

IN THE UNITED STATES COURT OF APPEALS
FOR THE ARMED FORCES

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ROBERT B. BERGDAHL, :
Sergeant, U.S. Army, :
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 Petitioner, :
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 v. : Army Misc. Dkt. No.
: 20150624
:
: USCA Dkt. No. 16-0059/AR
PETER Q. BURKE, :
Lieutenant Colonel, AG : Dated: 14 October 2015
U. S. Army, :
in his official capacity as :
Commander, Special Troops :
Battalion, U. S. Army Forces Com- :
mand, Fort Bragg, NC, and Special :
Court-Martial :
Convening Authority, :
:
and :
:
UNITED STATES, :
:
Respondents. :
:
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UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE
THE CENTER FOR CONSTITUTIONAL RIGHTS
IN SUPPORT OF PETITIONER

The Center for Constitutional Rights hereby moves for leave to file the attached amicus curiae brief in support of Petitioner Bergdahl in the above-captioned matter. As a courtesy, undersigned counsel contacted counsel for both parties seeking their consent to this motion. Petitioner's counsel Eugene R. Fidell

and counsel for the government, Col. Mark H. Sydenham, indicated that their clients had no objection to this filing.

Good cause exists for this Court to grant this motion for leave to file. The Center for Constitutional Rights (CCR) is a nonprofit public interest law firm also engaged in public education, outreach and advocacy. In this capacity, CCR represented a large number of prospective media intervenors in the issue of public access to briefs, transcripts, and judicial orders in the Court Martial proceedings against Bradley (now Chelsea) Manning. See *Center for Constitutional Rights v. United States*, 72 M.J. 126 (C.A.A.F. 20013); *Center for Constitutional Rights v. Lind*, 954 F. Supp. 2d 389 (D. Md. 2013).

In the wake of the 9/11 attacks, CCR also litigated challenges by aliens and media to the ad hoc government policy of closing certain deportation hearings to the press and public. See *Haddad v. Ashcroft*, 221 F. Supp. 2d 799 (E.D. Mich. 2002), consolidated with *Detroit Free Press v. Ashcroft*, 195 F. Supp. 2d 937 and 195 F. Supp. 2d 948 (E.D. Mich. 2002) (granting injunctive relief), *affirmed*, 303 F.3d 681 (6th Cir. 2002); *North Jersey Media Group v. Ashcroft*, 205 F. Supp.2d 288 (D.N.J. 2002) (granting nationwide injunctive relief), *stay granted*, 70 U.S.L.W. 3798 (U.S. June 28, 2002), *rev'd*, 308 F.3d 198 (3d Cir. 2002), *cert. denied*, 538 U.S. 1056 (2003).

