

**FRANK R. WOLF**  
10TH DISTRICT, VIRGINIA

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:

RANKING MEMBER—COMMERCE-JUSTICE-  
SCIENCE

TRANSPORTATION-HUD

CO-CHAIR—TOM LANTOS  
HUMAN RIGHTS COMMISSION



**Congress of the United States**  
**House of Representatives**

July 7, 2009

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The Honorable Eric H. Holder, Jr.  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave NW Rm 5111  
Washington DC 20530

Dear Attorney General Holder:

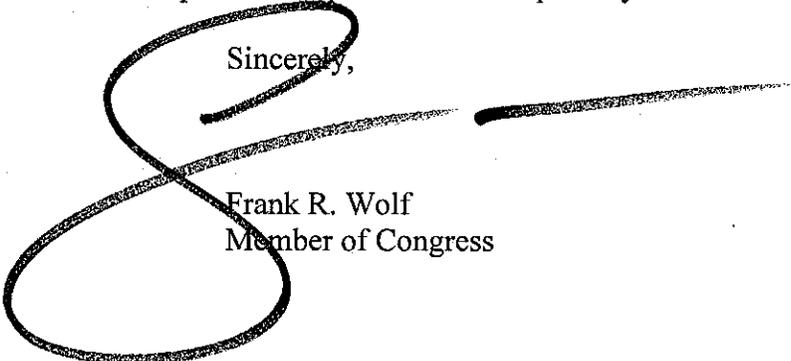
It has been nearly four months since I wrote you on March 13 asking for basic information, which has yet to be provided to this Congress or the American people, about the transfer of detainees from Guantanamo Bay to the United States. I have not received a response to that letter and my two subsequent letters on April 23 and May 13 on this matter nor my June 8 letter on your dismissal of a voter intimidation case. This is unacceptable.

If I -- as the ranking member on the House Commerce-Justice-Science Appropriations subcommittee that funds your department -- cannot receive any information about how the department is spending these funds, I doubt any other member or committee can expect you to be any more forthcoming. Indeed, I understand from comments from a recent Senate Judiciary hearing that letters sent to you by Senators Leahy, Sessions, and Grassley have similarly gone unanswered.

During his May 21 speech at the National Archives, President Obama stated, "I ran for President promising transparency, and I meant what I said. That is why, whenever possible, we will make information available to the American people so that they can make informed judgments and hold us accountable... In this system of checks and balances, someone must always watch over the watchers."

Your failure to respond is a disservice to this president and this country. Congress has a fundamental obligation to conduct robust and thorough oversight of the executive's application of law and taxpayer funds. Your blatant obstruction of this most basic responsibility leads me to question your commitment to the president's policies on transparency and accountability.

Sincerely,

  
Frank R. Wolf  
Member of Congress

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**Congress of the United States**  
**House of Representatives**

March 13, 2009

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The Honorable Eric H. Holder, Jr.  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave NW Rm 5111  
Washington DC 20530

Dear Attorney General Holder:

President Obama recently issued an executive order to close the detention facility at Naval Station Guantanamo Bay, Cuba, and decisions must now be made regarding how and where to house the 250 suspected terrorists and enemy combatants held there.

I was particularly concerned to read in the March 7 *Washington Post* that some of these detainees may be tried in and housed by the United States District Court for the Eastern District of Virginia (Eastern District of Virginia) or the United States District Court for the Southern District of New York. Their presence so close to large civilian population centers raises serious questions of security and logistics for any region forced to accept these detainees.

I do not -- and would not -- support the transfer of any prisoners presently being detained at Guantanamo Bay to any facilities in Virginia and have joined Virginia colleagues Reps. Randy Forbes and Eric Cantor in introducing legislation (H.R. 1186) to prohibit prisoners at the Guantanamo Bay detention facility from being transferred to federal prisons or military bases in Virginia.

I take seriously the responsibility of congressional oversight, especially in matters with national security implications. In 1998 I authored legislation that created the National Commission on Terrorism. Unfortunately, it took the horrific events of September 11, 2001, for the recommendations of the commission to be taken seriously. I have traveled to Sudan five times and seen evidence of the terrorist training camps used by Osama bin Laden in the 1990s.

The first bombing of the World Trade Center in 1993 was treated as a routine criminal case by the Clinton administration when there were clear indications from Sheik Omar Abdel-Rahman that terrorism was the intent of the bombing.

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Furthermore, the individuals currently at Guantanamo Bay are members of the same organization that bombed the U.S. embassies in Kenya and Tanzania as well as the USS Cole in Yemen.

The March 11 *Washington Post* detailed how a detainee recently released from Guantanamo Bay is now the operations commander of Taliban forces attacking U.S. and NATO forces in southern Afghanistan. There also have been news reports that 61 of the detainees that were processed and released from Guantanamo Bay were recaptured fighting American forces. If those individuals were deemed safe to release from custody yet returned to terrorist activities and killing Americans, what does that say about how dangerous the detainees still at Guantanamo Bay must be?

I was also troubled to read that five Guantanamo detainees described themselves as "terrorists to the bone," and stated in a court filing that they describe their role in the 9/11 attacks as "a badge of honor." These dangerous individuals simply cannot be transferred anywhere near large civilian populations.

As the ranking member on the House Appropriations Commerce-Justice-Science Subcommittee, I am particularly concerned about the complexities of bringing any of these enemy combatants to any installation, military or civilian, close to U.S. civilian populations. Regardless of where these detainees are confined, I would appreciate your detailed response to the following questions:

1. What steps has the Justice Department taken to assure the security of the surrounding population if such violent combatants are confined and tried in urban areas?
2. What precautions will be taken to ensure that the detainees do not escape?
3. Is the Obama administration concerned that the presence of these detainees will invite attacks from ideological followers in an attempt to set them free and, if so, what precautions are being taken to prevent this scenario?
4. How will the detainees be transported to the courthouses?
5. What type of security cordon will be in place if detainees are transported on local highways?
6. Has the Justice Department considered the traffic disruptions associated with road closures around federal courthouses and local jails during the trials of these individuals?
7. If the detainees are flown to any location, will they use military or commercial airports?

8. If commercial airports are used, will terminals have to be evacuated to ensure security?
9. What will be the security perimeter around federal courthouses and will local residents and businesses be forced to move or close to ensure security? If so, for how long?
10. Will Metrorail stations in close proximity to the U.S. Courthouse in Alexandria be closed?
11. Will the Westin Hotel, approximately 200 feet from the courthouse, and the Patent and Trademark Office, approximately 250 feet from the courthouse be evacuated?
12. Has the Justice Department considered the impact such detainees will have on local prisons, such as the city jail in Alexandria, where federal defendants are often held during trial?
13. Will prisoners in local jails have to be moved to provide a secure location for housing these combatants, and, if so, who will bear the costs associated with their transfer?
14. Will there be an extensive list of rules and regulations given to local and state officials regarding the housing and trial of these suspects? If so, will a copy of the regulations be made available to state and local officials as well as members of Congress?
15. Will state and local law enforcement officers be required to assist federal officials and will the federal government compensate those agencies for the use of those officers' time?
16. What costs will be associated with the trial and what portion, if any, will be borne by state and local governments?
17. Has the Justice Department consulted with the Defense Department regarding its ability or willingness to house these detainees?
18. Do a set of protocols for transferring and housing these individuals exist, and, if so, will you make it available to members of Congress?
19. What discussions regarding these detainees, if any, have administration officials had with the commanders of the Naval Station Brig in Norfolk, Virginia; the Marine Corps Base at Quantico, Virginia, or any other military installation in the contiguous United States, Alaska or Hawaii?
20. Has the administration or the Department of Defense had any discussions with Naval commanders regarding the possibility of transferring detainees to U.S. Naval vessels either in U.S. territorial or international waters?
21. Has the administration had any discussions with the warden of the Administrative Maximum prison facility in Florence, Colorado, regarding the difficulties surrounding the housing of Zacharias Moussaoui and how other prisons might be affected by housing similar detainees?

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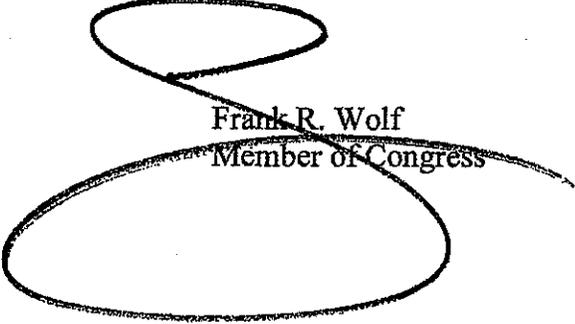
22. Has the administration had discussions with any of the detainees' country of origin regarding their willingness to accept custody?

While I understand that the Eastern District of Virginia and the Southern District of New York have successfully held the only trials to date of terror suspects, I remain extremely concerned that adequate thought has not been given to the extensive security, financial and logistical costs associated with the transfer of any of these individuals to civilian court districts. State and local officials, as well as the citizens of northern Virginia, will face many challenges and dangers with these combatants housed in the Eastern District of Virginia.

I look forward to receiving your responses to these concerns.

Best wishes.

Sincerely,



Frank R. Wolf  
Member of Congress

FRW:ccw  
Enclosure

Thank you

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10TH DISTRICT, VIRGINIA

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**Congress of the United States**  
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April 23, 2009

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950 Pennsylvania Ave NW Rm 5111  
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Dear Attorney General Holder:

My letter of March 13 indicated my concerns about bringing enemy combatants from the detention facility at Naval Station Guantanamo Bay, Cuba, to the United States. I understand that the president has given you the task of determining the release, transfer or prosecution of these detainees. I noted your recent comments on how this is the most challenging aspect of your job as attorney general and I respect the difficulty of your position.

But as I have learned more about these detainees and received additional information from terrorism experts, I remain extremely concerned that transferring these combatants to locations near large civilian populations would place an overwhelming burden on the court system and endanger public safety.

The detainees currently held at Guantanamo Bay are some of the most dangerous individuals in the world who have openly dedicated their lives to killing Americans. Kahlid Sheik Mohammed was the architect of the 9/11 attacks and took pleasure in beheading *Wall Street Journal* reporter Daniel Pearl. Ramzi Binalshibh was identified as one of the planners of 9/11 and was supposed to be one of the hijackers until he was denied entry into the United States. Walid bin Attash is believed to be the mastermind behind the bombing of the U.S.S. Cole in Yemen in 2000. These individuals are responsible for planning the deaths of thousands of Americans.

Guantanamo Bay also houses combatants who were detained after actively trying to kill U.S. troops in Iraq and Afghanistan. From news reports I have read, it appears consideration is being given to allow these detainees rights that go beyond protections offered U.S. military personnel by the Uniform Code of Military Justice. Giving such rights to the men listed above greatly concerns me.

Earlier trials of terrorists in the U.S. demonstrated the necessity for extraordinary security resources that would be needed if some of those at Guantanamo are transferred here. *Newsday* and the *Buffalo News* reported that during the 1995 trial in New York of Omar Abdel Rahman, the mastermind of the 1993 World Trade Center bombing, terrorist confederates of El Sayyid Nosair,

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another World Trade Center bombing planner, were plotting to break him out of Attica State Prison in New York. In the same case, court tapes show that conspirators provided each other assurance that, in the event that some were captured, the others would work to free them. In addition, during the 2000 trial of Mahmud Salim, one of the terrorists accused of the 1998 bombing of the U.S. Embassy in Kenya, he stabbed New York prison guard Louis Pepe in the eye during an escape attempt. Al Qaeda saw the rights given to its members to meet with counsel as an opportunity to carry out a violent escape attempt. Mr. Salim was one of the original followers of Osama bin Laden and the highest ranking al Qaeda member held in the U.S. at the time.

In addition to trying to escape from prison, al Qaeda members have communicated with confederates while in prison. It is my understanding that El Sayyid Nosair was involved in plotting the 1993 World Trade Center bombing while in custody in Attica State Prison. In addition, Osama bin Laden has publicly credited Sheik Abdel Rahman with issuing the "fatwa" that approved the 9/11 attacks while he was in federal prison, despite the high security confinement conditions imposed on him. It also emerged later that, with the assistance of his lawyer, Rahman was continuing to send instructional messages to the Islamic Group, his Egyptian terrorist organization.

In 2004, *NBC News* reported that, despite their incarceration in maximum security conditions, convicted World Trade Center bombers were communicating by mail with terrorists in Madrid, Spain. There would certainly be strong reasons to believe that detainees currently held at Guantanamo Bay -- who are known to have rioted and grossly abused prison guards -- would use their access to counsel and investigators in order to convey messages to their allies.

It took federal prosecutors eight years in the 1990s to try 29 defendants charged with terrorism-related crimes as a result of attacks on U.S. property and interests abroad. The detention facility at Guantanamo Bay currently holds almost 10 times that number. If it took eight years to prosecute 29 individuals, how long will it take to transfer and prosecute over 200?

How is the Justice Department responding to the fact that prosecutors, judges, and juries in recent terrorism trials, and their families, have required government protection measures, sometimes for many years, at great cost in manpower and to our security budget? Has the Justice Department estimated the cost of providing enhanced personal security for trials yet to come?

I am also concerned about the extra costs that will be incurred in preparing prisons and courthouses for possible trials. I understand that the courthouses in which prior terrorism cases were litigated and the prisons where defendants were held had to be "hardened" to accommodate terrorism prosecutions and the attendant threats they entail for participants and the public. Can you provide me with what the cost was for these upgrades? Has the Justice Department considered what the cost will be for upgrading facilities for detainees who may be transferred to the civilian court system.

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I am also concerned about the precedent that the standards set in *Boumediene v. Bush*, the Supreme Court case regarding al Qaeda operative Lakhdar Boumediene, which granted habeas corpus rights to Guantanamo detainees, would set for future cases. In his dissent in this case, Justice Antonin Scalia raised the issue that if enemy combatants currently housed at Guantanamo Bay are given habeas corpus rights, the same rights would have to be given to any combatant detained where the U.S. military conducts operations. Recently, Justice Scalia's admonition has proved prescient as a federal judge in Washington ruled that *Boumediene's* grant of habeas corpus rights now extends to Afghanistan.

The process in deciding where the detainees will ultimately be housed and under what means they will be tried should be transparent so the American people know who is making these important decisions. I believe that the Justice Department should meet with those who lost loved ones in the 9/11 attacks as well as the families of service members who have died in Iraq and Afghanistan and ask for their perspective on the fate of these detainees, especially those who played a lead role in carrying out the attacks.

If you are convinced these combatants must be transferred to the United States, I believe an isolated part of the country away from population centers would be a better choice. As your department continues to consider plans for these combatants, I ask that you please address these issues as well as the questions I asked in my earlier letter. I also have these additional questions:

1. The trial of Zacharias Moussaoui in Alexandria, Virginia, lasted over four years due primarily to the judge's belief that the due process standards applicable in civilian trials required more disclosure than the Justice Department believed was required and safe to provide. I understand any appeal to the 4<sup>th</sup> Circuit Court could take up to an additional year per trial. Considering that a federal appeals court in New York just recently decided an appeal in the embassy bombing case -- more than a decade after the attack and eight years after the trial -- how long does your department envision civilian legal proceedings for Guantanamo detainees taking?
2. Khalid Sheikh Mohammed, Mohammed al Qatani and Ramzi Binalshibh have been linked directly to the September 11, 2001, attacks and appear far more culpable than Zacharias Moussaoui. Will the Justice Department seek the death penalty for detainees such as them? If so, does the Justice Department think seeking the death penalty would lengthen each trial, and, if so, for how long?
3. Will the defense attorneys for these combatants be given access to classified evidence that would inevitably lead to legal challenge and possible consideration by the Supreme Court, adding more time to trials?
4. If terror suspects are brought into the civilian system for trial and they insist on representing themselves, would the Justice Department allow them access to all discovery, including classified national defense information?

5. Will defense attorneys be allowed discovery on all such evidence and be allowed to challenge its admission in court? Would this require allowing defense attorneys to enter combat zones to view evidence?
6. Will U.S. service members who collected evidence on the battlefield be forced to leave their duties in theater and return to the United States to give testimony in open court?
7. Will military personnel be required to have training on how to legally obtain evidence and preserve the chain of command needed to make such evidence admissible in court?
8. Will every combatant be given full legal rights and will these rights also be given to combatants detained in the future?
9. The system of military tribunals for these combatants was designed to avoid the difficulties inherent in civilian trials. If the military is trusted to run a system of justice good enough for members of our armed forces, why is it deemed insufficiently fair for these detainees who have openly stated they are "terrorists to the bone?"
10. If these combatants are transferred to the U.S. Court for the Eastern District of Virginia, how will the trials of other defendants in that court be affected?
11. If regular defense attorneys are not allowed to meet with clients at the jail facility in Alexandria due to increased security associated with these combatants, is the Justice Department concerned that those cases could be delayed to the point where those defendants have grounds for appeal?
12. The Moussaoui trial took a heavy toll on the prosecution team and I would be concerned that extended trials for numerous combatants could overwhelm the legal staffs. Do you have a plan for addressing how prosecution teams will work?
13. Are you concerned about the safety of the legal staff and the jurors who are assigned to these cases and have steps been taken to ensure their safety and the safety of their families?
14. Has the Justice Department considered establishing a separate court similar to the FISA court where judges would be assigned these cases on a rotating basis?
15. Has the Justice Department considered consulting with military experts, U.S. Marshals and other law enforcement officials before determining the safest place to house these detainees?
16. Have you consulted with the families of the victims of 9/11 as well as the families of the service members killed in Iraq and Afghanistan as to how these detainees should be prosecuted? If not, will you direct your staff to do so?
17. Will the Justice Department provide the Appropriations Committee with the costs for the security measures necessitated by the terrorism cases of the 1990s and the Moussaoui case?
18. The Congress has received your FY 2009 supplemental request, seeking \$47 million for some ongoing DOJ activities. But the majority of the funding, \$36.4 million, is for activities related to the closure of the Guantanamo detention facility. Can you tell the Appropriations Committee what exactly the department is doing related to Guantanamo, and what you are proposing to do in the future with the requested supplemental funding?
19. I understand that you have created three task forces to implement the executive orders regarding Guantanamo Bay. How many individual detainee cases must be reviewed and disposed of?

The Honorable Eric H. Holder, Jr.

April 23, 2009

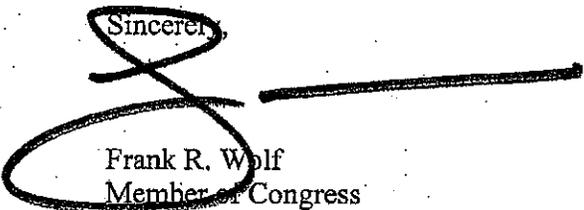
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20. Can you provide a list of possible outcomes from these task forces, such as transferring detainees to their home countries or detaining them indefinitely without trial?
21. For any detainees released to third countries, what assurances are you seeking from those governments in order to minimize the risks of recidivism?
22. You have stated that the issues related to closing Guantanamo Bay represent your biggest challenge. If the task forces conclude that the risks associated with civilian trials in the United States are too dangerous and costly, will you recommend to the president that the closure of the detention facility be delayed?
23. Beyond the supplemental request, what other post-Guantanamo requirements will there be?

I realize that your department has numerous issues to address before Guantanamo Bay is closed and all the combatants housed there moved. As the Justice Department continues to consider the disposition of these combatants, I think it is important for Congress to play an active role. As my previous letter stated, I take Congress's oversight role seriously and believe that Congress must be consulted before any of these combatants are moved to the continental U.S.

Thank you for your service.

Sincerely,



Frank R. Wolf  
Member of Congress

FRW:ccw

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10TH DISTRICT, VIRGINIA

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Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave NW Rm 5111  
Washington DC 20530

Dear Attorney General Holder:

Although I am still awaiting your responses to my letters dated March 13 and April 23, and have yet to receive the briefings I have requested from the FBI, U.S. Marshals Service, and the Department of Homeland Security per your prohibition, I nonetheless write again for clarification regarding comments you made before the Senate Appropriations Committee on May 7.

During the hearing, you are reported as stating that, "With regard to those you would describe as terrorists, we would not bring them into this country and release them, anyone we would consider to be a terrorist." While this is important information that should have been provided in response to my letters, I am concerned that your failure to define who may be considered a terrorist will result in further confusion with regards to the administration's intentions.

Because neither this Congress nor the American people have been provided with a plan for the transfer, release, or prosecution of detainees held at Guantanamo Bay, I believe you must – at the very least – provide the American people with a list of the individuals held at Guantanamo Bay that this administration does not consider to be terrorists, especially given that information I have received indicates that all current detainees are considered medium- to high-security threats. Further, you should declassify and release all information regarding the capture, detention, and threat assessment of any detainees scheduled for release into the general public.

I have grave concerns that you are playing fast and loose with the definition of "terrorist" and may be misleading the American people regarding its plans to release the Uyghur detainees into the U.S. Let me be very clear – the Uyghurs held at Guantanamo Bay are trained terrorists and members or associates of the Eastern Turkistan Islamic Movement (ETIM), a designated terrorist group affiliated with al Qaeda, as designated by both the U.S. government and the United Nations (U.N.). Whether their intended victims were Chinese or Americans, a trained terrorist is a terrorist.

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According to testimony and government documents, many of the Uyghur detainees have admitted to training at ETIM camps in Tora Bora under the direction of Abdul Haq prior to their capture by Pakistani authorities in the Federally Administered Tribal Areas (FATA) of Pakistan.

As you may know, the ETIM is a terrorist group that uses violence against civilians for the creation of an independent, Islamic state – in the image of the Taliban’s Afghanistan – in the Xinjiang region of China.<sup>1</sup> The group is linked to a number of terrorist attacks in China during the mid-1990s, including several bus bombings that killed dozens and injured hundreds of innocent civilians<sup>2</sup>, as well as threats of attacks against the 2008 Olympics in Beijing. Over the past decade, the group has predominantly operated out of Afghanistan and Pakistan and has developed close links with al Qaeda and the Taliban.

On August 19, 2002, then Deputy Secretary of State Richard Armitage designated the ETIM as “a terrorist group that committed acts of violence against unarmed civilians.”<sup>3</sup> The group was designated by the State Department under Executive Order 13224, “Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism,” which defines terrorist as “activity that (1) involves a violent act or act dangerous to human life, property, or infrastructure; and (2) appears to be intended to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.”<sup>4</sup> In 2004, the State Department further added the ETIM to the “Terrorist Exclusion List” (TEL) under section 411 of the USA Patriot Act of 2001 (P.L. 107-56), which prohibits members of designated terrorist groups from entering into the U.S.<sup>5</sup>

Later in 2002, the U.S. Embassy in Beijing reported that two members of the ETIM were deported from Kyrgyzstan after allegedly plotting to attack the U.S. embassy there.<sup>6</sup> Following the attempted attack, the U.S., Peoples Republic of China, Afghanistan, and Kyrgyzstan asked the United Nations to designate the ETIM as a terrorist group under Security Council resolutions 1267 and 1390, which provide for the freezing of the group’s assets.<sup>7</sup>

Last month, the Obama Administration added the current leader of the ETIM (also recognized as the ETIP), Abdul Haq, to terrorist lists under Executive Order 13224, following U.N. recognition of Haq, under Security Council Resolution 1267, as an individual affiliated with Osama bin Laden, al Qaeda, or the Taliban. According to Stuart Levey, Treasury under

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<sup>1</sup> CBS News Internet Terrorism Monitor. “East Turkistan Islamic Party Appeals For New Recruits in New Video.” <[http://www.cbsnews.com/blogs/2009/04/15/monitor/entry4948735.shtml?source=search\\_story](http://www.cbsnews.com/blogs/2009/04/15/monitor/entry4948735.shtml?source=search_story)>

<sup>2</sup> Gunaratna, Rohan and Acharya, Arabinda. *Islamic Terrorist Threats to China*. p. 42

<sup>3</sup> Congressional Research Service. *U.S.-China Counterterrorism Cooperation: Issues for U.S. Policy*. p. 5.

<sup>4</sup> CRS Report. P. 5

<sup>5</sup> CRS Report. P. 6

<sup>6</sup> CRS Report. P. 5

<sup>7</sup> CRS Report. P. 5

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secretary for Terrorism and Financial Intelligence, "Abdul Haq commands a terror group that sought to sow violence and fracture international unity at the 2008 Olympic Games in China."<sup>8</sup>

The ETIM's relationship with al Qaeda has grown since it was invited by the Taliban to conduct training in Afghanistan in the late 1990s, followed by the move of the ETIM headquarters from the Xianjiang region to Kabul in September 1998.<sup>9</sup> By 2005, Abdul Haq had been admitted to al Qaeda's "Shura Council"<sup>10</sup> and on November 16, 2008, an al Qaeda spokesman "stated that a Chinese citizen named 'Abdul Haq Turkistani' was appointed by Osama bin Laden as the leader of two organizations – 'al Qaeda in China' and 'Hizbul Islam Li-Turkistan.'" This appointment was also confirmed by Abu Sulieman, a member of al Qaeda.<sup>11</sup>

It is abundantly clear that the Uyghur detainees held at Guantanamo Bay are affiliated with the ETIM and trained under Abdul Haq in 2001. According to the detainees' sworn statement to U.S. authorities, many acknowledged that they had trained in an ETIM training camp in Tora Bora from June to November 2001 and at least one confirmed, "The person running the camp was named Abdul Haq."<sup>12</sup>

Following the U.S. invasion of Afghanistan in fall 2001 cooperation between the ETIM and the Taliban increased. It is reported that the ETIM's leader prior to Abdul Haq, Hasan Mahsum, "led his men to support Taliban and fight alongside them against U.S. and the coalition forces. On 2 October 2003, Hasan Mahsum was killed, along with 8 other Islamic militants, by a Pakistani army raid on an al Qaeda hideout in South Waziristan area in Parkistan."<sup>13</sup>

Additionally, a January 2008 al Qaeda in Afghanistan publication, "Martyrs in Time of Alienation," identified 120 "martyrs" – including five Uyghurs from Xianjiang and who trained in Tora Bora – who fought with the Taliban in Afghanistan against U.S. troops. One is reported to have been killed fighting U.S. forces during the invasion in 2001.<sup>14</sup> Hasan Mahsum confirmed, prior to his death in 2003, that ETIM members trained and fought with al Qaeda forces in Afghanistan.<sup>15</sup>

In addition to their affiliation in a designated terrorist organization and association with al Qaeda leader Abdul Haq, these detainees fervently believe in the creation of a Taliban-style Islamist state in northwestern China and do not share American values of respect, tolerance, and

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<sup>8</sup> U.S. Treasury Department, *Treasury Targets Leader of Group Tied to Al Qaida*. <<<http://www.treas.gov/press/releases/tg92.htm>>>

<sup>9</sup> Gunaratna, p. 60

<sup>10</sup> CRS Report p. 6

<sup>11</sup> Gunaratna p. 54

<sup>12</sup> The Guantanamo Docket – The New York Times. <<<http://projects.nytimes.com/guantanamo/detainees/277-bahtiyar-mahnut#2>>>

<sup>13</sup> Gunaratna p. 52

<sup>14</sup> CRS Report, P. 7

<sup>15</sup> Gunaratna, P. 61

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religious pluralism. In fact, one recent press account stated that, "Not long after being granted access to TV, some of the [Uighurs] were watching a soccer game. When a woman with bare arms was shown on the screen, one of the group grabbed the television and threw it to the ground, according to the officials."<sup>16</sup>

I am certainly no friend of the Chinese government. I have long been critical of their repressive treatment of Uyghur Muslims as documented in the State Department's most recent human rights report. But we ought to have no tolerance for terrorism in any form. Further, violent aims of this nature do not know national boundaries. Thousands of Americans, including the president and high-ranking U.S. government officials, traveled to the 2008 Beijing Olympics, a stated terrorist target for the ETIM.

If their affiliation, associations, and recent behavior were not troubling enough, I am also concerned about their potential further radicalization over the past eight years while held with al Qaeda members at Guantanamo Bay. Without a declassified threat assessment, how can the American people know for sure if the Uyghurs have not been further radicalized since their capture? How can we assess their potential threat once released into the U.S.? Will they attack Chinese targets within the U.S., provide intelligence to the ETIM or al Qaeda abroad, or even stage an attack on Americans at the direction of these terrorist groups?

Reports indicate that the ETIM's philosophy has dramatically evolved as a result of their training and cooperation with al Qaeda and the Taliban over the last decade. According to two experts, Rohan Gunaratna and Arabinda Acharya, "In the post-9/11 era, ETIM began to believe in the global jihad agenda. Today, the group follows the philosophy of al-Qaeda and respects Osama bin Laden. Such groups that believe in the global jihad do not confine their targets to the territories that they seek to control... [The ETIM] is presenting a threat to Chinese as well as Western targets worldwide."<sup>17</sup>

Without detailed information about each Uyghur detainee, including a threat assessment, the American people cannot be expected to tolerate trained terrorists being released into their communities. If your actions over the past two weeks are any indication, I would not be surprised if this administration were to ride roughshod over the security of the American people and release the Uyghurs into the U.S. on some quiet Friday evening, when members of Congress are traveling home and the members of the press have already filed their weekend reports.

That is not the transparency nor sound judgment you promised you would bring to the Justice Department when you appeared before the House Commerce-Justice-Science Appropriations subcommittee last month. If you will not share this information with Congress or the American people, how can we be expected to accept your assurances that the Uyghur

<sup>16</sup> Hook, Janet. "Democrats face hard time over Guantanamo." Los Angeles Times.

<<http://www.latimes.com/news/nationworld/nation/la-na-gitno-politics7-2009may07,0,3870315.story>>

<sup>17</sup> Gunaratna. P. 65

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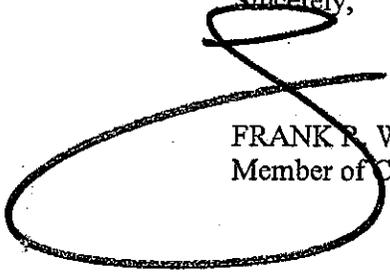
detainees you intend to release into the U.S. are not "terrorists," according to your definition of the word? However, according to our definition, anyone who trains to kill civilians in Tora Bora, whose leader is a member of al Qaeda's Shura Council, does not share our most basic values of tolerance and diversity, and who may have been further radicalized over the last eight years is most unequivocally a terrorist and should not be released into the U.S.

As the ranking member of the appropriations subcommittee that will be charged with considering funding your proposal to transfer or release detainees to the U.S., I believe that your plan could cost upwards of a billion dollars. Before you ask this Congress and the American people to write this check to fund your plan, we have a right to see it.

I continue to await your responses to my three letters, dated March 13, April 23, and today, as well as the briefings I have requested from the FBI, U.S. Marshals Service, and Department of Homeland Security that have been denied over the last two weeks at your insistence.

Best wishes.

Sincerely,



FRANK R. WOLF  
Member of Congress

FRW:tc

**FRANK R. WOLF**  
10TH DISTRICT, VIRGINIA

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:

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HUMAN RIGHTS COMMISSION



**Congress of the United States**  
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June 8, 2009

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The Honorable Eric H. Holder, Jr.  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave NW Rm 5111  
Washington DC 20530

Dear Attorney General Holder:

I am troubled by your recent decision to drop the Department of Justice's lawsuit against the "New Black Panther Party for Self-Defense," a militant supremacist organization and hate group, and its two members who threatened voters as part of a national voter intimidation effort on Election Day last November.

According to the DOJ complaint, two uniformed men stood outside a polling station located at 1221 Fairmont Street in Philadelphia, Pennsylvania, brandishing weapons to intimidate voters. New Black Party Chairman and self-proclaimed "Attorney at War" Malik Zulu Shabazz confirmed that the placement of these men, Samir Shabazz and Jerry Jackson, in front of the polling station was part of a nationwide effort to position armed party members at precincts.

The complaint also stated that Samir Shabazz "pointed the weapon at individuals, menacingly tapped it [on] his other hand, or menacingly tapped it elsewhere. This activity occurred approximately eight to fifteen feet from the entrance to the polling station." Additionally, both men made "racial threats and racial insults at both black and white individuals" and made "menacing and intimidating gestures, statements, and movements directed at individuals who were present to aid voters," according to witness statements in the DOJ complaint. One of the witnesses, an experienced civil rights attorney who worked with Charles Evers in Mississippi, has publicly called this "the most blatant form of voter intimidation" he has ever seen.

On January 7, the Department of Justice appropriately filed suit in the U.S. District Court in Philadelphia against three men and the New Black Panther Party for Self-Defense under the Voting Rights Act. In the department's news release, Acting Assistant Attorney General Grace Chung Becker stated, "The Voting Rights Act of 1965 was passed to protect the fundamental right to vote and the Department takes allegations of voter intimidation seriously."

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I worry that the department's commitment to protecting the "fundamental right to vote" is wavering under your leadership. I fail to understand how you could dismiss a legitimate case against a party that deployed armed men to a polling station -- one of whom brandished a weapon to voters -- who harassed and intimidated voters, and could then decide that such actions do not constitute a violation of section 11(b) of the Voting Rights Act of 1965, which prohibits "intimidation, coercion, or threats" against voters. What message does this send to other like-minded groups -- whoever their target -- about this administration's commitment to voting rights?

None of the defendants filed an answer to the lawsuit, which means that legally they admitted all of the allegations in the complaint. Yet your department dismissed the suit it had already won by default against three of the defendants. Not only did the department dismiss the civil suit, but it has also failed to criminally prosecute the defendants. The actions of these defendants are all violations of criminal provisions of the U.S. Code that prohibit intimidating, threatening and coercing voters. This is outlined on pages 54-63 of "Federal Prosecution of Election Offenses," the handbook provided by the Public Integrity Section of the Criminal Division to Justice Department prosecutors. These defendants could have (and should have) been charged under a number of provisions, including 42 U.S.C §1973gg-10(1); 18 U.S.C. §§ 241, 242, 245(b)(1)(A), and 594.

In 2006, then-Senator Barack Obama called such intimidation tactics "deplorable," citing similar intimidation of Native American voters in South Dakota in 2004 and a number of other incidents targeting African American voters. Your inexplicable dismissal of the civil case and the failure to file a criminal prosecution flies in the face of the president's stand on voting rights and sullies the good name of your department. It calls into question your commitment to protecting all voters and guaranteeing that they can exercise their franchise freely without fear.

The American people and this Congress deserve a full and transparent accounting of your decision to drop this case.

Best wishes.

Sincerely,

Frank R. Wolf  
Member of Congress

FRW:tc