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February 22, 2010

Office of Bar Counsel

Board on Professional Responsibility
District of Columbia Court of Appeals
515 5th Street NW
Building A, Suite 117
Washington, DC 20001

Re: Pending Complaints Against John Yoo, Jay Bybee, Stephen Bradbury, William Haynes, Alberto Gonzales, Douglas Feith, John Ashcroft, Timothy Flanigan, Alice Fisher, Michael Chertoff, David Addington, John Rizzo, Jonathan Fredman, and Scott Muller

Dear Bar Counsel:

We have filed bar complaints with your office against the above named attorneys because of their legal memos and other actions supporting the torture of detainees in United States custody. With regard to several of the complaints, we previously filed supplemental material as it became available to us.

Of Friday, February 19, 2010, the Department of Justice issued two important documents that you should consider in your determinations. Because they are voluminous, we are submitting a single copy of each, and we ask that you consider them with regard to all of the above named individuals.

The first is an exhaustive 300-page report from the DOJ's Office of Professional Responsibility finding that John Yoo and Jay Bybee engaged in "unprofessional conduct," a designation that would result in a referral for disbarment by a state bar disciplinary board. The second is a 69-page cover letter from DOJ Associate Attorney General David Margolis finding that Yoo and Bybee exercised "poor judgment," a designation that would not automatically result in a referral of disbarment. As a result of Mr. Margolis' finding, the DOJ will not refer the OPR its report to your office. However, Mr. Margolis specifically said, "[t]he bar associations in the District of Columbia or Pennsylvania can choose to take up this matter, but the Department will make no referral." p. 67. Therefore, we are doing so.

We believe that both the OPR report and the Margolis letter provide strong evidence on which your office can rely to find that the above attorneys violated their ethical and professional responsibilities. The facts set forth in the OPR report are not in dispute. The only dispute is whether the attorneys' conduct should be defined as professional misconduct or poor judgment. In either case, the attorneys must be disciplined.

The evidence we have supplied to date provides an overwhelming basis on which to find that the attorneys violated their ethical responsibilities. These two new documents only add to that evidence. Therefore, we ask that you include these documents in your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Zeese', with a long horizontal flourish extending to the right.

Kevin Zeese
Attorney at Law
301-996-6582