United States Senate

WASHINGTON, DC 20510

January 26, 2010

The Honorable Eric H. Holder Jr.
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Holder:

It was reported over the weekend that Osama bin Laden endorsed the attempted bombing of Northwest Airlines Flight 253 on Christmas Day. This endorsement underscores that the successful defense of the United States against Al Qaeda requires the integration and coordination of myriad capabilities of our national security agencies. We remain deeply troubled that this paramount requirement of national security was ignored—or worse yet, not recognized—due to the administration's preoccupation with reading the Christmas Day bomber his Miranda rights.

Apparently there was little, if any, coordination among key components of the administration's national security apparatus on how to treat Umar Farouk Abdulmutallab. Shockingly, the administration then made the hasty decision to treat him as a civilian defendant—including advising him of a right in a civilian law enforcement context not to cooperate—rather than as an intelligence resource to be thoroughly interrogated in order to obtain potentially life-saving information.

The congressional inquiries into why and how this could have happened left us and the American people with more questions than answers. Among these are:

- Why were key national security officials not consulted on the decision to treat Abdulmutallab, first and foremost, as a civilian criminal defendant?
- Why was this decision made so quickly, without first giving intelligence officials at least the opportunity to comment on it?
- Has the administration developed a protocol or standard operating procedure (SOP) for interrogating terrorists captured on American soil? If so, does the SOP give intelligence officials the opportunity to question terrorists?
- Why was such a modest amount of time, apparently less than an hour, devoted to questioning Abdulmutallab prior to telling him that he did not have to cooperate?
- Why was the High-Value Detainee Interrogation Group (HIG) not involved at all in his questioning? If it is because the HIG is not yet operational, why is the HIG still not ready for use, a year after the president announced the formation of the Special Task Force on Interrogation and Transfer Policies?

It appears that the decision not to thoroughly interrogate Abdulmutallab was made by you or other senior officials in the Department of Justice. Moreover, those with knowledge of this decision, like FBI Director Robert Mueller, have said they are constrained from discussing important aspects of it without prior approval from your department.

It is critical that the American people have a full and timely understanding of the policy and legal rationale upon which this ill-advised decision was made. Because it appears that you are the best person to provide this information, we ask: first, that you provide written answers to the questions above and; second, that you testify promptly before the appropriate committees of jurisdiction as to these questions and any lessons your department may have learned from this incident.

Sincerely,

Mitch McConnell

Jeff Sessions

Susan Collins

Kit Bond

John McCain

Cc: The Honorable Harry Reid
The Honorable Patrick Leahy
The Honorable Joseph Lieberman
The Honorable Dianne Feinstein
The Honorable Carl Levin

MM/rw