

Exhibit 5



**DEPARTMENT OF THE ARMY**  
**UNITED STATES ARMY TRIAL DEFENSE SERVICE**  
**9275 GUNSTON ROAD**  
**FORT BELVOIR, VIRGINIA 22060**

13 September 2015

MEMORANDUM THRU Colonel Vanessa Berry, Staff Judge Advocate, United States Army Forces Command, Fort Bragg, North Carolina 28310-5000

FOR General Robert B. Abrams, Commander, United States Army Forces Command, Fort Bragg, North Carolina 28310-5000

SUBJECT: Media Access to Article 32 Proceedings and Records in United States v. Bergdahl

1. Sergeant Bergdahl, through counsel, agrees with and hereby joins in the San Antonio Express-News's request that the media be afforded contemporaneous access to unclassified evidence, briefs, other party filings, and written orders. Permitting such documents to be withheld after they have been submitted by or issued to the parties circumvents Sergeant Bergdahl's right to a public hearing as provided in R.C.M. 405(i)(4) and case law. It also does not contribute to public understanding of and confidence in the administration of military justice.

2. Without prejudice to the general issue of media access, we particularly believe the news media should have access to the executive summary of Major General Dahl's 2014 AR 15-6 investigation and the transcript of his interview with SGT Bergdahl no later than the moment they are formally received by the preliminary hearing officer, and we ask that as GCMCA you so direct. If someone else in the Army must give approval in order for this to happen, we request that you direct your staff to coordinate with the cognizant official(s) and forward this memo as necessary so there can be a decision on this important matter by the time indicated in Mr. Ibarquen's email.

A handwritten signature in black ink, appearing to read "Frank D. Rosenblatt".

FRANKLIN D. ROSENBLATT  
LTC, JA  
Individual Military Counsel