

See id.

On 10 April 2013, the Court concluded that the United States had not provided the Court with evidence of the classified nature for all of the classified information at issue to allow the Court to properly apply the Rule for Courts-Martial (RCM) 806(b)(2) test and make appropriate case-specific findings. *See* AE 517. The Court ordered the United States to provide the Court with evidence of the classified nature of each specific piece of classified information the United States seeks to assert as an overriding interest justifying closure. *See id.* The purpose of this filing is to provide the Court with this evidence.

The United States has enclosed the following evidence relating to the national security interest for this information: (1) a letter from the Department of Defense with references to six security classification guides (Enclosure 1); (2) a letter from the Defense Intelligence Agency with references to two security classification guides (Enclosure 2); (3) a letter from the Department of State with references to one security classification guide (Enclosure 3); (4) classification reviews for the charged documents, *see* Enclosure 1 to AE 18 (Enclosure 4); (5) classification reviews for evidence the United States intends to use at trial, *see* Enclosure 1 to AE 18 (Enclosure 5); and (6) the classification reviews enclosed to the United States' Military Rule of Evidence (MRE) 505(i)(2) filing dated 31 January 2013, *see* AE 477 (Enclosure 6).

For the above twenty-four witnesses, the enclosed evidence states as follows:

1. BG (Ret) Robert Carr will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosures 1, 2, and 4;
2. Col Julian Chestnut will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosures 1, 2, and 4;
3. Ms. Elizabeth Dibble will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosures 3 and 4;
4. RADM Kevin Donegan will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosures 1 and 4;
5. Mr. John Feeley will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosures 3 and 4;
6. AMB Patrick F. Kennedy will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosures 3 and 4;
7. Mr. John Kirchhofer will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosures 1, 2, and 4;
8. AMB Michael Kozak will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosure 3;

9. Mr. Danny Lewis will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosure 1;
10. Mr. Randall MacRobbie will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosures 1 and 2;
11. Mr. James McCarl will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosures 1 and 4;
12. MajGen Kenneth McKenzie will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosures 1 and 4;
13. Mr. James Moore will testify about information that is properly classified at the CONFIDENTIAL level under Executive Order 13526, *see* Enclosures 3 and 4;
14. MG Michael Nagata will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosures 1 and 4;
15. SSA Alexander Otte will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosure 6;
16. AMB David Pearce will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosures 1, 3, and 4;
17. Mr. Adam Pearson will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosure 1;
18. Mr. H. Dean Pittman will testify about information that is properly classified at the CONFIDENTIAL level under Executive Order 13526, *see* Enclosures 3 and 4;
19. AMB Stephen Seche will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosures 3 and 4;
20. Mr. David Shaver will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosures 4 and 5;
21. Ms. Cathryn Strobl will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosure 4;
22. AMB Don Yamamoto will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosures 3 and 4;
23. AMB Marie Yovanovitch will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosures 3 and 4; and

24. Mr. Joseph Yun will testify about information that is properly classified at the SECRET level under Executive Order 13526, *see* Enclosures 1, 3, and 4.



J. HUNTER WHYTE
CPT, JA
Assistant Trial Counsel

6 Enclosures

1. Department of Defense letter, 7 May 2013 [classified SECRET//NOFORN] [*ex parte*]
2. Defense Intelligence Agency letter, 2 May 2013 [classified SECRET//NOFORN] [*ex parte*]
3. Department of State letter, 10 May 2013 [classified SECRET//NOFORN] [*ex parte*]
4. Classification Reviews for Charged Documents enclosed to AE 18 [previously provided]
5. Classification Reviews for Evidence enclosed to AE 18 [previously provided]
6. Classification Reviews enclosed to Appellate Exhibit 477 [previously provided] [*ex parte*]

I certify that I served or caused to be served a true copy of the above on Mr. David Coombs, Civilian Defense Counsel, via electronic mail on 10 May 2013.



J. HUNTER WHYTE
CPT, JA
Assistant Trial Counsel