BENNIE G. THOMPSON, MISSISSIPPI
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RANKING MEMBER

One Hundred Eleventh Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

April 23, 2009

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

The Honorable Janet Napolitano
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear General Holder and Secretary Napolitano:

On February 23, 2009 six Members of the Committee on Homeland Security embarked on a House-led Congressional delegation (CODEL) to observe the detention center facilities operated by the Department of Defense at the Guantanamo Bay Naval Base. In light of President Obama's decision on January 22, 2009 to close the detention center at Guantanamo Bay, and the possibility that any of the 245 enemy combatants currently detained at Guantanamo Bay may be transferred to the United States, this delegation sought to better understand the current situation at Guantanamo Bay and the disposition of the prisoners currently housed there.

On their visit to Guantanamo Bay, the delegation observed the extraordinary work being done by the brave men and women that make up Joint Task Force-Guantanamo (JTF-GTMO) who perform under extraordinary circumstances to ensure our Nation's safety. In addition, they also observed safe, humane, legal, and transparent conditions that fully comply with Geneva Conventions standards for all detainees at Guantanamo Bay as certified by the Department of Defense in "The Walsh Report." Despite the high quality of treatment these detainees receive, many of the detainees regularly attack U.S. personnel by throwing feces, urine, and other bodily fluids. It is clear that many of these individuals held at Guantanamo Bay still hate America and are still as determined as ever to harm the United States.

While we opposed President Obama's decision to close the detention center at Guantanamo Bay, we know the President believes that detainees being released into the United States would be unacceptable and present grave risks to national and homeland security.

However, according to multiple sources within the Federal government, it is our understanding that the decision has already been made to transfer the High Value Detainees (HVDs) currently housed in Camp 7 at Guantanamo Bay to the United States. As you know, this group includes Khalid Sheik Mohammed, the *admitted* mastermind of the September 11, 2001 attacks. In addition, on March 26, 2009 Director of National Intelligence Dennis Blair stated that detainees deemed "non-threatening" could be released into the United States and possibly be given monetary support from the U.S. government.

However, as President Obama acknowledged in an interview on *60 Minutes* on March 22, 2009, it is very difficult for the United States to determine which detainees are not truly dangerous individuals. As a result, the Department of Defense estimates that over 60 former Guantanamo detainees returned to the battlefield after release. To ensure this does not happen in the future, we request that your Departments please provide us the following information:

1. In what court system does the U.S. government plan to prosecute any Guantanamo detainees?

2. In the event the detainees are transferred to the United States, where will they be detained?

3. What, if any, countries have formally agreed to accept detainees? If detainees are transferred to another country, what security guarantees are in place to ensure they will not be released, re-engage in future terrorist attacks, and radicalize individuals in that country?

4. What, if any, states have agreed to accept transfer of detainees? Have you received assurances from state governors they are willing to accept transfer of detainees?

5. Has the Federal government engaged with state governments regarding the potential transfer of detainees to the United States and taken steps to learn more about state government needs to ensure the necessary security?

6. Have any European Union countries indicated they will only accept detainees if other detainees are transferred to the United States?

7. Is the United States planning to repatriate any of the 101 detainees of Yemeni descent back to Yemen? If so, how does the Administration plan to compensate for the lack of infrastructure, governance, and resources in Yemen to monitor former detainees and ensure they do not commit terrorist attacks in the future?

8. What legal rights do you intend to afford detainees if they are transferred to the United States?

9. What contingency plans have been developed if a U.S. court deems any detainees "non-threatening" and releases them in the United States?

Thank you for your time and personal attention to this important matter. If you have any questions, please do not hesitate to contact us at 202-226-8417.

Sincerely,

PETER T. KING
Ranking Member

MICHAEL T. MCCAUL
Ranking Member
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