

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SALIM AHMED HAMDAN,
Petitioner,
DONALD H. RUMSFELD,
Secretary of Defense, *et al.*,
Respondents.

Civil Action No. 1:04-CV-01519-(JR)

**UNOPPOSED MOTION OF GENERAL DAVID M. BRAHMS,
ADMIRAL LEE F. GUNN, ADMIRAL JOHN D. HUTSON,
AND GENERAL RICHARD O'MEARA FOR LEAVE
TO FILE A BRIEF AS AMICI CURIAE IN SUPPORT OF PETITIONER**

General David M. Brahms, Admiral Lee F. Gunn, Admiral John D. Hutson, and General Richard O'Meara (collectively "Amici") hereby respectfully move for permission to submit an amicus brief in support of Petitioner. The motion is unopposed.

"[A]n amicus brief should normally be allowed when . . . the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide." *Corbell v. Norton*, 246 F.Supp. 2d 59, 62 (D.D.C. 2003) (citation omitted). Amici are retired senior military officials with extensive experience in issues relating to legal policy, the laws of war, and armed conflict. Amici believe that they possess information and perspectives that can assist the court in this case.

Brigadier General David M. Brahms served in the Marine Corps from 1963 through 1988, with a tour of duty in Vietnam. During the 1970s, he served as the principal legal adviser for POW matters at Marine Corps Headquarters and was directly involved in the return of American POWs from Vietnam. General Brahms was the senior legal advisor for the Marine Corps from 1985 through 1988, when he retired from the military.

Vice Admiral Lee F. Gunn served in the United States Navy for 35 years. From 1977 to 2000, he served as the Department of the Navy Inspector General. Previously, Admiral Gunn commanded the USS Barbey, Destroyer Squadron Thirty-One, and Amphibious Group Three, comprised of the 21 ships, 12 shore commands, and 15,000 Sailors and Marines of the Pacific Amphibious Forces. He served under General Anthony Zinni as Deputy Combined Forces Commander and Naval Forces Commander for Operation United Shield, the final withdrawal of the United Nations peacekeeping forces from Somalia in 1995.

Rear Admiral John D. Hutson served in the United States Navy from 1973 to 2000. He was the Navy's Judge Advocate General from 1997 to 2000. Admiral Hutson now serves as President and Dean of the Franklin Pierce Law Center in Concord, New Hampshire.

Brigadier General Richard O'Meara retired from the United States Army after 36 years of service in the active and reserve components. He is a combat veteran and former Assistant to the Judge Advocate General for Operations (IMA). He currently is a professor of International Relations at Monmouth University and serves as adjunct faculty in the Defense Institute for International Legal Studies. General O'Meara has lectured on human rights and rule of law subjects in locations as diverse as Cambodia, Rwanda, Vietnam, and the Ukraine, and serves as a defense expert before the Special Court in Sierra Leone.

Amici have spent their careers commanding troops at home and overseas, and implementing and interpreting the laws of war. They are uniquely qualified to explain why Petitioner is entitled to the Geneva Conventions; why the military commission established by the President, by which Respondents propose to try Petitioner as an "enemy combatant," violates the Geneva Conventions; and why withholding the protections of the Geneva Conventions from Petitioner would place the safety of American soldiers at risk.

Counsel for Petitioner consents to the filing of this brief, and respondents have advised the undersigned that they do not oppose this motion.

WHEREFORE, Amici respectfully request that they be granted leave to file the attached amicus brief in support of Petitioner.

Respectfully submitted,

DATED:

COVINGTON & BURLING

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**UNITED STATES DISTRICT COURT
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SALIM AHMED HAMDAN,

Petitioner,

v.

**DONALD H. RUMSFELD, United States
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Respondents.

No. 1:04-cv-01519-JR

PROPOSED ORDER

Upon consideration of the Unopposed Motion of General David M. Brahms, Admiral Lee F. Gunn, Admiral John D. Hutson, and General Richard O'Meara for Leave to File an Amici Curiae Brief, the Motion is hereby

GRANTED.

United States District Judge

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

I am a resident of the United States. My business address is One Front Street, 34th Floor, San Francisco, California 94111. I am employed in the City and County of San Francisco where this service takes place. I am over the age of 18 years, and not a party to the within cause. I am readily familiar with my employer's normal business practice for collection and processing of correspondence for mailing with the U.S. Postal Service. On the date set forth below, I served the foregoing document(s) described as:

**UNOPPOSED MOTION OF GENERAL DAVID M. BRAHMS, ADMIRAL LEE F. GUNN, ADMIRAL JOHN D. HUTSON, AND GENERAL RICHARD O'MEARA FOR
LEAVE TO FILE A BRIEF AS AMICI CURIAE IN SUPPORT OF PETITIONER**

on the following person(s) in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

See Attached Service List

[X] **(BY MAIL)** I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at San Francisco, California

Executed on September 30, 2004, at San Francisco, California.



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