Congress of the United States
House of Representatives
Washington, D.C. 20515

June 3, 2004

The President
The White House
Washington, DC 20500

Dear Mr. President:

We are writing to inform you of our determination to investigate the prison abuses at Abu Ghraib and elsewhere and to request your assistance in obtaining key documents.

Over the past few weeks, we have each contacted our committee chairs to request committee hearings and investigations into the prison abuses. The Democratic Leader, the Democratic Whip, and the Democratic Caucus Chair have made a similar request to the House Speaker, expressing their grave concern over the lack of investigations by House committees.

Unfortunately, with the exception of the closed sessions of the Intelligence Committee and a single Armed Services Committee hearing, these requests have been rebuffed. Despite the magnitude of the Abu Ghraib and other detainee abuses and their enormous ramifications for our effort in Iraq and U.S. foreign policy, no House committees are currently undertaking a formal public investigation. This is a dereliction of Congress' oversight responsibility that ill serves our nation and our troops.

There are multiple reasons why a formal public investigation is essential. Members cannot adequately assess the deteriorating situation in Iraq or the prospects for the future of our endeavors there without a thorough understanding of the nature, extent, and ramifications of the prisoner abuse. Nor can members address our constituents' many concerns about these matters — and the progress of our efforts to combat terrorism — without more information.

Moreover, in order to reestablish U.S. credibility in the eyes of the world, Congress must conduct a full and transparent investigation. Such an investigation would demonstrate our commitment to accountability and to ensuring that these abuses cannot recur. A thorough and open investigation is also critical for the emergence of a stable and secure Iraq. It is hard to see how we can win the hearts and minds of the Iraqi people if we neglect our constitutional oversight responsibilities.

To address these needs, we intend to investigate the prison abuses at Abu Ghraib and the allegations of prison abuses at other locations in Iraq and in Afghanistan and Guantanamo Bay. While we would prefer to participate in committee investigations with our respective chairs, we cannot allow the refusal of the Republican leadership and committee chairs to pursue these matters to obstruct Congress' access to essential information.

We request your assistance in obtaining key documents. With few exceptions, the documents we seek are not currently available to members of the House, despite the documents' obvious significance. We hope you share our belief that members of the House of Representatives should have access to these documents so that they can reach their own conclusions and fulfill their legislative responsibilities. Some of these documents have already been delivered to the Senate Armed Services Committee and some to the House Intelligence Committee. There is no reason to deny members of the House of Representatives access to them.

Specifically, we request copies of the following documents:

(1) All International Committee of the Red Cross (ICRC) memoranda or reports submitted to the Administration regarding detention facilities in Iraq, Afghanistan, and Guantanamo Bay;

(2) All formal responses by the Administration to ICRC memoranda or reports, including but not limited to Brigadier General Janice Karpinski's December 24, 2003, response;

(3) All contracts, subcontracts, and task orders for interrogation or translation work in Iraq, Afghanistan, and Guantanamo Bay, including but not limited to those of CACI International and Titan Corp.;

(4) All reports or assessments of contractor performance for the contractors and subcontractors involved in interrogation or translation work in Iraq, Afghanistan, or Guantanamo Bay, including but not limited to any documents or other materials related to the decision to allow employees of contractors without security clearances to participate in interrogations or other sensitive activities;

(5) The Department of Defense interrogation guidelines approved by Secretary of Defense Donald Rumsfeld in April 2003;

(6) The CIA rules for interrogation of high-level Al-Qaeda prisoners in Iraq, Guantanamo Bay, and Afghanistan;

(7) The October 12, 2003, directive of Lieutenant General Ricardo Sanchez entitled "Interrogation and Counter-Resistance Policy";

(8) All written approvals for the use of specific interrogation techniques issued by General Sanchez pursuant to the October 12, 2003, directive;

(9) All written statements of detainees, military personnel, or civilian contractors regarding the abuse of prisoners in Iraq, Afghanistan, and Guantanamo Bay;

(10) All interrogation reports from Abu Ghraib and other detention facilities in Iraq from May 2003 through December 2003;

(11) All Justice Department memoranda authored since September 11, 2001, regarding the classification of detainees or the applicability of the Geneva Conventions to detainees, including but not limited to a January 9, 2002, memo from John Yoo and Robert Delahunty to Department of Defense General Counsel William Haynes entitled, "Application of treaties and laws to al-Qa'ida and Taliban detainees";

(12) The January 25, 2002, memo from White House Counsel Alberto Gonzales to you regarding the application of the Geneva Conventions to the conflict with al-Qaeda and the Taliban;

(13) All State Department memoranda authored since September 11, 2001, regarding the classification of detainees or the applicability of the Geneva Conventions to detainees, including but not limited to Secretary of State Colin Powell's January 26, 2002, memo to White House Counsel Alberto Gonzales regarding the applicability of the Geneva Conventions in Afghanistan;

(14) The February 5, 2003, three-page memo from senior military attorneys regarding interrogation techniques at Guantanamo Bay;

(15) The October 2003 report of Major General Geoffrey Miller regarding intelligence, interrogation operations, and detention operations;

(16) The November 2003 report of Major General Donald Ryder regarding the detention and corrections system in Iraq;

(17) The November 19, 2003, order by Lieutenant General Sanchez transferring tactical control of the military police at Abu Ghraib to Colonel Thomas Pappas, commander of the 205th Military Intelligence Brigade;

(18) The March 2004 report of Major General Antonio Taguba regarding the treatment of detainees at Abu Ghraib, including the complete annex;

(19) Any interrogation or detainee treatment guidelines posted or distributed at Abu Ghraib, including the "interrogation rules of engagement" posted by Captain Carolyn A. Wood in August 2003;

(20) The Standard Operating Procedures for Guantanamo Bay;

(21) All summaries of relevant investigations currently pending or already closed that have been prepared by military investigative services, including but not limited to the May 5, 2004, synopsis prepared by the Criminal Investigation Command;

(22) All reports of autopsies related to detainee deaths in Iraq, Afghanistan, or Guantanamo Bay and any documents that are related to the cases of detainee deaths where no autopsy was performed, including but not limited to any document that explains the reasons for not performing autopsies;

(23) All FBI reports of potentially improper conduct in prison interrogations overseen by the CIA or military in Iraq, Afghanistan, or Guantanamo Bay;

(24) Any written documentation of FBI objections to interrogation techniques being used in Iraq, Afghanistan, or Guantanamo Bay;

(25) Any FBI directives prohibiting FBI agents from participating in aggressive interrogations in Iraq, Afghanistan, or Guantanamo Bay or removing agents from such interrogations;

(26) The October or November 2003 memo from the CIA general counsel regarding the CIA presence at Abu Ghraib;

(27) Any visitor logs for blocks 1-A and 1-B of the Abu Ghraib Prison from October 2003 through December 2003;

(28) All prisoner intake documents for Abu Ghraib Prison and other detention facilities located in Iraq since May 1, 2003, including but not limited to a breakdown of the numbers and types of prisoners in the prison population;

(29) Any documentation of the training received in the areas of detention operations and prisoner treatment by the 800th MP Brigade and its component battalions and companies since January 1, 2002;

(30) Any approval documents for special-access programs regarding the interrogation of detainees in Iraq, Afghanistan, or Guantanamo Bay;

(31) All records of meetings held between May 1, 2003, and December 31, 2003, involving Defense Department, State Department, or CIA officials regarding the treatment of prisoners in Iraq;

(32) The memorandum signed by Colonel Thomas Pappas and "James Bond" on or about January 12, 2004, regarding the practice of keeping some Abu Ghraib detainees off the official roster;

(33) The January 12, 2004, memorandum for the record signed by Major Matt Price regarding detainees at Abu Ghraib;

(34) A list of all ongoing investigations by the Defense Department, State Department, Justice Department, CIA, or their inspectors general into the abuse or killing of detainees in Iraq, Afghanistan, and Guantanamo Bay, indicating those cases that are being considered for prosecution by the Defense Department or Justice Department; and

(35) A list of all investigations completed by the Defense Department, State Department, Justice Department, CIA, or their inspectors general into the abuse or killing of detainees in Iraq, Afghanistan, and Guantanamo Bay, along with any written reports produced by investigators.

We recognize that a number of the documents we are requesting may be classified or may be relevant to potential criminal prosecutions. We are committed to handling any such sensitive material appropriately and are available to work with Administration officials to ensure their proper handling. We would like to receive these materials on or before June 17.

Sincerely,

Henry A. Waxman
Ranking Minority Member
Committee on Government Reform

John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary

David R. Obey
Ranking Minority Member
Committee on Appropriations

Ike Skelton
Ranking Minority Member
Committee on Armed Services

Tom Lantos
Ranking Minority Member
Committee on International Relations

Jane Harman
Ranking Minority Member
Permanent Select Committee on Intelligence

cc: The Honorable Donald H. Rumsfeld, Secretary of Defense
The Honorable Colin L. Powell, Secretary of State
The Honorable John Ashcroft, Attorney General
The Honorable George J. Tenet, Director of Central Intelligence