



**SPECIAL OPERATIONS COMMAND CENTRAL
OFFICE OF THE COMMANDER
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101**

Representative Dan Burton
2308 Rayburn House Office Building
Washington, D.C. 20515-0001

December 15, 2009

Dear Representative Burton,

Thank you for your letter expressing your and your colleagues concern regarding the pending Courts-martial of Petty Officers Huertas, McCabe, and Keefe. I understand your interest in these cases and can assure you that I am committed to protecting the rights of the Sailors who have been accused.

Regrettably it appears that your perception of the incident is based upon incomplete and factually inaccurate press coverage. Despite what has been reported, these allegations are not founded solely on the word of the detainee, but rather, were initially raised by other U.S. service members. Additionally, the alleged injuries did not occur during actions on the objective, as is also being widely reported in the media. A medical examination conducted at the time the detainee was turned over to U.S. forces determined that his alleged injuries were inflicted several hours after the operation had ended, and while in the custody and care of the U.S. at Camp Schweidler's detainee holding facility.

While the assault and resulting injury to the detainee were relatively minor, the more disconcerting allegations are those related to the Sailors' attempts to cover-up the incident, particularly in what appears to be an effort to influence the testimony of a witness. All of these allegations were fully investigated by the Naval Criminal Investigative Service (NCIS).

As you have likely read, I chose to deal with this incident administratively via non-judicial punishment pursuant to Article 15 of the UCMJ. However, Petty Officers Huertas, McCabe and Keefe elected to exercise their UCMJ rights to refuse such a hearing. I have attached previously released, redacted copies of the charge sheets in the hope that they will help clarify the allegations surrounding this incident. These charges were drawn from information disclosed during the course of the investigation. The release of any further information at this time would be inappropriate as it might prejudice the outcome of the trial.

I take my military justice authority and responsibility for maintaining good order and discipline very seriously, as I have in six commands previously. Discipline and integrity are primary factors that make our U.S. Special Operators such an effective fighting force. The abuse of a detainee, no matter how minor, creates strategic repercussions that harm our nation's security and ultimately costs the lives of U.S. citizens. I must ensure that the service members under my command abide by the laws passed by Congress and follow the lawful orders of their superior officers. When there are reasonable grounds to believe that an offense has been committed, and that a specific individual in my command has committed that offense, it is my duty to take appropriate action to not only ensure justice is done, but also to maintain good order and discipline.

It is these factors that led me to refer these charges to Special Courts-martial. I assure you that the rights of these Sailors are being protected and they will have all of the facts of the case presented and reviewed fully by an impartial panel.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Cleveland", with a large, stylized flourish at the end.

CHARLES T. CLEVELAND
MG, U.S. ARMY
Commanding