

President Barack Obama
The White House
1600 Pennsylvania Ave., NW
Washington, DC

October 22, 2013

Dear Mr. President,

In June 2011, you rightly committed the United States to assuring compliance with the Convention Against Torture: “As President, I have therefore made it clear that the United States will prohibit torture without exception or equivocation, and I reaffirmed our commitment to the Convention’s tenets and our domestic laws.”

As uniformed officers sworn to protect and defend the Constitution of the United States, assigned to represent prisoners in U.S. custody at U.S. Naval Station Guantánamo Bay who are facing the death penalty before military commissions, we write along with our civilian colleagues to urge you to give true meaning and effect to your statement of June 21, 2011. We ask that you declassify all aspects of the RDI program with respect to our clients against whom the United States seeks to impose the death penalty. True transparency and meaningful justice can only be achieved by a faithful application of deeds to aspirational statements. Here, we have such an opportunity.

The existing classification restrictions surrounding the RDI program only facilitate further concealment of war crimes committed by agents of our government. These restrictions further violate our domestic commitment under the Convention Against Torture and the universal prohibition against silencing victims of torture. These self-serving restrictions also prohibit us from faithfully discharging our duties and defending these men in a manner consistent with our most cherished values.

Executive Order 13526, which President Bush issued in 2003, specifically provides that classification rules are not to be used to: “(1) conceal violations of law, inefficiency, or administrative error; (2) prevent embarrassment to a person, organization, or agency; (3) restrain competition; or (4) prevent or delay the release of information that does not require protection in the interest of the national security.” In fact, fear of public embarrassment and the desire to conceal war crimes are driving the classification of information from the RDI program. These restrictions prevent these capital trials from meeting the most basic standards of

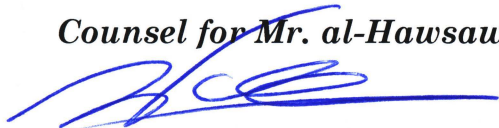
fairness. We ask you to exercise your Executive authority to affirm the Rule of Law and assure compliance with this Executive Order by all involved agencies, so that the promise of fair and transparent justice at Guantanamo is not an empty promise.

The current state of affairs in the prosecution of our clients belies your promise, in May 2009, that “whenever we cannot release certain information to the public for valid national security reasons, I will insist that there is oversight of my actions -- by Congress or by the courts.”

Quite simply, the classification of the RDI program is suppressing evidence, suppressing the truth, and ultimately will suppress any real justice. This suppression violates our law and degrades our well-established jurisprudence regarding the defense of death penalty cases. We thus appeal to you to declassify the RDI program as to our clients who face death penalty prosecution. Declassification of the RDI program with respect to our clients should permit the defense to develop our cases, in domestic and international fora, as mandated by U.S. Supreme Court precedent.

In your May 2009 speech at the National Archives, you properly cautioned that, “in our system of checks and balances, someone must always watch over the watchers -- especially when it comes to sensitive administration -- information.” No one is watching here, however, and no one is conducting the necessary checks and balances. Thus, we ask you to act to ensure the balance necessary to a fair, transparent death penalty trial. Declassifying the RDI program as it relates to our clients will properly reflect the principles for which any justice system associated with the United States should stand.

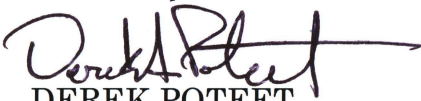
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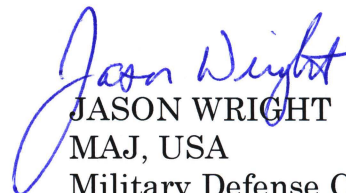
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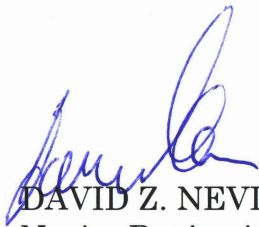
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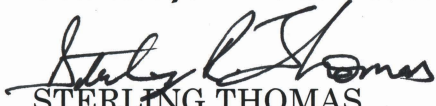


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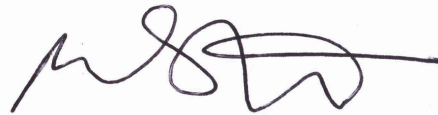


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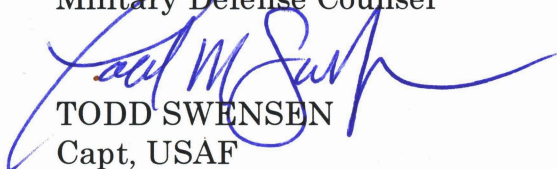
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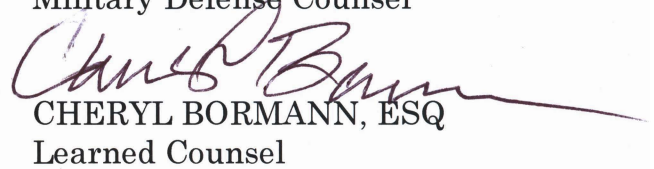
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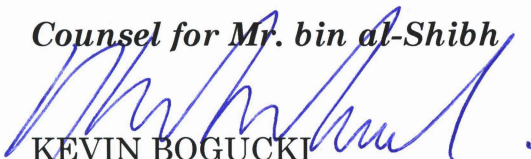


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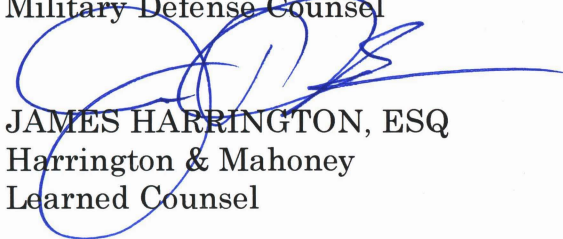
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