



NEW YORK
CITY BAR

BARRY M. KAMINS
PRESIDENT
Phone: (212) 382-6700
Fax: (212) 768-8116
bkamins@nycbar.org

April 3, 2007

Hon. Patrick J. Leahy, Chairman
Senate Committee on the Judiciary
433 Russell Senate Office Building
Washington, D.C. 20510-4502

Hon. John Conyers, Jr., Chairman
House Judiciary Committee
2426 Rayburn House Office Building
Washington, DC 20515-2214

Hon. Arlen Specter, Ranking Member
Senate Committee on the Judiciary
711 Hart Senate Office Building
Washington, D.C. 20510-3802

Hon. Lamar S. Smith, Ranking Member
House Judiciary Committee
2409 Rayburn House Office Building
Washington, DC 20515-4321

Re: Restoration of Habeas Corpus

Dear Senator Leahy, Senator Specter, Representative Conyers and Representative Smith:

I write on behalf of the Association of the Bar of the City of New York to urge once again that Congress take immediate action to eliminate provisions of the Military Commissions Act and the Detainee Treatment Act that strip the courts' jurisdiction to entertain habeas petitions from alien detainees held as "enemy combatants".

Our letter to you of March 6, 2007 and the accompanying Report detailed the reasons why the habeas stripping provisions should be promptly eliminated. The Supreme Court's denial of certiorari yesterday to review the constitutionality of these provisions at this time only makes it more urgent that Congress take action as soon as possible to right this grave injustice and remove this stain on our Nation's traditions of fair process and the rule of law.

Many of the detainees at Guantanamo have been imprisoned for more than five years. The Supreme Court's decision to delay review of their plight pending proceedings in the D.C. Circuit under the Detainee Treatment Act provisions for limited review of decisions of Combatant Status Review Tribunals ("CSRTs") will mean that these prisoners – many of whom may be innocent of any wrongdoing – will have to suffer further confinement perhaps for years. Our Report analyzes in detail why the CSRT process is essentially a sham and why the limited D.C. Circuit review of CSRT decisions is inadequate without more stringent fact-finding procedures.

While the Court has institutional reasons for delaying review of constitutional questions, Congress has no justification for allowing prisoners to remain confined without prompt review of their detention pursuant to habeas corpus. Further delay only exacerbates injustice and the severe damage already done to our Nation's reputation. The denial of habeas review has already been condemned by our closest allies in the fight against international terrorism as a grave violation of the rule of law and the standards of civilized nations.

We, therefore, urge you to act now, without further delay, to remove the habeas stripping provisions and restore our Nation's standing as a symbol of justice and the rule of law.

Sincerely,

A handwritten signature in cursive script that reads "Barry Kamins". The signature is written in black ink and is positioned below the word "Sincerely,".

Barry M. Kamins

cc: Senate Armed Services Committee:
Sen. Carl Levin, Chairman
Sen. John McCain, Ranking member

Senate Select Committee on Intelligence:
Sen. John D. Rockefeller IV, Chairman
Sen. Christopher S. Bond, Vice Chairman

House Armed Services Committee:
Rep. Ike Skelton, Chairman
Rep. Duncan Hunter, Ranking Member

House Permanent Select Comm. on Intelligence
Rep. Silvestre Reyes, Chairman
Rep. Peter Hoekstra, Ranking Member

Sen. Christopher Dodd
Sen. Russell D. Feingold
Sen. Charles E. Schumer
Sen. Hillary Rodham Clinton
Rep. Gary Ackerman
Rep. Joseph Crowley
Rep. Vito Fossella
Rep. Carolyn Maloney
Rep. Jerrold Nadler
Rep. Nydia M. Velazquez
Rep. Anthony D. Weiner
Rep. Yvette D. Clarke
Rep. Elliot Engel
Rep. Gregory W. Meeks
Rep. Charles B. Rangel
Rep. Jose E. Serrano
Rep. Edolphus Towns

Secretary of Defense Robert Gates