

JUDGE ADVOCATE GENERAL OF THE AIR FORCE (20330-1420)
JUDGE ADVOCATE GENERAL OF THE NAVY (20374-5066)
JUDGE ADVOCATE GENERAL OF THE ARMY (20310-2200)
WASHINGTON, DC

1 December 2009

United States Senate Armed Services Committee
Russell Senate Office Building, Room SR-228
Washington DC 20510-6050

Dear Mr Chairman and Members of the Committee

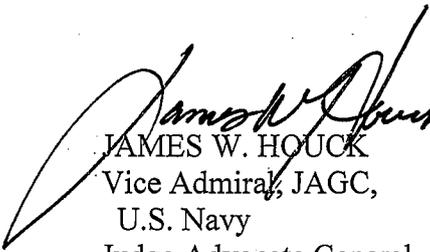
We are unanimous in the view that the Detainee Treatment Act of 2005 (DTA) does not impose a requirement for detainees to be advised of the protections outlined by the Supreme Court in *Miranda v. Arizona*, 384 U.S. 436 (1966).

The DTA reinforces the requirements of the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The statute makes clear that "[n]o individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment." The DTA clarifies that this proscription applies to "cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings" to the CAT.

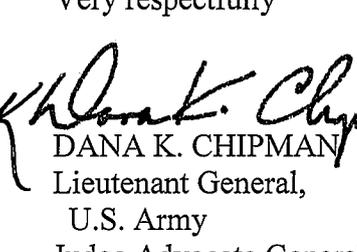
Miranda decided a very different and narrow constitutional issue of the admissibility at trial of statements obtained without procedural safeguards securing the privilege against self-incrimination when undergoing custodial interrogation by police. *Miranda* and its progeny are unrelated and non-binding on the constitutional and DTA prohibitions against cruel, unusual, and inhumane treatment and punishment. Failure to advise a criminal suspect of his *Miranda* rights cannot amount to "cruel, unusual, and inhumane treatment or punishment" for these purposes. Similarly, providing proper *Miranda* warnings would not absolve a government official of torturing a detainee.

We trust this information is useful and thank you for your continued support of our armed forces.

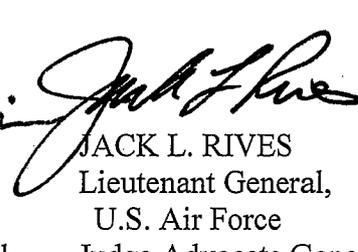
Very respectfully


JAMES W. HOUCK
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