

President Barack Obama
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

May 13, 2010

Dear Mr. President,

We write to express concern about reports that your administration is considering modifications to the public safety exception to *Miranda v. Arizona*. As professional interrogators who have spent decades questioning accused criminals – including spies and terrorists – we are writing to make clear that interrogators can do their job using the existing Miranda rules. No changes are necessary. In fact, changes might do more harm than good.

Miranda rights are important and play a vital role in our work. As interrogators who have sat across the table from those who seek to harm our nation and its citizens, we assure you that existing Miranda rules are nimble enough to handle situations as they arise.

In fact, when the Supreme Court recognized a public safety exception to Miranda, it highlighted the importance of trusting the instincts of law enforcement professionals in dangerous situations. “The exception which we recognize today, far from complicating the thought processes and the on-the-scene judgments of police officers, will simply free them to follow their legitimate instincts when confronting situations presenting a danger to the public safety.”

Legislating on this subject could very well result in rules that unnecessarily constrain law enforcement officials and hinder their ability to adapt to unforeseen situations.

In our decades of working in law enforcement, including the years following 9/11, Miranda rights never interfered with our ability to obtain useful information or make prosecutable cases. Miranda doesn't undermine the ability to bring criminals to justice, incompetent investigators and untested laws do. We must not abandon our nation's fundamental rule of law in the name of preserving public safety and convicting terrorists. If we abandon our laws and apply draconian methods in response to terrorist threats, then the terrorists and their quest for lawlessness will have won. What's more, their victory will jeopardize our ability to bring those terrorists to justice later.

We urge you to stand up for the rule of law and the ability of interrogators to effectively do their job.

Jim Clemente
FBI Special Agent (Ret.)

Jack Cloonan
FBI Special Agent (Ret.)

Joe Navarro
FBI Special Agent (Ret.)

Cc: Attorney General Eric Holder

About the signatories:

Jim Clement spent 25 years as a FBI Supervisory Special Agent. Clemente was a member of the National Center for the Analysis of Violent Crime (NCAVC) Behavioral Analysis Unit (BAU), an integral part of the Critical Incident Response Group, which provides behavioral support during all FBI crisis incidents.

Jack Cloonan, a 25 veteran of the FBI, was a special agent for the Bureau's Osama bin Laden unit from 1996 to 2002. During that time, he played a lead role in the FBI's efforts to stop Al Qaeda.

Joe Navarro spent 25 years working as an FBI special agent in the area of counterintelligence and behavioral assessment and is a founding member of the National Security Division's Behavioral Analysis Program. Navarro authored the book that the FBI uses to train advanced interrogators. He is author of a number of books about interviewing techniques and practice including *Advanced Interviewing*, which he co-wrote with Jack Schafer, and *Hunting Terrorists: A Look at the Psychopathology of Terror*.