

# EXHIBIT B

I, Stephen Abraham, hereby declare as follows:

1. I was, until my retirement in March of 2008, a Lieutenant Colonel in the United States Army Reserve, having been commissioned in 1981 as an officer in the Intelligence Corps. I served in military intelligence from 1982 to February 2008 during periods of reserve and active duty, including mobilization in 1990 during Operation Desert Storm and twice again following September 11, 2001. My latest mobilization before my assignment to the Office for the Administrative Review of the Detention of Enemy Combatants (“OARDEC”) was as the Lead Counterterrorism Analyst for the Joint Intelligence Center, Pacific Command, from November 13, 2001 through November 12, 2002, for which I received the Defense Meritorious Service Medal. In that capacity I became very familiar with the wide variety of military intelligence resources and techniques used in the fight against terrorism.

2. In my civilian life I am an attorney with the law firm Fink and Abraham in Newport Beach, California.

3. I have been asked the Federal Public Defender for the Northern District of Ohio to comment upon certain declarations provided by James R. Clapper Jr., Undersecretary of Defense for Intelligence (USDI), and Major Heath E. Wells, Operational Law Attorney at the Criminal Investigation Task Force (CITF), both of which were filed in support of the Government’s Motion to Amend September 11, 2008 Protective Order and Counsel Access Procedures and January 9, 2009 TS/SCI Protective Order and Counsel Access Procedures in the Guantanamo Bay Detainee Litigation, Misc. No. 08-0442 (TFH).

4. In providing this declaration, I offer no opinion and make no statement regarding any matter not set forth herein.

5. Both the Wells and Clapper declarations, in part, blur the distinction between communicating the detainee's statements to him in a written form on the one hand and "disclosure" of classified or sensitive information on the other.

6. In the declarations of Major Wells and Mr. Clapper, the term "disclosure" is used in a manner inconsistent with the manner in which I have used it during the entirety of my 26 years of experience as a commissioned officer in the United States Army Intelligence Corps. Specifically, the use of the term "disclosure" to refer to the repeating of a detainee's statements back to him, without the addition of anything else, is a misuse of that term. Simply put, giving a detainee his own statements is not a "disclosure."

7. Disclosure, as the term has been used during my 26 years of experience in the US Army Intelligence Corps, has meant the communication of information by one person (or entity) to another other than the source of the information.

8. When the government attempts to describe communications to detainees as being "disclosures," it is really speaking not of the detainee's own words but extrinsic matter, whether an interrogator's interpretation, an analyst's notes or reports, or the requirements that drove a particular sequence of questions. However, assuming the detainee did not obtain classified information during the course of his interrogation, the presentation to him of only his own words, without comment, should not constitute a disclosure, whether of classified or sensitive information or otherwise.

I hereby declare under penalty of perjury based on my personal knowledge that the foregoing is true and accurate.

Dated: April 20, 2009



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Stephen Abraham