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September 7, 2004

The Honorable George W. Bush
President of the United States
1600 Pennsylvania Avenue
Washington, DC 20500

Dear President Bush:

As retired professional military and civilian leaders of the U.S. Armed Forces, we have worked for decades to defend the national security of the United States and to uphold the honor, integrity and effectiveness of its military and intelligence services. We have greatly valued the opportunity to serve, and we remain committed to this critically important cause.

It is thus with regret that we, the undersigned, write to express our deep concern about the serious allegations of wrongdoing in U.S. military and intelligence detention and interrogation practices in the global “war on terror.” We urge you to commit – immediately and publicly – to support the creation of a comprehensive, independent commission to investigate and report on the truth about all of these allegations, and to chart a course for how practices that violate the law should be addressed.

The photographs of torture and other abuse that emerged from the U.S. detention facility at Abu Ghraib horrified us all, and were met appropriately with condemnation in the United States and around the world. Several of those accused of these abuses are now being prosecuted, and we trust that additional prosecutions, if appropriate, will be brought as promptly as possible.

While we do not wish to prejudge the guilt or innocence of anyone accused of wrongdoing, we cannot ignore that there are now dozens of well-documented allegations of torture, abuse, and otherwise questionable detention practices that appear to have been imposed upon individuals held in U.S. custody at detention facilities from Iraq to Afghanistan to Guantanamo Bay.¹ These reports have implicated both U.S. military and

¹ See, e.g., Report of the International Committee of the Red Cross On The Treatment By The Coalition Forces Of Prisoners Of War And Other Protected Persons By The Geneva Conventions In Iraq During Arrest, Internment And Interrogation, February 2004; Report of Major General Antonio Taguba, “Article

intelligence agencies, ranging from junior enlisted members to senior command officials, as well as civilian contractors. As of the date of this letter, no fewer than a hundred criminal, military, and administrative inquiries have been launched into apparently improper or unlawful U.S. practices related to detention and interrogation. Given the range of individuals and locations involved in these reports, it is simply no longer possible to view these allegations as a few instances of an isolated problem.

Understanding what has gone wrong and what can be done to avoid systemic failure in the future is essential not only to ensure that those who may be responsible are held accountable for any wrongdoing, but also to ensure that the effectiveness of the U.S. military and intelligence operations is not compromised by an atmosphere of permissiveness, ambiguity, or confusion. This is fundamentally a command responsibility.

The well-developed system of national and international laws governing detention and interrogation was designed – and has long been followed by the United States – for critical policy reasons in the United States’ self-interest. Experience and common sense have shown that information gathered through physical torture or dehumanizing humiliation is notoriously unreliable. It has a demoralizing, dehumanizing effect not only on those subject to violations, but also on our own troops – those who may be directly involved, and those unfairly tarred with the same brush. Violation of basic rules of international law by those acting under U.S. control also puts U.S. forces at greater risk. It jeopardizes the United States’ moral and practical authority to promote democracy and human rights abroad. And it seriously undermines the United States’ ability to “win the hearts and minds” of the global community – a goal essential to defeating terrorism over the long term.

While we welcome the investigations now underway into instances of abuse in U.S. detention and interrogation practices, none of them is sufficiently comprehensive or independent to effectively identify and recommend how to address any underlying causes of such widespread abuse.

For example, the excellent investigative report by Major General Antonio Taguba looked only at the role of U.S. military police at Abu Ghraib; a subsequent internal investigation looked into the role of military intelligence forces at that facility. But early accounts have suggested that a critical part of what went wrong at Abu Ghraib was the *relationship* – and failures in the command structure – between intelligence and police operations. Only a more overarching inquiry can fully understand that interaction, and recommend appropriate corrective measures.

Similarly, while Major General Taguba’s investigation was admirable in its thoroughness and clarity, informal investigations such as his, which are authorized by Army Regulation 15-6, are limited in scope and power. They do not require sworn statements or provide subpoena power. Such internal military investigations likewise generally lack the

15-6: Investigation of the 800th Military Police Brigade”; Department of the Army The Inspector General, “Detainee Operations Inspection,” July 21, 2004.

authority to examine the full chain of command, or the role of other U.S. government agencies in abuse. Investigations that are purely internal to the military, however competent, cannot examine the whole picture. The same is true for investigations of particular individuals; our criminal and military justice systems are designed to evaluate the facts and dispense justice in the individual case – not to evaluate broader problems.

Finally, internal investigations by their nature also suffer from a critical lack of independence. Americans have never thought it wise or fair for one branch of government to police itself. But that has been exactly the case in many of the abuse inquiries to date, including the investigative “panel” that released its report in late August 2004. That panel was comprised of four members of the Secretary’s own Defense Policy Board – members selected by the Secretary himself. The panel also lacked subpoena powers.

For these reasons, we urge you to commit – immediately and publicly – to support the creation of an independent commission to investigate and report on the detention and interrogation practices of U.S. military and intelligence agencies deployed in the global “war on terror.”

To overcome the deficiencies of existing investigations, such a commission – modeled on successful efforts such as the just-concluded 9/11 Commission – would satisfy the following criteria:

1. It must be bipartisan and led by recognized experts of unimpeachable credibility in military and intelligence operations, human rights and international law.
2. It must be fundamentally independent of the Executive Branch, with commission members selected jointly by appropriate congressional and executive officials.
3. It must have access to classified information and a mandate to inquire into information from all relevant agencies and all levels of authority.
4. It must have the power to take testimony under oath, and to subpoena witnesses.
5. It must be empowered to offer whistleblower protection to all those with relevant knowledge, including those who may fear retribution for testifying truthfully.
6. It must review and build on the findings of investigations already underway.
7. It should, to the extent consistent with U.S. national security classification needs, be open to the public – a feature unique to democracy and essential to the commission’s credibility in the United States and around the world.

Whether this commission begins its work before or after the upcoming presidential election, there should be no question that as president, you will actively support the creation and work of such a commission. The integrity, effectiveness, and honor of the

U.S. Armed Forces and related agencies were badly – we hope not irrevocably – damaged when the Abu Ghraib photos came to light. Subsequent allegations raise similarly serious questions concerning U.S. detention policy. It is past time to begin a comprehensive inquiry into what has gone wrong in U.S. military and intelligence detentions since September 11 – an inquiry led by a body empowered to get at the truth.

We urge you to commit to such an inquiry today.

Sincerely,

General David M. Brahms (Ret. USMC)

General James Cullen (Ret. USA)

General Robert Gard (Ret. USA)

Admiral Lee F. Gunn (Ret. USN)

General John L. Fugh (Ret. USA)

General Joseph Hoar (Ret. USMC)

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Biographical information on the signatories is attached.