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January 4, 2010

Major General Charles T. Cleveland  
Commander, Special Operations Command Central  
U.S. Central Command  
7115 South Boundary Boulevard  
MacDill AFB, FL 33621-5101

Dear General Cleveland:

I received your letter of December 15, 2009, regarding the pending courts-martial of Petty Officers Huertas, McCabe and Keefe; and I appreciate your office's attempting to set the record straight and clarify what you describe as the "incomplete and factually inaccurate" press coverage of the situation. Having reviewed all of the material you provided, I still have to strongly disagree with the decision of your officers to pursue punishment of these Navy SEALs.

Ahmed Hashim Abed was one of the most wanted terrorists in Iraq; responsible for the murders of innocent American civilians and numerous attacks on American and coalition forces. The injuries to Mr. Abed were, as you readily admit, relatively minor and certainly pale in comparison to the brutality of the crimes he helped perpetrate. While Petty Officers Huertas, McCabe and Keefe may have been wrong to not fully cooperate with investigators, it seems to me that the punishment still far exceeds the crime. In my opinion, prosecutorial discretion should have been exercised.

Beyond the fates of the three individual sailors, I have some general concerns about this case that are only reinforced by your letter. First, the fact that fellow U.S. service personnel initially raised the accusations against Petty Officers Huertas, McCabe and Keefe strongly suggests that we have created a culture within our Armed Forces where our military personnel are now more concerned about protecting themselves from legal jeopardy for every action or statement, than they are about fighting the enemy. Our troops and these SEALs need to be bold and decisive in combat; not hesitant and over-thinking every action for fear of prosecution. We are in a war that we must win against a determined, patient enemy who already believes we do not have the will to do what is necessary to defeat them.

Second, because of the intensive media coverage of this case – even if it is incomplete and factually inaccurate as you describe, this is the public's perception of the case – the American people are outraged by the courts-martial of individuals who should be hailed as heroes. In fact, over 30,000 Americans have signed my online petition calling for an end to this prosecution. Perhaps even more alarming than the decline in morale this case has caused the country is the boost in morale and confidence that this case gives to Al Qaeda terrorists, who as I said, already believe America does not have the will or stomach to do what is necessary to defeat them.

General Cleveland, you are a distinguished soldier and former Special Forces operator yourself. I have the utmost respect for you personally. In this case the American people's perception is that you are unfairly prosecuting three heroes based, at least in part, upon the word of an inhumane monster. Al-Qaeda's own handbook instructs their operatives to allege detainee abuse if detained by American forces. In fact, al-Qaeda operatives are

trained to self-inflict injuries for the sole purpose of accusing U.S. forces of abuse. We've seen repeated cases of this since the conflicts in Iraq and Afghanistan began. In my opinion, carrying forward these courts-martial will do our Nation and our Armed Forces more harm than good. I respectfully and strongly urge you to exercise your leadership authority, stop the impending trials and drop the charges against these American heroes.

I await your prompt response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Burton", with a long horizontal flourish extending to the right.

Dan Burton  
Member of Congress

CC: Hon. Barack Obama, Hon. Robert Gates, Adm. Mike Mullen