

**Congress of the United States**  
Washington, DC 20515

June 26, 2009

The Honorable Barack Obama  
The President  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. President:

Thank you for your actions to eradicate our nation's use of torture. We agree that the use of torture, under any circumstance, is simply wrong. Within hours of taking office, you began the process of restoring a standard of moral behavior on this issue. We are proud to have a President who works to provide for the common defense of our nation's land and people along with the common defense of our nation's values.

As veterans who now serve our country in the House of Representatives, we know that the use of torture not only degrades the values we served to protect, but that it endangers servicemen and women on the front lines today. Internationally acceptable interrogation standards honor our own forces by ensuring that, when they are asked to fight for justice and the rule of law, they will not be asked to abrogate the rule of law or besmirch their own sense of justice.

Recalling the controversy surrounding enhanced interrogation techniques and the legal justifications for torture offered by the Bush Administration, we request clarification on a few issues that have been raised about your Executive Order 13491, *Ensuring Lawful Interrogations*.

First, the Order does not define armed conflict. Since this is a central concept to the Order, given that all interrogations must comply with Army Field Manual 2-22.3 (Manual) if an individual is under our nation's control due to armed conflict, how do you define armed conflict?

Second, are there individuals currently under the control of the United States on whom your Administration does not confer the protections of the Manual's interrogation standards?

Third, if there are individuals under the control of the United States who are not afforded the protections of the Manual, do those individuals – regardless of how the United States

classifies them – receive the benefit of the Detainee Treatment Act (the McCain Amendment), specifically protection from “cruel, inhuman, or degrading treatment or punishment?”

Fourth, to what, if any, criminal sanctions would an agent of the United States government be subject for breaking the provisions of the Detainee Treatment Act?

Fifth, the current Manual provides reasonable examples of prohibited actions, e.g., waterboarding, electric shocks, and deprivation of food. What prevents the U.S. Army from changing the Manual and altering the defined prohibited activities?

Again, we sincerely appreciate your efforts on this vital matter and would welcome clarification of these issues. Your Order takes the United States in the right direction by providing protection from torture; however, we feel that positive law both to prohibit torture or cruel, inhuman, and degrading treatment by our agents and to define a baseline of what constitutes this type of treatment is essential to our democracy. We ask for your support in this endeavor.

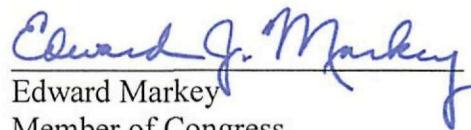
We look forward to working with you to help our nation restore its standing as a fair and humane world power.

Sincerely,

\_\_\_\_\_  
Jim McDermott  
Member of Congress

  
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John Conyers  
Member of Congress

  
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Pete Stark  
Member of Congress

  
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Edward Markey  
Member of Congress

  
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Bobby Rush  
Member of Congress

CC: Robert Gates, Secretary of Defense  
Eric Holder, Attorney General of the United States  
Dennis Blair, Director of National Intelligence