



The Honorable Harry Reid  
Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Mitch McConnell  
Minority Leader  
United States Senate  
Washington, DC 20510

Dear Leader Reid and Leader McConnell:

We write to express our strong opposition to the Ayotte amendment to H.R. 2112, which would severely curtail the ability of the Executive branch to prosecute alleged terrorists in Federal court.

The amendment represents an extreme and unprecedented encroachment on the authority of the Executive Branch to determine when and where to prosecute terrorist suspects. Whether a given case should be tried in an Article III court or before a military commission is a decision that should be based on the facts and circumstances of the case and the overall national security interests of the United States. It is a decision best left in the hands of experienced national security professionals.

If we are to safeguard the American people, we must be in a position to employ every lawful instrument of national power—including both courts and military commissions—to ensure that terrorists are brought to justice and can no longer threaten American lives. By depriving us of one of our most potent weapons in the fight against terrorism, the amendment would make it more likely that terrorists will escape justice and innocent lives will be put at risk.



Leon E. Panetta  
Secretary of Defense



Eric H. Holder, Jr.  
Attorney General