Congress of the United States
Washington, DC 20515

November 18, 2009

The Honorable Barack H. Obama
The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Since your Administration announced the closure of the detention facility at the United States Naval Station, Guantanamo Bay, Cuba, we have written to members of your cabinet requesting information regarding your plan to close the detention facility, the disposition of each of the detainees, and your overarching strategy to confront and defeat the threat from international terrorists. Ten months later, Members of Congress still have not received satisfactory answers, although according to news reports, foreign governments, liberal advocacy organizations, and local officials have been briefed by Administration officials.

In the wake of your decision to stay the military commissions trying Khalid Sheik Mohammed and other 9/11 conspirators and to move their trials to civilian federal courts, you have effectively declared that your Administration will revert to a pre-9/11 mentality of a law enforcement approach to confronting the terrorist threat. Now that you are importing the five 9/11 conspirators into the heart of New York City, we request that you provide the Congress with answers to the following questions:

- **What is the Administration's detention strategy?** What are the overarching criteria the Administration is using to determine whether a detainee will be released, transferred to the United States for prosecution, transferred to the United States for continued detention, or transferred to a third country? To date, despite repeated requests for briefings, the Congress has not received this information.

- **Will the Administration give key stakeholders a voice before it imports terrorists into the United States?** Will the Administration ensure that the relevant governors and state legislatures specifically approve the importation of Guantanamo terrorists into their states? House Republicans have advocated for this pre-approval, and this proposed requirement has become more important with the recent disapproval expressed by New York Governor David Patterson regarding the importation of the 9/11 conspirators to New York. How does your Administration intend to ensure local facilities and personnel and their families do not become targets for the detainees' associates?

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- **Can the Administration guarantee its ability to effectively detain and prosecute detainees on U.S. soil?** What will the impact of importing the terrorists into the United States have on our government's ability to effectively prosecute or indefinitely detain these individuals? Federal judges have already ordered the release of several Guantanamo detainees. If they are housed on United States soil, what will stop their potential release into American communities? How will the Administration ensure the integrity of the trial and the prosecution of a detainee? In the 1993 World Trade Center bombing trial of Sheikh Omar Abdel Rahman, his defense attorney was convicted of material support for terrorism for her role in facilitating Rahman's communications with his associates.

- **What determines whether we treat a detainee as a terrorist or criminal?** What criteria is the Administration using to determine whether a terrorist detainee will be tried under military commission, as will be the case for Abu Rahim al-Nashiri, the alleged planner of the 2000 bombing of the USS Cole in Yemen, or will be held for a civilian criminal court trial, such as for the 9/11 conspirators?

- **How will the Administration protect sensitive intelligence information?** Since your Administration has expressed a preference for a civilian criminal trial over a military commission, what steps is the Administration taking to prevent the public release of sensitive intelligence information, which occurred during the 1993 World Trade Center bombing trial of Sheikh Omar Abdel Rahman?

- **How will the Administration ensure our country does not lose critical intelligence?** What will the impact of importing the terrorists into a domestic, less-controlled environment have on our ongoing efforts to collect critical intelligence vital to defeating the terrorist threat?

- **How will the Administration control the movements and communications of the detainees inside the U.S.?** What will happen if the terrorists do not receive the death penalty? How will the Administration effectively detain individuals when Director Robert Mueller of the Federal Bureau of Investigation has testified that terrorists in U.S. prisons are still capable of directing terrorist operations?

- **What will the Administration do with the terrorists once the government no longer detains them?** What will the Administration do once the terrorists have served their sentence? Recently Ali al-Marri, an al-Qaida sleeper agent who admitted having contact with Khalid Sheik Mohammed, was sentenced to eight years. The sentencing judge stated he did not believe al-Marri had renounced al Qaeda. What is the Administration's plan for these sorts of detainees? Will they be deported after they serve their sentence? Will they be released into U.S. communities?

Throughout this year, a bipartisan majority in Congress has listened to the American people and voted against importing these dangerous terrorists into the United States. Republicans want to work in a bipartisan way on a comprehensive plan to keep America safe, but we will not stand by as your Administration defies the will of the American people and brings these terrorists onto U.S. soil. What America deserves is a real strategy for fighting and winning the war on America's terrorist enemies that includes an effective, credible, and consistent plan for all terrorist detainees.

We request that this information be provided to Members of Congress before your Administration takes any additional steps to import the Guantanamo detainees into the United States.

Sincerely,

Honorable Howard P. "Buck" McKeon
Ranking Member
House Armed Services Committee

Honorable Lamar Smith
Ranking Member
House Judiciary Committee

Honorable Peter Hoekstra
Ranking Member
House Intelligence Committee

Honorable Jerry Lewis
Ranking Member
House Appropriations Committee

Honorable Peter T. King
Ranking Member
House Homeland Security Committee

Honorable Frank Wolf
Subcommittee Ranking Member
Commerce, Justice, Science
House Appropriations Committee

Honorable Harold Rogers
Subcommittee Ranking Member
Homeland Security
House Appropriations Committee