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United States Senate

WASHINGTON, DC 20510-3703

August 8, 2004

The Honorable Donald Rumsfeld
Secretary of Defense
Pentagon Room 3E880
Washington, DC 20301-1155

Committees:

Budget
Commerce, Science
& Transportation
Energy & Natural Resources
Environment & Public Works
Select Committee on
Intelligence
Special Committee on Aging

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The Jamison Building
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Salem, OR 97301
(503) 589-4555

Dear Secretary Rumsfeld:

I am deeply dismayed by a report appearing in today's edition of *The Oregonian*, citing multiple sources in stating that Oregon National Guard soldiers – on the very first day of Iraq's renewed sovereignty – were allegedly ordered to “stand down” after witnessing the torture of prisoners in Iraq and after intervening to separate and protect those prisoners from their Iraqi jailers [“Ordered to Just Walk Away,” *The Oregonian*, August 8, 2004].

You, the President, and others in the Administration have stated many times that the policy of the United States military forces in Iraq is that torture is not permitted or condoned. You certainly understand how much more difficult it has been for America to win the peace in Iraq since the torture of Iraqi prisoners at Abu Ghraib prison came to light earlier this year. If today's report of prisoner abuse and U.S. military acquiescence is accurate, some might be inclined to conclude that the policy of the U.S. is that we will no longer engage in torture, but we will turn a blind eye as it is committed by others. It is your responsibility to make certain that no one can reasonably reach this conclusion with regard to U.S. policy. You must fully investigate this incident, appropriately disclose information about the incident, and protect the brave Oregon soldiers who, through their courageous actions, attempted to demonstrate that America stands in opposition to tyranny and oppression.

Specifically, I am writing to request that a full investigation immediately commence to determine whether proper procedure and law were followed by the American military commander(s) who allegedly gave the order to return tortured prisoners to their torturers. Further, I am requesting a full briefing for the Senate Select Committee on Intelligence as soon as possible.

The facts as described by Mike Francis, an *Oregonian* reporter embedded with the

Oregon National Guard's 2nd Battalion in Baghdad, document the first-hand witnessing of torture being committed by Iraqi security forces, as well as graphic and disturbing photo-documentary evidence of abuse of Iraqi prisoners held at the compound on the grounds of the Iraqi Interior Ministry. According to the *Oregonian's* report, the Oregon guardsman who witnessed torture taking place on June 29, 2004, radioed his commanders to report the abuse and the Oregon battalion, led by Lt. Col. Daniel Hendrickson, proceeded to the detention site to stop the torture and provide medical assistance to abused prisoners. Allegedly, Lt. Col. Hendrickson was ordered to "stand down" and "return the prisoners to the Iraqi authorities and leave the detention yard" by a superior or superiors in the Army's 1st Calvary Division.

The *Oregonian* story quotes Brig. Gen. Jeffrey Hammond suggesting that this incident is being "handled at a higher level" outside the Oregon National Guard. I will look forward to speaking with you or your representative in the next few days to discuss how you intend to proceed in your investigation of this incident, how members of the Oregon National Guard will be protected from retribution for sharing the details and evidence of that abuse after their humane and heroic efforts were thwarted by military command, and how you intend to inform Congress and the relevant committees about the details of this incident and any other allegations of ongoing prisoner abuse in Iraq.

Sincerely,

A handwritten signature in black ink that reads "Ron Wyden". The signature is written in a cursive, slightly slanted style.

RON WYDEN