July 10, 2006

To: Members of the Senate Judiciary Committee

Re: Expression of grave concern over the nomination of William J. Haynes II to the Fourth Circuit Court of Appeals

Dear Senator:

We, the undersigned religious leaders and representatives of faith-based organizations, write to express our grave concern regarding the nomination of Department of Defense General Counsel William Haynes to this lifetime position on the federal appellate court. We ask that you take into account the concerns we pose from our religious perspective.

We have strong concerns with Mr. Haynes’ role in overseeing the development of detention, interrogation, and torture policies for the military’s handling of prisoners in Afghanistan, Iraq, Guantánamo Bay, and elsewhere. As General Counsel for the Department of Defense, Mr. Haynes was the primary architect of the Department’s policies with regard to:

- defining torture so narrowly that it was later disavowed by the administration;
- failing to apply Geneva Convention protections to detainees captured in Afghanistan and elsewhere in the world;
- authorizing private, and therefore unaccountable, civilian contractors to participate in interrogations and ending the practice of having Army Judge Advocate General (JAG) officers observe interrogation sessions.

These erosions of safeguards that were intended to prevent the abuse of detainees have paved the way for the incidents of abuse, torture, and violations of human rights by U.S. personnel at Abu Ghraib and elsewhere.

Our communities of faith share a profound commitment to affirm the worth and dignity of all people. Every person should have the protection of law. We reject torture and
cruel, inhuman and degrading treatment or punishment, and we endorse human rights principles because these flow directly from our religious experience of every person as a child of God. We are led to share our deep concern with you because of our own faith-based regard for human rights and our commitment to uphold U.S. law and international treaty obligations that protect those rights and the human dignity of the people of all nations. Further, as representatives of our communities of faith we believe that expediency and short term “necessity” are no excuse for rejecting the rule of law or the moral imperative of justice.

We ask that you fully investigate Mr. Haynes’ views on detention, interrogation, and torture, and that you allow your own religious and moral values, which, we trust, include fairness and respect for all people, to guide you throughout the confirmation process.

In faith,

Adventist Peace Fellowship
African American Ministers in Action
Churches’ Center for Theology and Public Policy
Disciples Advocacy and Witness Network of the Christian Church, Capitol Area
Disciples Justice Action Network (Disciples of Christ)
Faith Action Network of People for the American Way
Friends Committee on National Legislation
Dr. George Hunsinger, Founder
National Religious Campaign Against Torture
Rev. Jim Kofski,
Maryknoll Office of Global Concerns
National Council of Jewish Women
Presbyterian Church (USA), Washington Office
Rabbis for Human Rights
Rabbi Arthur Waskow, Director
The Shalom Center

Torture Abolition and Survivors Support Coalition International
(Adjunct member of the National Religious Campaign Against Torture)
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United Church of Christ, Justice and Witness Ministries

United Methodist Church, General Board of Church and Society

Unitarian Universalist Association of Congregations

Unitarian Universalist Service Committee

Washington Region Religious Campaign Against Torture

Encl. Statement of 27 national religious leaders: “Torture is a Moral Issue,”

For questions or comments, please contact Jeanne E. Herrick-Stare, Senior Fellow for Civil Liberties and Human Rights, Friends Committee on National Legislation, (202-547-6000 x 2513, Jeanne@fcnl.org)