	)	IN THE COURT OF MILITARY
	)	COMMISSION REVIEW
	)	
	)	**MOTION FOR LEAVE**
	)	**TO FILE BRIEF AS *AMICUS CURIAE***
	)	AND
	)	**FOR LEAVE TO FILE ELECTRONICALLY**
	)	
	)	Case No. 09-001
	)	
UNITED STATES OF AMERICA	)	Tried at Guantanamo Bay, Cuba on
	)	7 May 2008
	)	15 August 2008
Appellee	)	24 September 2008
	)	27 October – 3 November 2008
	)	
	)	Before a Military Commission
v.	)	Convened by Hon. Susan Crawford
	)	
	)	Presiding Military Judge
ALI HAMZA AHMAD SULIMAN	)	Colonel Peter Brownback, USA (Ret.)
AL BAHLUL	)	Colonel Ronald Gregory, USAF
	)	
Appellant.	)	Date: October 15, 2009
	)	

TO THE HONORABLE JUDGES OF THE COURT OF MILITARY COMMISSIONS REVIEW

The undersigned individuals and organizations respectfully move for leave to file a brief as *Amicus Curiae* in the case of United States of America v. Ali Hamza Ahmad Suliman Al Bahlul.

INTEREST OF AMICUS CURIAE

Amici include the Criminal Defense Clinic at The University of Montana School of Law by its Director, the Montana Pardon Project, and Clemens P. Work, Professor of Journalism.

The Amici have worked and written extensively in the relevant fields and seek now to offer the results of recent and highly relevant research for consideration by this court.

The Criminal Defense Clinic (formerly the Montana Defender Project) is one of the oldest clinical programs in the United States, having been founded in 1966. The Clinic has appeared as Amicus Curiae in the United States Supreme Court and the Montana Supreme Court. More significant, in 2006 the Clinic, working as part of the Montana Pardon Project, successfully petitioned the Governor of the State of Montana to grant unconditional pardons to 78 men and women convicted of Sedition in Montana during World War I.

Prof. Jeffrey T. Renz (B.A., J.D., The University of Montana) is a Clinical Professor of Law and Director of the Criminal Defense Clinic. Prof. Renz served on active duty in the United States Army from 1971-1975. He commanded C Company, 2/31st Inf., and is an honor graduate of the Infantry Officer Basic Course and a graduate of the United States Army Airborne and Ranger Schools. Prof. Renz has argued in the United States Supreme Court, the United States Court of Appeals, and the Montana Supreme Court. He has appeared as Amicus Curiae in the United States Court of Appeals for the Armed Forces. Prof. Renz was the co-Director of the Montana Pardon Project.

Prof. Clemens P. Work (B.A., Stanford University; J.D., Golden Gate School of Law) is a Professor of Journalism. Prof. Work served on active duty in the United States Marines from 1963-1964. Prof. Work is the author of Darkest Before Dawn: Sedition and Free Speech in the American West (U. N.M. Press 2006). Prof. Work was the co-Director of the Montana Pardon Project.

The Montana Pardon Project was organized to seek pardons for 78 men and women convicted of sedition in the State of Montana following the United States' entry into World War I.

Dylan McFarland is a third-year juris doctor candidate at The University of Montana School of Law. He is admitted to practice in the courts of Montana under the Montana Supreme Court's student practice rule.

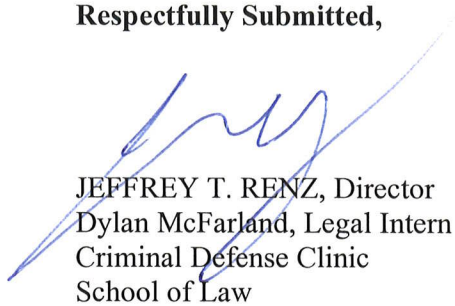
ARGUMENT IN SUPPORT OF MOTION FOR LEAVE

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 case before this Court raises issues with respect to speech, freedom of the press, and expression. Since 2006 the Amici have developed both a large body of research and significant expertise about the history of attacks on freedoms of speech, press, and expression in the United States during times of crisis and our later regrets for those attacks, from the Adams Administration's prosecution and jailing of newspaper editors and congressmen in response to fears of war with France in 1798, to the United States' and individual states' prosecution and imprisonment of newspaper editors, pacifists, union organizers, and citizens and residents of foreign origin during World War I.

Amici will file their brief by this Court's October 15, 2009, deadline.

Respectfully Submitted,



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