

**THE STATE BAR OF CALIFORNIA
CALIFORNIA ATTORNEY COMPLAINT**

Date _____

Name and address _____

Telephone numbers _____ (Home) _____ (Other)

The attorney I am complaining about is: Mr. William J. Haynes, II
Chevron Corporation, 6001 Bollinger Canyon Rd., San Ramon, CA 94583, (925) 842-1298

Neither I, nor any member of my family, have previously complained about or employed Mr. Haynes at any time. My connection with Mr. Haynes is as a concerned resident of the United States. His actions have undermined the Constitution and the safety of the United States.

I am filing a complaint against William J. Haynes, II, registered in-house legal counsel at Chevron Corporation in San Ramon, CA. While Mr. Haynes was general counsel for the Department of Defense, he committed acts of moral turpitude. Because of the formidable power held by the Executive Branch, its attorneys have a unique responsibility to thoroughly and impartially investigate, analyze, and consider all relevant materials in rendering legal advice on issues of national importance. Mr. Haynes failed to adhere to this standard.

The California State Bar has adopted the Rules of Professional Conduct “to protect the public and promote respect and confidence in the legal profession.” *See* California Rules of Professional Conduct (CRPC), Rule 1-100. The California State Bar Statement on Moral Character Requirement requires that all bar members “possess good moral character”. The Bar considers evidence of “respect for the law and the rights of others” as a factor in determining good moral character. The CRPC forbid a member from advising the violation of any law, rule or ruling of a tribunal; require that legal services be performed with competence; and require adequate supervision of subordinate attorney work product. *See* CRPC, Rules 3-210, and 3-110. Mr. Haynes’ actions are directly linked to torture committed by the United States at Guantanamo and Abu Ghraib.

1. The so-called enhanced interrogation techniques had never been authorized for offensive use by the United States prior to December 2001, when Mr. Haynes’ office specifically requested details of illegal torture techniques from SERE (the “Survival, Evasion, Resistance, and Escape” military training program). SERE was the source of information because of the illegal use of these techniques on U.S. soldiers in captivity.

- The purpose for SERE was to train soldiers to resist illegal torture in the event of capture by enemy forces.
- In contrast, Haynes sought information from SERE about illegal torture techniques for the purpose of applying them offensively in Guantanamo.

2. On November 2002, in a one-page memo to Secretary of Defense Rumsfeld, Mr. Haynes recommended approval of harsh interrogation techniques, including removal of clothing, stress positions, and the use of dogs against detainees at Guantanamo.

- The U.S. Army, Navy, Air Force, and Marines expressed in writing their grave reservations about the legality of the proposed interrogation techniques.
- Mr. Haynes advised Secretary Rumsfeld to approve the techniques, without informing him of objections from all branches of the U.S. military.
- Mr. Haynes ignored Common Article 3 of the Geneva Conventions, which prohibits “violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture” and “outrages upon personal dignity, in particular humiliating and degrading treatment”.
- Mr. Haynes’ legal work product was so inadequate that less than two months following approval, Secretary Rumsfeld rescinded the memo.
- The Senate Armed Services Committee subsequently described the Haynes Memo as being “grossly inadequate”.

3. After rescinding the Haynes Memo on January 15, 2003, Secretary Rumsfeld created a “Working Group” to review the interrogation techniques. Mr. Haynes prevented impartial analysis of the law, and obstructed further review of the so-called enhanced interrogation techniques by ordering the Working Group to formulate its conclusions based solely on the legal framework of the “torture memo” authored by Professor John Yoo, while he was employed at the Department of Justice Office of Legal Counsel (OLC).

- The “torture memo” dated March 14, 2003, concluded that (1) neither U.S. nor international law provides protection for Guantanamo detainees; and (2) if the President says it’s OK to torture, it’s OK.
- The OLC took the unusual step of formally withdrawing Professor Yoo’s memo because it was so legally deficient.
- By imposing his strongly biased views on the use of torture, Mr. Haynes ensured an outcome that would support torture as an acceptable policy of the United States.

Mr. Haynes failed to uphold the U.S. Constitution and the laws of the United States. His actions involved moral turpitude and must not be excused simply because of claims that he was acting within the scope of Executive authority.

I demand that the California State Bar conduct a thorough investigation of Mr. Haynes’ actions and omissions while General Counsel at the Department of Defense. I further demand a written formal decision on the outcome of the investigation.

Signature _____