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## COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED TWELFTH CONGRESS

April 6, 2011

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The Honorable Robert M. Gates  
Secretary of Defense  
U.S. Department of Defense  
Washington, DC 20301

The Honorable Eric Holder  
Attorney General  
U.S. Department of Justice  
Washington, DC 20530

Dear Secretary Gates and Attorney General Holder:

We applaud Monday's announcement that five of the terrorists responsible for the September 11, 2001, attacks against the United States will be referred for prosecution by military commission. However, we are extremely concerned by the tone and focus of the announcement.

In 2001, Congress approved the use of military force against all persons who planned, authorized, committed, or aided the terrorist attacks that occurred on 9/11. We have deployed our brave men and women in uniform overseas for the past nine years, many of whom have made the ultimate sacrifice, to ensure these attacks cannot happen again. The attacks of 9/11 are the reason why the military commissions were created.

Instead of focusing on the path forward, Monday's announcement focused on casting blame, averting responsibility, and did nothing to evoke confidence moving forward. The victims of 9/11, their families, and the American people deserve better.

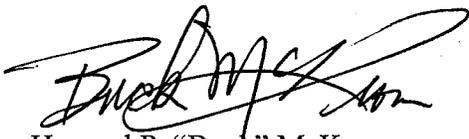
The Administration appears to believe that the debate and strong views from Congress over the forum for the 9/11 trial are illegitimate and an affront to the American system of government. Yet, Congress's role is just the opposite – it is precisely the role of the legislative branch to engage in vigorous oversight and debate. No decision of this level of importance to our national security should go without question or scrutiny. Our constituents expect nothing less.

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This is not a moment to personalize the debate over forum selection or point fingers. Instead, this is the time to come together and finally deliver justice. We must ensure that this war crimes trial is about the terrorists who murdered nearly 3,000 Americans and not about anything else. We have spent sufficient time absorbed with our own introspection – it is time to focus instead on Khalid Sheikh Muhammed, Mustafa al-Hawsawi, Khallad Bin Attash, Ammar al-Baluchi, and Ramzi bin al-Shibh.

As we move forward, we offer you our full support and a commitment that we will personally do everything in our authority to ensure that you have the appropriate resources available and devoted to this process. We hope and expect that you will make the same commitment in return. Achieving justice at Guantanamo is another front in our battle against terrorism—and one that we must meet with the same fortitude that we have come to know from our men and women in uniform, serving our country every day on the front lines.

Sincerely,



Howard P. "Buck" McKeon  
Chairman  
House Armed Services Committee



Lamar Smith  
Chairman  
House Judiciary Committee

HPM/LS:cm