

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

MEMORANDUM

To: Senate Armed Services Committee
From: Members of the Constitution Project's Liberty and Security Committee and Task Force on Detainee Treatment
Re: Guantanamo provisions in the Fiscal Year 2017 National Defense Authorization Act
Date: May 10, 2016

As Attorney General Lynch has repeatedly testified, the Administration cannot fully execute its plan to close Guantanamo unless Congress lifts the statutory restrictions on transferring detainees to the United States. While we have reservations about some of the Administration's proposals for legislative changes regarding Guantanamo, we applaud the Administration for committing to work with Congress rather than risk a constitutional crisis and dangerous precedent by bringing detainees to the United States for continued detention notwithstanding the congressionally-imposed ban. We hope that the Senate Armed Services Committee will demonstrate a similar willingness to work with the Administration to solve this difficult national security problem once and for all. To that end, we offer the following comments as the Committee begins its work on the FY2017 National Defense Authorization Act.

I. Congress should not amend the Military Commissions Act without a full, public hearing on the proposed changes, given that they would affect death penalty proceedings that have been underway for years.

The Obama administration has proposed a number of amendments to the Military Commissions Act (MCA),¹ with the stated goal of improving "the efficacy, efficiency, and fiscal accountability of the commission process." There are real problems with the military commissions, but the proposed amendments to the MCA do not address them—and in some cases raise serious constitutional concerns. The amendments should be subject to full, public hearing before Congress votes on them.

The commissions cost \$91 million per year. To date, there have been eight convictions, most of them after guilty pleas. Four of those convictions have been overturned after the D.C. Circuit Court of Appeals found that the defendants' offenses were not internationally recognized war crimes, and therefore could not lawfully be tried in military commissions. Because of this limitation on the available charges—which cannot be changed by statute—the government is unlikely to bring any new military commissions cases.

Cases against seven defendants are currently in pretrial proceedings, without any trial dates set. The government is seeking the death penalty against six of the accused: Abd al

¹ Available at <https://www.documentcloud.org/documents/2806199-Military-Commissions-Act-Amendments-of-2016.html>.

Rahim al-Nashiri, accused of plotting the attacks on the U.S.S. *Cole*; and Khalid Shaikh Mohammad, Walid Bin Attash, Ramzi Binalshibh, Ammar al Baluchi, and Mustafa al Hawsawi, accused of planning the September 11 attacks. Attorneys for al-Nashiri have stated that his trial might begin in 2018;² lawyers for the September 11 accused have predicted that a trial is at least five years away.³

It is entirely understandable for the Administration, Congress, and above all the victims' families to be frustrated with the extremely slow pace of justice in the military commissions. But the fundamental causes of the commissions' delay and expense in the U.S.S. *Cole* and 9/11 cases have been: (1) questions concerning which crimes can lawfully be tried in military commissions; (2) the fact that key evidentiary and procedural rules diverge from those used in federal courts, and therefore nearly every issue that arises presents a question of first impression; (3) the government's unwillingness to disclose evidence of the defendants' torture in CIA custody; and (4) protracted litigation stemming from a series of intrusions into defense teams' internal deliberations or communications with their clients.⁴ The remedy for the first and second problems is to lift the statutory ban on transferring detainees to the United States, and move the trials to Article III courts. The remedy for third and fourth issues is for the government to produce the evidence, and ensure full respect for attorney-client privilege.⁵

The proposed amendments to the MCA will not fix any of these problems. They are more likely to compound them. Any attempt to change the rules in the middle of a death penalty case is problematic, and will almost certainly lead to even more protracted litigation.

Moreover, several of the Defense Department's proposals raise serious due process concerns. For example, Section 4 of the proposed MCA amendments would allow the judge to conduct proceedings in which the accused or counsel participate only by video

² Michael Doyle, *Lawyer for Suspect in USS Cole Bombing Foresees Appeal in 2024*, McClatchy News, February 16, 2016, available at <http://www.mcclatchydc.com/news/crime/article60920632.html>.

³ David Welna, *Trial Date Still Pending for Five Accused of Plotting Sept. 11 Attacks*, NPR, February 14, 2016, transcript available at <http://www.npr.org/2016/02/14/466748082/trial-date-still-pending-for-5-accused-of-plotting-911-attacks>.

⁴ These have included an FBI effort to recruit a member of one of the defense teams as an informant; a government-provided interpreter who was discovered to have previously worked at a CIA black site; the discovery that there were listening devices in attorney-client meeting rooms; and the revelation that an intelligence agency had the technical ability to monitor attorney-client conversations in the courtroom. See Carol Rosenberg, *Accusation of FBI Spying Stalls 9/11 Hearing*, Miami Herald, April 14, 2014, available at <http://www.miamiherald.com/news/nation-world/world/americas/article1962835.html>; Carol Rosenberg, *Guantanamo Hearing Halted by Supposed 'Black Site' Worker Serving as War Court Linguist*, Miami Herald, February 9, 2015, available at <http://www.miamiherald.com/news/nation-world/world/americas/guantanamo/article9600110.html>; Carol Rosenberg, *Guantanamo Smoke Detector/Listening Device Revealed*, Miami Herald, March 13, 2013, available at <http://www.mcclatchydc.com/news/nation-world/world/article24746509.html>; Jane Sutton, *Guantanamo Hearing Gets Tutorial in Courtroom Recording Technology*, Reuters, February 12, 2013, available at <http://www.reuters.com/article/us-usa-guantanamo-idUSBRE91B1EU20130212>

⁵ Transfer to federal courts would greatly assist in resolving these issues as well, as there are well-established precedents and procedures for protecting attorney-client privilege and overseeing discovery disputes involving classified information.

teleconference (VTC), over the accused's objection. The Sixth Amendment to the U.S. Constitution guarantees a person accused of a crime the right "to be confronted with the witnesses against him," and the Fifth Amendment guarantees that no one shall be deprived of life or liberty without due process of law. Both rights can be jeopardized when a defendant is involuntarily absent from a hearing—particularly a complex hearing that includes witness testimony, such as a suppression hearing in a capital case. For this reason, the Federal Rules of Criminal Procedure allow for a defendant's participation in court proceedings by video teleconference *only* if the defendant consents.⁶ Witness participation by video teleconference is also disfavored.⁷

The use of VTC technology would be particularly problematic in the context of the Guantanamo military commissions. First, these are capital cases. Second, the accused rely on interpreters to understand the proceedings. Third, these cases involve classified information, and the U.S. government takes the position that the accused were exposed to "intelligence sources and methods" by being detained and tortured in CIA custody. Because of this, court proceedings occur with a 40 second delay in the audio feed so that the government can use "white noise" to block access to any purportedly classified testimony, and the defendants are not allowed to speak to their attorneys by telephone. The military commissions prosecution stated in 2015 that, "[i]t is the policy of the United States that, in order to prevent the disclosure of classified information, High Value Detainees ("HVDs") are not permitted to make unmonitored telephone calls."⁸

Section 3 of the proposed amendments is also troubling. This amendment would weaken the statutory prohibition on unlawful command influence. The MCA includes a provision stating that "[n]o person may attempt to coerce or, by any unauthorized means, influence... the exercise of professional judgment by trial counsel or defense counsel."⁹ The language was first proposed by Senator Lindsey Graham and enacted in 2006.¹⁰ In 2008, General Thomas Hartmann, Legal Advisor to the Convening Authority for the military commissions, was disqualified for attempts to unlawfully influence the prosecution.¹¹ These included an attempt to direct "the Chief Prosecutor to introduce evidence that the Chief Prosecutor considered tainted and unreliable, or perhaps obtained as a result of torture or coercion."¹²

⁶ See Federal Rules of Criminal Procedure, Rule 5(f), Rule 10(c), Rule 40(d), Rule 43.

⁷ See Federal Rules of Criminal Procedure, Rule 15 (a defendant has a right to be physically present at depositions unless the defendant waives his or her presence, the defendant disrupts the proceedings, or the witness's testimony can only be obtained in a foreign country where the defendant's presence is impossible); Rule 26 (witness testimony must generally be taken in open court). The Uniform Code of Military Justice does allow the accused to appear by VTC in pretrial proceedings if "at least one defense counsel is physically in the presence of the accused."

⁸ *United States v. Mohammed*, Government Response to Commission Order on the Joint Defense Motion for Telephonic Access for Effective Assistance of Counsel, March 20, 2015, available at [http://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20\(AE183H\(Gov\)\).pdf](http://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20(AE183H(Gov)).pdf). Even if the government were to change this policy, the accused and their counsel would be unlikely to trust that their telephone calls were unmonitored.

⁹ Military Commissions Act of 2009, § 949b(2).

¹⁰ *United States v. Hamdan*, Ruling on Motion to Dismiss (Unlawful Influence), May 9, 2008, available at <http://www.scotusblog.com/wp-content/uploads/2008/05/mc-ruling-on-hartmann-5-9-08.pdf>

¹¹ *Id.*

¹² *Id.*

Section 3 would weaken the prohibition on command influence in two ways: first, by authorizing supervising attorneys in the Defense Department—including the Department of Defense’s General Counsel, a political appointee¹³—to provide “appropriate professional legal advice” (undefined) to either the prosecution or the defense; and second, when they do, *exempting* them from the prohibition on “attempt[s] to coerce or, by any unauthorized means, influence” counsel’s professional judgment. As written, Section 3 risks opening the door to interference like Hartmann’s.¹⁴

The Administration describes several other of its proposed changes as “administrative improvements” or “technical corrections,” but these too could have significant consequences, especially on the resources available to the defense. For example, it makes sense for the government to have the ability to convert a capital case to a non-capital case (Section 6). But enacting Section 6 now without additional specification could result in defendants being stripped, mid-case, of Learned Counsel—defense attorneys with capital experience that the MCA requires the government to provide in death penalty cases—who have been with their clients for years and become integral to the accused’s ability to mount an adequate defense.

For all of these reasons, we urge the Committee to hold a public hearing on any proposed changes to the MCA before enacting them, so that—after careful vetting and deliberation—Members can be sure that any such changes serve their purpose without raising constitutional concerns and otherwise negatively impacting defendants’ rights. Indeed, as the MCA itself states, “the fairness and effectiveness of the military commissions...will depend to a significant degree on the adequacy of defense counsel and associated resources for individuals accused, particularly in the case of capital cases.”¹⁵

II. The security risks of transferring detainees out of Guantanamo can be managed, and should not be exaggerated.

For the last several years the NDAA has included both a ban on transfers to the U.S. and certain restrictions on foreign transfers. In this year’s NDAA, the Committee should lift the former and resist any effort to increase the latter.

Some Members of Congress have said that they will not allow Guantanamo detainees to be transferred to their home states because the detention of “terrorists” on U.S. soil poses unacceptable risks to their constituents. This disregards the long history of individuals convicted of terrorism, murder, and other violent crimes being safely tried and

¹³ See Office of Military Commissions Organizational Chart, available at <http://www.mc.mil/ABOUTUS/OrganizationOverview/OrganizationalChart.aspx>.

¹⁴ Unlawful influence has continued to be an issue in the military commissions, though it arose most recently as an attempt to influence the judiciary rather than the prosecution or defense. In March of 2014, the commission in *United States v. Al-Nashiri* disqualified the then-convening authority, Major General Vaughn Ary, and five of his legal advisors from participation in that case, for attempting to influence unlawfully the military judge. See *United States v. Al-Nashiri*, Order, Defense Motion to Dismiss for Unlawful Influence and Denial of Due Process for Failure, March 4, 2014, available at [http://www.mc.mil/Portals/0/pdfs/alNashiri2/Al%20Nashiri%20II%20\(AE332U\).pdf](http://www.mc.mil/Portals/0/pdfs/alNashiri2/Al%20Nashiri%20II%20(AE332U).pdf).

¹⁵ Military Commissions Act of 2009 at § 1807.

incarcerated in the United States, at a small fraction of the cost of continuing to imprison individuals at Guantanamo.

Nidal Hasan, who murdered 12 U.S. soldiers and one civilian at Fort Hood in 2009, is currently incarcerated in Fort Leavenworth, Kansas, as is Robert Bales, who massacred 16 Afghan civilians in 2012. Jose Padilla, Ali Saleh Kahlah al-Marri, and Yasser Hamdi were all held at the Naval Consolidated Brig in Charleston, South Carolina before Padilla and al-Marri were convicted on terrorism charges and Hamdi was deported to Saudi Arabia.

More individuals have been convicted on terrorism-related charges in federal court, and are currently incarcerated by the Bureau of Prisons, than are held in Guantanamo. None have ever escaped. Many of them are in custody at ADX Florence in Colorado, including convicted Boston Marathon bomber Dzhokhar Tsarnaev; the so-called “underwear bomber” Umar Farouk Abdulmutallab; Ramzi Yousef, convicted for his role in the 1993 World Trade Center bombing; Eric Rudolph, who attacked the 1996 Atlanta Olympics; Terry Nichols, a co-conspirator in the Oklahoma City bombing; Faisal Shahzad, who attempted a car bombing in Times Square; attempted shoe bomber Richard Reid; Zacarias Moussaoui, convicted for his role in the September 11 conspiracy; and Ahmed Ghailani, Mohamed al-Owhali, Wadhi el-Hage, Khalfan Mohamed, and Mohamed Sadiq Odeh, convicted for the 1998 bombings of the U.S. Embassies in Kenya and Tanzania.¹⁶

Trials of terrorism suspects in federal courts have occurred regularly, without any attacks or attempted attacks on courthouses, and without public fear or even noticeable inconvenience. For example, Ahmed Abu Khattallah, charged with murder and conspiracy for his role in the Benghazi attacks, has appeared several times in pretrial proceedings in the U.S. Courthouse on Constitution Avenue—only a few blocks from the U.S. Capitol. His trial will likely occur next year.

Overseas transfers do involve more risk. There have been incidents of former Guantanamo detainees engaging in acts of terrorism, or participating in combat against U.S. troops. But those dangers, too, are often exaggerated, and the current restrictions on foreign transfers are sufficient to manage them.

Once every six months, the Director of National Intelligence (DNI) is required to publish an unclassified report summarizing allegations that detainees formerly held at Guantanamo have engaged in terrorism or insurgency. DNI’s most recent such report was made public on March 7, 2016.¹⁷ On the basis of DNI’s numbers, some pundits and policymakers claim

¹⁶ Detainees who have never been charged or convicted of any crime, and are being held pursuant to the September 17, 2001 Authorization for Use of Military Force, must be held in conditions that comply with the Geneva Conventions. The conditions of confinement at ADX Florence, where many inmates spend 23 hours a day locked in very small cells, would not meet these requirements. The Geneva Conventions do not impose restrictions on perimeter security at detention facilities.

¹⁷ Director of National Intelligence, Summary of the Reengagement of Detainees Formerly Held at Guantanamo Bay, Cuba, March 7, 2016, available at http://www.dni.gov/files/documents/Newsroom/Reports%20and%20Pubs/Summary_of_the_Reengagement_of_Detainees_Formerly_Held_at_GTMO_Ma%204_2016.pdf.

roughly a 30% recidivism rate for former Guantanamo detainees. But there are several problems with this figure.¹⁸

First, the 30% figure combines detainees who are “confirmed of reengaging” (meaning that “a preponderance of information which identifies a specific former GTMO detainee as directly involved in terrorist or insurgent activities” (17.5%)) and those who are “suspected of reengaging” (meaning that “*Plausible but unverified or single-source reporting* indicating a specific former GTMO detainee is directly involved in terrorist or insurgent activities” (12.7%)) (emphasis added). We do not consider an allegation of reengagement that is “plausible” but not supported by a preponderance of evidence to be a meaningful basis for categorizing a former detainee as having reengaged in terrorism.

Second, a large majority of former detainees whom DNI considers more likely than not to have reengaged were transferred before current rules and procedures governing transfers were in place. As of the most recent published DNI report, 676 detainees had been transferred out of Guantanamo. According to DNI, 118 of those detainees were “confirmed of reengaging.” 111 of those 118 were transferred before 2009. In contrast, only seven of the 144 detainees transferred since 2009 are “confirmed of reengaging,” a rate of 4.9%.

Since January 22, 2009, Guantanamo detainees have been released only after an individualized review of their case by U.S. national security agencies. Congress began imposing additional legal restrictions on transfers in 2012. Under current law, 30 days before transferring any detainee the Secretary of Defense must determine and explain to Congress what steps will be taken to substantially mitigate any risk of the detainee engaging in terrorist activities after release, and why the transfer is in U.S. national security interests.¹⁹

These procedures do not provide perfect safety. But they protect both America’s interests and our constitutional values far better than detaining men without charge for the rest of their lives.

III. Congress should not attempt to impose restrictions on the writ of habeas corpus as a condition of transferring detainees to the United States.

Past legislative proposals for lifting the ban on transferring Guantanamo detainees to the United States—which have been considered in the context of the NDAA—have included provisions that would restrict detainees’ access to U.S. courts, and rights under U.S. law. Some of these proposed restrictions, such as provisions that would prevent detainees from

¹⁸ DNI does not release the names or any individualized information about the detainees it reports to have reengaged, so it is difficult to assess the accuracy of its reporting. A 2014 study by the New America Foundation, which relied on publicly available information, found evidence that 54 out of a total of 620 Guantanamo detainees transferred overseas had engaged in militant activity. See New America Foundation, “Appendix: How Dangerous Are Freed Guantanamo Prisoners?,” June 5, 2014, available at https://static.newamerica.org/attachments/1466-appendix-how-dangerous-are-freed-guantanamo-prisoners/gtmo_appendix_6-5-04.pdf.

¹⁹ In May 2014 five former Taliban officials were sent to Qatar in order to secure the release of an American hostage, without following the 30-day notice requirement.

seeking asylum or other legal status under the Immigration and Nationality Act (INA), are redundant and unnecessary given existing provisions in the INA. Others have been far more problematic.

For example, the version of the FY2016 NDAA reported out of this Committee in May 2015 contained two such provisions.²⁰ First, that bill sought to strip detainees transferred to the U.S. not only of “any right, privilege, status, benefit, or eligibility for any benefit” under immigration laws, but also under “*any other law or regulation*” (emphasis added).²¹ Of course—at a minimum—certain constitutional rights would apply to detainees transferred to the United States that Congress cannot eliminate, nor should Members appear to be in the business of trying to do so.

Second, the FY2016 NDAA reported out of this Committee would have deprived the courts of jurisdiction

to hear or consider any action against the United States or its agents relating to any aspect of the detention, transfer, treatment, or conditions of confinement of [a detainee transferred to the U.S.].²²

The only exception to this provision was that the D.C. Circuit Court of Appeals would retain jurisdiction to hear habeas corpus challenges to a detainee’s “designation as an unprivileged enemy belligerent.”²³

Under current law, the D.C. Circuit’s jurisdiction over detainees’ habeas corpus petitions includes not only challenges to the fact (and duration) of detention, but also claims related to the lawfulness of their conditions of confinement²⁴ and the jurisdiction of the Guantanamo military commissions.²⁵ We strongly oppose any attempt to remove the courts’ authority to ensure that detainees are not subjected to torture, cruel treatment, or any other violation of the Constitution or Common Article 3 of the Geneva Conventions. Even if the courts ultimately struck down this provision as an unconstitutional suspension of the writ of habeas corpus, litigation of the issue would take years. Legislation that on its face places detainees’ treatment beyond the law runs an unacceptable risk, particularly at a time when some political leaders are openly contemplating the United States engaging in torture.

²⁰ Versions of the NDAA, or amendments to it, in previous years have contained similarly troubling provisions.

²¹ U.S. Senate Committee on Armed Services, S. 1376, Report No. 114-49 § 1032 (May 19, 2015), available at <https://www.gpo.gov/fdsys/pkg/BILLS-114s1376pcs/pdf/BILLS-114s1376pcs.pdf>.

²² *Id.*

²³ *Id.*

²⁴ See *Aamer v. Obama*, 742 F.3d 1023 (D.C. Cir. 2014).

²⁵ See *Al Nashiri v. Obama*, Docket No. 15-5020 and 15-5023, currently pending before the D.C. Circuit.

Azizah al-Hibri, Professor Emerita, The T.C. Williams School of Law, University of Richmond; Founder, KARAMAH: Muslim Women Lawyers for Human Rights

David Cole, Hon. George J. Mitchell Professor in Law and Public Policy at Georgetown University Law Center

Phillip Cooper, Professor of Public Administration, Mark O. Hatfield School of Government, Portland State University

Talbot "Sandy" D'Alemberte, Partner, D'Alemberte & Palmer; Professor, Florida State University; President, Florida State University, 1993-2003; President, American Bar Association, 1991-92; Member, Florida House of Representatives, 1966-1972

Mickey Edwards, Vice President, Aspen Institute; Lecturer at the Woodrow Wilson School of Public and International Affairs, Princeton University; former Member of Congress (R-OK) and Chairman of the House Republican Policy Committee

Eugene R. Fidell, Of Counsel, Feldesman Tucker Leifer Fidell LLP; Senior Research Scholar in Law and Florence Rogatz Visiting Lecturer in Law, Yale Law School

Louis Fisher, Specialist in Constitutional Law, Law Library, Library of Congress (ret.)

Philip M. Giraldi, Executive Director of the Council for the National Interest; Foreign Policy editor for Unz.com webzine; Contributing Editor for The American Conservative Magazine; former operations officer specializing in counter-terrorism, Central Intelligence Agency, 1975-1992; United States Army intelligence, 1968-71

David P. Gushee, - University Professor of Christian Ethics and Director, Center for Theology and Public Life, Mercer University

Brigadier General David Irvine (Ret.) In the private practice of law in Salt Lake City, Utah; Retired Army Reserve strategic intelligence officer; taught prisoner interrogation and military law for 18 years with the Sixth Army Intelligence School; served 4 terms as a Republican legislator in the Utah House of Representatives

James R. Jones, Former Member of Congress (D-OK), Ambassador to Mexico, and Appointments Secretary/Chief of Staff to President Lyndon Johnson

David Keene, Op David Keene, Opinion Editor, The Washington Times; Former Chairman, American Conservative Union inion Editor, The Washington Times; Former Chairman, American Conservative Union

Christopher Kelley, Lecturer in Political Science, Miami University (OH)

Lieutenant General Claudia J. Kennedy (Ret.), First woman to serve as a three star general in the United States Army; three-decade U.S. Army career including Lieutenant General, Deputy Chief of Staff of Army Intelligence

Mary O. McCarthy, Consultant, Freedom of Information and Privacy Act; Associate Deputy Inspector General, Investigations, Central Intelligence Agency, 2005-2006; Visiting Fellow, Center for Strategic and International Studies, 2002-2004; Senior Policy Planner, Directorate of Science and Technology, Central Intelligence Agency, 2001-2002; Senior Director, Special Assistant to the President, National Security Council, 1998-2001; Director for Intelligence Programs, National Security Council, 1996-1998; National Intelligence Officer for Warning (Deputy 1991-1994), 1994- 1996

Deborah N. Pearlstein, Associate Professor of Law, Cardozo Law School, Yeshiva University

Thomas R. Pickering, Former Under Secretary of State for Political Affairs, 1997-2000; United States Ambassador and Representative to the United Nations, 1989-1992; former Ambassador to the Russian Federation, India, Israel, El Salvador, Nigeria, and Jordan

Paul R. Pillar, Nonresident Senior Fellow, Center for Security Studies, Georgetown University; Intelligence Officer (positions included Deputy Chief of DCI Counterterrorist Center, National Intelligence Officer for the Near East and South Asia, and Executive Assistant to the Director of Central Intelligence); Central Intelligence Agency and National Intelligence Council, 1977-2005

James Robertson, Neutral Arbitrator and Mediator, JAMS; U.S. District Judge for the District of Columbia, 1994-2010; Judge, Foreign Intelligence Surveillance Court, 2002-2005

William S. Sessions, Holland & Knight, LLP; former Director, Federal Bureau of Investigation; former Chief Judge, United States District Court for the Western District of Texas

David Skaggs, Adjunct Professor of Law, University of Colorado Law School; former Member of Congress (D-CO) and Member of the Appropriations Committee and Permanent Select Committee on Intelligence

Neal R. Sonnett, Former Chair, American Bar Association Task Force on Treatment of Enemy Combatants and Task Force on Domestic Surveillance in the Fight Against Terrorism; Former Assistant United States Attorney and Chief, Criminal Division, Southern District of Florida; Past President, National Association of Criminal Defense Lawyers; Past Chair, ABA Criminal Justice Section

Gerald E. Thomson, MD Lambert and Sonneborn Professor of Medicine Emeritus at Columbia University; Chair, Board of the Institute on Medicine as a Profession; Board Member, Physicians for Human Rights, 2005-10; President, American College of Physicians, 1995-96

Don Wallace, Chairman, International Law Institute, Georgetown University Law Center

Lawrence B. Wilkerson, Col., USA (Ret.) Distinguished Visiting Professor of Government at the College of William and Mary and former Chief of Staff to Secretary of State Colin Powell

Affiliations are for identification purposes only.