



**Jane Leslie Dalton, Esq.**  
Chancellor

30 South 17th Street • Philadelphia, PA 19103-4196  
Phone: 215-979-1830 • Fax: 215-979-1020 • E-mail: dalton@duanemorris.com

June 4, 2007

Robert W. Meek, Esq.  
President  
Greater Philadelphia ACLU  
PO Box 40008  
Philadelphia, PA 19106

Dear Mr. Meek,

As you prepare for the National ACLU's Day of Action to Restore Habeas Corpus on June 26, 2007, I write on behalf of the 13,000 members of the Philadelphia Bar Association. The Association has by resolution expressed its support for the proposition that persons subject to detention or trial by a United States military commission should be permitted to seek habeas corpus relief in the United States courts.

As you know, at the end of 2006, by a slim margin, the outgoing Congress revoked the right to habeas corpus for anyone detained at the Guantanamo Bay Naval Base in Cuba, as well as any foreigner the government detains anywhere as an "enemy combatant." This historic suspension of the writ of habeas corpus undermined the rule of law in this country, damaged our reputation abroad, and weakened international support for the fight against terrorism.

The great writ of habeas corpus has been a fundamental part of the law of Western Civilization since the Magna Carta in 1215. It is an ancient remedy for unlawful detention at the hands of the Executive. The Founders afforded the great writ constitutional protection in the Suspension Clause, U.S. Const., art. I, § 9, cl. 2, and empowered federal courts to hear habeas corpus petitions in the Judiciary Act of 1789.

In 2004, the Supreme Court rejected the notion that the government can maintain a law-free zone at Guantanamo Bay. Our system of justice is founded on the notion that the Executive may not indefinitely detain individuals and deny them a fair opportunity to challenge in federal court the factual and legal basis for their detention. These fundamental protections have been applied in past conflicts and, until now, have been a part of U.S. military procedure.

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In *Hamdi v. Rumsfeld*, Justice Sandra Day O'Connor warned that "[i]t is during our most challenging and uncertain moments that our Nation's commitment to due process is most severely tested; and it is in those times that we must preserve our commitment at home to the principles for which we fight abroad." The Philadelphia Bar Association strongly supports restoring the right to habeas corpus.

Sincerely,

A handwritten signature in cursive script that reads "Jane L. Dalton". The signature is written in black ink and is positioned above the typed name.

Jane L. Dalton, Esq.  
Chancellor