

Bergdahl lawyer wants interrogation made public

By JUAN A. LOZANO, Associated Press

HOUSTON (AP) — The lawyer for Sgt. Bowe Bergdahl, who was held prisoner for five years by the Taliban, is asking the Army to publicly release a transcript of Bergdahl's interview with military officials following his release in a controversial prisoner swap, saying it could help counteract negative publicity in the case.

Bergdahl is facing military charges, including desertion, for leaving his post in Afghanistan in June 2009. He is facing his initial court appearance in the case starting Thursday at Fort Sam Houston in San Antonio, where he has been stationed since returning to the U.S. last year.

His attorney, Eugene Fidell, has asked the military to publicly release the transcript and a summary of an investigative report before or during the Article 32 hearing, saying it could help counteract negative publicity. Fidell said Bergdahl may not receive a fair trial "given the prolonged barrage of opprobrium that has been heaped upon him over the last year."

"Sgt. Bergdahl has been called every name in the book," Fidell wrote in the request, which he released to media outlets on Tuesday. "It is as if he had a target painted on him. It is preposterous for him not to be able to defend himself in the court of public opinion."

Military officials say the Idaho native was captured by the Taliban after leaving his post in southeastern Afghanistan. He was released by the Taliban in a prisoner exchange for five Taliban commanders.

The 29-year-old was charged in March with desertion and misbehavior before the enemy. If convicted, he could face up to life in a military prison. He could also be dishonorably discharged, reduced in rank and have to forfeit all pay.

Fidell, a military justice expert who is also a visiting lecturer at Yale Law School, declined to comment on the case. But documents he released Tuesday show his unsuccessful efforts to get permission to release to the media the interrogation transcript and the executive summary of the case's investigative report.

Fidell made the request in June with the Department of the Army Professional Conduct Council. He noted comments made by GOP presidential candidate Donald Trump, who has repeatedly called Bergdahl a traitor.

The Article 32 hearing will detail the charges and evidence against Bergdahl, resulting in a report that will be forwarded to Gen. Robert Abrams, the commanding general of U.S. Army Forces Command. Abrams will decide at a later date whether the case should be referred to a court-martial, the equivalent of a trial in civilian court, or is resolved in another manner.

Officials are aware of the request from Bergdahl's lawyers and will respond to it "in due course," said Colonel Daniel J.W. King, a spokesman for U.S. Army Forces Command, located at Fort Bragg in North Carolina.

Professor Sean Watts, who teaches military law at Creighton University in Nebraska, said he doubts the requested documents will be released. He said such a demand "would strike the Army as an effort to litigate the case before a trial."

Copyright 2015 The Associated Press