

## OPERA – fiche sociographique - défense

### Prénom, Nom:



William J. Haynes

### Contact :

### Catégorie : Exécutif

### Dates de naissance / décès :

March 30, 1958

### Lieu de naissance :

Waco, Texas

### Genre : Male

### Lieu de résidence (si DC avant l'accession à un poste retenu, avec si possible l'année de l'emménagement à DC):

### Formation :

<b>BA/BS</b>	BA, Davidson Coll., 1980
<b>MA/MS</b>	
<b>PhD</b>	
<b>Law degree (JD...)</b>	JD, Harvard U., 1983
<b>Autre</b>	LLD, Stetson U., 1999

### Profession initiale :

Lawyer

### Carrière :

1983 – 84 law clk. to Hon. James B. McMillan, US Dist. Ct. NC, Charlotte, .

1989 : assoc., Sutherland, Asbill & Brennan, Washington, .

1989 – 90 : spl. asst. to gen. counsel, US Dept. Def., Washington, .  
 1990 – 93 : gen. counsel Dept. Army, US Dept. Def., Washington, .  
 1993 – 1996 : ptnr., Jenner & Block LLP, Washington, .  
 1996 – 98 : v.p., assoc. gen. counsel, Gen. Dynamics Corp., Falls Church, Va., .  
 1997 – 98 : gen. counsel, Gen. Dynamics Marine Grp., .  
 1999 – 2001 : ptnr., Jenner & Block LLP, Washington, .  
 2001 – 2008 : gen. counsel, dir. def. legal services agy., US Dept. Def., Washington.  
 2008 - chief corp. counsel, Chevron Corp., San Ramon, Calif. .

**Sources biblio/bio, articles, divers.**

<b><u>General Counsel of the Army</u></b>	
	<b>In office</b> 1990–1993
<b>Nominated by</b>	<a href="#">George H. W. Bush</a>
<b>Preceded by</b>	<a href="#">Susan J. Crawford</a>
<b>Succeeded by</b>	<a href="#">William Thaddeus Coleman III</a>
<b>Personal details</b>	
<b>Born</b>	March 30, 1958 <a href="#">Waco, Texas</a> , U.S.
<b>Political party</b>	<a href="#">Republican</a>
<b><u>Alma mater</u></b>	<a href="#">Davidson College</a> <a href="#">Harvard Law School</a>
<b>Profession</b>	<a href="#">Attorney</a>

**William James "Jim" Haynes II** (born March 30, 1958 in [Waco, Texas](#)) is an American lawyer and former [General Counsel of the Department of Defense](#) during President George W. Bush's administration. Haynes resigned as General Counsel effective March 2008. He has been General Counsel of the Department of the Army, a partner with the law firm of [Jenner & Block](#), and an associate general counsel of [General Dynamics Corporation](#). Haynes is currently Chief Corporate Counsel of [Chevron Corporation](#).

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**Childhood and education**

Haynes was born in [Waco, Texas](#), and moved frequently during his childhood. He participated in the Boy Scouts while growing up, eventually achieving the rank of Eagle Scout. In 1976 Haynes graduated from Parkway High School in [Bossier City, Louisiana](#), where he played tennis and won a state championship in wrestling.<sup>[1]</sup> Haynes earned an ROTC scholarship to attend [Davidson College](#). During college Haynes played varsity tennis and was inducted into [Phi Beta Kappa](#) and [Omicron Delta Kappa](#), and he graduated [cum laude](#) in 1980.<sup>[2]</sup>

Haynes received his [J.D.](#) from [Harvard Law School](#) in 1983. During his second year at Harvard, Haynes volunteered at the [Harvard Legal Aid Bureau](#). At the time, the President of the Bureau was [Deval Patrick](#), the current [Governor of Massachusetts](#), who was a year ahead of Haynes in law school.

Following law school, Haynes spent a year as a law clerk to U.S. District Judge James B. McMillan,<sup>[2]</sup> an appointee of President [Lyndon B. Johnson](#) who famously ordered that the [Charlotte-Mecklenburg County school system](#) should integrate by means of crosstown busing.<sup>[3]</sup>

### **Early public service and private sector work**

Following his clerkship, Haynes was commissioned an Army second lieutenant through the [ROTC program](#) and entered active duty in 1984, serving four years advising and representing the [Department of the Army](#) in matters ranging from international research and development agreements, to hazardous waste cleanups, to government contracts. Haynes was twice awarded the [Army Meritorious Service Medal](#), in 1986 and again in 1988.<sup>[4]</sup>

After leaving active duty, Haynes briefly worked as an associate at the D.C. law firm [Sutherland Asbill & Brennan](#) before being tapped by [President George H. W. Bush](#) to be [General Counsel of the Department of the Army](#). He was confirmed in early 1990 and remained through noon of inauguration day in 1993, serving as chief legal officer of the Army during a period that witnessed the conclusion of the [Cold War](#), the liberation of Kuwait during [Desert Shield](#) and [Desert Storm](#), and the beginning of the contraction of the defense industry.<sup>[5]</sup>

In 1993, Haynes joined the D.C. office of [Jenner & Block](#) as a partner. Upon moving to [General Dynamics Corporation](#) in 1996, Haynes was initially Staff Vice President and Associate General Counsel, and later General Counsel for the company's Marine Group. In early 1999, Haynes spent four months as a volunteer in central Asia working on microcredit programs for [Mercy Corps International](#), before returning to his partnership at Jenner & Block.

### **General Counsel of the Department of Defense**

Shortly after his inauguration, [President George W. Bush](#) appointed Haynes to be [General Counsel of the Department of Defense](#), a post from which he oversaw some 10,000 lawyers, and advised on the Department's internal affairs and its relations with other government and non-government agencies at home and abroad. Because of the position's wide ranging responsibility for overseeing thousands of ongoing cases, legislative matters, and policy decisions, the DoD's General Counsel has been described as "one of the most powerful and influential lawyers in the entire federal government."<sup>[6]</sup>

Haynes was in one of the Pentagon's command centers on [September 11, 2001](#), when [American Airlines Flight 77](#) crashed into the western face of the building. At the time, Haynes was on the far side of [the Pentagon](#) and later, during the 2008 [Lewis F. Powell, Jr.](#) Lecture before the [American College of Trial Lawyers](#), recalled that he felt "a shudder pulse the monstrous concrete structure," and that he sent a deputy of his to a survival site, in case any further attacks were to affect the Pentagon.<sup>[7]</sup>

In his capacity as General Counsel, Haynes was often sent to meet with foreign officials. In 2003, for instance, he met with [British Attorney General Peter Goldsmith](#) to discuss the cases of two British men held in Guantanamo Bay.<sup>[8]</sup> In 2007, Secretary of Defense Robert Gates dispatched Haynes to Turkey to speak with officials there about militants in the country thought to be using U.S.-supplied weaponry.<sup>[9]</sup>

As General Counsel to the Department of Defense, Haynes advised the [Bush administration](#) in its effort to create military commissions that would try detainees held at [Guantanamo Bay](#). The commissions were authorized by [Military Commission Order No. 1](#), which [Secretary of Defense Donald Rumsfeld](#) issued on March 21, 2002. No detainees were tried under the provisions of that order, and in 2006, the [Supreme Court](#) ruled in [Hamdan v. Rumsfeld](#) that Congressional authorization was required before any commissions could commence. Harvard law professor [Jack Goldsmith](#), who briefly worked at the Pentagon as Special Counsel under Haynes, notes in his book *The Terror Presidency* that Haynes urged getting Congressional approval for the commissions, but that others in the administration felt doing so was unnecessary.<sup>[10]</sup>

In November 2002, Haynes wrote a memo for Rumsfeld concerning interrogation techniques to be used at Guantanamo Bay. Haynes's memo, which the Secretary of Defense approved, recommended authorizing several techniques, but advised against the authorization of three more-aggressive techniques, including one that resembled [waterboarding](#). Such treatment of detainees, Haynes noted, would be inconsistent with American Armed Forces' "tradition of restraint."<sup>[11]</sup>

That memo led journalist [Stuart Taylor](#) to write, in a 2008 article for the [National Journal](#), that Haynes "is the only former [Bush administration] official whose paper trail also shows that he blocked a request to use waterboarding and two other harsh methods that administration lawyers had advised were legal..."<sup>[12]</sup>

[Brookings Institution](#) fellow [Benjamin Wittes](#) went even further in the pages of the left-leaning [New Republic](#), calling Haynes's memo "the reason that the military, unlike the CIA, never waterboarded anybody."<sup>[13]</sup>

While the memo drew criticism for recommending techniques used abusively in [Iraq](#) and elsewhere, it in fact did not apply to interrogators working anywhere outside Guantanamo Bay. In August 2004, the Independent Panel

to Review Department of Defense Detention Operations, which was convened in the wake of the [Abu Ghraib scandal](#), issued a report noting that the methods Haynes recommended were “strictly limited for use at Guantanamo” and that officers there “used those...techniques with only two detainees, gaining important and time sensitive information in the process.”<sup>[14]</sup>

The panel’s report did fault Haynes for formulating his November 2002 interrogation memo to the Secretary of Defense without giving greater consideration to the input of [Judge Advocates General](#) and the General Counsels of the armed services. The authors of the report suggest that had Haynes done so, the military might not have needed to revise its Guantanamo interrogation standards again in April 2003, following objections from some within the military that the standards adopted in late-2002 might lead to abuse of detainees. As later became clear, however, the [Department of Justice](#) had earlier provided highly-classified, definitive advice to the White House that more aggressive techniques were within the legal bounds of discretion for the President in defense of the country.

Haynes was a part of the so-called ‘[Bush Six](#),’ a group of administration officials who were considered for prosecution by [Baltasar Garzón](#), a former examining magistrate on Spain’s Central Court of Criminal Proceedings. The six were to be charged with offering legal justifications for torture. After the [Obama administration](#) and the Spanish Attorney General both requested the investigation be dropped, the matter was dismissed in May 2011.<sup>[15]</sup> Additionally, Garzón has been suspended from his post for exceeding his judicial powers during an investigation of the [Franco regime](#).<sup>[16]</sup>

In March 2008, Haynes resigned from his position at the Pentagon. His nearly seven years in office made him the longest-serving General Counsel in the history of the Department of Defense.<sup>[17]</sup> Upon his departure, Secretary of Defense [Robert Gates](#) awarded Haynes the [Department of Defense Medal for Distinguished Public Service](#), the highest award for a civilian appointee.

Later that month, Haynes joined [Chevron Corporation](#) as its Chief Corporate Counsel.<sup>[18]</sup>

### Fourth Circuit nomination

In 2003, Haynes was nominated by George W. Bush to the [United States Court of Appeals for the Fourth Circuit](#). During the more than three years Haynes’s nomination was pending, the [American Bar Association](#) evaluated him twice and both times rated him Well-Qualified, the highest rating given to judicial nominees.<sup>[19]</sup> Haynes also received the support of a number of prominent lawyers, including [Cass Sunstein](#) and former [NAACP Legal Defense Fund](#) chairman [William Thaddeus Coleman, Jr.](#)

The [Judiciary Committee](#) approved Haynes’s nomination in November 2003, but he did not received a vote in the full Senate, and although re-nominated in subsequent Congresses, Haynes never again moved past the committee level. Surprisingly, Republican Senator [Lindsey Graham](#) of [South Carolina](#) surfaced as the principal impediment to the appointment.<sup>[20]</sup> In December 2006, after the Senate adjourned following the Democratic gains of the [2006 elections](#), Haynes asked President Bush to forego re-nominating him to the Court of Appeals.<sup>[21]</sup>

### Incorrect attribution of essay

An essay about Islam and terrorism entitled "Why the Peaceful Majority is Irrelevant" by blogger [Paul E. Marek](#) was at one point incorrectly attributed to Haynes.<sup>[22]</sup>

### See also

- [Equal Justice for United States Military Personnel Act of 2007](#)

### References

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- Cheney, Dick and Liz Cheney, *In My Time: A Personal and Political Memoir* (2011) Threshold Editions, [ISBN 1439176191](#).

### Notes

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2. ^ [a b "Department of Defense General Counsel Bio"](#). *CounselBio*. Department of Defense. Retrieved 11 August 2011.
3. ^ Saxon, Wolfgang (07 March 1995). "[James B. McMillan, 78, Judge Who Challenged Segregation](#)". *New York Times*. Retrieved 11 August 2011.
4. ^ "[Nomination of William J. Haynes II To Be General Counsel of the Department of the Army](#)". [George H. W. Bush](#). November 11, 1989. Retrieved 2011-08-20.
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6. ^ David Lat (July 5, 2011). "[An Afternoon With Jeh Johnson, General Counsel of the Defense Department](#)". *Above the Law*. Retrieved 2011-08-19.
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8. ^ "[DoD Statement on British Detainee Meetings](#)". [U.S. Department of Defense](#). July 23, 2003. Retrieved 2011-09-20.
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11. ^ William J. Haynes II (November 27, 2002). "[Counter-Resistance Techniques, Memo for the Secretary of Defense](#)". [George Washington University](#). Retrieved 2011-08-20.
12. ^ Stuart Taylor (June 28, 2008). "[Our Leaders Are Not War Criminals](#)". *National Journal*. Retrieved 2011-08-20.
13. ^ Benjamin Wittes (March 24, 2010). "[Presumed Innocent?](#)". *The New Republic*. Retrieved 2011-08-20.
14. ^ "[Final Report of the Panel to Review DoD Detention Operations](#)". *C-Span*. August 24, 2008. Retrieved 2011-08-20.
15. ^ "[Spanish Judge Drops Case Against Bush Lawyers](#)". [Center for Constitutional Rights](#). April 14, 2011. Retrieved 2011-09-20.
16. ^ "[Judge Baltasar Garzón suspended over Franco investigation](#)". *The Guardian*. May 14, 2010. Retrieved 2011-09-20.
17. ^ "[Lawyer Who Helped Craft Pentagon's Detainee Policies Returning to Private Life](#)". *Fox News*. February 25, 2008. Retrieved 2011-09-20.
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19. ^ "[Confirmation Hearing](#)". July 11, 2006. Retrieved September 20, 2011.
20. ^ Quin Hillyer (December 5, 2006). "Please Torture Me". *The American Spectator*.
21. ^ Kevin Jon Heller (January 9, 2007). "[William Haynes Withdraws Nomination](#)". *The American Spectator*. Retrieved 2011-09-20.
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## External links

- [Department of Defense official biography](#)
- "[Counter-Resistance Techniques, Memo for the Secretary of Defense](#)" by William J. Haynes II
- [Final Report of the Panel to Review DoD Detention Operations](#)
- "[Four Judicial Nominees Ask to Withdraw](#)", *New York Times*, Jan. 9, 2007

- ["Jim Haynes's Long Twilight Struggle," Harper's, February 8, 2008](#)
- ["Rigged Trials at Gitmo", The Nation, February 20, 2008](#)
- ["Pentagon General Counsel Resigns", The Nation, February 26, 2008](#)
- ["Our Leaders Are Not War Criminals," National Journal, June 28, 2008](#)
- ["Presumed Innocent?", The New Republic, March 24, 2010](#)

Source : Wikipedia, consulté en juin 2012.

**Sources additionnelles :**

First Street, Who's Who, CQ Directory, Legistorm