



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 9, 2009

The Honorable Frank R. Wolf
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Wolf:

The President forwarded your letter of May 1, 2009 to the Department of Justice for response because, under the President's Executive Order 13492, the Attorney General has the responsibility for coordinating the interagency review of Guantánamo Bay detainees. We are responding to that letter, as well as to your letters to the Attorney General, dated March 13, April 23, May 13, and July 7, 2009, each of which raises questions about the disposition of the detainees held at Guantánamo.

We appreciate receiving your views on this important subject, and regret our delay in replying to your letters. Some of the issues you raised in these letters were also raised in written questions you posed to the Attorney General following his testimony on FY10 appropriations for the Justice Department, and we have already submitted responses to those questions.

As you know, the President has announced his intention to close the detention facility at Guantánamo Bay by January 2010. To that end, he issued Executive Order 13492 which established an interagency task force and a review panel to determine the appropriate disposition of each detainee held at Guantanamo in light of all relevant facts and circumstances. The President also issued Executive Order 13493, which established an interagency task force to conduct a comprehensive review of the lawful options available to the Government for the disposition of individuals captured or apprehended in connection with armed conflicts and counterterrorism operations.

While we have not been in a position to brief Congress on ongoing Executive Branch deliberations with respect to individual detainees, we were pleased to make available to you and your staff the head of the Guantánamo Detainee Review Task Force to describe the process by which that Task Force is carrying out its work. As he explained, the Attorney General is coordinating an interagency process and comprehensive review of each detainee currently held at Guantánamo to determine an appropriate disposition consistent with the national security and foreign policy interests of the United States, as well as the interests of justice.

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We appreciate your concern about the security implications of transferring detainees from immigration detention at Guantánamo Bay to the United States, and we agree that the American people must be reassured that the Government is taking all necessary and appropriate steps to combat terrorism. As Attorney General Holder stated in a hearing before the House Judiciary Committee on May 14, 2009, "We will not release anybody into the United States that we think would pose a danger to the American people."

Moreover, the recently enacted conference report on the Supplemental Appropriations bill (H.R. 2346) limits the circumstances under which individuals detained at Guantánamo may be transferred to the United States or elsewhere. Section 14103 of the conference report precludes the release of Guantánamo detainees into the United States for any reason, and places conditions on the transfer of detainees to the United States for prosecution.

Your letters focus on the circumstances surrounding the Uighur detainees at Guantánamo. As you know, the Uighurs have always been something of an anomaly within the Guantánamo detainee population because they were not present in Afghanistan to take up arms against the United States. As early as 2003, the Bush Administration approved most of the Uighurs for transfer or release from Guantánamo Bay. In 2006, five Uighurs detained at Guantánamo Bay were transferred to Albania for release. Four of them are currently living in Albania; one now lives in Sweden, where he was granted asylum. Last year, the Bush Administration formally abandoned any legal claim that the Uighurs are enemy combatants.

Accordingly, all of the Uighurs currently at Guantánamo must, by operation of law, be transferred or released. The current Administration is committed to ensuring that this is done in a manner that ensures the safety of these individuals and the security of the United States. To that end, four Uighur detainees who had been held at Guantánamo Bay were resettled in Bermuda on June 11, 2009. Efforts to transfer the other Uighur detainees remain ongoing.

As you are aware, decisions have been made about other detainees held previously at Guantánamo. On June 9, 2009, Ahmed Khalfan Ghailani, a Tanzanian national who had been held at Guantánamo Bay since September 2006, was transferred to the Southern District of New York to face prosecution in federal court pursuant to a March 12, 2001 indictment for the 1998 bombing of the American embassies in Kenya and Tanzania in which over 200 people were killed. Ghailani was safely transferred to the Southern District by the United States Marshals Service and is being housed at the Metropolitan Correctional Center, which has housed numerous terror suspects over the years during their prosecutions in the Southern District of New York.

On June 12, 2009, three Saudi nationals were transferred from Guantánamo Bay to the Kingdom of Saudi Arabia where they will be subject to appropriate security measures and be required to participate in a rehabilitation program. And on June 10, 2009, two additional detainees held at Guantánamo were transferred, one to Iraq and the other to Chad.

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We have not been able to provide a comprehensive response to all of the questions set forth in your letters because policy deliberations and case-by-case determinations within the Executive Branch are incomplete. Nonetheless, we look forward to working with you and other Members of Congress to address these complex issues in a manner that fully protects the immediate and long-term security interests of the United States.

We hope this information is helpful. Please do not hesitate to contact this office if we can be of assistance regarding this, or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Weich". The signature is fluid and cursive, with the first name "Ron" and last name "Weich" clearly distinguishable.

Ronald Weich
Assistant Attorney General