UNITED STATES COURT OF MILITARY COMMISSION REVIEW
***before* F. Williams, D. Conn, and C. Thompson**

UNITED STATES Appellee *v.* ALI HAMZA AHMAD SULIMAN AL BAHLUL Appellant.	MOTION FOR WAIVER OF PAGE LIMITATION CMCR CASE NO. 09-001 Tried at Guantanamo, Cuba on 7 May 2008, 15 August 2008, 24 September 2008, 27 October – 3 November 2008 Before a Military Commission convened by Hon. Susan Crawford Presiding Military Judge Colonel Peter Brownback, USA (Ret.) Colonel Ronald Gregory, USAF DATE: 15 October 2009

TO THE HONORABLE, THE JUDGES OF THE COURT OF MILITARY COMMISSION REVIEW

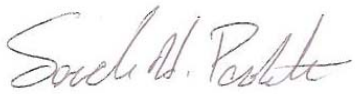
Pursuant to Rule 14(f) of the Rules of Practice for the Court of Military Commission Review, Amici respectfully requests a waiver of the 15-page limitation for Amici Curiae's brief in the above captioned case. If granted, Amici's brief will not exceed 25 pages, including tables of authorities and certificates of counsel.

The legal issues encompassed within this brief are novel and necessarily warrant additional explanation. The argument presented herein has not been developed in the pleading of this case or in any related case. The arguments made here bear directly on the outcome appropriately to be reached by this court.

The present brief focuses on applicability of the Constitution to the Guantanamo Bay Naval Base. It reviews more than a century of jurisprudence addressing the Constitution's jurisdictional reach beyond the incorporated territories of the United States, and concludes the Constitution must apply to all proceedings conducted at Guantanamo Bay Naval Base pursuant to the Military Commissions Act of 2006 (MCA), 10 U.S.C. §§ 948, *et seq.* Amici notes that its Brief is well within the word and line count limitations of Rule 14(g).

WHEREFORE, Amici respectfully requests this Court grant the requested waiver of page limitation.

Respectfully submitted,



Sarah H. Paoletti, Esq.
Counsel to Amici Curiae
Historians, Political Scientists, Constitutional Law Scholars
University of Pennsylvania Law
3400 Chestnut Street
Philadelphia, PA 19104
(215) 898-8427
paoletti @law.upenn.edu

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was sent via e-mail to CAPT Edward White on the 15th day of October 2009.

Dated: 15 October 2009

Sarah H. Paoletti, Esq.
Counsel to Amici Curiae
Historians, Political Scientists, Constitutional Law Scholars
University of Pennsylvania Law
3400 Chestnut Street
Philadelphia, PA 19104
(215) 898-8427
paoletti @law.upenn.edu