

Treasury agreed to give AIG another \$30 billion in taxpayer money—just within the last 2 weeks. For example, wouldn't the Treasury and the taxpayer have had more leverage over AIG's executive contracts before providing another \$30 billion in tax money for them? Once that money was handed over to AIG, the leverage was lost. That would have been the perfect time to make sure this didn't happen.

It is my hope the Treasury will be vigilant in safeguarding taxpayer funds from here on. I certainly expect them to look for every possible legal way to live up to the pledge made yesterday on behalf of the taxpayers of the United States.

#### GUANTANAMO BAY

Mr. MCCONNELL. Madam President, a lot has been written over the past several days about the inmates at Guantanamo, and none of it makes the administration's decision to shut this facility down by the end of the year any less challenging than it already was. This is an issue which has grave implications for our Nation's security, and we really need to get it right. So this morning, I wish to spend a few minutes explaining why the administration would do well to reconsider its approach to Guantanamo, an approach that looks even hastier now than when it was first announced back in January.

One of the most obvious problems the administration faces on this issue is what to do with these inmates once Guantanamo is closed. This is not a new concern. Ever since the United States started using Guantanamo as a detention facility after the invasion of Afghanistan, Government officials and legal thinkers have tried to come up with ways of dealing with enemy combatants who don't fall into the traditional categories of war. No one denies that the United States is legally entitled to capture and to hold enemy fighters to prevent them from returning to battle, but their release and repatriation have proved to be extremely complicated. As the years have passed, these questions have become even more complicated—not less—than they were back in 2001.

Just this week, a number of European countries that had previously offered to help the administration find a new home for about 60 of the remaining 241 inmates at Guantanamo began to backpedal. Some of these countries now indicate they won't take any of these inmates unless the United States agrees to take some of them as well and agrees to put them in American prisons. This is clearly a dodge since the American people appear to be even less interested in housing these inmates than the Europeans are. Well, if there is no place for these terrorists to go in Europe and no place for them to go in the United States, an obvious question arises: Where else can they go? At the moment, there is no answer to that most important question.

When the question of sending detainees to U.S. soil was put to the Senate in the summer of 2007, the vote against it was 94 to 3. We had that vote right here in the Senate in the summer of 2007, and by a vote of 94 to 3 Members of the Senate said they did not want these Guantanamo prisoners on U.S. soil. This is not only a good reflection of where public opinion is on the issue, it is also notable that four of the votes cast were Senators from Kansas and Colorado, States that are most often mentioned as possibilities to house the inmates. One of these Senators, Ken Salazar, is now in the Obama administration, and former Kansas Governor Kathleen Sebelius, who also opposes sending inmates to Kansas, is the administration's pick to head the Department of Health and Human Services. So the bottom line here is that it is hard to find anyone anywhere, even inside the Obama administration, who wants their State to become the next home to captured violent terrorists.

Now, there is a reason no one wants to have these guys nearby. Over the years, the pool of prisoners at Guantanamo has become only more dangerous, not less, and those who remain include dozens of proud and self-proclaimed—proud and self-proclaimed—members of al-Qaida. Many have been directly linked to some of the worst terrorist attacks in history, including some who had direct knowledge—direct knowledge—of September 11. Others have trained or funded terrorists, made bombs or presented themselves as potential suicide bombers.

We recently got a vivid glimpse into the minds of these men when a number of them responded in writing to the Government's charges against them. Here are some of the excerpts from the document which was signed by five men whose names appear on the chart right behind me:

With regard to these nine accusations that you are putting us on trial for—

So said one of the terrorists—to us, they are not accusations. To us, they are badges of honor which we carry with pride . . . therefore, killing you and fighting you, destroying you and terrorizing you, responding back to your attacks, are all considered to be great legitimate duty in our religion.

Later on, these men refer to the September 11 attacks as “the blessed 11 September operation.”

Toward the end of the document, they make a statement and a prediction. Here is what they said:

We ask to be near to God, we fight you and destroy you and terrorize you. . . . your end is very near and your fall will be just as the fall of the towers on the blessed 9/11 day. . . . so we ask from God to accept our contributions to the great attack, the great attack on America, and to place our nineteen martyred brethren among the highest peaks in paradise. . . .

One of the most chilling statements in the document is the simple assertion by these men, quoted on the chart behind me:

We are terrorists to the bone.

“We are terrorists to the bone.”

This is how they see themselves. These are the men the administration wants to release from Guantanamo?

Not only are most of the remaining inmates at Guantanamo extremely dangerous, they are also increasingly likely to return to battle if they are transferred back to their home countries. According to Pentagon reports, detainees who have been released from Guantanamo appear to be reengaging in terrorism at higher rates, with the current rate of those either suspected or confirmed of reengaging in terrorism at about 12 percent. About 12 percent of those who have been released are back in the fight.

More than a third of the detainees who have already been released were from Saudi Arabia, which has its own detention and rehabilitation system. But our confidence in that system has been shaken by recent reports that Saudi detainees who returned home have gone back to fighting.

Last month, two Saudis who were released from Guantanamo and who passed through the Saudi rehabilitation program appeared in a video as members of al-Qaida in Yemen. One of them, Ali al-Shihri, is thought to have been involved in a deadly bombing on the U.S. Embassy in Yemen last September.

Al-Shihri was released to Saudi Arabia from Guantanamo in 2007.

Even more worrisome than the Saudi detainees, however, is the prospect of releasing Yemeni detainees to Yemen since Yemen has shown little ability to control even the most dangerous terrorists we release. Of the 100 Yemenis who remain at Guantanamo, about 15 have been cleared for transfer to Yemen. Another 15 may face trial in the United States. Some of the remaining Yemenis could go to Saudi Arabia, but the Yemeni Government is protesting the move.

Other inmates who have been released have shown up on the battlefield in places like Pakistan and Iraq. One former inmate from Kuwait traveled to Syria after his release, snuck into Iraq, and plotted attacks against U.S. forces there. He eventually drove a truck packed with explosives into a joint American and Iraqi military training camp, blowing himself up, and killing 13 Iraqi soldiers.

Each one of these concerns is serious enough to warrant a reconsideration of the administration's decision to close the detention facility at Guantanamo Bay. Taken together it is hard to imagine the administration is not already having second thoughts. Of the alternatives that have been considered, some, like a transfer of detainees to Europe, may no longer be viable.

But even if these inmates were sent to Europe, one all-important question would remain: What then? Will they be released? With a recidivism rate now hovering around 12 percent, this is a risk that is simply too dangerous to take—especially when it only takes

one terrorist to inflict unimaginable horror.

According to the European Union's own rules, a detainee who is released within a 25-nation area within the EU is free to move about these countries without even a passport check. A member of al-Qaida who is sent to Europe and subsequently released could easily reenter a transnational terrorist network—and the recidivism rate suggests that this is not at all unlikely.

Guantanamo itself, on the other hand, has proven to be a completely secure facility: in more than 7 years of use, not a single prisoner has escaped Guantanamo to maim or kill a single innocent person. Let me repeat that: in the more than 7 years that we have used Guantanamo as a detention facility, not a single prisoner out of the roughly 800 who have been housed there has escaped to maim or kill a single innocent person.

No one has credibly argued that the inmates are poorly treated: three meals a day, a full library or books, magazines, and DVDs, and medical care that is said to be excellent. Indeed, one European official who visited in 2006 called Guantanamo "a model" prison and better than the ones in Belgium. This is not Abu Ghraib.

Attorney General Eric Holder is in charge of the review of the detention facility at Guantanamo Bay. He captured the dilemma over Guantanamo after a recent trip there when he offered a glowing report on the facility, said the prisoners were being treated well—and then reiterated the administration's intent to close it within the year. On some level, the Attorney General must realize how illogical this seems. If he doesn't, then for the sake of the safety of the United States and its citizens, it is my hope that he realizes it before the end of the year.

President Obama was right and courageous to rethink an artificial deadline on withdrawing U.S. forces from Iraq. As we approach another artificial deadline, it is my hope that he rethinks this decision irrespective of what they may think in certain European capitals. Any shift in our policy on these detainees must meet a simple test: Will it keep us as safe as Guantanamo has from men like the ones whose names appear behind me? If the answer is no, then the policy we have is best. At the moment, the only safe option is to keep the inmates at Guantanamo in one place—and that's right where they are.

Mr. President, I ask unanimous consent to have printed in the RECORD the court order to publish the Islamic Response to the Government's nine accusations and the Response itself.

UNITED STATES OF AMERICA v. KHALID SHEIKH MOHAMMED, WALID MUHAMMAD SALIH MUBARAK BIN 'ATTASH, RAMZI BIN AL SHIBH, ALI ABDUL-AZIZ ALI, MUSTAFA AHMED ADAM AL HAWSAWI  
D-101—Commission Order Regarding Pro Se Filing: "The Islamic Response to the Government's Nine Accusations"

1. On 5 March 2009, the Commission received and reviewed in chambers D-101, an unclassified document titled "The Islamic Response to the Government's Nine Accusations", filed pro se by the above named Accused.

2. The Commission directs that copies of this pleading be served upon the prosecution and defense counsel of record, to include stand-by counsel. The Commission further directs the pleading be provided to the Clerk of Court for immediate public release.

3. As this pleading seeks no specific relief, no responses are required by either the prosecution or defense.

4. The Clerk of Court is directed to have this order translated into Arabic and served upon each of the Accused

So Ordered this 9th day of March, 2009:  
STEPHEN R. HENLEY,  
Colonel, U.S. Army,  
Military Judge.

UNITED STATES OF AMERICA vs. KHALID SHEIKH MOHAMMED, WALID BIN 'ATTASH, RAMZI BIN AL SHIBH, 'ALI 'ABD AL-'AZIZ 'ALI, MUSTAFA AHMED AL HAWSAWI  
THE ISLAMIC RESPONSE TO THE GOVERNMENT'S NINE ACCUSATIONS"

In the Name of Allah, the Most Merciful, the Most Compassionate

*The 9/11 Shura' Council*

Many thanks to God who revealed the Torah, the Bible, and the Quran, and may God praise his messenger, the prophet Mohamed, so that he causes mercy to the two realms. Also, may God praise the prophet's household, his entire companionship, and his followers until judgment day.

With regards to these nine accusations that you are putting us on trial for; to us, they are not accusations. To us they are badges of honor, which we carry with pride. Many thanks to God, for his kind gesture, and choosing us to perform the act of Jihad for his cause and to defend Islam and Muslims. Therefore, killing you and fighting you, destroying you and terrorizing you, responding back to your attacks, are all considered to be great legitimate duty in our religion. These actions are our offerings to God. In addition, it is the imposed reality on Muslims in Palestine, Lebanon, Afghanistan, Iraq, in the land of the two holy sites [Mecca and Medina, Saudi Arabia], and in the rest of the world, where Muslims are suffering from your brutality, terrorism, killing of the innocent, and occupying their lands and their holy sites. Nevertheless, it would have been the greatest religious duty to fight you over your infidelity. However, today, we fight you over defending Muslims, their land, their holy sites, and their religion as a whole.

The following is our Islamic response back to your nine untenable, just like a spider web, accusations:

*First, "the conspiracy accusation":*

This is a very laughable accusation. Were you expecting us to inform you about our secret attack plans? Your intelligence apparatus, with all its abilities, human and logistical, had failed to discover our military attack plans before the blessed 11 September operation. They were unable to foil our attack. We ask, why then should you blame us, holding us accountable and putting us on trial? Blame yourselves and your failed in-

telligence apparatus and hold them accountable, not us.

With regards to us, we were exercising caution and secrecy in our war against you. This is a natural matter, where God has taught us in his book, verse 71 from An-Nisa: ((O you believers! Take your precautions, and either go forth (on an expedition) in parties, or go forth together.))

Also, as the prophet has stated: "War is to deceive."

*With regards to the second, third, and forth accusations: "Attacking civilians." "Attacking civilian objects." and "deliberately causing grave bodily harm":*

We ask you; who initiated the attacks on civilians? Who is attacking civilian objects? And who is causing grave bodily harm against civilians? Is it us, or is it you?

You are attacking us in Palestine and Lebanon by providing political, military, and economic support to the terrorist state of Israel, which in turn, is attacking unarmed innocent civilians. In addition, Israel attacks Palestinian and Lebanese civilian objects by bombing them and destroying them. Furthermore, Israel is causing grave bodily harm by using weapons that are forbidden internationally, such as: cluster bombs in Lebanon and the rubber and live ammunitions in Palestine and breaking bones of Palestinian children. Moreover, the Israeli criminal list is long and endless, against civilians in Lebanon and Palestine.

In addition, was it not you that attacked an entire population in Iraq, destroying civilian targets and its infrastructure? Was it not you that has killed one million Iraqi children caused by your oppressed economic sanctions, which you imposed after the first Gulf War?

In fact, it was you who had wiped out two entire cities off the face of the earth and killed roughly half a million people in a few minutes and caused grave bodily harm by nuclear radiation? Did you forget about your nuclear bombs in Hiroshima and Nagasaki?

You are the last nation that has the right to speak about civilians and killing civilians. You are professional criminals, with all the meaning the words carry. Therefore, we will treat you the same. We will attack you, just like you have attacked us, and whom ever initiated the attacks is the guilty party.

In God's book, verse 193, Al-Baqara, he states: ((The sacred month is for the sacred month, and for the prohibited things, there is the law of equality. Then, whoever transgresses the prohibition against you, you transgress likewise against him.))

God stated, in verse 179, Al-Baqarah: ((And there is (a saving of) life for you in Al-Qisâs (The law of equality in punishment). O men of understanding, that you may become A-Muttaqin (the pious).))

God also stated, in verse 40, Al-Shura: ((The recompense for an evil is an evil like thereof.))

In verse 45, Al-Mâida: ((Life for life, eye for an eye, nose for a nose, ear for an ear, tooth for a tooth, and wounds equal for equal.))

In verse 193, Al-Baqara: ((. . . Let there be no hostility except to those who practice oppression.))

*With regards to accusations five and six. "Crimes in violation of the law of war." and "Destroying property in violation of the law of war":*

Who is breaking the law of war in this world? Is it us, or is it you? You have disobeyed all heaven and earth's laws of war, to include your own laws.

You have violated the law of war by supporting the Israeli occupation of Arab land in Palestine and Lebanon, and for displacing five million Palestinians outside their land.

You have supported the oppressor over the oppressed and the butcher over the victim.

Also, you have violated the law of war by attacking an independent sovereign Arab nation with your first crusade campaign in 1991. By force, you have occupied the Arabian Peninsula and the Gulf. In addition, today, you are occupying Iraq and Afghanistan.

Also, you have violated all laws of war, and in particular, your treatment of Prisoners of War, in Afghanistan and Iraq. We are the best example of such violations and your "Black Sites" for torturing prisoners. This, and with your "Abu-Ghurayb" prison in Iraq. Guantanamo camps are witness to all of that.

So, you are the first class war criminals, and the whole world witnesses this. You have no values and ethics and no principles. You are a nation without a religion. On the other hand, we are a great nation, with a great religion, values, ethics, and principles, which we comply with and follow, and we invite people to following our ways. History will testify on our actions. You should look back at Salah Al-Din and how ethically he treated your crusader ancestors that were prisoners to him.

We fight you to defense our nation, our religion, and our land. All heavenly and earthly laws guarantee our rights to do so. We, Muslims, are content with God's book, the Quran, to fight you with. God has granted us to fight, in verse 39, Al-Hajj: ((To those against whom war is waged, permission is given (to fight,) because they are wronged and verily, Allah is most powerful for their aid.))

God stated in his book, verse 190, Al-Baqara: ((And fight in the way of Allah those who fight you, but be not the transgressor, Allah likes not the transgressors.))

*With regards to the seventh accusation, "Hijacking and/or endangering a vessel or an aircraft":*

In return, we ask you: Which is more dangerous; Hijacking and/or endangering a vessel or an aircraft, or endangering an entire population with a military occupation, killing and endangering innocent civilians by starving them with an economic sanction?

If you do not respect the innocent in our countries, then we will do the same, by exposing you to danger and hijacking in the air, at sea, and land.

In God's book, he ordered us to fight you everywhere we find you, even if you were inside the holiest of all holy cities, The Mosque in Mecca, and the holy city of Mecca, and even during sacred months.

In God's book, verse 9, Al-Tawbah: ((Then fight and slay the pagans wherever you find them, and seize them, and besiege them and lie in wait for them in each and every ambush.))

Remember, that you are the ones who attacked the Iranian civilian aircraft, flight 655, in 1988 with your Cruise missiles over the Hormuz straits, killing all of its 290 passengers, among them 66 children. They are still shedding tears today over your victims. Does your blood have a value and the blood of Muslims not?

*With regards to the "Terrorism" accusations:*

Who are the real terrorists? Is it us, or is it you? America is the terrorist country number one in the world. It has nuclear weapons of mass destruction, and the hydrogen bombs, and the biological weapons, and its ocean fleets are around the world, threatening countries' security and safety and any country that is not subjected to its oppressed will.

In addition, America is the main shepherd of the main support to the Israeli terrorism against Muslims in the occupied state of Pal-

estine, and also support and bond with the terrorist governments of the Arab and Islamic world, which, in turn, oppress and suppress their own people that are calling for freedom, and the application of Islamic law.

We do not possess your military might, not your nuclear weapons. Nevertheless, we fight you with the almighty God. So, if our act of Jihad and our fighting with you caused fear and terror, then many thanks to God, because it is him that has thrown fear into your hearts, which resulted in your infidelity, paganism, and your statement that God had a son and your trinity beliefs.

God stated in his book, verse 151, Al-Umran: ((Soon shall we cast terror into the hearts of the unbelievers, for that they joined companies with Allah, for which he has sent no authority; There place will be the fire; and evil is the home of the wrongdoers.))

God also stated in his book, verse 60, Al-Anfal: ((Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into the heart of the enemies of Allah and your enemies.))

Also, God has informed us, in his book, of what is in your heart from fear and terror towards us, and that you fear and have been terrorized from us more than God himself. Verse 13, Al-Hashir: ((Of a truth you (Muslims) are more feared in their (the infidels from Christians, Jews, and others) hearts, than Allah. This is because they are men devoid of understanding.))

Therefore, you do not fight us face-to-face, man-to-man. But rather, you fight us from behind roadblocks, trenches, and warplanes, which are thousands of feet in the air.

Your status in Iraq and Afghanistan does not need any further explanation. God has demonstrated to us your mental and your defeated fighting moral status.

God has stated in his book, verse 14, Al-Hashir: ((They fight not against you even together, except in fortified townships, or from behind walls, their enmity among themselves is very great, you would think that they were united, but their hearts are divided. That is because they are a people who understand not.))

Our prophet was victorious because of fear. At a month distant, the enemy did not hear from him.

So, our religion is a religion of fear and terror to the enemies of God: the Jews, Christians, and pagans. With God's willing, we are terrorists to the bone. So, many thanks to God.

The Arab poet, Abu-Ubaydah Al-Hadrami, has stated: ((We will terrorize you, as long as we live with swords, fire, and airplanes.))

*With regards to the ninth accusation, "Material support to terrorism":*

America is the number one, and the largest country in the world, in spreading military might and terrorism. Also, America is the principle and greatest supplier to the occupying terrorist state of Israel in Palestine. Also, America supports and finances the terrorist regimes that govern the countries of the Arab world, such as Egypt, Saudi Arabia, and Pakistan.

Nevertheless, we are defending our rights, land, religion, and our oppressed Muslim brethrens around the world. Therefore, we would spend all of our money and properties for this cause. This is not strange, since Muslims are all part of the same Umma.

We will make all of our materials available, to defend and deter, and egress you and the filthy Jews from our countries.

God has ordered us to spend for Jihad in his cause. This is evident in many Quranic verses.

Verse 195, Al-Baqara: ((And spend of your substance in the cause of Allah, and make

not your own hands contribute to your destruction, but do good; for Allah loves those who do good.))

We ask to be near to God, we fight you and destroy you and terrorize you. The Jihad in god's cause is a great duty in our religion. We have news for you, the news is: You will be greatly defeated in Afghanistan and Iraq and that America will fall, politically, militarily, and economically. Your end is very near and your fall will be just as the fall of the towers on the blessed 9/11 day. We will raise from the ruins, God willing. We will leave this imprisonment with our noses raised high in dignity, as the lion emerges from his den. We shall pass over the blades of the sword into the gates of heaven.

So we ask from God to accept our contributions to the great attack, the great attack on America, and to place our nineteen martyred brethren among the highest peaks in paradise.

God is great and pride for God, the prophet, and the believers. . . .

Signed: The 9/11 Shura Council  
Khalid Sheikh Mohammed  
Ramzi bin As-Shibh  
Walid bin 'Attash  
Mustafa Ahmed Al-Hawsawi  
'Ali 'abd Al-'Aziz 'Ali  
Sunday, 3/1/1429h  
Guantanamo Bay, Cuba

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MR. REID. Madam President, I certainly agree with the Republican leader about AIG. If I were in the AIG administration, I would recommend they give back those bonuses. Remember, we as a Congress are not defenseless. We can also do things. Senator BAUCUS, chairman of the Finance Committee, is going to make a proposal that will certainly send a message to the people at AIG and others who try to benefit from the hardships the American people face. So in the next 24 hours, you will hear from the chairman of the Finance Committee, Senator BAUCUS, that AIG's recipients of these bonuses will not be able to keep all their money. That is an understatement.

Also, regarding Guantanamo, I think we should not make this a political issue. JOHN McCAIN has come out in favor of this. "I think that it's a wise move," McCAIN said about closing Guantanamo Bay. So this is something President Obama is not out there alone on.

#### AMERICA'S ECONOMY

MR. REID. Madam President, 8 years of greed and negligence have left our country with the worst economic crisis since the Great Depression. President Obama took office in an economic climate that no President would relish: staggering job loss, the largest national debt in history, a frozen credit market, major banks teetering on the edge of insolvency, a record foreclosure rate forcing millions of families to lose their jobs and their homes, a stock market in freefall, leaving senior citizens to put retirement on hold and putting the economic security of millions more at risk.

The first job of any doctor is to stabilize a patient. In the first 2 months of