

September 13, 2006

The Honorable Arlen Specter, Chairman
The Honorable Patrick Leahy, Ranking Member
United States Senate
U.S. Capitol
Washington, DC

Re: William Haynes, Fourth Circuit Nominee

Dear Chairman Specter and Senator Leahy:

We – retired line officers, Judge Advocates, combat veterans, or prisoners of war – are writing to express our support of William J. “Jim” Haynes II for confirmation as a judge to the United States Court of Appeals for the Fourth Circuit.

For a quarter of a century, Jim Haynes has served our Nation as an active duty officer, a reserve officer, and a senior civilian leader in the Department of the Army and the Department of Defense. We have each had the opportunity to observe Jim’s capabilities first hand, and many of us worked with Jim while we were on active duty. Our personal experience is that Jim consistently provided thoughtful, rigorous advice that greatly benefited the national security, while grappling with some of the most difficult issues our Nation has faced. He is an expert in civil-military relations, and brings a deep understanding of the roles and missions of the Department of Defense to every discussion. He approaches each issue dispassionately, logically, and collegially.

Because of our high regard for Jim Haynes, we take issue with the July 7, 2006 letter signed by a number of retired officers, very few of whom ever worked directly with Jim Haynes. The letter is simply incorrect in asserting that Jim ignored the advice of Judge Advocates with respect to the policy on interrogation of detainees. This claim is contrary to our experience working with Jim and to public statements made by flag officers who in fact worked directly with him. For example, in 2003, he established a broadly inclusive working group from each of the Services that produced recommendations on interrogation policy. Not surprisingly, there were some disagreements among the lawyers. But Jim Haynes listened and responded. As the then-Judge Advocate General of the Army, Major General Thomas Romig, testified to Congress in 2005, the military lawyers’ advice “was accepted in some cases, maybe not in all cases. It did modify the proposed list of policies and procedures.”

In fact, Jim Haynes has always been extremely solicitous of the views of uniformed personnel. Due to his long association with the military – as the son of an Air Force officer, an ROTC cadet, an active duty officer, a reserve officer, a member of the senior civilian leadership, and the father of an ROTC cadet – Jim Haynes knows that our soldiers, sailors, airmen, and marines bring knowledge and experience that are absolutely critical to the policies established by the Department of Defense.

As retired military officers we are reluctant to involve ourselves in political matters, but we feel compelled to do so to correct the highly misleading impression of Jim Haynes created by the July 7, 2006 letter to this Committee. We are writing not only out of our personal regard for Jim Haynes, but also out of our desire that our country's judiciary be staffed by jurists of the highest caliber.

We hope that our personal perspectives as uniformed military personnel who have had the privilege of knowing Jim Haynes will help to inform your Committee's decision. He has our strongest endorsement.

Sincerely,

WILLIAM A. AILEO
Colonel, USA (Ret.)

DON ANAWALT
Colonel, USAF (Ret.)

HON. ANTHONY A. ALAIMO
Lieutenant, USA (Ret.)

BILLY A. ARTHUR
Lieutenant Colonel, USA (Ret.)

STEPHEN A. BAUMAN
Lieutenant Colonel, USA (Ret.)

RICHARD D. BELTSON
Major General, USA (Ret.)

ROBERT W. BERRY
Brigadier General, USA (Ret.)

GEORGE A. BUSKIRK, Jr.
Major General, USANG (Ret.)

NEAL CREIGHTON
Major General, USA (Ret.)

E.C. GRAYSON
Captain, USNR (Ret.)

CHARLES R. HENRY
Major General, USA (Ret.)

PAUL X. KELLEY
General, USMC (Ret.)

MICHAEL J. MARCHAND
Major General, USA (Ret.)

PETER OFFRINGA
Major General, USA (Ret.)

HUGH R. OVERHOLT
Major General, USA (Ret.)

R.H. SCARBOROUGH
Vice Admiral, USCG (Ret.)

GLEN SHAFFER
Major General, USAF (Ret.)

WILLIAM K. SUTER
Major General, USA (Ret.)