.⁴⁰ If such a conflict does exist, counsel must either attempt to withdraw from the representation or obtain informed, written consent from the client.

Although defense counsel is usually “in the best position professionally and ethically to determine when a conflict of interest exists or will probably develop in the course of a trial,”⁴¹

⁴⁰ American Bar Association, Model Rules of Professional Responsibility, R. 1.7, cmt 2.

⁴¹ *Holloway v. Arkansas*, 435 U.S. 475, 485 (1978).

the unique nature of this case has placed all the information necessary to resolve the potential conflict in the hands of the government. The Military Judge's assistance in procuring such information is not only essential to counsel's ability to resolve the potential conflict, but is also required by the Military Judge's own legal obligations.

If the facts raise a potential conflict of interest, "the court [has] a duty to inquire further." *Id. See Holloway*, 435 U.S. at 487. "The nature of the factual inquiry required by *Holloway* is necessarily case-specific . . . [and] in some cases, no inquiry may be required because all of the relevant facts have been disclosed to the court." *Atley v. Ault*, 191 F.3d 865 (8th Cir. 1999). Where an inquiry is necessary, however, it must "completely explore and resolve" the possible conflict. *United States v. Levy*, 25 F.3d 146, 155 (2d. Cir. 1994). Furthermore, "[i]n satisfying its inquiry obligation, the district court may rely on the representations of counsel as to his interest in the case and how any potential conflict might be cured." *United States v. Cain*, 671 F.3d 271, 293 (2d. Cir. 2012).

Although the Military Commission conducted an inquiry, this inquiry was utterly insufficient to "completely explore and resolve" the potential conflict of interest.

From the outset of this litigation, Mr. Mohammad's counsel explained that the current record raises a substantial possibility of a conflict of interest based on evidence that the government is continuing its efforts to infiltrate defense teams by coercing team members to reveal confidential information and to become government agents. As counsel further explained, this possibility does not arise in a vacuum. *See, e.g.*, AE 615A (KSM); AE 615I (KSM). Although the Military Judge signaled adoption and incorporation of the "legal analysis encompassed within AE 292QQ and AE 292QQ Amended Order,"⁴² the ruling in AE

⁴² AE 613E/615P at 6.

613E/615P fails to address, acknowledge or consider the compelling history of governmental overreaching in this case. *See* AE 615A at 3-5; AE 615I at 6-8.

Because the Military Judge made no inquiry into this aspect of the conflict, the undisclosed record necessarily contains nothing that reasonably dispels counsel's concerns with the fact that the interrogators questioned Mr. bin 'Attash's team member about the inner workings of *the other* teams and about the *other* defendants. In his declaration, Mr. bin 'Attash's former team member stated that during his interrogation, he was asked questions related to other defense teams. If the investigation had been limited to potential misconduct by the former paralegal alone, there is little reasons such questions would have been asked. That they *were* asked, however, suggests the purpose of the interrogation was other than a legitimate investigation of possible wrong-doing by a former team member. Importantly, despite the government's repeated assurances that no current member of the defense teams is under investigation, the government has never denied that government agents sought to use the former team member to develop information about the other teams.

The Military Judge should reconsider the failure to address this issue, and permit Mr. Mohammad the opportunity to determine whether the interrogation of Mr. bin 'Attash's team member is part of the larger, continuing scheme to infiltrate defense teams. As Mr. Mohammad demonstrated, the defense assess their danger of conflicted representation resulting from the recent investigation into the defense in light of the repeated secret efforts of the government to interrogate and recruit members of their defense teams to act as government agents.⁴³

⁴³ AE 615I, 6-8.

b. The Commission's findings of fact in AE 613E/615P are overbroad, particularly in light of past misleading or wholly inaccurate statements from the SRT

Courts have consistently held “[i]f a criminal defendant’s attorney is under investigation by the prosecutors of her client, there is a conflict.” *Lafuente v. United States*, 617 F.3d 944 (7th Cir. 2010) (citing *United States v. Lowry*, 971 F.2d 55, 61 (7th Cir. 1992)); *See also, Thompkins v. Cohen*, 965 F.2d 330 (7th Cir. 1992). The conflict arises because such an investigation “may induce the lawyer to pull his punches in defending his client lest the prosecutor’s office be angered by an acquittal and retaliate against the lawyer.” *Thompkins*, 965 F.2d at 332. Additionally, “counsel’s fear of, and desire to avoid, criminal charges, or even the reputational damage from an unfounded but ostensibly plausible accusation, will affect virtually every aspect of his or her representation of the defendant.” *United States v. Fulton*, 5 F.3d 605, 613 (2d. Cir. 1993).

In AE 613E/615P,⁴⁴ the Military Judge held that “no member of any defense team is currently under investigation by any government agency.” Yet the evidence presented to the Commission does not support such a sweeping declaration. To counsel’s knowledge, the Military Judge has only been provided declarations from the Washington Headquarters Service, the FBI, and Army Counterintelligence. There remains the potential that one of the many other agencies involved in this case is conducting its own investigation into the defense teams. The declaration attached to AE 615 states that one of the individuals present during the polygraph identified himself as being from “another government agency” *not* affiliated with

⁴⁴AE 613E/615P (Rul), RULING, Defense Motion to Conduct Thorough Inquiry into Actual and/or Potential Attorney Conflict of Interest Pursuant to R.M.C. 901 and *Holloway v. Arkansas*, 435 U.S. 475 (1978) and to Cancel Proceedings Pending Inquiry, 25 January 2019, at 5.

either the FBI or Army Counterintelligence.⁴⁵ This declaration alone is sufficient to warrant additional inquiry.⁴⁶

To the extent the Military Judge relied upon representations made by the STC during the *ex parte* meeting in issuing its findings, those representations must be considered less than reliable in light of past instances of representations to the Military Judge and the parties by the Special Trial Counsel during the AE 292⁴⁷ series litigation that were less than full, fair and frank.

On April 16, 2014, two days after AE 292 was filed, the STC moved the Military Judge to permit it to file a “full factual submission” by April 21, 2014.⁴⁸ In fact, it used the words “full” or “fully” at least four times to describe the forthcoming submission. On April 21 in AE 292I⁴⁹ the SRT instead requested a 30-day extension -- but it now omitted the use of words like “full” or “fully,” instead referring simply to a forthcoming “factual submission,” or “an additional factual submission,” which would allow the Commission to have a “more complete understanding” of the facts, AE 292I, pp. 1, 3, 4, 5, and 7. The submission, AE 292R,⁵⁰ was ultimately filed on May 21, 2014.

⁴⁵ AE 615 (WBA), Attachment B at 9.

⁴⁶ See *Lafuente* (“To warrant further investigation, a petitioner must support a request with more than ‘mere unsupported assertions,’ and [Petitioner] did. . . . [H]e provided his own affidavit, which alone may be sufficient.”)

⁴⁷ AE292, Emergency Joint Defense Motion to Abate Proceedings and Inquire into Existence of Conflict of Interest Burdening Counsel’s Representation of Accused, 13 April 2014.

⁴⁸ AE 292F (GOV), Government Motion Requesting Leave to File Submission by Newly Detailed Special Trial Counsel, 16 April 2014.

⁴⁹ AE 292I, Public Government Submission by Special Trial Counsel in Response to Emergency Joint Defense Motion, 21 April 2014.

⁵⁰ AE 292R, Government Submission by Special Review Team in Response to Emergency Defense Motion, 21 May 2014.

Meanwhile, in response to the Military Commission's Order in 292C,⁵¹ the Commission's order for current and former defense team members to disclose federal law enforcement contacts to learned counsel for each of the accused, a linguist on Mr. Mohammad's team came forward to reveal that on January 2, 2013, more than a year before the FBI sought to insinuate itself into the defense team for Ramzi bin al Shibh (RBS), the linguist was summoned to the FBI's Washington, DC field office and questioned by FBI agents there about activities on Mr. Mohammad's team.⁵² As in the present situation, the linguist was lured to the interrogation under false pretenses – the FBI agents falsely claimed that the interview was related to the linguist's security clearance renewal. As in the present situation, the agents made a point of showing that they were familiar with aspects of the linguist's personal and professional life, and questioned the linguist's loyalty to the United States. As in the present case, the agents asked specific questions about the linguist's actions on the defense team. When the linguist asked whether the questioning could be revealed to Mr. Mohammad's team, the agents said simply to state if asked that the security clearance renewal was going well. Fearful that revealing the questioning would lead to reprisals, including security clearance revocation, the linguist kept the questioning secret.

Neither AE 292R, the government's long anticipated factual submission, nor its attached declaration, revealed the linguist's interrogation. Indeed, in the absence of the Military Judge's direct order in 292C which prompted the linguist to come forward, there is every reason to believe that this intrusion into the defense camp would have remained under wraps to this day. The improper and wholly unconstitutional effort by the government to plant spies, interrogate

⁵¹ AE 292C, INTERIM ORDER, Emergency Defense Joint Motion to Abate Proceedings and Inquire into Existence of Conflict of Interest Burdening Counsel's Representation of Accused, 15 April 2014.

⁵² AE 292P (Mohammad), Mr. Mohammad's Notice of Ex Parte and Under Seal Filing, 14 May 2014.

team members about the inner workings of the defense, and threaten defense team members with harms ranging from loss of security clearance to professional discredit to criminal charges, is a violation of the Sixth Amendment right to counsel. Nowhere is that right more protected than in a capital case. *Powell v. Alabama*, 287 U.S. 45 (1932).

Powell v. Alabama . . . was one of the truly landmark constitutional decisions of this Court. It held that under the Fourteenth Amendment a man indicted for a capital offense in a state court has an absolute right, not ‘to appointment of,’ but to the assistance of counsel. And that constitutional right is not restricted to the trial. The Court reversed the convictions in *Powell*, because: ‘during perhaps the most critical period of the proceedings against these defendants, that is to say, from the time of their arraignment until the beginning of their trial, when consultation, thorough-going investigation and preparation were vitally important, the defendants did not have the aid of counsel in any real sense, although they were as much entitled to such aid during that period as at the trial itself.’⁵³

Similar concerns perhaps motivated the Military Judge to remark in AE 302C⁵⁴ that “the submissions of the Special Counsel have not adequately addressed a number of issues raised by the Defense as to the individuals contacted by the Federal Bureau of Investigation or the scope of any investigation concerning these cases. In addition the Commission is unsure whether other investigations, unknown to the Defense, have been conducted.” *See also* AE 292JJJJ⁵⁵ at 2.

⁵³ *Milton v. Wainwright*, 407 U.S. 371, 380 (1972), quoting *Powell v. Alabama*, 287 U.S. 45, 57 (1932).

⁵⁴ AE 302C, Amended DOCKETING ORDER, 4 June 2014.

⁵⁵ AE 292JJJJ, ORDER, Emergency Joint Defense Motion to Abate Proceedings and Inquire into Existence of Conflict of Interest Burdening Counsel’s Representation of Accused, 23 December 2015.

On August 26, 2014 the RBS defense team filed AE 292WW.⁵⁶ Among other matters, AE 292WW described at length the FBI's placement of spies on the RBS defense team, and referred to counsel's suspicion that a team member had provided privileged information to persons outside the privilege. On October 9, 2014, the STC responded to AE 292WW with AE 292HHH,⁵⁷ in which it repeated its earlier assertion that "the Commission and the defense know that the FBI Preliminary Investigation has been closed and that there is *no other pending FBI investigation* of any member of the RBS defense team." *Id.*, p. 6 (emphasis added).

What the STC did not say in AE 292HHH is that only one day after the RBS team filed AE 292WW, a process of investigation had begun which continued for more than a year, in which the Office of Special Security of Washington Headquarters Service, the Undersecretary of Defense for Intelligence, the United States Department of Justice and the United States Attorney for the Northern District of Illinois investigated criminal or security violation allegations against members of the RBS defense team. *See* AE 292JJJJ at 4-6; AE 292TTTT⁵⁸ at 2. Ultimately the Department of Justice declined prosecution and returned the matter to the Department of Defense, which in turn on September 16, 2015 declined to take further action with respect to security clearances. AE 292JJJJ at 6.

What is notable for present purposes is the line the STC walked in and after AE 292HHH. That pleading was filed deep in the course of litigation over a single important issue – whether the government in any of its forms was investigating defense counsel and in the process

⁵⁶ AE 292WW (RBS), Defense Response to Government Motion for Reconsideration of AE292QQ (Order) Order on Defense Motion to Abate Proceedings and Inquire Burdening Counsel's Representation of Accused, 26 August 2014.

⁵⁷ AE 292HHH (GOV), Reply by Special Review Team To AE 292WW (RBS), Defense Response to SRT's Motion for Reconsideration of AE 292QQ (Order), 9 October 2014.

⁵⁸ AE 292TTTT (Gov SRT), Submission by Special Review Team in Compliance with AE 292XX (Order), 16 September 2015.

creating a conflict of interest by forcing counsel to choose between protecting their own interests and those of their client. The STC was well aware of the serious nature of the WHS investigation, which at that time had been in progress for some five weeks. Not only did it not advise the parties of the pendency of this investigation (with or without describing its particulars), or request an extension of time to respond until it could – in the process of arguing that no conflict existed, indeed belittling the suggestion, it asserted that “there is *no other pending FBI investigation* of any member of the RBS defense team,” *id.*, p. 6 (emphasis added). This statement, while technically correct, was substantially misleading. What’s more, the STC allowed this statement to remain uncorrected on the record for over a year, long after the United States Attorney for the Northern District of Illinois had become involved and the FBI *had* become reinvolved, until September 22, 2015, when it filed AE 292TTTT.

This practice of advancing carefully crafted statements about the existence and scope of government investigations of defense teams continued throughout the 292 litigation and was not lost on the Military Judge. For example, the STC repeatedly assured the Military Judge and the parties that the defense was not subject to any *criminal* investigations, which did not foreclose the possibility that security clearance or other disciplinary investigations might be ongoing. In its extensive Order issued on July 24, 2015, the Military Judge pointedly noted that this was “a limitation in scope applied by the Special Review Team, not the Commission.” AE 292QQ at 28-29 (citing five separate SRT pleadings).

In addition, the STC repeatedly provided assurances that no investigations were undertaken *by the FBI*. While reassuring, these representations also plainly failed to address the possibility that other government agencies were conducting investigations. As the Military Judge put it, “[w]hile taking the word of [the STC] as to the literal meaning of their pleadings

declarations (sic), the Commission is concerned over the absence of any reference to intelligence related investigations or to investigation by entities other than the FBI which may implicate members of Mr. bin al Shibh’s Defense Team.” AE 292QQ at 29. The Military Judge specifically ruled that this “parsing” of information “does not provide the Commission with the confidence necessary to make a definitive finding as to whether a conflict-of-interest exists” as to Mr. bin al Shibh. AE 292QQ at 28.⁵⁹

On August 5, 2014 in AE 292RR⁶⁰ the STC sought to dispel the impression it had created of providing technically accurate but misleading representations. It asserted that *all* FBI investigations are criminal in nature; that declarants *always* leave open the possibility that some aspect of their knowledge would not be included in the declaration; and attached additional declarations claiming to establish that there were no non-FBI investigations outstanding. AE 292QQ at 5-7.⁶¹ When the Military Judge amended AE 292QQ four months later, however, it pointedly declined to change its reference to and obvious displeasure with the STC’s “parsing” of the “literal meaning of their pleadings.” *See* AE 292QQ (Amended)⁶² at pp. 28-9. Indeed, a year later, the Military Judge reminded the parties that in AE 292RR the STC had suggested that no further action need be taken as to the RBS team. “Based upon the subsequent inquiry into the potential for security violations and the possibility of a conflict of interest, it is evident that the concerns of the Commission at that time were not unwarranted.” AE 292 JJJJ at 7.

⁵⁹ The Military Judge also noticed and was plainly suspicious of the SRT’s declarants carefully reciting that their declarations did not contain all they knew about the subjects under discussion. *See* AE 292QQ at 28.

⁶⁰ AE 292RR (GOV), Motion for Reconsideration of AE 292QQ (Order) Order on Defense Motion to Abate Proceedings and Inquire into Existence of Conflict of Interest Burdening Counsel’s Representation of Accused, 5 August 2014.

⁶¹ As noted above, some three weeks later, memorialized by the filing of AE 292XX (Order), these broad assertions were no longer accurate – they were nonetheless never corrected.

⁶² AE 292QQ, AMENDED ORDER, Emergency Joint Defense Motion to Abate Proceedings and Inquire into Existence of Conflict of Interest Burdening Counsel’s Representation of Accused, 16 December 2014.

Similarly, the STC's representations here indicate a lack of reliability. In contrast to ensuring the regular prosecution team is "walled-off" it is clear from the facts that the STC worked with the prosecution to file AE 613 in a manner that disguised its true nature and obscured the connection to the AE 292 series. In turn, despite knowledge that a defense team member was under FBI investigation, the STC artfully phrased its responses to inquiries from Mr. bin 'Attash's counsel to suggest the government had no knowledge of any facts that would warrant even an *inquiry* into a *potential* conflict of interest. See Attachment C.

Accordingly, the Military Judge should not rely on the representations made by the STC to resolve this important issue, particularly in a death penalty case.

c. The STC's filing in AE 615Q do not provide a basis for the Military Judge reasonably to conclude that counsel's concerns are "alleviated."

The filings provided by the STC in response to AE 615P are wholly insufficient. In its order, the Commission directed the SRT to "provide redacted versions of AE 613 (GOV) and AE 613A (GOV SRT) to the Defense Teams" ⁶³ At oral argument following the ruling, the Commission added that the SRT was "to provide as much as they can without disclosing potentially ongoing investigations to the defense." ⁶⁴ The Commission's intent was "to order the government to produce that information, to the extent they can, directly to [Counsel] so that you have it directly from the source, not from the commission." ⁶⁵ Additionally, the Commission "did not order production of these documents in furtherance of additional inquiry by the

⁶³ AE 613E/615P at 7.

⁶⁴ Transcript 22142.

⁶⁵ Transcript 22164.

commission, but rather to assist in alleviating defense concerns, given the unique nature of this case.”⁶⁶

What the SRT provided, however, does little to satisfy the Commission’s intent. The complete version of AE 615Q filed on the classified system is a PDF file containing fifty-five pages. Thirty-three pages are completely redacted. The other twenty-two pages have nearly every piece of substantive information regarding the ongoing investigation redacted. That more than sixty percent of the materials would need to be hidden from the defense, including certain portions marked as unclassified, tends to increase the concerns of defense team members rather than to allay them in any regard.

7. Conclusion

To be clear: Mr. Mohammad’s counsel are not attempting to establish the existence of a conflict. Rather, counsel seek to ensure that none exists because that is an indispensable prerequisite to affording Mr. Mohammad his right to effective assistance of counsel. The current record, however, precludes counsel from having the necessary assurances. Accordingly, counsel respectfully move the court for a minimally adequate inquiry into the question, a resolution of which is necessary to discharge counsel’s constitutional, ethical and professional obligations.

8. Oral Argument

Mr. Mohammad requests oral argument.

9. Witness and Evidence

None at this time.

10. Conference with Opposing Counsel

The Special Trial Counsel oppose this motion to reconsider.

⁶⁶ Transcript 22190-91.

11. List of attachments

A. Certificate of Service.

B. Emails re: “Request for Point of Contact Information Related to Conflict Burdening Defense Counsel,” 2-3 January 2019.

C. Emails re: “Request for Position -- Motion to Conduct Thorough Inquiry Into Actual and/or Potential Attorney Conflict of Interest and to Cancel Proceedings Pending Inquiry ~~(UNCLASSIFIED)~~,” 7-8 January 2019.

Respectfully submitted,

//s//

DAVID Z. NEVIN
Learned Counsel

//s//

GARY D. SOWARDS
Defense Counsel

//s//

DEREK A. POTEET
LtCol, U.S. Marine Corps
Defense Counsel

//s//

RITA J. RADOSTITZ
Defense Counsel

Counsel for Mr. Mohammad

ATTACHMENT A

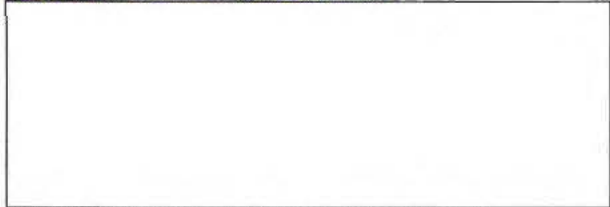
CERTIFICATE OF SERVICE

I certify that on the 26th day of February 2019, I caused to be electronically filed AE 615R (KSM) Mr. Mohammad's To Reconsider AE 613E/615P RULING with the Chief Clerk of the Military Commissions Trial Judiciary and delivered the foregoing on all parties by electronic mail, serving only Special Trial Counsel on behalf of the prosecution.

//s//
DAVID Z. NEVIN
Learned Counsel

ATTACHMENT B

From: CLAYTON
To: "Cheryl Bormann"; Trivett, Clayton G Jr Civ; Ballantine, Jocelyn (USADC)
Cc:



Subject: RE: Request for Point of Contact Information Related to Conflict Burdening Defense Counsel
Date: Thursday, January 3, 2019 3:00:12 PM

Ms. Bormann,

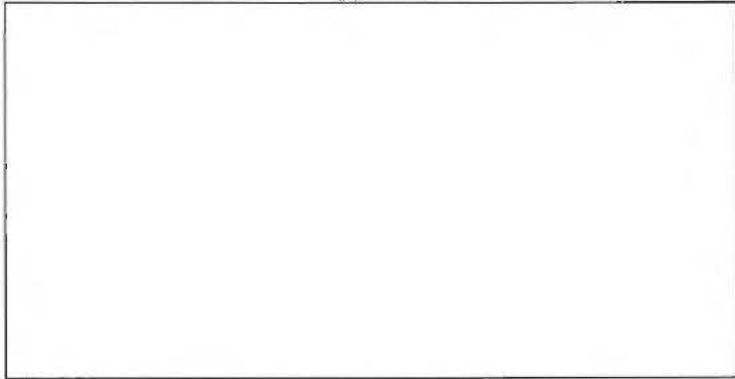
Without conceding that whatever potential conflict you now claim is an issue cannot be handled by the regular Prosecution team, the Prosecution agrees to have the DOJ SRT look at any Defense team filing first to determine whether litigation of the issue would necessitate exposing Defense privileged information such that the DOJ SRT would be the appropriate attorneys to represent the United States. You may initially serve the DOJ SRT with this filing by contacting Jocelyn Ballantine at

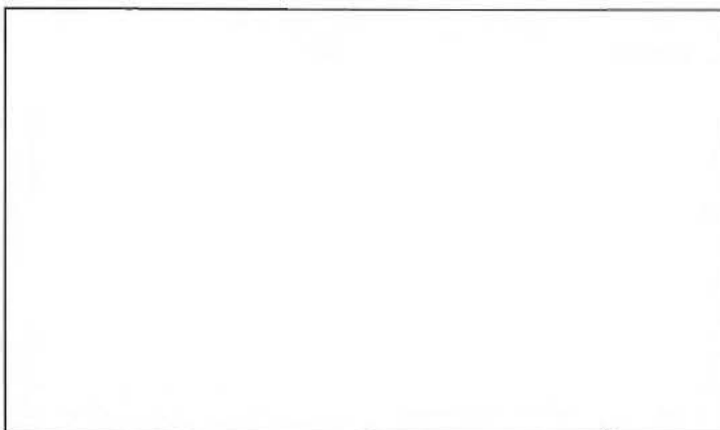


Regards,

Clay Trivett

From: Cheryl Bormann [redacted]
Sent: Wednesday, January 02, 2019 5:28 PM
To: Trivett, Clayton G Jr Civ [redacted]
Cc: Abdalla, David MAJ USARMY OSD OSD (US) [redacted]





Subject: Request for Point of Contact Information Related to Conflict Burdening Defense Counsel

Mr. Trivett,

I am writing to request the names and contact information of persons comprising the "Special Trial Counsel" and/or "Special Review Team" as utilized by the Military Commission in the AE292 series of motions. Specifically, I am requesting the contact information for walled-off Trial Counsel who can represent the United States' interests in matters related to the Commission's orders as detailed on page 35 of AE292QQ (Amended Order) and as follows:

c. The SRT, or any other appropriate government attorney, will notify the Commission, ex parte and in camera, after learning of any future FBI investigation, where the subject of the investigation is a known defense team member in the above-captioned case, and where the reason for the investigation involves and/or is the activity of such a defense team member in his/her capacity as a defense team member. If such notification takes place, the Commission will be told the steps that will be taken to ensure that information collected as part of that investigation remains appropriately segregated and not shared with the Prosecution Team in this case.

d. In addition, the SRT or any other appropriate government attorney will notify the Commission, ex parte and in camera, after learning of any referral made by the Department of Defense (DoD) to either the Defense Intelligence Agency (DIA) Central Adjudication Facility (CAF) or DoD CAF for the review of the eligibility of any known member of the defense team for access to classified information. Notification shall not be made of activities of security officers in the course of their duties to determine whether security infractions have occurred unless and until a referral is made to the DIA CAF or DoD CAF.

Your prompt response is appreciated. Thanks.

Cheryl Bormann
Counsel for Walid bin 'Atash

ATTACHMENT C

UNCLASSIFIED//FOR PUBLIC RELEASE

From: [Ballantine, Jocelyn \(USADC\)](#)
To: [Perry, Edwin A CIV \(US\)](#)
Cc: [Nevin, David Z CIV \(USA\)](#); [Bormann, Cheryl T CIV \(USA\)](#); [Jim Harrington](#); [David Nevin](#); [Montross, William CIV \(US\)](#); [Connell, James G III CIV \(USA\)](#); [Ruiz, Walter B Jr CDR USN \(USA\)](#); [Cheryl Bormann](#)
Subject: RE: Request for Position -- Motion to Conduct Thorough Inquiry Into Actual and/or Potential Attorney Conflict of Interest and to Cancel Proceedings Pending Inquiry [REDACTED]
Date: Tuesday, January 8, 2019 2:36:02 PM

Mr. Perry,

We oppose your motion to conduct an inquiry into an alleged actual or potential conflict of interest, and to cancel any proceedings pending such and inquiry. We note that you have failed to identify the alleged reason(s) for such a request, and the Special Review Team is not aware of any conflict of interest that would necessitate any such inquiry or a delay in the proceedings.

Regards,

The Special Review Team

-----Original Message-----

From: Perry, Edwin A CIV (US) [REDACTED] >
Sent: Monday, January 7, 2019 5:14 PM
To: Ballantine, Jocelyn (USADC) [REDACTED] >
Cc: Nevin, David Z CIV (USA) [REDACTED] >; Bormann, Cheryl T CIV (USA) [REDACTED] >; Jim Harrington [REDACTED] >; 'David Nevin' [REDACTED] >; Montross, William CIV (US) [REDACTED] >; Connell, James G III CIV (USA) [REDACTED] >; Ruiz, Walter B Jr CDR USN (USA) [REDACTED] >; Cheryl Bormann [REDACTED] >
Subject: Request for Position -- Motion to Conduct Thorough Inquiry Into Actual and/or Potential Attorney Conflict of Interest and to Cancel Proceedings Pending Inquiry (~~UNCLASSIFIED~~)

CLASSIFICATION: [REDACTED]

Special Review Team Counsel:

Counsel for Mr. bin 'Atash intend to file a motion to conduct a thorough inquiry into actual and/or potential attorney conflict of interest, pursuant to R.M.C. 901 and Holloway v. Arkansas, 435 U.S. 475 (1978), and to cancel proceedings pending inquiry.

Please state your position.

Edwin A. Perry
Defense Counsel
Military Commissions Defense Organization
Washington, DC Office: [REDACTED]
Cell: [REDACTED]
CLASSIFICATION: [REDACTED]