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July 27, 2004

Major General John D. Altenburg, Jr., USA (Ret)
Appointing Authority for Military Commissions
Office of General Counsel
Department of Defense
1600 Defense Pentagon
Washington, DC 20301-1600

Dear General Altenburg:

On behalf of the National Institute of Military Justice I would like to suggest two measures that would enhance public understanding of and confidence in the work of the military commissions.

First, we recommend that Clerk's Offices (with copying facilities) be established both in the Washington area and at Guantanamo Bay, at which members of the media and others who may be in attendance will be able to gain prompt access to all commission filings that do not contain Protected Information. Over the years I have received repeated inquiries from frustrated members of the news media who have been unable to obtain documents from pending courts-martial in a timely manner as needed for contemporary print and electronic journalism. Given the importance of the military commissions and the intense public interest in their work here and abroad, it would be desirable to improve on the normal military justice arrangements in this respect.

Second, we recommend that an electronic case filing system be established along the lines of that used in the federal courts. This proven technology is increasingly familiar to members of the bar, and, combined with the PACER system, permits practitioners and members of the media and public who are not in the immediate vicinity of the proceedings to

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have prompt access to public documents. Obviously, arrangements can be made to exclude documents or parts of documents that contain Protected Information.

Thank you for considering these suggestions. I'd also be grateful for a copy of the Trial Guide. I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Eugene R. Fidell". The signature is written in black ink and is positioned above the printed name.

Eugene R. Fidell