

Subject: U.S. v. Hicks - Prosecution Special Request for Relief to Permit
the Absence of from the Arraignment Session

-- sir:

1. In accordance with your Honor's Preliminary Procedural Instructions of 9 Mar 07, particularly Part III, paragraph 3, and Part V, paragraph 2, the Prosecution submits this special request for relief to permit the absence of from the arraignment session; scheduled for 26 Mar 07.

2. The basis for this request is 's additional duties within the Office of the Chief Prosecutor (OCP), to include attending previously scheduled meetings and concluding weeks worth of coordination with representatives of multiple government agencies.

3. I note that the cited reference appears to technically pertain to defense (military and civilian) counsel, and that pursuant to past procedural rules the Chief Prosecutor had been authorized to temporarily excuse a member of the prosecution provided we had a counsel of record present. Notwithstanding, in light of the Rules of Court pending release, and the necessary travel and other logistics being arranged for counsel -- I am requesting your Honor permit the absence of .

4. If approved, the prosecution would be represented at the arraignment session by myself (lead prosecutor) and (assistant prosecutor). Please see attached prosecution detailing memorandum of 28 Feb 07. Thank you.

V/r--

LtCol, USMC
Prosecutor, Office of Military Commissions



DEPARTMENT OF DEFENSE
OFFICE OF THE CHIEF PROSECUTOR
1610 DEFENSE PENTAGON
WASHINGTON, DC 20301-1610

February 28, 2007

MEMORANDUM FOR

SUBJECT: Detailed Prosecutors

Consistent with my authority as Chief Prosecutor and the provisions of Rule 501(b), Manual for Military Commissions, dated January 18, 2007, the above named counsel are detailed and designated as follows for the case of United States v. David Matthew Hicks:

Detailed Prosecutor:

Lieutenant Colonel

USMC

Detailed Assistant Prosecutor:

Lieutenant

USN

Lieutenant

USN

Colonel, United States Air Force
Chief Prosecutor
Office of Military Commissions

cc:

Deputy Chief Prosecutor

UNITED STATES OF AMERICA

v.

DAVID M. HICKS

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DEFENSE PRELIMINARY VOIR DIRE
QUESTIONS FOR THE MILITARY
JUDGE

12 March 2007

Mr. Hicks' counsel are under instructions to submit written voir dire questions to by 1200, 13 March 2007. The defense requests oral voir dire during an on-the-record proceeding.

This is a preliminary submission. Mr. Hicks defense reserves the right to supplement and seek clarification of any answers provided.

Personal Information

1. When was born?
2. Where was born?
3. Please state briefly what 's father did professionally?
4. Please state briefly what 's mother did professionally?
5. Please state how many siblings has.
6. Please identify the professions of 's siblings.
7. Do any of of 's relatives play any role in the so-called 'War on Terror'? If so, please describe their roles.
8. Do any of 's relatives active with respect to any political party? If so, please state the party and describe their activity.
9. Please identify any person to whom is or was married?
10. What is her profession?
11. Does she play, or has she played, any role in the 'War on Terror'?
12. Has she ever been active with respect to a political party? If so, please state the party and describe her activity.
13. What duty stations and billets was she assigned to while she was on active or reserve duty?
14. Please identify the names of any major (i.e. over 18) child of

15. In the case of each such person, what is his / her profession?
16. Does s/he play, or has s/he played, any role in the 'War on Terror'?
17. Does s/he play, or has s/he been active with respect to any political party? If so, please state the party and describe his/her activity.
18. Do or did any of the persons discussed in paragraphs 3-14 play any role in a governmental agency? If so, what agency and what branch? What precisely is their role? Does it involve making any decision on policies or regulations that could have any affect or influence on the military commission process?
19. Do or did any of the persons discussed in paragraphs 3-14 play a role in any local, state, national political organization? If so, what organization? What was/is his/her role and extent of membership and/or involvement?
20. Has any of the persons discussed in paragraphs 3-14, of _____, contributed money to any political party or campaign? If so, to what party or candidate?
21. Does _____ have any other blood relationship with any person that should, in fairness, be revealed to Mr. Hicks?
22. Does _____ or any member of his family speak any language other than English? If so, what language(s)?
23. Has _____ ever traveled outside the U.S.? If so, please list locations and dates.
24. Has any member of _____'s family traveled outside the U.S.? If so, please list locations and dates.
25. Does _____ or any member of his family practice any particular religion? If so, please state what religion he/she practices.
26. Has _____ ever studied Islam?
27. Has _____ ever read any books or seen any reports on Islam?
28. Does _____ have any close social or professional contacts with people who practice Islam?
29. What is _____'s attitude with respect to Muslims in general?
30. Has _____ or any member of his family ever traveled to Australia?
31. What is _____'s attitude with respect to Australians in general?

32. Please describe what, if any, personal impact that acts of terrorism, the war in Afghanistan, or the war in Iraq, has had on _____, his family, relatives and friends.

's Education

High School

33. Where and when did _____ attend high school?

U.S. Naval Academy B.S. (1980)

34. Mr. Hicks understands that _____ received a Bachelor of Science from the U.S. Naval Academy, 1980. Is this correct?

35. What was the B.S. in?

36. Was _____ at the U.S. Naval Academy from 1976-80?

37. Which congressional personnel endorsed _____'s application for entrance into the Naval Academy?

38. Describe the relationship _____ had with these congressional representatives?

39. Of what clubs or organizations was _____ a member while at the Naval Academy?

Widener University (1984-87)

40. Mr. Hicks understands that _____ received a "Juris Doctor, Delaware Law School, Widener (1987)." Is this correct? Does this mean he attended law school from 1984-87?

41. Did the Marine Corps pay for _____'s law school education?

42. Please provide a list of all military courses attended including all professional military education courses.

43. Who taught _____ constitutional law during law school?

44. Who taught _____ professional ethics during law school?

45. Did _____ take any courses in international law during law school? If so, what courses and who taught them?

46. Did _____ take any courses in the law of war during law school? If so, what courses and who taught them?

47. Is there anything else about _____'s experience in law school that he should, in fairness, reveal to Mr. Hicks?

Judge Advocate General School (1994)

48. Mr. Hicks understands that _____ received his Master of Law (Military Law), from the U.S. Army Judge Advocate General's School in 1994. Is this correct?

49. What years did he study there?

50. Please name all the professors who taught _____ military law there.

51. During his education at the Judge Advocate General's School, was there any formal educational component where the issue of torturing prisoners ever arose? If so, please elaborate.

52. During his education at the Judge Advocate General's School, was there any informal occasion where the issue of torturing prisoners ever arose? If so, please elaborate.

U.S. Naval War College

53. Mr. Hicks understands that _____ received his "Master of Arts (National Security and Strategic Studies) U.S. Naval War College (2002)." Is this correct?

54. During his education at the U.S. Naval War College, was there any formal educational component where the issue of torturing prisoners ever arose? If so, please elaborate.

55. During his education at the U.S. Naval War College, was there any informal meeting where the issue of torturing prisoners ever arose? If so, please elaborate.

56. During his education at the U.S. Naval War College, was there any formal educational component concerning how to secure reliable intelligence? If so, please elaborate.

57. During his education at the U.S. Naval War College, was there any informal educational component concerning how to secure reliable intelligence? If so, please elaborate.

's Membership in Organizations

58. Has _____ been a member of any organizations, clubs or committees (including, e.g., the Federalist Society or the White Paper Society) at any time since the age of 18? If so, when and where?

59. Has _____ ever worked with non-government organizations (NGOs) at any time since the age of 18? If so, which ones and what was his experience in working with such organizations.
60. Has _____ ever worked with private volunteer organizations (PVOs) at any time since the age of 18? If so, which ones, what were the dates of his involvement, and what was his experience in working with such organizations?
61. Has _____ ever worked with international/national organizations (e.g. International Red Cross, UN, NATO) at any time since the age of 18? If so which ones, what were the dates of his involvement, and what was his experience in working with such organizations?

and Politics

62. Does _____ have now, or have he ever had, any political affiliation? Please provide details.
63. Is _____ now, or has he ever been, a member of any political party? Please provide details.
64. Does _____ have now, or have he ever had, any connection of any kind with President George W. Bush or members of his administration?
65. Does _____ have now, or have he ever had, any connection of any kind with former Secretary of Defense Donald Rumsfeld or current Secretary of Defense Robert M. Gates as well as any member of their office?

Military Service

66. It is Mr. Hicks' understanding that _____ served as a Combat Engineer Officer. Was this ever in combat?
67. Please list _____'s experiences in combat.
68. It is Mr. Hicks' understanding that _____ served as Platoon and detachment commander and Company Executive Officer, 7th Engineer Support Battalion, 1st Force Service Support Group; Company executive Officer and Company Commander, 3rd Combat Engineer Battalion, 3d Marine Division. Is there anything relevant in this experience to the task at hand? (This should include, but not be limited to, whether _____ was ever involved in any court-martial as a member, witness or suspect and whether he ever charged, formally or informally, or investigated for any offense himself.)
69. It is Mr. Hicks' understanding that _____ was awarded the Legion of Merit. When did he receive Legion of Merit and what was it for?

70. It is Mr. Hicks' understanding that _____ was awarded the Meritorious Service Medal with 3 Stars. When did he receive the Meritorious Service Medal and each star and what was it and each star for?
71. It is Mr. Hicks' understanding that _____ was awarded the Joint Service Commendation Medal. When did he receive the Joint Service Commendation Medal and what was it for?
72. It is Mr. Hicks' understanding that _____ was awarded the Navy-Marine Corps Commendation Medal. When did he receive the Navy-Marine Corps Commendation Medal and what was it for?
73. Please provide a copy of all _____'s officer evaluation reports.
74. Please provide a copy of all _____'s awards, merits, and citations.
75. Please provide a copy of all _____'s criminal or disciplinary investigations, if any.
76. Please provide a copy of all complaints that have been filed against _____ that resulted in any formal or informal administrative investigations.
77. Please provide a copy of all _____'s letters of reprimand, letters of counseling or any other administrative action, if any.
78. Please list any and all administrative actions, even if such administrative paperwork has been removed from _____'s records or never recorded in his files.
79. Has _____ received any military or disciplinary action, such as non-judicial punishment (NJP)? If so, what were the charges and what was the result of such action?
80. Does _____ anticipate or hope for any promotion in the next five years, or does he plan to retire? Please elaborate.
81. Does _____ believe that his participation in these proceedings could have an impact on his personal or professional life? If so, please elaborate.
82. Does _____ believe that the outcome of these proceedings could have an impact on his personal or professional life? If so, please elaborate.

's Knowledge of the 'War on Terrorism'

83. Has _____ played any role whatsoever, including a consultation role, in the development of any aspect of the preparations for any combat military operation during his military career that involved al Qaeda or the 'War on Terror' (including but not limited to, Operation Enduring Freedom, the USS Cole, Somalia, or any military operation since September 11, 2001)? (This

should include, but not be limited to, preparation and planning for a military operation.) If so, please provide details below.

84. Has _____ read any publications regarding Afghanistan? If so, which publications.
85. Has _____ read any publications regarding terrorism? If so, which publications.
86. Has _____ read any publications regarding al Qaeda? If so, which publications.
87. Has _____ read any publications regarding the Taliban? If so, which publications.
88. Has _____ read any publications regarding military operations conducted in the past six years? If so, which publications.
89. What is _____'s knowledge about United States or Pakistani support for the Mujahideen's jihad against the Russian occupation of Afghanistan?
90. Does _____ have any knowledge of the wars that occurred in the former Yugoslavia and Kosovo? If so, please describe his knowledge.
91. What, if anything, does _____ understand to have been the United States' support for the Kosovo Liberation Army?
92. What, if anything, does _____ understand about U.S. citizens joining Kosovo Liberation Army?
93. What, if any, is _____'s knowledge of Pakistan's involvement with the creation and support of the Taliban?
94. Please list and describe any meetings, conversations, or discussions, formal or informal, personal or professional, that _____ has had regarding the 'War on Terrorism,' al Qaeda, the detainees at Guantanamo, and the military commission process.
95. What media or public information sources have _____ seen regarding 9/11, the Guantanamo detainees, or the military commission process?
96. Could the high level media and press interest in this case affect the functioning or participation of _____ in this process?
97. Has _____ seen or heard any media reports about Mr. Hicks or his case? If so, please describe them.
98. Has _____ seen or heard any media reports citing Maj Michael Mori, USMC, as a source? If so, please describe them.

99. Has _____ seen or heard any media reports citing _____, USAF, as a source? If so, please describe them.
100. Did _____ see or listen to any media reports covering _____'s involvement as the presiding officer in the previous military commission proceedings? If so, please describe them.
101. Did _____ see or listen to any media reports covering the previous military commission proceedings for which he was not detailed as the presiding officer? If so, please describe them.
102. What, if any, terrorism-related U.S. federal prosecution has followed in the media or through his own reading/writing?
103. Has _____ familiarized himself with ongoing U.S. federal litigation of these cases, including *Hamdan*, *Rasul*, *Hamdi*, *Al Odah*, or any of the habeas cases now seeking certiorari from the Supreme Court, including amicus filings, such as the retired judges' brief on torture?
104. Has _____ received any training or self-study on the legislative Detainee Treatment Act or Military Commission Act? If so, please describe it.
105. What is _____'s current understanding on the application of the U.S. Constitution, international humanitarian law and human rights law at Guantanamo Bay in relation to an individual facing a military commission?
106. Please list and describe _____'s knowledge of U.S. and coalition operations in Afghanistan between 2001 and 2003.
107. Please list and describe the sources of this knowledge in detail, including knowledge gained from _____'s service as a military officer and from other sources including media outlets, friends, relatives, etc.
108. Has _____ ever done any independent research or inquiries into or about U.S. and coalition operations in Afghanistan, terrorism, al Qaeda, alleged terrorist organizations, the Taliban, the detainees held at Guantanamo Bay, military commission procedures, and other related topics? If so, please describe it.
109. Please list all references, materials, websites, television programming, articles or information sources consulted in performing such independent research or inquiries.
110. Who does _____ believe was responsible for the attacks on the World Trade Center and the Pentagon on 11 September 2001?

's Legal Training & Experience

111. Has _____ taken any courses or attended any lectures in constitutional law not previously described? If so, please identify the date, the topic and the speaker.
112. What, if any, legal training or experience has _____ had with respect to International Human Rights law? Please provide details, including the names of any courses and speakers.
113. What legal training or experience has _____ had with respect to the Law of War, International Humanitarian Law? Please provide details, including the names of any courses and speakers.
114. What legal training or experience has _____ had with respect to International Law or war crimes not previously described? Please provide details, including the names of any courses and speakers.
115. In which state(s) is _____ licensed to practice law?
116. What has been _____'s membership status in his bar since membership?
117. Does _____ follow the development of international law?
118. Has _____ read the four Geneva Conventions and their Additional Protocols?
119. What other international conventions or instruments has _____ read in the past 6 years?
120. Has _____ received any training or self-study on the jurisprudence of international tribunals such as Nuremberg, the International Criminal Tribunals for the former Yugoslavia and for Rwanda, or the International Criminal Court? If so, please identify when it occurred and describe it.
121. Has _____ ever been involved in a court-martial, in any capacity, that involved classified material in the discovery process or as an exhibit for a case?
122. Has _____ ever been involved with cases where an accused was being prosecuted for a Title 18 federal crime (such as an assimilated crime under the U.C.M.J.)?
123. Has _____ ever performed the duties of a Special Assistant United States Attorney?

124. How many months has _____ been assigned to a billet which involved him litigating in a court-martial? (Not as a military judge.) Please delineate between prosecution and defense billets.
125. Has _____ ever been involved with a court-martial, in any role, that involved a violation of the Geneva Conventions?
126. Has _____ ever been involved with a court-martial, in any role, that involved, some aspect of international law?
127. Has _____ ever been involved with a court-martial, in any role, that involved, some aspect of a foreign domestic law?
128. Has _____ ever been involved with a court-martial where a translator was required for a witness or accused? If so, please provide details.

's Involvement with Military Commissions

129. What legal training has _____ had with respect to the Military Commissions? Please provide details, including the names and addresses of all those who presented on the commissions, and a synopsis of what they said.
130. What opinions has _____ expressed outside the forum of the military commissions concerning the legitimacy of the commissions and their rules? Please identify each occasion that such a comment has been made, as precise a rendition of what he said as possible, and the name and address of all those present when the comment was made.
131. What was _____'s professional opinion of the structure of the previous military commission?
132. What is _____'s professional opinion of the structure of the current military commission?
133. Has _____ done any research or made any inquiries into how the military commission should be conducted? If so, please describe the research/inquiries.
134. Has _____ read any publications regarding military commissions?
135. Please list and describe _____'s interactions with the appointing authority, and/or his own service chain of command leading to him being appointed as presiding officer in the previous military commission system, including but not limited to conversations, e-mails, and other communications that led to or provided him with information regarding his service as presiding officer?

136. What contact has _____ 's had with _____, USA (Ret.)?
137. What contact has _____ 's had with _____, USA?
138. Has _____ had any communications with _____ regarding Mr. Hicks or his prior or current military commission? If so, please describe the communications in detail.
139. Please describe _____ 's interactions with Mr. _____, and what Mr. _____ 's role was in the previous military commission process.
140. Since _____ participated in the previous military commission that violated the Geneva Conventions, does he have any concern that his involvement may subject him to any criminal liability?
141. Please describe _____ 's interactions with the Convening Authority's office, and/or his own service chain of command leading to him being appointed as a military judge and designated chief military judge for the military commissions, including but not limited to conversations, e-mails, and other communications that led to or provided him with information regarding his selection.
142. If supported by the law and facts, does _____ believe he could make a ruling that would result, in the perception, that members of the executive branch or legislative branch of the U.S. government had intentionally violated U.S. or international law?
143. If supported by the law and facts, does _____ believe he could make a ruling that would result, in the perception, that members of the old military commission system had intentionally violated U.S. or international law?
144. Does _____ believe he can make decisions about whether the commission has proper jurisdiction?

Military Judge's Office for Military Commissions

145. What is the structure of the Military Judge's Office?
146. Has _____ had any communications with any member of the DOD General Counsel's Office? If so, what was the nature of those communications?
147. Who is employed in the Military Judge's Office?
148. Is Mr. _____ employed by the Military Judge's Office? If not, are there any plans to employ Mr. _____?
149. If Mr. _____ is to be employed by the Military Judge's Office, is Col _____ aware of any disciplinary actions, reprimands, counseling,

negative evaluations or civil actions occurring as a result of Mr. ,
conduct in *United States v. Quintanilla*, 56 M.J. 37 (C.A.A.F. 2001)?

150. Was aware of any communications between Mr. and any members of the DOD General Counsel's Office, the Appointing Authority's Office and/or the Office of the Chief Prosecutor during the previous military commissions? If so, what was the nature of those communications?
151. Has any member of the Military Judge's Office been involved in creating, reviewing or approving any draft of the Manual for Military Commissions or any section of this Manual?
152. Was any member of the Military Judge's Office involved with creating, reviewing or approving any rule, regulation or Presiding Officer's Memorandum used in the previous military commission system?
153. Has been administered an oath to perform his duties as Chief Military Judge? If so, on what date? What was the exact wording of the oath? If not, is he aware of what the oath will be?
154. Generally, does have the authority as a military judge in a military commission to invalidate any provision of the Military Commissions Act?
155. Generally, does have the authority as a military judge in a military commission to invalidate any provision of the Manual for Military Commissions?
156. As a member of the U.S. Armed Forces, is bound to comply with the Geneva Conventions? If so, does 's assignment as a military judge for a military commission relieve him of any obligation to comply with any part of the Geneva Conventions?
157. Are there any sections of the Geneva Conventions that believes do not bind his conduct?
158. Does believe that failing to provide a person a fair trial as required under Common Article 3 to the Geneva Conventions is a war crime?
159. What legal standard applies in determining whether should be recused from a commission?

's View of Due Process

160. What are 's views on the role of confrontation in determining the accuracy of statements?

161. Does believe that the best way to get to the truth of a contested matter is through cross-examination? If not, please explain why not.
162. Does believe that in order to have the type of confrontation that would lead to the truth, the defense needs access to the people who observed the alleged wrongdoing, the circumstances of their questioning, the nature of any deals that were made with them, etc.? If not, please explain why not.
163. Because of their nature, translations are problematic. Does agree with this statement? Does he agree that the defense should have access to the original statements and to the person who translated them?
164. Given the Libby trial and the failure of intelligence in Iraq re: WMD, does agree that a government may fabricate or put forth information that is self-serving, potentially false, or designed for political purposes outweighing accuracy?
165. Given the question above, does agree that the CIA can be manipulated by the executive branch for its own purposes?
166. Has ever been involved with a case involving contractors as interrogators?
167. Does have any views on the application of the Constitution and the meaning of fundamental fairness and the right to a fair trial?
168. Does have any views on what makes a statement reliable?

's Publications, Speeches and Trainings

Ethics & Leadership (North Carolina, 2005)

According to published materials, took part in an Ethics & Leadership Conference in North Carolina virtually simultaneously with his application to the previous Military Commission process, and his appointment as a presiding officer. In the Ethics & Leadership Conference at the NSCCM, Col gave a talk on *Torture, Terrorism and National Security*.

169. For whom was the program intended?
170. How did come to participate in the program?
171. Who attended the program? Please provide a complete list with participants' contact details if available.
172. Please provide a list of other speakers and presenters at the course and the related topics of each speaker/presenter?

173. Was the program recorded in any way? If so, please provide a copy of the audio tape, the video tape, or whatever other recording may exist of Col [redacted]'s presentation(s).
174. Were there any suggested/required reading materials? If so, please provide the location where Mr. Hicks can secure copies of all such materials.
175. Did [redacted] prepare materials other than the required reading materials? If so, please provide a copy of this material or access to it.
176. Did [redacted] prepare notes, a PowerPoint presentation, or any other kind of materials for his own use or for presentation to the Conference? If so, please provide a copy of this material or access to it.
177. Did [redacted] make any statement regarding the circumstances under which torture might appropriately be used? If so, what were these statements?
178. Please would [redacted] acknowledge that he is willing for the organizers of the Conference to discuss and share any aspect of his participation with counsel for Mr. Hicks or their agents?

Other Presentations (1987-present)

179. Please list all other programs that are similar in any way to this program (i.e., that deal with issues involving terrorism, torture, security or related areas) where [redacted] has made presentations since 1987. Please provide details of these programs, including dates, locations, the contact details of organizers, lists of attendants (if available), all presentation materials (of the types discussed above), all preparation notes (of the types discussed above), etc.
180. Please list all other programs that are similar in any way to this program (i.e., that deal with issues involving terrorism or torture or security) which [redacted] has attended since 1987. Please provide details of these programs, including dates, locations, the contact details of organizers, lists of attendants (if available), all presentation materials (of the types discussed above), all preparation notes (of the types discussed above), etc.
181. Is there anything else about presentations that [redacted] has made that he feels should, in good faith, be revealed to Mr. Hicks?

Publications

Mr. Hicks is aware of the following publications by [redacted] (and copies of each are publicly available):

- a. Major _____, The Army Lawyer, Department of Army Pamphlet 27-50-285 August 1996
<https://134.11.61.26/CD1/Publications/JA/TAL/TAL%2027-50285%2019960801.pdf>
 - b. Major _____, Are You Ready for Some Changes? Five Fresh Views of the Fifth Amendment, ARMY LAW, Mar. 1996
 - c. Major _____, *Tales from the CAAF: The Continuing Burial of Article 31(b) and the Brooding Omnipresence of the Voluntariness Doctrine*, ARMY LAW, May 1997,
<http://www.jagcnet.army.mil/JAGCNETINTERNET/HOMEPAGES/AC/TJAGSAWEB.NSF/Main?OpenFrameset>
 - d. _____, "Forum Shoppers Beware: The Mismatch between the Military Tribunal Option and United States National Security Strategy", March 2002
182. Please list, and provide means of access to, any other publications by Col _____ that he has published on any legal issue since he began law school.
- _____’s Article Entitled “Forum Shoppers Beware: The Mismatch between the Military Tribunal Option and United States National Security Strategy” (March 2002)
183. Is there any opinion expressed in _____’s article regarding forum shopping that he now disagrees with?
184. _____’s article focused on the “potential defendants held by the United States forces in Guantanamo Bay, Cuba”. On what factual basis did he refer to the potential defendants as “al Qaeda terrorists”?
185. In _____’s article, he refers to “the nature of the likely defendants’ al Qaeda connections . . .”. What was his factual basis for this statement?
186. In _____’s article, he uses the term “international terrorism”. What was his source for the definition of this term? Was this being used as a legal, or merely descriptive, term?
187. In _____’s article at footnote 25, he states that the International Criminal Court only has jurisdiction over war crimes, not “acts classified as terrorism”. What did he consider to be acts of terrorism, and what defines these acts as terrorism?
188. When _____ wrote this article, did he believe that the people detained at Guantanamo Bay were actually involved in planning or carrying out the attacks on 11 September 2001?

's Experience as a Military Lawyer

189. It is Mr. Hicks' understanding that _____ was designated Judge Advocate in 1987. What experience has _____ had as a Judge Advocate that a reasonable person would believe, in good faith, should be revealed to Mr. Hicks?
190. When _____ was in the SJA role, who was/were the Deputy SJA(s) who served with him?
191. When _____ was in the SJA role, who was/were the Military Justice Officer(s) he dealt with for courts-martial under Commanding General's cognizance?
192. When _____ was in the SJA role, who served as his staff?
193. It is Mr. Hicks' understanding that _____ served as a trial counsel at some point. When was this and for how long?
194. How many cases did _____ prosecute or defend while serving as trial counsel and trial defense counsel?
195. What experience did _____ have in his role as trial counsel that a reasonable person would believe, in good faith, should be revealed to Mr. Hicks?
196. It is Mr. Hicks' understanding that _____ served as Senior Defense Counsel. When was this, for how long, and how many cases did he defend?
197. What experience did _____ have in this role as a defense counsel that a reasonable person would believe, in good faith, should be revealed to Mr. Hicks?
198. It is Mr. Hicks' understanding that _____ was designated Deputy Branch Head (Military Law Branch, Headquarter Marine Corps). When was this, for how long, and what was his function?
199. What experience did _____ have in this role that a reasonable person would believe, in good faith, should be revealed to Mr. Hicks?
200. It is Mr. Hicks' understanding that _____ was designated Executive Secretary and USMC Working Group member for Joint Service Committee on Military Justice. When was this, for how long, and what was his role?
201. What experience did _____ have in this role that a reasonable person would believe, in good faith, should be revealed to Mr. Hicks?

202. It is Mr. Hicks' understanding that _____ was designated Faculty Member (Criminal Law Department, The Judge Advocate General's School, U.S. Army). When was this, and for how long?
203. What courses did _____ teach? Please provide all documents used in these courses.
204. What experience did _____ have in this role that a reasonable person would believe, in good faith, should be revealed to Mr. Hicks?
205. It is Mr. Hicks' understanding that _____ was designated Law Center Director. When was this, and for how long?
206. What was _____'s function in this Billet?
207. What experience did _____ have in this role that a reasonable person would believe, in good faith, should be revealed to Mr. Hicks?
208. It is Mr. Hicks' understanding that _____ was worked as a Staff Judge Advocate. When was this, and for how long? Which officers did he advise?
209. What was _____'s function as Staff Judge Advocate?
210. What experience did _____ have in this role that a reasonable person would believe, in good faith, should be revealed to Mr. Hicks?

's Experience as a Military Judge

211. It is Mr. Hicks' understanding that _____ was designated Military Judge from 1998-2001 & July 2005-present. Please provide a complete listing of all General courts-martial for which _____ was the military judge.
212. Of the cases in which _____ sat as military judge, how many involved an accused who was not a member of the U.S. armed services?
213. Of the cases in which _____ sat as military judge alone, involving U.S. armed service personnel, how many, if any, resulted in a finding of not guilty?
214. Of the cases in which _____ sat as military judge alone, involving non-U.S. armed service personnel, how many, if any, resulted in a finding of not guilty?
215. Of the cases in which _____ presided, how many involved serious felony charges that could be considered to rise to the nature and seriousness of the current charges before the commission?

216. Of the cases over which _____ presided, how many involved the filing of motions, in which he had to make a ruling on the admissibility of evidence and other rules of law?
217. What is _____'s best estimate of the proportion of motions in which he ruled favorably for the defense? Please provide the name of the case and the motion in which he ruled favorably for the defense.
218. What experience did _____ have as a military judge that a reasonable person would believe, in good faith, should be revealed to Mr. Hicks?

_____ 's Involvement with the Military Commission Process

219. Did _____ play any role whatsoever, including a consultation role, in the development or criticism of any version of the military commission process? If so, please provide details.
220. How did _____ come to be a Presiding Officer in the previous military commission process?
221. Did _____ apply for the position of Presiding Officer in the previous military commission process? If so, please describe why, and provide a copy of the application.
222. Was _____ solicited for the position of Presiding Officer? If so, by whom? Please provide a copy of the solicitation.
223. Did _____ have to fill out any kind of form or questionnaire related to the position? Please provide a copy of any such document.
224. Was _____ interviewed for the position? Please provide a copy of all recordings of any kind of this interview, including any memoranda created that bear any relationship to the interview whatsoever.
225. Who decided that _____ was fit for the position?
226. What criteria were used to make this decision?
227. Did _____ receive any training whatsoever relating to his position as Presiding Officer? If so, what did it consist of and who conducted the training.
228. Who was the Presiding Officer's superior officer?
229. How did _____ come to be a judge for the current military commission process?

230. Did _____ apply for the position of military judge in the current military commission process? If so, please describe why, and provide a copy of the application.
231. Was _____ solicited for the position of military judge with the current military commission process? If so, by whom? Please provide a copy of the solicitation.
232. Did _____ have to fill out any kind of form or questionnaire related to the position of military judge with the current military commission process? Please provide a copy of any such document
233. Was _____ interviewed for the position? Please provide a copy of all recordings of any kind of this interview, including any memoranda created that bear any relationship to the interview whatsoever.
234. Who decided that _____ was fit for the position?
235. What criteria were used to make this decision?
236. How was _____ selected as the Chief Military Judge?
237. Please list all people with whom _____ communication in any manner regarding his selection or potential selection as the Chief Military Judge and describe those communications.

_____’s Contacts with

238. Please identify any contact whatsoever of any kind between _____ and Appointing Authority

_____’s Contacts with any other Official of the Bush Administration

239. Please identify any contact whatsoever between _____ and any member of the executive branch who has any role whatsoever in the military commission process.

_____’s Contacts with those Associated with the Case

The Accused and Witnesses

240. Did _____ know Mr. Hicks or anything about him prior to being assigned to this case? If so, please describe his knowledge.
241. Does _____ know anybody who he believes may reasonably be called as a witness in these proceedings? If so, please list the potential witnesses and state how he knows them.

The Prosecution Branch

242. Does _____ know anybody associated with the Office of Military Commissions in the prosecution branch? If so, please list the people and describe how he came to know them and his contact with them.
243. What contact has _____ had with any current members of the prosecution branch?
244. What contact has _____ had with any former members of the prosecution branch?
245. What does _____ know about LtCol _____, USMC?
246. What does _____ know about Maj _____, USMC?
247. Has _____, personally or through an agent, had any communications with anyone in the Prosecution Office regarding Mr. Hicks? If so, please describe the communications in detail.
248. Has _____, personally or through an agent, had any communications with anyone in the Prosecution Office regarding the status or content of any draft of the pending implementing regulations for the military commissions? If so, please describe the communications in detail.

The Defense Branch

249. What contact has _____ had with any member of the defense branch?
250. What does _____ know about Col _____, USMC, Chief Defense Counsel?
251. What does _____ know about Maj Michael Mori, USMC?
252. Does _____ know any of the other lawyers assigned to the Office of the Chief Defense Counsel? If so, how?
253. What contact, if any, has _____ had with any former member of the defense branch?

The Military Judges

254. Does _____ know any of the other Military Judges associated with the Office of Military Commissions? If so, describe how he came to know them and his contact with them.
255. What, if anything, does _____ know about any of the other military judges selected for the current military commissions?

The Convening Authority

256. What contact, if any, has _____ ever had with the Convening Authority, Susan Crawford?
257. What contact, if any, has _____ ever had with the Legal Advisor to the Convening Authority, _____?
258. What contact, if any, has _____ ever had with any other member of the Convening Authority's office?
259. Has _____, personally or through an agent, had any communications with anyone in the Convening Authority's Office regarding Mr. Hicks? If so, please describe the communications in detail.
260. Has _____, personally or through an agent, had any communications with anyone in the Convening Authority's Office regarding the status or content of any draft of the pending implementing regulations for the military commissions? If so, please describe the communications in detail.

Members

261. What contact, if any, has _____ ever had with any members detailed to the military commission for Mr. Hicks?
262. What contact, if any, have any members of the military judge's office ever had with the members detailed to the military commission for Mr. Hicks?
263. Who will contact the members detailed to the military commission for Mr. Hicks to coordinate any military commission proceedings?

's Training for Military Commissions

264. What, if any, training has _____ had or does he expect to have relating in any way to his role as Military Judge in the military commissions? Who conducted or will conduct the training?
265. Has _____ sought any opinion, advice or guidance on the law of war from any individual or expert after considering becoming a Military Judge for the military commission, applying for the role, or assuming the position? What was the opinion, advice or guidance sought and received?
266. Has _____ attended any conferences or meetings addressing policy and/or procedures with regard to the conduct of the military commissions? If so, provide details of any such meeting, and provide all the written materials that were distributed at such a meeting.

267. What independent research (including any internet research), if any, has Col conducted concerning the general facts of this case, specific to Mr. Hicks?
268. What independent research (including any internet research), if any, has Col conducted concerning the general facts of this case and any of the other prisoners currently charged in the military commission process?
269. What independent research (including any internet research) has Col conducted concerning the general facts of this case and the broader 'Al Qaeda' conspiracy alleged in the "charge sheet"?
270. What books has chosen to read since September 11, 2001, concerning terrorism and/or Al Qaeda?
271. Has written any policy, guidelines, material, rules, regulations, or instructions outlining the role, responsibilities, duties of the Presiding Officer and/or the military commission? If so, precisely what has he written and has any of the material been used as a Presiding Officer's Memorandum, Military Commission Instruction or any other military commission document?

's Contacts with the Victims of the 'War on Terror' Charged in this Case

272. Who, if anyone, does know who was killed or injured in the September 11, 2001, attacks?
273. What opinions has expressed publicly (i.e., not in the privacy of his own home) concerning the September 11, 2001 attacks, or what should be done to those associated with the perpetrators?
274. What opinions have expressed privately concerning the September 11, 2001 attacks, or what should be done to those associated with the perpetrators?
275. Who does know in the military services who was killed or injured in a 'terrorist' attack prior to September 11, 2001? (This should include, but not be limited to, the Beirut bombing, the first World Trade Center attack in 1993, the USS Cole, the Embassy attacks and their fall-out, Somalia, etc.) Please provide details, including names, relationships, and a brief discussion of the mental and emotional impact on him in each case.
276. What civilians does know who have been killed or received any injuries associated with a 'terrorist' attack prior to September 11, 2001? Please provide details, including names, relationships, and a brief discussion of the mental and emotional impact on in each case.

277. Who does _____ know who has been killed or injured in military service during or since the September 11, 2001 attacks? (This should include, but not be limited to, the 9/11 attacks, Afghanistan, Iraq, etc.) Please provide details, including names, relationships, and a brief discussion of the mental and emotional impact on _____ in each case.
278. What civilians does _____ know who have been killed or injured in any way associated with the 'War on Terror' during or since the September 11, 2001, attacks? Please provide details, including names, relationships, and a brief discussion of the mental and emotional impact on _____ in each case
279. What role has _____ played in the Afghanistan war? Please provide details of his involvement.
280. Was _____ deployed to Afghanistan? If so, please provide the dates and his duties.
281. What role has _____ played in the Iraq (II) war? Please provide details.
282. Was _____ deployed to Iraq (II)? If so, please provide the dates and his duties.
283. Does _____ know any person who was deployed to Afghanistan closely enough for him to have significant emotional concern for that person's well-being while in a combat zone at the same time as those charged in the conspiracy in this case were allegedly in combat in Afghanistan? If so, please provide details.
284. Does _____ know any person who was deployed to Iraq (II) closely enough for him to have significant emotional concern for person's well-being while in a combat zone at the same time as those charged in the conspiracy in this case were allegedly in combat in Iraq? If so, please provide details.

's knowledge of the prosecutors who quit the military commission system.

285. In publicized reports about the previous military commission, it was disclosed that three prosecutors resigned from the process because they viewed the process as "rigged" to convict.¹ Does _____ have any knowledge regarding the prosecutors who quit the prosecutors office

's Contact with Other Individuals

¹ See, e.g., Neil A. Lewis, *Two Prosecutors Faulted Trials for Detainees*, New York Times (August 1, 2005); Leigh Sales, *Third Prosecutor Critical of Guantanamo Trials*, Australian Broadcasting Corporation (Aug. 3, 2005), available at: <http://www.abc.net.au/news/newsitems/200508/s1428749.htm>.

286. Has _____, personally or through an agent, had any communications with anyone regarding Mr. Hicks, his prior military commission or his current military commission other than of an administrative nature? If so, please describe the communications in detail.
287. Has _____, personally or through an agent, had any communications with anyone in the Prosecution Office regarding the status or content of any draft of the pending implementing regulations for the military commissions? If so, please describe the communications in detail.
288. Is there anything else that, in fairness to Mr. Hicks, _____ should reveal on the subject of other personnel involved in the military commission process?
289. Please provide details of any relationship (of any kind) that has ever had with _____, USA.
290. Please provide details of any relationship (of any kind) that has ever had with Major _____, USA.
291. In particular, has _____ sought any advice, guidance on the law of war and/or the military commissions process from a Major _____? If so, please provide details.
292. Is there anything else that, in fairness to Mr. Hicks, _____ should reveal on the subject of commissions for other detainees in the current military commission process or in previous military commission processes?
293. Please identify any relationship (of any kind) that _____ has with any member of the Court of Military Commission Review.

Respectfully submitted this the 12th Day of March, 2007, subject to Mr. Hicks' request for on-the-record oral voir dire and the reservation to submit supplemental questions or seek clarification of any answers provided. Counsel hereby certifies that the foregoing motion has been served, by electronic mail, upon counsel for the prosecution.

/s/
M.D. MORI
Major USMC
Detailed Defense Counsel



DEPARTMENT OF DEFENSE
OFFICE OF THE CHIEF PROSECUTOR
1610 DEFENSE PENTAGON
WASHINGTON, DC 20301-1610

February 28, 2007

MEMORANDUM FOR LIEUTENANT COLONEL

USMC

LIEUTENANT

USN

LIEUTENANT

USN

SUBJECT: Detailed Prosecutors

Consistent with my authority as Chief Prosecutor and the provisions of Rule 501(b), Manual for Military Commissions, dated January 18, 2007, the above named counsel are detailed and designated as follows for the case of United States v. David Matthew Hicks:

Detailed Prosecutor:

Lieutenant Colonel , USMC

Detailed Assistant Prosecutor:

Lieutenant USN

Lieutenant USN

Colonel, United States Air Force
Chief Prosecutor
Office of Military Commissions

cc:

Deputy Chief Prosecutor

DoD OGC

From: LtCol, DoD OGC
Sent: Tuesday, March 13, 2007 11:54 AM
To:

Cc:

Subject: U.S. V. HICKS - MILITARY JUDGE VOIR DIRE - PROSECUTION
Attachments: Hicks - Pros - MJ Voir Dire.doc; Hicks - Pros - Detailing Letter - 070228.pdf

-- sir:

1. Attached is the Prosecution voir dire of 13 Mar 07.
2. Also attached is the Prosecution detailing memorandum of 28 Feb 07.

V/r--

, LtCol, USMC
Prosecutor, Office of Military Commissions

AE 12(Hicks)
Page 1 of 2

3/20/2007

UNITED STATES OF AMERICA

v.

DAVID MATTHEW HICKS
a/k/a "David Michael Hicks"
a/k/a/ "Abu Muslim Australia"
a/k/a "Abu Muslim Austraili"
a/k/a "Abu Muslim Philippine"
a/k/a "Muhammad Dawood"

Prosecution

Voir Dire of the Military Judge

13 March 2007

1. Timeliness. The Prosecution voir dire of the Military Judge is submitted within the time frame and other directions by the military judge.

2. Questions.

a. The Prosecution requests the following voir dire of the Military Judge:

(1). What is the general nature and extent of your Honor's knowledge of the *United States v. Hicks* military commission?

(2). Does your Honor have personal knowledge of any alleged facts in the *Hicks* case?

(3). What role, if any, did your Honor have in the Hicks case, under the previous military commission proceedings pursuant to the Presidential Military Order of November 13, 2001; 66 Fed. Reg. 57833?

(4). Does your Honor have any personal bias or prejudice concerning an outcome in the *Hicks* case; or, personal bias or prejudice towards a party in the proceedings?

(5). Does your Honor have any reason to believe whether his impartiality might reasonably be questioned in the *Hicks* case?

(6). Does your Honor know of any additional matters that might reasonably lead to a judicial challenge in the *Hicks* case?

b. The Prosecution requests the opportunity to supplement its voir dire in the event Defense is granted oral, or additional, voir dire.

3. Submitted by:

/s/

Lieutenant Colonel, U.S. Marine Corps
Prosecutor, Office of Military Commissions

Assistant Prosecutors:

LT JAGC, USN
LT JAGC, USN

**AE 12(Hicks)
Page 2 of 2**

V.

13 March 2007

- AE 13 (Hicks)
Page 1 of 64

b. The Prosecution requests the opportunity to supplement its voir dire in the event Defense is granted oral, or additional, voir dire.

3. Submitted by:

/s/

Lieutenant Colonel, U.S. Marine Corps
Prosecutor, Office of Military Commissions

UNITED STATES OF AMERICA

v.

DAVID M. HICKS

)
)
) DEFENSE PRELIMINARY VOIR DIRE QUESTIONS FOR
) THE MILITARY JUDGE
)

12 March 2007

Mr. Hicks' counsel are under instructions to submit written voir dire questions to by 1200, 13 March 2007. The defense requests oral voir dire during an on-the-record proceeding.

This is a preliminary submission. Mr. Hicks defense reserves the right to supplement and seek clarification of any answers provided.

Personal Information

In the interest of efficiency and not having duplicate documents in the record, the original document sent by defense will not be made a filing. That complete document, along with my answers typed therein, have been converted to a PDF document and will be made part of the filings.

Answers by are underlined. In some instances, only N/A (not applicable) is used.

There are numerous assertions, observations, or statements by counsel preceding or setting up the questions. I do not agree with many of these, I have not addressed or responded to them. Silence may not be interpreted as agreement.

1. When was born? See Bio.
2. Where was born? See Bio.
3. Please state briefly what 's father did professionally? Owned and operated delicatessen.
4. Please state briefly what 's mother did professionally? N/A.
5. Please state how many siblings has. 2.
6. Please identify the professions of 's siblings. One owns and operates an insurance agency. One is a veterinarian.
7. Do any of 's relatives play any role in the so-called 'War on Terror'? No.
8. Do any of 's relatives active with respect to any political party? No.
9. Please identify any person to whom is or was married?

10. What is her profession? is a bar certified attorney and former Navy JAG officer. She has not worked outside the home in over 15 years.
11. Does she play, or has she played, any role in the 'War on Terror'? No.
12. Has she ever been active with respect to a political party? If so, please state the party and describe her activity. No.
13. What duty stations and billets was she assigned to while she was on active or reserve duty? NLSO, San Diego.
14. Please identify the names of any major (i.e. over 18) child of
15. In the case of each such person, what is his / her profession? Student.
16. Does s/he play, or has s/he played, any role in the 'War on Terror'? No.
17. Does s/he play, or has s/he been active with respect to any political party? No.
18. Do or did any of the persons discussed in paragraphs 3-14 play any role in a governmental agency? No.
19. Do or did any of the persons discussed in paragraphs 3-14 play a role in any local, state, national political organization? No.
20. Has any of the persons discussed in paragraphs 3-14, of contributed money to any political party or campaign? Not that I am aware of.
21. Does have any other blood relationship with any person that should, in fairness, be revealed to Mr. Hicks? No.
22. Does or any member of his family speak any language other than English? I speak some German. My wife and two of our children speak some Spanish.
23. Has ever traveled outside the U.S.? If so, please list locations and dates. (Approximate dates) Germany in 1963, 1975, 1979, 1995; Canada sometime in the 1960s; Norway in 1975 and 1979; Mexico in 1982; Philippines, Thailand and China in 1983-84; Okinawa and Korea in 1984-84 and 1997-98; England in 2001; Cuba in 2006.
24. Has any member of's family traveled outside the U.S.? If so, please list locations and dates. (Approximate dates) Wife: Canada and Mexico in the 1960s; England in 2001. Daughter: Germany in 2002; Ireland in 2006.
25. Does or any member of his family practice any particular religion? If so, please state what religion he/she practices. Christian.

26. Has ever studied Islam? No.
27. Has ever read any books or seen any reports on Islam? Yes.
28. Does have any close social or professional contacts with people who practice Islam? Not that I know of.
29. What is 's attitude with respect to Muslims in general? Neutral.
30. Has or any member of his family ever traveled to Australia? No.
31. What is 's attitude with respect to Australians in general? Neutral.
32. Please describe what, if any, personal impact that acts of terrorism, the war in Afghanistan, or the war in Iraq, has had on , his family, relatives and friends. I have several friends who have served in the U.S. Armed Forces in Afghanistan and Iraq.

's Education

High School

33. Where and when did attend high school? Franklin Lakes, NJ; 1972-1976.

U.S. Naval Academy B.S. (1980)

34. Mr. Hicks understands that received a Bachelor of Science from the U.S. Naval Academy, 1980. Is this correct? Yes.
35. What was the B.S. in? Economics.
36. Was at the U.S. Naval Academy from 1976-80? Yes.
37. Which congressional personnel endorsed 's application for entrance into the Naval Academy?
38. Describe the relationship had with these congressional representatives? None.
39. Of what clubs or organizations was a member while at the Naval Academy? Varsity Fencing Team.

Widener University (1984-87)

40. Mr. Hicks understands that _____ received a "Juris Doctor, Delaware Law School, Widener (1987)." Is this correct? Does this mean he attended law school from 1984-87? Yes.
41. Did the Marine Corps pay for _____'s law school education? Yes.
42. Please provide a list of all military courses attended including all professional military education courses. None at law school.
43. Who taught _____ constitutional law during law school? Professor
44. Who taught _____ professional ethics during law school? Chief Justice (Delaware Supreme Court).
45. Did _____ take any courses in international law during law school? If so, what courses and who taught them? No.
46. Did _____ take any courses in the law of war during law school? If so, what courses and who taught them? No.
47. Is there anything else about _____'s experience in law school that he should, in fairness, reveal to Mr. Hicks? No.

Judge Advocate General School (1994)

48. Mr. Hicks understands that _____ received his Master of Law (Military Law), from the U.S. Army Judge Advocate General's School in 1994. Is this correct? Yes.
49. What years did he study there? 1993-94.
50. Please name all the professors who taught _____ military law there. LtCol _____, Major _____, Major _____, Major _____, Major _____, plus one or two others whose name I do not recall.
51. During his education at the Judge Advocate General's School, was there any formal educational component where the issue of torturing prisoners ever arose? If so, please elaborate. Although I have no specific recollection, I would imagine this topic was addressed during a Law of War Class.
52. During his education at the Judge Advocate General's School, was there any informal occasion where the issue of torturing prisoners ever arose? If so, please elaborate. Not that I recall.

U.S. Naval War College

53. Mr. Hicks understands that _____ received his “Master of Arts (National Security and Strategic Studies) U.S. Naval War College (2002).” Is this correct? Yes.
54. During his education at the U.S. Naval War College, was there any formal educational component where the issue of torturing prisoners ever arose? If so, please elaborate. Not that I recall.
55. During his education at the U.S. Naval War College, was there any informal meeting where the issue of torturing prisoners ever arose? If so, please elaborate. Not that I recall.
56. During his education at the U.S. Naval War College, was there any formal educational component concerning how to secure reliable intelligence? If so, please elaborate. Not that I recall.
57. During his education at the U.S. Naval War College, was there any informal educational component concerning how to secure reliable intelligence? If so, please elaborate. Not that I recall.

’s Membership in Organizations

58. Has _____ been a member of any organizations, clubs or committees (including, e.g., the Federalist Society or the White Paper Society) at any time since the age of 18? If so, when and where? Naval Academy Alumni Association, 1980-present.
59. Has _____ ever worked with non-government organizations (NGOs) at any time since the age of 18? If so, which ones and what was his experience in working with such organizations. No.
60. Has _____ ever worked with private volunteer organizations (PVOs) at any time since the age of 18? If so, which ones, what were the dates of his involvement, and what was his experience in working with such organizations? No.
61. Has _____ ever worked with international/national organizations (e.g. International Red Cross, UN, NATO) at any time since the age of 18? If so which ones, what were the dates of his involvement, and what was his experience in working with such organizations? No.

and Politics

62. Does _____ have now, or have he ever had, any political affiliation? Please provide details. No.
63. Is _____ now, or has he ever been, a member of any political party? Please provide details. No.

64. Does _____ have now, or have he ever had, any connection of any kind with President George W. Bush or members of his administration? No.

65. Does _____ have now, or have he ever had, any connection of any kind with former Secretary of Defense Donald Rumsfeld or current Secretary of Defense Robert M. Gates as well as any member of their office? No.

Military Service

66. It is Mr. Hicks' understanding that _____ served as a Combat Engineer Officer. Was this ever in combat? No.

67. Please list _____'s experiences in combat. N/A.

68. It is Mr. Hicks' understanding that _____ served as Platoon and detachment commander and Company Executive Officer, 7th Engineer Support Battalion, 1st Force Service Support Group; Company executive Officer and Company Commander, 3rd Combat Engineer Battalion, 3d Marine Division. Is there anything relevant in this experience to the task at hand? (This should include, but not be limited to, whether _____ was ever involved in any court-martial as a member, witness or suspect and whether he ever charged, formally or informally, or investigated for any offense himself.) No (with the exception of one time service as a character witness for one of my Marines).

69. It is Mr. Hicks' understanding that _____ was awarded the Legion of Merit. When did he receive Legion of Merit and what was it for? For service as SJA, 2d MAW 2002-2005.

70. It is Mr. Hicks' understanding that _____ was awarded the Meritorious Service Medal with 3 Stars. When did he receive the Meritorious Service Medal and each star and what was it and each star for? 1st Award for service as Action Officer and Deputy Branch head at HQMC from 1990-1993; 2d Award for service on faculty of Army JAG School from 1994-1997; 3d Award for service as Deputy SJA for 3d MarDiv/II MEF from 1997-1998; 4th Award for service as a military judge from 1998-2001.

71. It is Mr. Hicks' understanding that _____ was awarded the Joint Service Commendation Medal. When did he receive the Joint Service Commendation Medal and what was it for? Service as USMC Working Group member and Executive Secretary for Joint Service Committee on Military Justice from 1990-1993.

72. It is Mr. Hicks' understanding that _____ was awarded the Navy-Marine Corps Commendation Medal. When did he receive the Navy-Marine Corps Commendation Medal and what was it for? Service as a Trial Counsel and Senior Defense Counsel at MCRD San Diego from 1987-1990.

73. Please provide a copy of all _____'s officer evaluation reports. General

production of matters from my Official Military Personnel File (OMPF) is not warranted.

74. Please provide a copy of all _____'s awards, merits, and citations.
General production of matters from my Official Military Personnel File (OMPF) is not warranted.
75. Please provide a copy of all _____'s criminal or disciplinary investigations, if any. There are none.
76. Please provide a copy of all complaints that have been filed against Col _____ that resulted in any formal or informal administrative investigations.
There are none.
77. Please provide a copy of all _____'s letters of reprimand, letters of counseling or any other administrative action, if any. There are none.
78. Please list any and all administrative actions, even if such administrative paperwork has been removed from _____'s records or never recorded in his files. N/A.
79. Has _____ received any military or disciplinary action, such as non-judicial punishment (NJP)? If so, what were the charges and what was the result of such action? No.
80. Does _____ anticipate or hope for any promotion in the next five years, or does he plan to retire? Please elaborate. I do not anticipate any further military promotion. I expect to retire in my current rank within the next four years.
81. Does _____ believe that his participation in these proceedings could have an impact on his personal or professional life? If so, please elaborate. Unknown.
82. Does _____ believe that the outcome of these proceedings could have an impact on his personal or professional life? If so, please elaborate. No.

's Knowledge of the 'War on Terrorism'

83. Has _____ played any role whatsoever, including a consultation role, in the development of any aspect of the preparations for any combat military operation during his military career that involved al Qaeda or the 'War on Terror' (including but not limited to, Operation Enduring Freedom, the USS Cole, Somalia, or any military operation since September 11, 2001)? (This should include, but not be limited to, preparation and planning for a military operation.) If so, please provide details below. No.

84. Has read any publications regarding Afghanistan? If so, which publications. I have read some things over the years that made reference to this topic, however, none that stand out in my mind.
85. Has read any publications regarding terrorism? If so, which publications. I have read some things over the years that made reference to this topic, however, none that stand out in my mind.
86. Has read any publications regarding al Qaeda? If so, which publications. I have read some things over the years that made reference to this topic, however, none that stand out in my mind.
87. Has read any publications regarding the Taliban? If so, which publications. I have read some things over the years that made reference to this topic, however, none that stand out in my mind.
88. Has read any publications regarding military operations conducted in the past six years? If so, which publications. I have read some things over the years that made reference to this topic, however, none that stand out in my mind.
89. What is's knowledge about United States or Pakistani support for the Mujahideen's jihad against the Russian occupation of Afghanistan? I do not have in depth knowledge or preconceived notions regarding this topic.
90. Does have any knowledge of the wars that occurred in the former Yugoslavia and Kosovo? If so, please describe his knowledge. I do not have in-depth knowledge or preconceived notions regarding this topic.
91. What, if anything, does understand to have been the United States' support for the Kosovo Liberation Army? I do not have in-depth knowledge or preconceived notions regarding this topic.
92. What, if anything, does understand about U.S. citizens joining Kosovo Liberation Army? I do not have in-depth knowledge or preconceived notions regarding this topic.
93. What, if any, is's knowledge of Pakistan's involvement with the creation and support of the Taliban? I do not have in-depth knowledge or preconceived regarding this topic.
94. Please list and describe any meetings, conversations, or discussions, formal or informal, personal or professional, that has had regarding the 'War on Terrorism,' al Qaeda, the detainees at Guantanamo, and the military commission process. This is an overly broad and unreasonable question.
95. What media or public information sources have seen regarding 9/11, the Guantanamo detainees, or the military commission process? This is an overly broad and unreasonable question.

96. Could the high level media and press interest in this case affect the functioning or participation of _____ in this process? No.
97. Has _____ seen or heard any media reports about Mr. Hicks or his case? If so, please describe them. I am aware that this case has been the subject of litigation in various forums for several years. I have not followed the particulars of that litigation.
98. Has _____ seen or heard any media reports citing Maj Michael Mori, USMC, as a source? If so, please describe them. I have seen some media coverage regarding Maj Mori's representation of Mr. Hicks. I have not followed the particulars of his service in this regard.
99. Has _____ seen or heard any media reports citing Col _____, USAF, as a source? If so, please describe them. I have seen some media coverage regarding Col _____ service in the OMC. I have not followed the particulars of his service in this regard.
100. Did _____ see or listen to any media reports covering Col _____'s involvement as the presiding officer in the previous military commission proceedings? If so, please describe them. I saw some of the articles regarding the proceedings in US v Mohammed. They were routine in nature.
101. Did _____ see or listen to any media reports covering the previous military commission proceedings for which he was not detailed as the presiding officer? If so, please describe them. None that I recall.
102. What, if any, terrorism-related U.S. federal prosecution has followed in the media or through his own reading/writing? None.
103. Has _____ familiarized himself with ongoing U.S. federal litigation of these cases, including *Hamdan*, *Rasul*, *Hamdi*, *Al Odah*, or any of the habeas cases now seeking certiorari from the Supreme Court, including amicus filings, such as the retired judges' brief on torture? I read a summary of the Supreme Court Opinion in *Hamdan*.
104. Has _____ received any training or self-study on the legislative Detainee Treatment Act or Military Commission Act? If so, please describe it. Self-study.
105. What is _____'s current understanding on the application of the U.S. Constitution, international humanitarian law and human rights law at Guantanamo Bay in relation to an individual facing a military commission? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.

106. Please list and describe _____'s knowledge of U.S. and coalition operations in Afghanistan between 2001 and 2003. I do not have in-depth knowledge or preconceived notions regarding this topic.
107. Please list and describe the sources of this knowledge in detail, including knowledge gained from _____'s service as a military officer and from other sources including media outlets, friends, relatives, etc. See Q. 106.
108. Has _____ ever done any independent research or inquiries into or about U.S. and coalition operations in Afghanistan, terrorism, al Qaeda, alleged terrorist organizations, the Taliban, the detainees held at Guantanamo Bay, military commission procedures, and other related topics? If so, please describe it. I have done normal work with regard to military commission procedures in connection with my service as a Presiding Officer and Military Judge.
109. Please list all references, materials, websites, television programming, articles or information sources consulted in performing such independent research or inquiries. See Q.108.
110. Who does _____ believe was responsible for the attacks on the World Trade Center and the Pentagon on 11 September 2001? I do not have in-depth knowledge or preconceived notions regarding this topic.

_____'s Legal Training & Experience

111. Has _____ taken any courses or attended any lectures in constitutional law not previously described? If so, please identify the date, the topic and the speaker. This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
112. What, if any, legal training or experience has _____ had with respect to International Human Rights law? Please provide details, including the names of any courses and speakers. The International/Operational Law portions of the Naval Justice School program in 1987 and the Army JAG school program from 1993-1994 provided basic instruction with regard to Law of War topics associated with Human Rights issues.
113. What legal training or experience has _____ had with respect to the Law of War, International Humanitarian Law? Please provide details, including the names of any courses and speakers. The International/Operational Law portions of the Naval Justice School program in 1987 and the Army JAG school program from 1993-1994 provided basic

instruction with regard to Law of War topics associated with Human Rights issues.

114. What legal training or experience has _____ had with respect to International Law or war crimes not previously described? Please provide details, including the names of any courses and speakers. The International/Operational Law portions of the Naval Justice School program in 1987 and the Army JAG school program from 1993-1994 provided basic instruction with regard to Law of War topics associated with Human Rights issues.
115. In which state(s) is _____ licensed to practice law? Pennsylvania.
116. What has been _____'s membership status in his bar since membership? A member in good standing.
117. Does _____ follow the development of international law? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
118. Has _____ read the four Geneva Conventions and their Additional Protocols? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
119. What other international conventions or instruments has _____ read in the past 6 years? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
120. Has _____ received any training or self-study on the jurisprudence of international tribunals such as Nuremberg, the International Criminal Tribunals for the former Yugoslavia and for Rwanda, or the International Criminal Court? If so, please identify when it occurred and describe it. This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
121. Has _____ ever been involved in a court-martial, in any capacity, that involved classified material in the discovery process or as an exhibit for a case? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
122. Has _____ ever been involved with cases where an accused was being prosecuted for a Title 18 federal crime (such as an assimilated crime under the U.C.M.J.)? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.

123. Has ever performed the duties of a Special Assistant United States Attorney? No.
124. How many months has been assigned to a billet which involved him litigating in a court-martial? (Not as a military judge.) Please delineate between prosecution and defense billets. 15 months as prosecutor; 18 months as a defense counsel.
125. Has ever been involved with a court-martial, in any role, that involved a violation of the Geneva Conventions? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
126. Has ever been involved with a court-martial, in any role, that involved, some aspect of international law? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
127. Has ever been involved with a court-martial, in any role, that involved, some aspect of a foreign domestic law? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
128. Has ever been involved with a court-martial where a translator was required for a witness or accused? If so, please provide details. This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.

's Involvement with Military Commissions

129. What legal training has had with respect to the Military Commissions? Please provide details, including the names and addresses of all those who presented on the commissions, and a synopsis of what they said. No special training received.
130. What opinions has expressed outside the forum of the military commissions concerning the legitimacy of the commissions and their rules? Please identify each occasion that such a comment has been made, as precise a rendition of what he said as possible, and the name and address of all those present when the comment was made. None.
131. What was 's professional opinion of the structure of the previous military commission? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
132. What is 's professional opinion of the structure of the current military commission? This question does not address matters reasonably

concerning impartiality or bias relevant to a possible challenge for cause of the military judge.

133. Has _____ done any research or made any inquiries into how the military commission should be conducted? If so, please describe the research/inquiries. This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
134. Has _____ read any publications regarding military commissions? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
135. Please list and describe _____'s interactions with the appointing authority, and/or his own service chain of command leading to him being appointed as presiding officer in the previous military commission system, including but not limited to conversations, e-mails, and other communications that led to or provided him with information regarding his service as presiding officer? At some point several years ago, the USMC was apparently tasked with providing nominations for possible service for various billets in the Military Commissions process. The Deputy SJA to CMC asked whether I was available for possible service as a presiding officer. I responded that I was available to serve as directed. On/about 1 December 2005 I received a telephone call from the OMC _____ advising me that I had been appointed as a presiding officer for a case.
136. What contact has _____'s had with Col _____, USA (Ret.)?

While I was a student at the Naval War College, I completed an independent study elective wherein I wrote a paper entitled: "Forum Shoppers Beware: The Mismatch Between the Military Tribunal option and United States National Security Policy." Colonel _____ was my academic advisor for this elective. I had previously met Col _____ sometime between 1994 and 1997 when I was on the faculty at the U.S. Army JAG School. During that time, then Major _____ stopped in the Criminal Law Department office spaces and I was introduced as the Marine Corps officer on the staff. While I was a student at the Naval War College, Colonel _____ was assigned as the head of the International Law Department of the Naval War College. I asked Colonel _____ to be my advisor for this independent study elective because he was the senior judge advocate on the Naval War College Faculty. I chose the topic because it was in the news at the time. I wrote the paper during the second trimester of the school year. The elective was of a pass/fail nature. Although there were no class sessions for this elective, I had two or three short meetings with Colonel _____ times to discuss the progress of my paper. Although I received a passing mark for the elective, I do not recall receiving a graded paper back at the end of the process.

I do not recall having contact with Colonel [redacted] since my leaving the Naval War College. I was aware of his later being assigned to the Office of Military Commissions. I am not aware of the specifics concerning his departure from the Office of Military Commissions. I do not believe that my writing of this paper played any role in my appointment as a Presiding Officer or a Military Judge.

The paper (attached) discusses several potential forum options for the prosecution of persons alleged to have engaged in criminal conduct associated with terrorism. The thesis of the paper was that while the Military Tribunal Option was within the range of available options for such prosecutions, it was not the best choice available in light of what I perceived to be a de facto national security strategy of cooperative selective engagement. The Naval War College is an academic institution, and its curriculum is targeted at the role of senior military officers in strategic planning and policy. Accordingly, although the paper deals with a legal topic, the paper was neither supposed to be, nor intended as, a legal analysis of the Military Commission process. For the most part, the paper deals with national policy issues not relevant to my current role as a Military Judge. I did make a statement in the paper, however, that I now believe to be incorrect, concerning the Presidential Military Order (PMO) governing the Military Commissions. In the paper I stated that: "[T]he order essentially states that even basic notions of due process (the legal word for fundamental fairness) will not be a required element in the tribunal process." This statement was incorrect in that it failed to appreciate the significance of the touch-stone of the PMO, as stated in Section 4c(2), that orders and regulations that were yet to be developed governing the conduct of the proceedings "shall at a minimum provide for . . . (2) a full and fair trial[.]" Accordingly, although the PMO indicated that certain aspects of procedural due process recognized in criminal cases in United States district courts would have been inapplicable in the particular context of the Military Commissions, the PMO also dictated that the trials be "full and fair."

137. What contact has [redacted]'s had with Col [redacted], USA? I met Col [redacted] sometime between 1994 and 1997 when I was on the faculty at the U.S. Army JAG School. He stopped in the Criminal Law Department office spaces and I believe I was introduced as the Marine Corps officer on the staff. We had no conversation beyond a basic introduction. I may also have met Col [redacted] on a number of occasions at annual interservice military judges conferences between 1998 and 2001. Col [redacted] also made a presentation to the military judges course I attended in April 2005. Col [redacted] and I both served as presiding officers from December 2005 – June 2006.
138. Has [redacted] had any communications with Col [redacted] regarding Mr. Hicks or his prior or current military commission? If so, please describe the communications in detail. We have not discussed any particulars concerning Mr. Hicks or his prior military commission proceedings. Any

discussion that Col [redacted] and I may have with regard to this current proceeding are not subject to disclosure.

139. Please describe [redacted]'s interactions with Mr. [redacted], and what Mr. [redacted]'s role was in the previous military commission process. I met Col [redacted] sometime between 1994 and 1997 when I was on the faculty at the U.S. Army JAG School. He stopped in the Criminal Law Department office spaces and I believe I was introduced as the Marine Corps officer on the staff. We had no conversation beyond a basic introduction. I may also have met Col [redacted] on a number of occasions at annual interservice military judges conferences between 1998 and 2001. Col [redacted] served as the Assistant to the presiding officers while I was a presiding officer from December 2005 – June 2006.
140. Since [redacted] participated in the previous military commission that violated the Geneva Conventions, does he have any concern that his involvement may subject him to any criminal liability? No.
141. Please describe [redacted]'s interactions with the Convening Authority's office, and/or his own service chain of command leading to him being appointed as a military judge and designated chief military judge for the military commissions, including but not limited to conversations, e-mails, and other communications that led to or provided him with information regarding his selection. At some point, the Judge Advocate General of the Navy was apparently tasked with providing nominations for possible service in the Military Commission Trial Judiciary. The Chief Judge, Navy-Marine Corps Trial Judiciary asked whether I was available for possible service as a military judge at these commissions. I responded that I was available to serve as directed. On 1 March 2007, I received a telephone call from Ms. [redacted] of the Military Commissions Trial Judiciary staff advising me that I had been appointed as the Chief Judge.
142. If supported by the law and facts, does [redacted] believe he could make a ruling that would result, in the perception, that members of the executive branch or legislative branch of the U.S. government had intentionally violated U.S. or international law? Yes.
143. If supported by the law and facts, does [redacted] believe he could make a ruling that would result, in the perception, that members of the old military commission system had intentionally violated U.S. or international law? Yes.
144. Does [redacted] believe he can make decisions about whether the commission has proper jurisdiction? Yes.

Military Judge's Office for Military Commissions

145. What is the structure of the Military Judge's Office? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
146. Has _____ had any communications with any member of the DOD General Counsel's Office? If so, what was the nature of those communications? No.
147. Who is employed in the Military Judge's Office? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
148. Is Mr. _____ employed by the Military Judge's Office? If not, are there any plans to employ Mr. _____? No.
149. If Mr. _____ is to be employed by the Military Judge's Office, is Col _____ aware of any disciplinary actions, reprimands, counseling, negative evaluations or civil actions occurring as a result of Mr. Hodges' conduct in *United States v. Quintanilla*, 56 M.J. 37 (C.A.A.F. 2001)? N/A.
150. Was _____ aware of any communications between Mr. _____ and any members of the DOD General Counsel's Office, the Appointing Authority's Office and/or the Office of the Chief Prosecutor during the previous military commissions? If so, what was the nature of those communications? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
151. Has any member of the Military Judge's Office been involved in creating, reviewing or approving any draft of the Manual for Military Commissions or any section of this Manual? Not that I am aware of.
152. Was any member of the Military Judge's Office involved with creating, reviewing or approving any rule, regulation or Presiding Officer's Memorandum used in the previous military commission system? Yes.
153. Has _____ been administered an oath to perform his duties as Chief Military Judge? If so, on what date? There is no oath specific to my service as Chief Judge. I took an oath regarding service as a military judge for the Commissions in accordance with R.M.C. 807 on 15 March 2007. I took essentially the same oath for service as military judge in May 1998 and May 2005 and as a Presiding Officer in approximately February 2006.
154. Generally, does _____ have the authority as a military judge in a military commission to invalidate any provision of the Military Commissions Act? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.

155. Generally, does _____ have the authority as a military judge in a military commission to invalidate any provision of the Manual for Military Commissions? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
156. As a member of the U.S. Armed Forces, is _____ bound to comply with the Geneva Conventions? If so, does _____'s assignment as a military judge for a military commission relieve him of any obligation to comply with any part of the Geneva Conventions? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
157. Are there any sections of the Geneva Conventions that _____ believes do not bind his conduct? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
158. Does _____ believe that failing to provide a person a fair trial as required under Common Article 3 to the Geneva Conventions is a war crime? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
159. What legal standard applies in determining whether _____ should be recused from a commission? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.

's View of Due Process

160. What are _____'s views on the role of confrontation in determining the accuracy of statements? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
161. Does _____ believe that the best way to get to the truth of a contested matter is through cross-examination? If not, please explain why not. This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
162. Does _____ believe that in order to have the type of confrontation that would lead to the truth, the defense needs access to the people who observed the alleged wrongdoing, the circumstances of their questioning, the nature of any deals that were made with them, etc.? If not, please explain why not. This question does not address matters reasonably concerning

impartiality or bias relevant to a possible challenge for cause of the military judge.

163. Because of their nature, translations are problematic. Does agree with this statement? Does he agree that the defense should have access to the original statements and to the person who translated them? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
164. Given the Libby trial and the failure of intelligence in Iraq re: WMD, does agree that a government may fabricate or put forth information that is self-serving, potentially false, or designed for political purposes outweighing accuracy? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
165. Given the question above, does agree that the CIA can be manipulated by the executive branch for its own purposes? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
166. Has ever been involved with a case involving contractors as interrogators? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
167. Does have any views on the application of the Constitution and the meaning of fundamental fairness and the right to a fair trial? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.
168. Does have any views on what makes a statement reliable? This question does not address matters reasonably concerning impartiality or bias relevant to a possible challenge for cause of the military judge.

's Publications, Speeches and Trainings

Ethics & Leadership (North Carolina, 2005)

According to published materials, took part in an Ethics & Leadership Conference in North Carolina virtually simultaneously with his application to the previous Military Commission process, and his appointment as a presiding officer. In the Ethics & Leadership Conference at the NSCCM, Col gave a talk on *Torture, Terrorism and National Security*.

169. For whom was the program intended?

A high school student-relative of mine attends the North Carolina School of Science and Math (NCSSM). I met the Director of Academic Programs (NCSSM). During the course of our conversation, the Director learned I was a Military Judge. He asked if I would be able to take part in an ethics program that the school puts on each year. I agreed to participate, as a facilitator.

The portion of the program I was asked to assist with was conducted in a seminar format. I did not make a structured presentation or speech, but rather guided a discussion by the students on the titled topic. The intended and stated goal was to raise the students' awareness of the dynamics of discussions concerning the titled topic. I specifically resisted students' efforts to seek out my opinion concerning the best definition for words used in these discussions or best lines of demarcation for standards, rules or laws in this area.

170. How did _____ come to participate in the program? See Q. 169.
171. Who attended the program? Please provide a complete list with participants' contact details if available. My session was attended by approximately 25 high school students. I do not recall whether or not there was a roster maintained for the students. I believe the students were free to go to any sessions which drew their interest. I do not have a list of their names.
172. Please provide a list of other speakers and presenters at the course and the related topics of each speaker/presenter? There were no speakers or presenters at my session. I do not have a list of the facilitators of other seminar sessions. This information may be available through the NCSSM.
173. Was the program recorded in any way? If so, please provide a copy of the audio tape, the video tape, or whatever other recording may exist of Col _____'s presentation(s). No.
174. Were there any suggested/required reading materials? If so, please provide the location where Mr. Hicks can secure copies of all such materials. There was no "required reading" for this session. Per the request of the Conference Director, posted readings were made available for each session offered in order to provide an insight into the general nature of the discussion and to serve as a prompt for a discussion between the students. In the case of my session, the readings were chosen based on their brevity and provocative nature. Given the target audience, I felt these readings had a fair chance of actually being read by the students prior to the session. The session did not include an evaluation of the students' participation. I did not then, and do not now, endorse any of the views expressed by the authors of these articles. I do not know if the students read them. I do not have a copy of the recommended reading in hand.