

# BRENNA & BRENNA, PLLC

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March 18, 2004

## VIA FACSIMILE and U.S. MAIL

Supreme Court of the United States  
Office of the Court Clerk  
ATTN: Ms. Kathy Tycz  
1<sup>st</sup> Street, N.E.  
Washington, DC 20543

RE: *Hamdi v. Rumsfeld*, Docket No. 03-6696  
*Amicus Curiae* Request of Charles B. Gittings, Jr.

Dear Ms. Tycz:

Mr. Gittings has contacted me regarding his issue of being allowed or permitted to file an *Amicus Curiae* Brief *pro se* in the *Hamdi* case. He also indicated that he had discussed the matter with you and that he had been advised that before the Court would accept his Brief, he had to have Acounsel of record,<sup>@</sup> meaning, as I (and he) interpreted that, that his *pro se* Brief would not be accepted by the Court.

I am admitted to the Bar of the Court [1987], and if the Court permits such, I will accept the responsibility of being Mr. Gittings Acounsel of record.<sup>@</sup> I am doing this *pro bono publico* because I believe that ordinary citizens can in extraordinary cases, provide valuable and unique perspectives to the Court. I also believe that Mr. Gittings= positions as stated in his *Amicus* Brief will benefit the Court in this matter.

I can certify that I have read his brief tendered to your office, that it appears to comport with the Court-s rules regarding styles and length, and that I have reviewed copies of the applicable Aconsents<sup>@</sup> filed by counsel for both the Parties in the case. It is also my opinion that the Brief meets the requirements of Rule 37, of the Court-s Rules regarding *Amicus Curiae* Briefs.

There is one issue however, that I must disclose to you, the Court and counsel for the parties.

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I am a named, *amicus curiae* in the *Amici Curiae* Brief filed by Dean Koh, on behalf of AExperts on the Law of War,@ [page 3] in *this* case. Pursuant to S.Ct. Rule 37(6), I did not *author* or personally contribute to the writing of Dean Koh=s Brief, nor did I make any monetary contribution to such. I do not believe that constitutes any type of Aconflict of interest.@ However, it is a matter that merits disclosure. Conversely, with respect to Mr. Gittings=*Amicus Curiae* Brief, while I gave Mr. Gittings advice and referred him to various legal authorities, it was he who authored his Brief *in toto*. Furthermore, based upon my discussions with Mr. Gittings, he represents that *no one* made any monetary contributions to him regarding his Brief. Finally, as noted above, should the Court consent to my appearing for him as counsel of record and absent any objections by either Party herein, I am doing so *pro bono*.

On behalf of Mr. Gittings and myself, I appreciate your patience and consideration in this matter. Should you have any questions, please either call me at the above number or if easier, just e-mail me at: [drehkopfjr@brennalaw.com](mailto:drehkopfjr@brennalaw.com) . Thank you in advance for your professional courtesies herein.

Sincerely,

**BRENNA & BRENNA, PLLC**

**DONALD G. REHKOPF, JR., ESQ.**

cc: Office of the Solicitor General [via FAX only (202) 514-8844]  
Office of the Federal Public Defender, E.D. Virginia [via FAX only (703) 600-0880]  
C. Gittings [via e-mail]

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