

**Congress of the United States**  
**Washington, DC 20515**

July 22, 2011

President Barack Obama  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500

Dear Mr. President,

We write to strongly object to your administration's recent actions in regard to the disposition of alleged terrorist Ahmed Abdulkadir Warsame. The lack of respect for Congressional intent and inconsistent regard for the rule of law exhibited by your administration's actions is unacceptable and squanders an opportunity for America to unite on a clear policy on the disposition of enemy combatants.

After being captured by U.S. military personnel, Ahmed Warsame was held and interrogated on a U.S. Navy vessel for more than two months. After his interrogation ended, Ahmed Warsame should have been transported and detained at the detention center at Naval Station Guantanamo Bay. Instead, Ahmed Warsame received a Miranda warning and a flight to the United States to face a federal indictment in civilian court on several charges of providing material support to the terrorist organizations al Qaeda and al Shabaab.

We object on several grounds to the decision to transport an enemy combatant such as Ahmed Warsame to the United States for trial in civilian court. First, Congress had previously enacted clear prohibitions on a bipartisan basis - and with your assent - on the transport of enemy combatants from Guantanamo Bay to the United States in the Ike Skelton National Defense Authorization Act for Fiscal Year 2011. This agreement included the understanding that future prosecutions of enemy combatants would be held before a military commission at Naval Station Guantanamo Bay. The House of Representatives recently bolstered that understanding by including a provision in the National Defense Authorization for Fiscal Year 2012 to require any enemy combatant engaged in attacks against the United States to be prosecuted before a military commission. Your administration's move to skirt these directives by transferring Ahmed Warsame to the United States after detention and interrogation on a U.S. Navy vessel violated the intent of Congress and reopened a closed debate on the proper venue for enemy combatant prosecutions.

It is especially troubling to learn of your administration's abandonment of Guantanamo Bay as a detention center for enemy combatants after Joint Special Operations Command commander Vice Adm. William McRaven testified on your administration's lack of a clear policy toward the disposition of enemy combatants, before the Senate Armed Services Committee. We have serious concerns that you are discarding a proven solution to the issue in hopes of adopting new, novel procedures to placate political concerns. The national security policies of the United

States should not be determined on the basis of politics, but by a careful determination of the most effective solution in line with the rule of law.

Further, your administration's practice of Mirandizing terror suspects continues to be of great concern to us. The concept that a suspect can be interrogated and then later granted Miranda rights at the discretion of the interrogator is offensive to the meaning of endowed rights. Either a suspect is entitled to those rights acknowledged by the Constitution immediately, such as a Miranda warning, or they are not entitled to them at any time. Voluntary and seemingly indiscriminant grants of Miranda protections to enemy combatants endangers our ability to gather further intelligence from them and blurs the clear distinction between American citizens and those avowed to terrorize them. It is also difficult to anticipate that a civilian court will look kindly on the questioning of a suspect absent a Miranda warning, regardless of who performs the interrogation. Such activity may have severe consequences for the viability of a prosecution.

There are reports that your administration believed the charges of material support to a terrorist organization Ahmed Warsame faced would not be appropriate for a military commission. However, the U.S. Court of Military Commission Review unequivocally held on June 24, 2011 that the offense of material support for terrorism is triable by military commissions. Indeed, Ahmed Warsame's prosecution appropriately belongs before a military commission. Congress codified military commissions in the Military Commission Acts of 2006 and 2009 to clearly establish the procedures and venue in which enemy combatants would be prosecuted. Such prosecutions avoid embarrassments, such as the Ahmed Ghailani acquittal on 284 of 285 charges, and send a message to terrorists that they cannot use American freedoms as a shield from justice.

Therefore, we call on your administration to recognize that enemy combatants such as Ahmed Warsame are distinct from common offenders and should be treated accordingly. We ask you to immediately remove Ahmed Warsame from the jurisdiction of the Justice Department and transfer him and any other enemy combatants captured in the future to Naval Station Guantanamo Bay to face trial before a military commission. We also request detailed information on your administration's policy towards the detention, interrogation, and disposition of suspected enemy combatants.

Thank you for your timely consideration of this matter. We look forward to your response.

Sincerely,



Kent Starks



John Kline



Ronie Lehman

Judy Foster

Steve King

Jeff Miller

Shane Long

K. Millington

Allen B. West

Todd R. Platts

Bobby Schillig

Van Burton

Jerry Pitts

Ronald A. Myrtle

Doug Lamborn

Mervyn Pulger

Anna Hunt

Valy Hutto

Joe Walsh

Robert Admitt

Ray A. White

Vicky Hartzler

Ray Pope

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_