

Office of Military Commissions:
ISN 10024 Khalid Sheikh Mohammed, et. al.
Voir Dire of
Judge Lt. Col. Michael A. Schrama

Biography:

Lt. Col. Michael Schrama serves as a military judge for the United States Air Force Trial Judiciary in District 1, stationed at Joint Base Langley-Eustis, in Virginia. He has previously operated as a staff judge advocate and as defense counsel, but between June 2017 and January 2019, he specialized in environmental law. He spent eight months in 2019 deployed as a staff judge advocate with the 386th Air Expeditionary Wing, at Ali Al Salem Air Base in Kuwait.¹

Col. Matthew S. Fitzgerald, chief trial judge of the Military Commissions Trial Judiciary (OMC-TJ), detailed Judge Schrama to the case of *United States of America v. Khalid Shaikh Mohammad, Walid Muhammad Salih Bin Attash, Ali Abdul Aziz Ali, Mustafa Ahmed Adam Al Hawsawi* on 22JUL2025.²

*Voir Dire:*³

Question	Answer
Have you reviewed the charge sheet and its appendices?	Yes.
Do you recognize any of the names contained in the appendices of the charge sheet?	Judge recognized Joseph Eacobacci as a former Georgetown University football player who died in the World Trade Center. Judge never met this person, but in 2002 the judge was playing football for Georgetown University when the coach implemented a tradition of a player being chosen to wear Eacobacci's number as a memorial. This experience will not impact the judge's impartiality.
Where were you on September 11, 2001, and what, if any, personal impact have the attacks had on your life?	Judge was at Georgetown University, on campus. Recalls a very surreal feeling and being saddened for the people who died or who lost friends or family, but has not been personally impacted by the attacks, either in New York or at the Pentagon.
Were any friends, family members, or associates victims in the 9-11 attacks?	No.
How long do you anticipate being assigned as a military judge at Joint Base Langley-Eustis?	Judge expects the typical assignment of three years, and perhaps beyond, as dictated by the need of the Air Force.

1 Schrama, Lt. Col. Michael "AE 001 V: Biography, United States Air Force, Lieutenant Colonel Michael A. Schrama." Office of Military Commissions, 2025. Last Accessed from the database at <https://www.mc.mil/> on January 13, 2026.

2 Fitzgerald, Col. Matthew "AE 001 U: Memorandum for Lieutenant Colonel Michael Schrama, USAF." Military Commissions Trial Judiciary, Office of the Secretary of Defense. Alexandria, Virginia, 2025. Last Accessed from the database at <https://www.mc.mil/> on January 13, 2026.

3 "Unofficial/Unauthenticated 803 Transcript of the KSM et al. (2) Motions Hearing Dated 12/15/2025 from 1:01 PM to 4:16 PM." Office of Military Commissions, 2025. Last Accessed from the database at <https://www.mc.mil/> on January 12, 2026.

Do you currently have plans to retire within the next three years?	No. Judge is not eligible to retire from the Air Force within the next three years
Do you intend to preside over courts-martial while serving as the judge for this military commission?	Yes. Judge will be scheduled for courts martial around the time constraints of the military commissions.
Do you currently have any applications for civilian employment with the DOJ or the DOD, or with the executive branch of the U.S. Government?	No.
Do you intend to apply for such employment in the future?	Judge has no post-retirement plans at this time.
Will you commit to informing the parties if plans or intent for retirement and employment change?	Yes.
Do you believe you can preside over this case with impartiality towards all parties?	Yes.
Did you wear Eacobacci's number?	No.
Are any of your clerks planning to retire or seeking civilian employment with the DOJ, DOD, or USG?	Judge is not aware that any clerks are retiring or seeking employment but will inform the parties if this answer changes.
How are you assigned to other cases, while conducting military commissions?	Chief District Judge Col. Vicki Marcus coordinates with the central docket office regarding case needs and judge availability. She will detail the judge if he is available.
Did you talk with her about your appointment to this case?	No. Judge has had no substantive conversations with Col. Marcus about the commission, and she did not appoint him to it. He is aware that she is tracking the appointment for purposes of scheduling availability.
Do you tend to go to her for advice on cases, ever, or for difficult rulings?	Judge has discussed Air Force cases with Col. Marcus, as a fellow judge and a superior, but has no intent of discussing the military commissions with her.
Do you hold a TS//SCI clearance? Have you been read into the National Programs Compartment, and have you been read into the relevant ACCMs?	Judge holds an active TS//SCI and Special Access Program privileges and has been read into the relevant ACCMs.
What was the length of your prior experience as a military judge?	Judge has served as a military judge from July 2021 to July 2023 and then from June 2025 to present.
When did you first learn you would be detailed to this case? What was your reaction? Did you ask to be detailed to this case, or attempt to reject the detailing?	Judge first learned of the detailing in late May or early June of 2025. He did not request the detailing or attempt to reject the detailing, but he was happy to receive the opportunity.
Do you know who nominated you to be	Col. Elizabeth Hernandez, the chief of the Air Force Trial

detailed to this case?	Judiciary nominated the judge for the military commissions.
What steps did you take immediately after you were detailed to this case?	Per instructions from Col. Hernandez, the judge contacted Col. Matthew Fitzgerald, the chief judge of the military commissions, for follow-on information.
Did you speak to any prior military members who were associated or assigned to this case in the past? If so, who? And what did you discuss?	Judge did not have any conversations with prior military members associated with or assigned to this case. He notes, however, that Judge McCall was the chief district judge who oversaw the judge's circuit during his first tour as a military judge from 2021 to 2023. The judge never substantively discussed the military commissions with Judge McCall.
Did you have contact with any member of the Administration about this case, for example, the Secretary of Defense or someone acting on his behalf?	No.
Did you receive any materials associated with this case prior to being detailed, for example, the 9/11 Commission Report?	No.
Have you read any books about 9-11, such as the popular <i>Looming Tower</i> ?	No.
Have you read any books about this case, such as John Ryan's <i>America's Trial: Torture and the 9/11 Case on Guantanamo Bay</i> ?	No.
Have you reviewed mc.mil?	Not prior to being detailed. Judge was not aware that the website existed, prior to his detailing. Since his detailing, the judge has seen the website but given that most repository information comes from the court, he states that he has no need of the website.
Did you do a turnover with Judge McCall after you were assigned?	No. Judge McCall was retired and left his position as judge before the judge was detailed, so no interaction has occurred. Col. Fitzgerald was sitting in interim judgeship while waiting for a permanent detail. ⁴
Did you have substantive conversations with Col. Fitzgerald about the case?	No. Col. Fitzgerald only provided administrative information and contact information.
Have you reviewed the ABA guidelines for the appointment and performance of defense counsel in death penalty cases?	Yes.
Have you participated as lead or assistant counsel in any capital case?	No.
Have you attended any conferences	No, the judge has not attended conferences on this subject.

⁴ This is corroborated by the case record. "AE 001 T" is a memorandum in which Col. Fitzgerald details himself as the military judge in this case, which covered the months between Judge McCall's retirement and Judge Schrama's detailing.

targeted toward representation in capital cases or the education of military judges in capital cases?	The judge does recall attending the National Judicial College's "Handling Capital Cases" course, however.
What is your understanding of the role of mitigating evidence in a capital case?	Judge defines mitigation evidence as "ensur[ing] that everyone involved in the process for determining whether to impose the death penalty has a complete and accurate picture of both the nature of the offense and of the person who is facing the possibility of capital punishment."
What opinion do you hold about the scope of admissible mitigation evidence in the sentencing phase of a capital case?	Judge intends to apply the RMC 1004(b)(3) rule about the breadth of extenuation and mitigation evidence.
What was the date of the judicial training on capital cases?	"It was last week."
What process will you use to get up to date on prior filings in this case? Have you already reviewed all prior filings and transcripts, or reviewed summaries of those?	Judge has not reviewed all prior filings, nor the entire transcript, and intends to ask for orientation to parts of the record that contain relevant evidence and argument, as the issues arise in the pre-trial proceedings.
Have you had previous experience replacing a prior judge on a case? If so, what actions did you take to get up to speed on that case?	Judge notes that it is common practice to bring in a replacement judge after motions. He has required the parties to orient him to the record in the past.
What experience have you had as a trial attorney in cases with voluminous discovery? How did you handle reviewing the materials in such a case?	Judge stated that during his stint at the DOJ, he was involved in cases with hundreds of thousands of pages of discovery. He reviewed the items "based on the primacy and relevancy to the specific issues that were before me."
Have you reviewed Exhibit 164C? What opinion do you hold about when sua sponte reconsideration under Exhibit 164C is appropriate?	Judge would consider sua sponte reconsideration based on the facts, rules, and issues before the court.
What opinion do you hold about when substitutions are appropriate under M.C.R.E. 505(h) versus 505(f)? What opinion do you hold about when an in-camera hearing under M.C.R.E. 505(h)(3) is appropriate?	Judge states that he is generally aware of the issues surrounding M.C.R.E. 505 but considers discussing specific issues pending before the court to be inappropriate in voir dire.
What experience do you have with the Law of Armed Conflict? Have you reviewed the rulings of Exhibits 502BBBB and 617K? What opinions do you hold on the existence or non-existence of armed conflict between the U.S. And Al Qaeda prior to 07OCT2001?	Prior to this case, the judge has no experience other than training on the Law of Armed Conflict. He holds no opinions on the existence or non-existence of armed conflict between the U.S. and Al Qaeda.

Will you commit to not grant the prosecution ex parte requests for relief unless specifically authorized by a statute or rule?

Judge holds that his role is to follow the laws, rules, and statutes. He commits to following applicable laws, rules, and statutes.

When ultimately ruling on whether or not the involuntariness of the now-suppressed LHM statements requires removal of the death penalty because the defense did not have the opportunity to present a defense, how will you assess this without reviewing any presentation of evidence on the motion to suppress?

Judge intends to rely on the parties to orient him to the applicable evidence and portions of the record.

What opinions do you hold about the meaning, scope, and implications of government invocation of national security privilege outside the context of M.C.R.E. 505?

Judge holds no personal opinions on this topic. In ruling, he will analyze the appropriate facts, rules, and laws.

What is your current rating chain?

Col. Vicki Marcus is the judge's supervisor, Col. Elizabeth Hernandez is the judge's rater, and the Judge Advocate General of the Air Force is the judge's senior rater.

Have you ever had a rating chain that included Susan Escallier?

No.

Have you ever had a rating chain that included any current political appointees within the executive branch?

No.

Have you in any way participated in, consulted on, or investigated the 9-11 case?

No.

Have you done any prior work consulting for or advising the FBI or CIA?

No.

Have you been on TDY missions, consulted, researched, or advised SOUTHCOM, senior leadership at NS Guantanamo Bay, JTF-GTMO, or Joint Medical Group GTMO?

No.

Have you consulted or advised on the use of enhanced interrogation techniques or interrogations generally?

Judge has not had any involvement in enhanced interrogation techniques, nor in intelligence operational interrogations. He has previously advised on law enforcement interviews.

Did you ever work, consult, or act as second chair on any criminal cases during your time as a SAUSA for the

Judge spent some time while a SAUSA between 2009 and 2011 prosecuting civilians who committed infractions on the military installation. These infractions involved drug

DOJ?	possession, DUI, and shoplifting. While detailed to the DOJ between 2018 and 2019, the judge defended the United States in cases under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).
Have you represented clients in murder cases as a defense attorney?	No. Judge once represented a co-defendant charged as an accessory to murder in a non-capital case. Further information is protected by attorney-client privilege.
What role have you played in investigating cases and in collecting mitigation evidence?	Judge considered himself responsible for uncovering facts, interviewing witnesses, scrutinizing evidence, consulting experts, and testing narratives. He said he never assumed that the file told the full story. For mitigation, the judge gathered personal history, performance records, documents of treatment, and character evidence in order to build and present a complete picture.
Have you ever been to NS Guantanamo Bay prior to this assignment?	No.
When are you eligible to submit a packet to seek promotion to colonel? Do you plan to submit that packet?	Judge's board for promotion to colonel is scheduled for MAR2026.
Did you volunteer or participate in any efforts to clean up, work with victim family members, or otherwise provide support to the local community after 9-11?	No.
What organizations were you part of during law school?	Judge only recalls being part of the student bar association.
Did you author any papers or conduct any presentations as a requirement for course completion or graduation?	No.
Did you intern or extern during law school? What were your duties?	Judge interned at the Governor of Rhode Island's office during the tenure of Donald Carcieri and worked with his legal counsel on general law issues. The judge later interned with the U.S. Army JAG corps.
Did you write a final paper for any course as a requirement to obtain your LLM? What was the topic?	Yes. The judge wrote a thesis on the governmental cleanup of perfluorooctanoic acid and perfluoro octane sulfonate chemicals.
Did you give any oral presentations about 9-11 or terrorism?	No.
What extracurricular organizations did you participate in or lead?	None.
What courses did you take for the Air Command and Staff College? Did you	Judge took the required courses for the online version of the Air Command and Staff College's master's program. He does

take any course that focused on 9-11 or terrorism?	not recall any courses focusing on 9-11 or terrorism.
Did you write a final paper for any course as a requirement to graduate the Air Command and Staff College?	Judge recalls there being no thesis requirement for that program. In one class, he did explore the concept of a new punitive article being adopted into the Uniform Code of Military Justice (UCMJ). The paper he wrote for that was later published in <i>War on the Rocks</i> in JUL2023.
Did you give any oral presentations about 9-11 or terrorism?	No.
What extracurricular organizations did you participate in or lead?	None, since the program was virtual.
What courses did you teach at William & Mary?	Judge teaches a course in military law and a course in environmental law. One of the textbooks has a chapter about the history of the military commissions and excerpts the Hamdi case. Usually, the judge assigns this chapter for reading and brings in a guest lecturer to teach about it.
What courses did you teach at Bristol County Community College?	Judge taught "Introduction to English" and "Introduction to Writing."
Did you organize or run any extracurricular groups at either location?	No.
Has a student of the military law course ever asked you about the military commissions, or have you had any private discussions about them with inquisitive students?	No.
What punitive article did you propose in your published paper?	Judge did not give a title but noted that the article was targeted at domestic extremism. He said that it comes up in search results based on "Schrama" and "War on the Rocks."
What interactions did you have with people off base in Kuwait?	Judge indicated minimal interaction with people, just exploration of local cuisine and tourist locations.
What experience did you have with Islam at this time? Have you had another experience with Islam?	"I have had no experience with Islam or with any other religion that would [in] any way impact my adherence to and application of the law and the rules applicable to these commission proceedings."
What types of matters did you handle as an SJA in Kuwait?	Judge listed military law, ethics, civil law, and government procurement. Occasionally, detainee operations did request advice, but the judge was not involved in detainee operations.
What did you do on your mission in Southeast Asia?	This was the same deployment as the Kuwait deployment.
What years were you in Southeast Asia?	Judge was on this deployment from JAN2019 to AUG2019.

What organizations or personnel did you work with?

Judge did not liaise with personnel not associated with normal operations of the base.

What was the mission?

“Kuwait serves as the primary tactical airlift hub and gateway for delivering assets for the U.S. Central Command.”

When did you receive the Global War on Terrorism Expeditionary Medal, and what did you receive it for?

Judge received the medal in 2019 for deploying for more than six months to Kuwait.

What did you receive the Military Outstanding Voluntary Service Medal for?

Judge received the medal for his volunteer work with youth sport organizations in Maryland from 2014 to 2017.

What prior experience do you have with clients with mental illness? What did you do to accommodate their mental illness during your representation of or interaction with these clients?

Judge accommodated clients experiencing mental health concerns by ensuring they were treated with dignity, patience, and respect, and by adjusting interview pacing to allow breaks when needed and to avoid retraumatization. He notes that his interactions as a judge are not in the same role as an advocate, so he intends to follow applicable rules for impartiality and make appropriate adjustments within his judicial authority.

What prior experience do you have with clients or victims of trauma? What did you do to try to accommodate their past traumatic experiences?

Judge regularly encountered people with traumatic histories and accommodated them by treating them with dignity, patience, and respect, as well as by adjusting interview pacing and other measures. However, he repeated that his role as a judge differs from his former role as an investigator, so he will be ensuring an orderly and impartial process.

Did you have any defendants before you during courts martial who had trauma experiences or mental health issues? How did you accommodate them?

Judge followed the applicable rules and made appropriate adjustments within his judicial authority, as needed.

During your prior experience as a military judge, what guided you in how you analyzed and dissected courts martial?

Judge stated that judges should not disclose personal judicial philosophy during voir dire due to signaling preferred arguments and predispositions on contested issues, which undermines impartiality. To maintain impartiality, a judge should only explain the legal standards that govern the proceeding.

Are you familiar with the American Bar Association's Model Code of Judicial Conduct? Have you reviewed it? Do you have any disagreement with adhering to it?

“I am familiar with the American Bar Association's Model Code of Judicial Conduct. I have no specific disagreement with the Model Code. However, I acknowledge that the rules are not binding. I will adhere to those ethical rules that are binding upon this court, such as my state bar requirements and my service court obligations.”

Do you use any judicial resources to guide your decisions or actions in a

Judge consults:

- Federal canons of judicial conduct and ethics

case; for example, the military law desk book or any other secondary resources for military judges specifically?

- Manual for Military Commissions
- Applicable statutes
- Applicable case law
- The Military Judge's Benchbook
- Uniform Code for Military Justice
- Service court ethics mandates

Were you able to rely on law clerks or other servicemembers to summarize materials for you? No.

Were you able to rely on law clerks or servicemembers to write orders? No.

Did any prosecutor or defense attorney file a motion to recuse you from your role as military judge? No.

What was the most difficult case you had before you as a military judge and why?

Judge sees all the cases he has presided over as having complex factual issues and significant emotional weight. The judicial role is balanced to create a fair and orderly proceeding, in light of involved parties having sensitive and sometimes traumatic experiences. The judge has worked to ensure full and fair opportunity for both sides to present a case, to give accurate instructions, and to ensure the dignity of the courtroom and the wellbeing of the participants.

What organizations are you a part of?

William & Mary Law School, to teach courses. Children's youth sports organizations and teams.

What organizations do immediate family members participate?

School activities organizations.

Did you read the New York Times article by Carol Rosenberg naming you as the fifth military judge in this case? Yes.

Do you have any strong reactions to reading that article about yourself? No.

Have you ever been a part of a case that has generated positive or negative sentiment in the public at large? No.

Did you follow the news coverage about the pretrial agreements in this case in 2024?

Judge said no but did recall seeing a few articles about it in passing.

Did any of those articles contain backlash from the public against the military commission?

Judge does not recall that they did.

Are you aware that Judge McCall ruled that, despite the Secretary of Defense backing out of the pre-trial agreements,

Judge was not aware of that from open-source media and has only become aware of it since being detailed.

they were still enforceable?

Are you aware that Judge McCall received a letter from the National Association of Police Organizations requesting that he reconsider his ruling?

Judge was not aware.
(Defense provided that this letter is AE 971.)

Would public sentiment affect your ability to make decisions in this case?

No.

What is your understanding of your relationship to the executive branch?

Judge has no relationship to the executive branch. He holds that a judge's role is to interpret laws, rules, and evidence to make impartial decisions.

Are you aware that several members of Congress signed a letter to former President Biden urging that no pre-trial agreements should remove the possibility of the death penalty in this case?

Judge said that he is aware of that now.

You have taken an oath as a military officer, part of which is to defend the Constitution from all enemies, foreign and domestic?

Yes.

Does that oath require you to follow all orders from the Executive Branch without question?

Judge holds that his military capacity requires him to obey all lawful orders, and that he has been appointed (ordered) to be an impartial arbiter.

Have you taken an oath as a military judge that requires you to follow the orders of the Executive Branch in forming opinions and rulings on issues in this case?

Judge has the ethical obligation to follow the law set before him, and that obligation is separate from his role as an officer.

Do you feel that you'll be able to ignore the public opinions of the executive branch, letters from congress, and expressed public sentiment while making decisions in this case?

Judge stated that those would have no bearing on his decision-making process.

Do you agree that Ali/Baluchi sits in this courtroom at this time, innocent of the charges referred against him?

Yes.

If the executive branch were to order Ali/Baluchi's execution tomorrow, without the completion of this case, what would your oath require you to do?

Judge says that he would be required to use all of the rules and apparatuses within his discretion to do what was required under the applicable rules and law.