

Congressman J. Randy Forbes  
May 28, 2010  
Motion to Recommit- National Defense Authorization Act

Mr. Speaker, sometimes things are not as complex as we try to make them here in Washington. In fact, sometimes our best decisions come down to simple truths, and one of those truths is that Americans are safer when our government fights to keep terrorists off U.S. soil rather than when it fights to bring them here.

Mr. Speaker, in January of 2009, 17 months ago, the worst terrorist who had ever attacked the United States were on the verge of conviction in Guantanamo. The most experienced and best prosecutor the U.S. had against terrorists and a full prosecution team had been prosecuting these terrorists for almost two years. They had handled upward 56 motions, countless hearings and according to them, would have had guilty pleas out of all five of the 9/11 defendants within six months, in other words, June, a year ago.

But this administration issued an order 17 months ago that destroyed all the work that prosecutor had done, all the work his entire team had done, every motion they had won, done away with every hearing for nothing and forced us as a nation to begin this prosecution anew sometime somewhere. Today, 17 months later, there's not a single individual in this chamber that can tell us a clue as to when, where, how or even if these terrorists will be prosecuted. All we know is that we are now 3 1/2 more years down the road and the clock is still ticking while the Attorney General continues to debate whether we should prosecute them here or we should prosecute them there.

Now while the victims of 9/11 have been waiting, the ACLU has not. They have moved forward with the John Adams project to robustly defend these terrorists who by the way, admitted their guilt. And while the victims of 9/11 have been waiting, there are allegations that

the identities of key military and intelligence personnel have been passed to the 9/11 defendants more than a year ago, and allegations that such passage could have come from the attorneys involved in the case. There are further allegations that the passage of this information could have been a criminal act and could have jeopardized the safety of some of the individuals involved. And finally, Mr. Speaker, there have been concerns that the Secretary of Defense and the Attorney General have failed to timely and adequately investigate these matters.

So what's the difference between our motion to recommit and this bill? First, we say enough is enough. Try the terrorists in Guantanamo and we therefore prohibit the transfer of the detainees to the United States, simple, straightforward, no more waffling. The majority's position in the bill, Mr. Speaker, is that the President can continue to take all the time he wants to determine if, when, where, how he'll prosecute the terrorists and where he'll house them until he does. And all he has to do is file a plan, when and if he ultimately decides to do so. Now my good friend, the Chairman of the committee, loves to tell us just read the bill. Well, if you just read the bill, you'll find that the bill prohibits the Department of Defense from spending nip money to reinforce security or other facilities but does not stop them from coming but just stops us from preparing for them to come.

And secondly Mr. Speaker, this motion to recommit, says that the Inspector General shall investigate as to whether or not there has been a crime from any of these allegations of distributing this information about military personnel and intelligence personnel. The current bill only allows him to investigate matters within the Department of Defense. This bill makes sure that any crime has been committed, he can investigate it, but the bill gives two get out of jail free cards. If the Secretary of Defense or the Attorney General decide that this would impair or interfere with an investigation, they can stop it. Same Secretary of Defense who's punted the

investigation for a year. Same Attorney General who has not prosecuted these terrorists. Mr. speaker, I would just say, if the Attorney General won't prosecute the terrorists, he's not going to investigate the attorneys that are checking on them.

And Mr. Speaker, let me just say this in conclusion, the bottom line is we can't stop every terrorist from coming to the United States but we can stop the ones that are coming from Guantanamo. This motion to recommit does that. We can't protect all of our military and intelligence personnel from terrorists, but we can help the ones involved in this case. And that's what this motion to recommit does. And with that, Mr. Speaker, I yield back the balance of my time.