This is TALK OF THE NATION. I’m Neal Conan in Washington.

In December 2003, Lieutenant Commander Charles Swift, a Navy lawyer, got a letter from the Department of Defense.
They told him, to his surprise that he’d been assigned to represent one of the detainees being held at Guantanamo Bay.
Salim Ahmed Hamdan

- a citizen of Yemen, was picked up in Afghanistan a few months after the American troops there toppled the Taliban, and he acknowledged service as Osama Bin Laden’s driver.
Did you have any idea of what you were getting into the day you got that letter from the Defense Department?

- I was surprised when the letter conditioned my access to Mr. Hamdan on a guilty plea.

- They’d asked Colonel Gunn to appoint - who is the chief defense counsel - to appoint defense counsel for the limited purpose of negotiating a guilty plea.

- And the letter made quite plain that you would see the prosecutor to get access, and that if for some reason you were unable to negotiate a guilty plea, that that access could be cut off.
Values and Duties You Would Consider If You Were in Swift’s Dilemma

- Duty to follow orders
- Represent client as best as possible
- Set aside feelings about representing a terrorist
- Career aspirations
- Representing a terrorist inside the military
Values and Duties You Would Consider If You Were in Swift’s Dilemma

- Duty to inform client of options
- Innocent until proven guilty
- Desire to obtain useful military intelligence
Values and Duties You Would Consider If You Were in Swift’s Dilemma

- Going through a fair process
- Access to non-military justice
- Challenging unjust system
- Being willing to assume in your own mind that he could be innocent
- Decline to represent an Al Qaeda member
Values and Duties You Would Consider If You Were in Swift’s Dilemma

- Find the truth of the matter
- Client’s wishes
- Courage
Apply Georgia Rules to Swift’s Dilemma

- Terminology: pp 5-6
- GRPC 1.2 (pp 7-8)
- GRPC 1.8(f) (p23)