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COMMITTEE ON APPROPRIATIONS

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HUMAN RIGHTS COMMISSION



**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  
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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.

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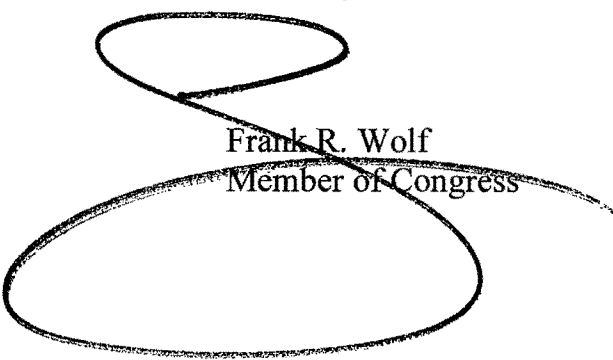
22. Has the administration had discussions with any of the detainees' country of origin regarding their willingness to accept custody?

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.

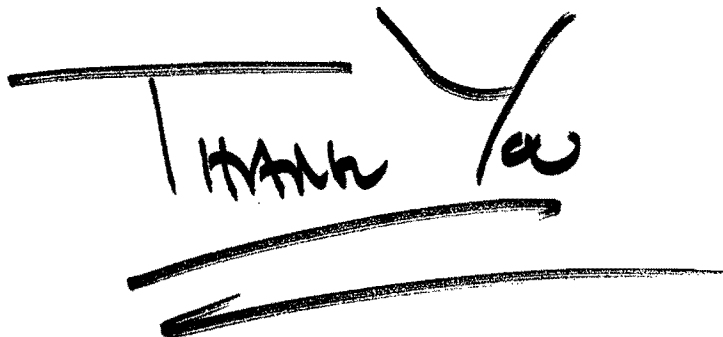
Best wishes.

Sincerely,



Frank R. Wolf  
Member of Congress

FRW:ccw  
Enclosure



FRANK WOLF