

## Examples of good *reader-based* written response

Overall, I find your memo is on the right track. You've identified the proper principal for the policy proposal and you have presented a policy to consider to be enacted by the Congress and President. I'll now walk through the memo with some thoughts on each section:

**Introduction/Executive Summary:** You begin immediately with your recommendation, which is good. If this was to be an executive summary, I would be looking for the key points of your proposal in that first or second paragraph. Remember that the Principal (in this case Chairman Conyers) will probably only read the first page and then had it off to his/her staffers. You want to grab the principal's attention so he/she knows the key points. In your case, I would surmise that you would include the principles of the ITC....

**Current status of detainee jurisprudence:** One question was left unanswered: "Why would President Obama/ AG Holder use a bifurcated system? Why do they see that system as "fair"? AG Holder's recent decision on KSM's trial may help.

You make the comment that federal courts are "morally attractive." That is a loaded political statement that suggests that military commissions are expeditious but not just. What do you mean here?

Also, you mention looser evidentiary standards. Another loaded political term. Keep in mind that it is hard to stop a battle to collect evidence, provide rights advice, etc. The so-called looseness is an acknowledgment of these realities & limitations and not a work around Constitutional protections.

**Recommendation:** You leap into discussing Captain Sulmasy's recommendation in contrast with your idea without explaining either proposed system. I would want to see an outline of your proposal in which you refer to Sulmasy's writing for support when appropriate and discuss your divergences in the appropriate paragraph.

**Principles:** I found your principles to be very helpful to think through this complicated topic. I would expect a brief introductory paragraph that roadmaps the principles and relates them together would be helpful to the reader who is trying to quickly skim your memo (which is what frequently happens.)

**Geography:** Recent events, as noted above, begs the question of how dangerous it would be to hear these cases in the US. Any estimates of costs of transporting, guarding, and trying all in the US?

### Feedback on a policy memo written for *Counterterrorism Law and Policy*

#### Some things to notice:

☞ The reader begins with an overview of his reaction to the draft. This can help the student keep the big picture in mind.

☞ The reader recognizes that this draft is the work of a novice. The response notes where the draft doesn't match up to professional practice, but the reader isn't frustrated that the student doesn't already know these things.

☞ The reader comments on *both* strengths and weaknesses of the draft. Even brief comments indicating that a passage makes sense or is easy to follow are useful.

☞ The reader doesn't make a distinction between "content" and "writing." Instead, he comments on any aspect of the draft that strikes him.

**Jurisdiction:** Good distinction between AUEB and war criminals. I would suggest having a reference or addendum that details the crimes that are covered for further clarity.

**Court personnel:** You discuss have 15 judges. Do all 15 hear a case? What is a CAAF judge?

You recommend personnel with a "unique knowledge of intelligence gathering, military law, national security issues, and international law." In the US, that will primarily limit you to former members of the Armed Forces, CIA, FBI and State. The biggest candidate pool would actually be DOD officers, which would raise criticism that it is a de facto military commission. How would you respond to that criticism?

**Rights and Evidence:** In this area in particular, I would be looking for citations of statutory or case law to support the main points.

**Transparency and confidentiality:** SCIFs are actually widely available now throughout the US. I cannot comment on the number, but it is permissible to say that most FBI field offices have convenient access to them as well as major military installations.

Including NGO's as observers is a great idea. The one challenge is to hold them accountable to not divulging information when it is politically convenient for them.

**Procedure:** You mention the Combatant Status Review Tribunal without previously introducing it or explaining what it does.

**One final thought....** footnotes and references would have been helpful in reviewing your paper because it would allow me to see the breadth & depth of your background research and support.

Overall, good draft! You've picked a challenging and complicated topic to explain and discuss in a short memo. You've hit upon all of the key issues and I find that you've identified all of the salient points of discussion. My last bit of advice is to remember that your audience will want to read this quickly and be able to walk away with the key concepts firmly in mind. As you rewrite, focus on being clear and concise with a strong logical structure.

*cont'd*

**Some things to notice:**

☞ When the reader makes suggestions, he also explains *why* those suggestions might be advantageous in this context. This can help the student understand whether and how to apply these comments to future writing projects.

☞ The reader doesn't pull punches. Where the reader sees ideas that don't seem to hold up, or claims that he disagrees with, he says so directly.

☞ The reader ends with a note summing up the major issues. This helps the student get a sense of the overall strengths of the piece and priorities for revision from this reader's point of view.