Congress of the United States
Washington, DC 20515

December 4, 2009

The Honorable Robert M. Gates
Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20310-1000

Dear Mr. Secretary:

We are writing to express our grave concerns over reports that three Navy SEALs will face court-martial proceedings over their handling of one of the most wanted terrorists in Iraq. Based on the information we have, we believe that prosecution of these men is not warranted.

As you are aware, in September, the three SEALs in question captured Ahmed Hashim Abed, the alleged planner of the March 2004 ambush in Fallujah that resulted in the killing of four Blackwater contractors. We all remember the horrifying pictures showing two of these individuals whose bodies, after being burned and mutilated, were hung on a bridge over the Euphrates River.

Since 2004, Abed evaded capture. However, in September, Special Warfare Operators 2nd Class Matthew McCabe and Jonathan Keefe, and Special Warfare Operator 1st Class Julio Huertas undertook a mission that resulted in Abed's capture. Soon after his capture, an investigation was conducted based on reports that Abed had been struck in the stomach by one of the SEALs. As we understand it, there was no allegation of torture or sustained abuse. There was simply just this one alleged act.

Prosecuting individuals for such a limited act seems to us to be an overreaction by the command. As a result of the investigation, the three SEALs refused to accept non-judicial punishment believing, according to one of the defense attorneys, that they are innocent of the charges. If convicted they could face significant punishment of up to one year's confinement, a bad conduct discharge, forfeiture of a portion of their pay each month for up to a year and a reduction in their rank.

It appears from all accounts that these SEALs are exceptional sailors, demonstrated by the fact that each had recently been advanced in rank. They captured a terrorist who had planned an attack that not only killed Americans but also maimed and mutilated their bodies. We believe that prosecution of these sailors for such an apparently limited action will have a negative impact on others in the military who risk their lives in dangerous, often ambiguous situations.

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Again, we strongly believe that these court-martial proceedings are not warranted and would urge that you review this matter.

Sincerely,

Duncan Hunter
Member of Congress

John Boehner
House Republican Leader

Jerry Lewis
Member of Congress

Bill Young
Member of Congress

Rodney P. Frelinghuysen
Member of Congress

Kay Granger
Member of Congress

Walter B. Jones
Member of Congress

Todd Akin
Member of Congress

Randy Forbes
Member of Congress

Joe Wilson
Member of Congress

Bill Shuster
Member of Congress

Cathy McMorris Rogers
Member of Congress

Robert Wittman
Member of Congress

Mike Coffman
Member of Congress

Tom Rooney
Member of Congress

Todd Platts
Member of Congress

Frank Wolf
Member of Congress

Kevin Brady
Member of Congress

Roy Blunt
Member of Congress

Ken Calvert
Member of Congress

Brian Bilbray
Member of Congress

John Culberson
Member of Congress

Patrick Tiberi
Member of Congress

Devin Nunes
Member of Congress

Pete Olson
Member of Congress

Brett Guthrie
Member of Congress

Jason Chaffetz
Member of Congress