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HOUSE COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

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PAUL ARCANGELI, STAFF DIRECTOR

January 20, 2011

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

Dear Mr. President:

I am writing concerning recent press articles indicating that the Administration is currently drafting an executive order to address issues relating to preventive law of war detention. Some of the articles indicate that the executive order may be completed and signed in the coming days. As you know, any issue relating to law of war detention, particularly a legal framework for detention and related review procedures, necessarily must involve congressional authorization. During your speech at the National Archives on May 21, 2009, you cited the need for careful coordination and collaboration with Congress. I therefore request that you ensure not only that Congress is kept fully and currently informed of this effort, but that the Administration commit to working with Congress to develop a path forward.

I fully recognize the importance of crafting a careful and comprehensive framework for the detention of terrorists who wish to harm the United States. I also recognize the challenges and legal complexities related to such an endeavor. This appreciation is why I know this issue is simply too important for the Administration to address on its own. We have to create a system whereby terrorists who pose a legitimate threat to the United States are not released. We also cannot allow U.S. courts to continue to make policy through case law.

In contrast to your laudable comments about your intent to engage with Congress on these issues, there has been no meaningful coordination to date and the Department of Defense has been unable to follow through with House Armed Services Committee requests for a staff briefing. The Committee is fully committed to addressing these critical issues with the Administration. As you said during your speech at the National Archives, "In our constitutional system, prolonged detention should not be the decision of any one man." We must work together moving forward to ensure we are taking all steps necessary to protect our national security.

Thank you for your attention to this matter. I look forward to your timely response.

Sincerely,



HOWARD P. "BUCK" MCKEON
Chairman