

MARK S. ZAID, P.C.

Attorney-At-Law

1920 N STREET, N.W.
SUITE 300
WASHINGTON, DC 20036

TELEPHONE (202) 454-2809
FACSIMILE (202) 293-4827

MARK S. ZAID, ESQ.
WRITER'S DIRECT DIAL: (202) 454-2809
EMAIL: ZaidMS@aol.com

August 4, 2006

VIA FACSIMILE AND MAIL

Honorable John Murtha
2423 Rayburn House Office Building
Washington, D.C. 20515

Re: Wuterich v. Murtha, Civil Action No. 06-1366 (D.D.C.)(RMC)

Dear Congressman Murtha:

As you know my colleague Neal A. Puckett, Esq., and I represent SSgt Frank D. Wuterich in the above referenced libel lawsuit that was filed against you earlier this week. We write to you today to offer an immediate resolution to this dispute, and respectfully invite you to negotiate with us a mutually acceptable statement of apology for public issuance.

Let us be clear. Regardless of what some may think, this lawsuit has nothing to do with partisan politics. Your views on the war are completely irrelevant to our client, as well as to us. Our country was founded on the notion that its populace would challenge the views of the governing Administration, and we encourage you, particularly as an elected official, to continue to express whatever political views you might have as it is your absolute right to do so. This litigation should not and hopefully will not interfere with your stance on the current war. We are only interested in protecting the reputation of SSgt Wuterich and his fellow Marines.

With that said, if we can come to terms on a resolution, we would require that any negotiated statement address the following general points wherein you would apologize for:

- accusing the involved Marines of being “cold-blooded” killers, untrained, overreacting due to the pressure and never having been under fire that day at Haditha;
- analogizing their conduct of that day to the convicted war criminals who callously executed innocent civilians at My Lai, Vietnam;
- publicly prejudging conduct regarding which no official investigation into the actual facts had been completed and recognizing that as a former Marine officer this is something you should not have done; and

- stating that you will obviously await the conclusions and decisions of the Marine leadership to determine whether or not criminal charges should be brought and that if brought these Marines are to be considered innocent until proven guilty.

Please note that we will not permit any text within this apology that addresses broader issues regarding the war. Whether you wish to do so in a separate statement emanating from your Congressional Office is up to you, but of course we would require reviewing it first to ensure you do not implicitly or explicitly denigrate or detract from the apology. Upon the public issuance of a mutually agreed-upon apology statement (and, of course, the removal of the contested remarks from your official Website), SSgt Wuterich will immediately dismiss his lawsuit with prejudice. We will bear our own costs and absorb all fees (none of which, by the way, are being paid for by any politically motivated organization or individuals).

I have publicly stated I would be sending you this proposed settlement offer. Therefore, neither this letter nor your response, if any, need be shielded from the public. However, should you agree to consider negotiating a proposed statement for settlement purposes we would, of course, maintain those discussions as privileged settlement talks.

As is commonplace, this offer will expire on Friday, August 11, 2006. We hope that you will seriously consider this outreach and look forward to hearing from you.

Sincerely,

/s/

Mark S. Zaid

cc: SSgt Frank D. Wuterich
Neal A. Puckett, Esq.