

**Statement of William S. Sessions**  
**Submitted to the**  
**Senate Judiciary Committee**  
**March 4, 2009**

I want to thank Chairman Leahy and the other members of the Judiciary Committee for holding this hearing because the creation of a nonpartisan commission to investigate the detention, treatment, and transfer of detainees after September 11, 2001 is a critical step in the restoration of the rule of law. We need a commission to uncover the full truth about our treatment of detainees through a comprehensive investigation of the policies and actions of the military, intelligence services, the Department of Justice. We need to understand how they worked with each other and with any other relevant actors. We must first learn and understand these facts about what happened in the past before we can begin to restore the rule of law for the future.

As a former Director of the FBI, I understand that adherence to and respect for the law is not only a foundational principle of our democracy, it is essential to our national security. I have devoted much of my career to serving our nation, promoting the rule of law, and protecting public safety through my work in the federal judiciary and law enforcement. I served as Chief of the Government Operations Section at the United States Department of Justice, as United States Attorney, and as a United States District Court Judge and Chief Judge of the United States District Court for the Western District of Texas. I was then appointed by President Ronald Reagan to serve as the Director of the Federal Bureau of Investigation, a position I continued to hold under Presidents George H.W. Bush and William J. Clinton.

It is this experience in law enforcement that informs my call for a commission. When an agent joins the FBI, he or she is inculcated with the idea of selfless service – duty, loyalty, honor, and respect for the law. What we have learned thus far about actions of government officials at Abu Ghraib, Guantanamo Bay, and an undetermined number of “black sites” around the globe has already revealed conduct that violates our nation’s values and those of the men and women who serve our country in law enforcement and in the armed services. It also puts our men and women in uniform at greater risk of torture and abuse if they are captured by our enemies; when we lower our standards of treatment of detainees, others may do the same. These practices, policies, which can serve as a recruiting tool to create new enemies and justify the rally of old enemies, may put us all at greater risk.

Until we have a full and accurate picture of the policies and practices that led to detainee abuses, which include those we know about and potentially some that have yet to be disclosed, we cannot ensure that we are truly leaving the past behind.

Many of us have been calling for an in-depth inquiry for several years. As a member of the Constitution Project's Liberty and Security Committee, I joined a broad group of Republicans and Democrats in a call for a government-wide investigation into detainee abuse allegations in 2005. The urgency of this call has only increased over the past four years. As we explained in our statement at that time, I we "recognize the complexity of the tasks faced by those charged with defending our nation's security in an age of global terror." And this very complexity and urgency creates the need for a commission dedicated to examining and providing a comprehensive report on policies and actions related to the detention, treatment, and transfer of detainees after 9/11 and the consequences of those actions.

In order to learn the truth, it is critical that this commission be nonpartisan. Its members must be known for their commitment to truth above commitment to party. A commission empowered to engage in credible, far-reaching fact-finding will help our policy makers propose effective reforms that garner support from both the executive and legislative branches, as well as the public. We must remember that the rule of law is not a Republican or a Democratic ideal; it is our shared constitutional obligation.