

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

June 5, 2006

The Honorable Donald Rumsfeld
Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Rumsfeld:

I recently received a letter from a lawyer who represents a person being detained at the Guantanamo Bay detention facility. He wrote to express his concern about the Department of Defense's apparent policy of not releasing any correspondence to Members of Congress coming from the Guantanamo facility. I am not aware that the Department of Defense has a written or unwritten policy banning all such communications. Nor am I aware of any legal authority that would permit the Department of Defense to impose a total ban of that sort, particularly if those communications are not classified. In this regard, I would appreciate your prompt response to the following questions:

(1) Does the Department of Defense have a written or unwritten policy prohibiting all persons detained at Guantanamo Bay from writing to, or communicating in any manner with, Members of Congress?

(2) If such a policy exists, please describe the policy, including to whom it applies and under what circumstances.

(3) Please explain the official reason for such a policy, and what legal authority supports such a policy.

I would appreciate receiving your response no later than June 12, 2006. Thank you in advance for your attention to this matter.

Sincerely,


PATRICK LEAHY
Ranking Member

*Is this really
happening?*