

THE WHITE HOUSE

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PRESS BACKGROUND BRIEFING
BY SENIOR ADMINISTRATION OFFICIALS
ON DECISION TO ACQUIRE THOMSON CORRECTIONAL CENTER

Via Conference Call

1:10 P.M. EST

MS. BRUNDAGE: Hi, everyone. Thank you for joining us today and thanks for your patience. We will just get started. This is a background briefing call with senior administration officials. This call is on background, there is no embargo.

With that I will turn it over to our first senior administration official.

SENIOR ADMINISTRATION OFFICIAL: Hi. Today's announcement that the federal government will acquire the Thomson Correctional Center in Thomson, Illinois, to house federal inmates and a limited number of detainees from Guantanamo Bay, Cuba, is an important step forward as we work to achieve our national security objectives.

The security of the facility and the surrounding region is our number one priority. Thomson would go beyond even maximum security conditions. The facility was built in 2001 as a maximum security prison, with its most restrictive security conditions. The federal facility most comparable to Thomson is the supermax facility in Florence, Colorado, where there have been no escapes and no external attacks.

After Thomson is acquired the Defense Department would add security measures, including additional external perimeter security, making it the most secure facility in the nation.

The plan to acquire Thomson enjoys widespread local support and will have a positive economic benefit in the region. An analysis by the Council of Economic Advisers

show that this will create an estimated 3,000 new jobs in the region, with almost half going to local residents. Illinois law enforcement authorities have also endorsed this plan, along with two Republican former governors and more than 30 villages, towns, cities, counties, chambers of commerce and other community and business organizations in the region.

This is one of the first steps in this acquisition process and we'll continue to work closely both with Congress and the state and local officials on the next steps to acquire the Thomson facility and close Guantanamo in a timely, secure and lawful manner.

SENIOR ADMINISTRATION OFFICIAL: Hi, everybody. As you know, the President has made clear that closing the detention facility at Guantanamo Bay is essential to protecting our national security and helping our troops by removing a deadly recruiting tool from the hands of al Qaeda. This is supported by the nation's highest military and civilian leaders who prosecuted the fight against global extremists and al Qaeda under the previous administration and continue to do so today.

Federal prisons securely house more than 340 inmates with a nexus to or history of international or domestic terrorism. For example, al-Marri, an al Qaeda sleeper agent convicted earlier this year, is currently imprisoned at the federal correctional institute in Marion, Illinois. U.S. prisons also hold Ramzi Yousef, Richard Reid and the Blind Sheikh, Abdul-Rahman, as well as Theodore Kaczynski and Terry Nichols.

The President has no intention of releasing any detainees into the United States. Current law effectively bars the release of Guantanamo detainees on U.S. soil and the federal government has broad authority under current law to detain an individual during removal proceedings and the pending execution of final removal orders.

Detainees do not get visits from friends or family. They get visits from their attorneys, law enforcement officials and the International Committee of the Red Cross. They will be housed separately within the facility from other federal inmates. Federal departments and agencies, including the Departments of Homeland Security, Justice and Defense, will work closely with their state and local law

enforcement colleagues to identify and mitigate any risks, including by sharing information through the state fusion center, and working with federal joint terrorism task forces to ensure that all information is shared across agencies and among federal, state and local authorities.

I'd just close by noting that I'm looking at an analysis done by a U.S. government agency of several pages of instances of al Qaeda continuing to this day to use Guantanamo Bay -- the detention facility at Guantanamo Bay to support their recruitment efforts as they continue to plot against the United States, our allies and our interests.

So today is an important step forward in the President's goal of protecting the American people, ensuring that the detainees at the Guantanamo Bay facility face swift and certain justice in a way that they have not now for over eight years, and that will ultimately keep the American people safer.

Q Hi, there. I'm trying to understand a section of the letter to Governor Quinn as well as what Senior Administration Official B just said about transferring detainees to U.S. soil under current law. My understanding of the law -- and maybe I'm wrong -- was that it prohibited the administration from transferring the detainees at Guantanamo Bay to U.S. soil, and that would include prisons on U.S. soil. Is that not your understanding? Are you under the impression that transferring detainees to prisons on U.S. soil is not the same thing as transferring detainees to U.S. soil?

SENIOR ADMINISTRATION OFFICIAL: Congress has enacted several provisions that govern this. It is permissible under current law to bring in detainees for purposes of prosecution. That would include both federal courts and military commissions. There is a question about whether detainees could be brought in without prosecution. And I don't think it would make any difference whether it was at a prison or in a different facility within the United States.

Q My impression also was that Thomson is also going to be used for -- well, my impression is that this is not -- that Thomson is not for individuals who will be tried in U.S. criminal courts; it's for individuals who will be

tried in the military commissions, those who will be indefinitely detained in that fourth category, as well as individuals who are going to be transferred to foreign countries. So assuming that's true, then those who are going to be indefinitely detained at Thomson are not being brought in for prosecution, they're being brought in for detention indefinitely. So that would be a violation of current law?

SENIOR ADMINISTRATION OFFICIAL: A couple things: One, the provisional law that you're referring to I think was included in the DHS appropriations bill, which would allow for the transfer to the continental United States of detainees to face trial. So the short answer to your question -- and is also in the Interior appropriations bill, so the answer to your question is that there is -- it is not a violation of the law, one.

Two, as it relates to your question, in terms of the categories that the President spelled out in the Archives speech, and this process during which he's been quite transparent and candid with the American people: Those who will face trial in Article 3 or federal courts will be transferred directly to that jurisdiction. Those who will be transferred to the custody of our friends or allies overseas will be not transferred to the United States and then transferred further on but rather directly from Gitmo, transferred.

As it relates to, then, those who would face trial in military commissions, several of those have already been -- several individuals have already been named in that process. Those will be housed at Thomson. And the proceedings will proceed from there.

The last category, which the President suggested -- you called indefinite detention, and which the President indicated in his speech at the Archives may -- we may in fact have to address. The fact of the matter is, this review is ongoing. There are no specific cases to date that meet that standard that the President has signed off on. And so I don't want to jump to any conclusions on that. But I think that should elucidate the example that you talked about.

Q Hi. Thank you for doing the call. Just a quick follow-up to what Jake was asking. Is it -- did I

understand you say it's not your view -- it's your view that Congress does not have to change the law in order for this plan to proceed? And are you saying that you don't intend to seek that?

SENIOR ADMINISTRATION OFFICIAL: Thanks, Christi. Let me be clear here. We are in touch with Congress and we continue to be in close touch with Congress. We will need some change of law and we will need some funding, obviously, from Congress to do that. And so that's why we'll -- that's why we are sending some answers to questions to members, for example, of the Illinois delegation today. That's why we're continuing to work very closely with Congress as we have consulted throughout this process. And that's why the President has been as transparent as he has been, including with the speech at the Archives earlier this spring.

Q So can I -- let me ask then, too -- how many people are you planning to send to Thomson, and did I understand you to say that this is both long-term detainees and those awaiting military commissions?

SENIOR ADMINISTRATION OFFICIAL: We haven't specified a specific number. This is -- obviously as you -- as we've briefed you all a number of times throughout this process, we've -- we're going through these cases with a fine-tooth comb, with proven prosecutors and experienced professionals, to ensure that we try these individuals in the forum that is most appropriate.

We anticipate a limited number of detainees at this facility. We believe that we've been -- the President has been very clear and named individuals that will be tried heretofore in the military commissions; they will be housed at the facility. And notionally, the facility would obviously allow for the extension of some number of detainees who the President outlined in the Archives speech as not being triable either in federal courts or in military commissions. But we have not identified anybody in that category yet. But notionally, to your question, it would allow for -- it would be a facility for such a detention.

But I do want to make clear here, if I wasn't, that it would be a violation of current law to transfer individuals from Gitmo to Thomson for any purpose other than

prosecution, and that's the change -- that's some of the change we're going to be looking for.

Q Okay, thank you. That clears that up. Thank you.

Q Hi. Have you made -- you said notionally some of the long-term detainees would be held in Thomson. Has there been any decisions in terms of what sort of review there would be of that detention in terms of -- would the ARBs or CSRTs that the DOD has done continue, or would there also be federal court oversight of that detention at Thomson?

SENIOR ADMINISTRATION OFFICIAL: I think throughout this process, including right after the Archives speech and then again in the middle of summer, we get to hear the briefings by an interagency team about the process that was undergoing. And in the event that there is a requirement to -- among this group of detainees apparently housed at the Guantanamo Bay facility -- in the event that any of those did fall in to the President's -- the category the President talked about, they would be subject to court oversights by encouraging and -- encouraging the habeas review. They would be subject -- subject to periodic review thereafter, both as it relates to intelligence and otherwise, and to a threat assessment.

And then of course, they would be held pursuant to statutory authority granted to the President by Congress, and the AUMF of 2001, and that authority was of course, as you know, underscored by a ruling by the Supreme Court.

But the bottom line is we're trying to get to zero here on the detainees. And if we have to detain any without trial, we will only do so as a last resort. And as the President made very clear in that Archives speech, it would not be the decision of one man alone, but would be a decision subject to review and oversight by Congress as well as the judicial branch.

Q Hi, how are you? Just a follow up, you mentioned that some of the detainees going to Thomson will be ones who will be tried by the military commissions. Does that mean you're going to hold those proceedings at Thomson, or where are the commission proceedings going to be held?

SENIOR ADMINISTRATION OFFICIAL: Yes, I think the plan would be to hold the military commission trials at the Thomson facility.

Q Hi, thanks for having the call. I was wondering if you could talk a little bit about the decision on how it was made not to use the Standish Correctional Facility in Michigan.

SENIOR ADMINISTRATION OFFICIAL: We obviously looked at a number of facilities, and all have their merits, but the bottom line is that no facility was as solid and as good as the Thomson facility. It's really an amazing facility, and anybody who takes a tour will immediately agree that it sells itself. It's already built to maximum-security specifications. It's relatively new, having been built just in 2001. And it's virtually empty, so we won't be displacing any inmates. In fact, it's big enough to allow for maximum operational flexibility and security, as well as ease some of the crowding in federal facilities generally. So this is an example of Thomson really making the case for itself.

Q Would that have been the case even if there had been public support for it in Michigan? I mean, that's not what turned this case, it doesn't sound like.

SENIOR ADMINISTRATION OFFICIAL: You know, it's just the fact that, as I said, that it just basically went to this facility based on the merits, and the merits alone.

Q Thank you.

Q Thank you. I wondered if you could give some sense of a time frame of when transfer to Thomson might happen, or when the prison would be ready. And I wonder if you could give a clearer idea of the difference between maximum security, which it is, and supermax, if there is a difference, or is supermax just sort of a media term that we all use?

SENIOR ADMINISTRATION OFFICIAL: You know, I think as my colleague indicated, the facility at the end of the upgrades will in effect be for all intents and purposes fundamentally comparable to the supermax facility in Florence. That's one.

Two, as it relates to the timeline, we're obviously working very closely with Congress as well as with the state and local officials, and we're going to do this by the book and we're running traps on all those things now. And so we're not going to get ahead of ourselves by laying out that kind of specific date for you on the call today, but we are obviously pressing ahead on this, consistent with our view that -- and the President's view that the maintenance of the facility at Guantanamo Bay is a national security challenge for us and it's in the national interest for us to move with dispatch to close it.

Q Hi, gentlemen. Thanks for the call. I just want to go back over an answer that was just given by one of the senior administration officials, because the letter to Governor Quinn said the -- after the acquisition, the perimeter security will be enhanced to "exceed standards at the nation's only supermax prison." So should we believe the letter, that in some cases the security will be better or more robust than the supermax at Florence?

SENIOR ADMINISTRATION OFFICIAL: Why don't I let you get it straight from the expert here, Major.

SENIOR ADMINISTRATION OFFICIAL: Thomson was already built to maximum security specifications by the state. It's a 146-acre reservation. It's got dual-sided electric stun fencing, hundreds of cameras on a fiber optic surveillance network, armed outer and perimeter towers. So it's already built to maximum security.

When the Defense Department comes in, it would add additional upgrades to those, including additional perimeter fencing that would be more secure than -- there's only one supermax right now in the country; that's in Florence, Colorado. So that external perimeter security would be more secure than that facility.

Q And just to follow up on a line of questioning already -- I want to make sure I understand. When you talk about going to Congress, there has been a long dialogue going as to whether or not there needs to be a legislative mandate that specifically authorizes this administration or any future administration to indefinitely detain some of these suspects. Now, it has long been argued by this White House that the existing military authorization to use force in Afghanistan sufficiently covers that; there's been a

rather robust constitutional debate about that. And what I'm curious is, when you say you're going to go to Congress to deal with the indefinite detention issue, are you going to seek specific separate legislative authority to indefinitely detain some of these suspects, whether it's at Thomson or anyplace else?

SENIOR ADMINISTRATION OFFICIAL: Major, I think you're absolutely right that there's been a long discussion with Congress. We refer to it as consultation. We take it very seriously. And we think that it's vitally important that Congress be a co-equal player in this undertaking, given the extraordinary impact it has on our national security.

There is not, though, a debate about whether there is statutory obligations -- statutory capacity to detain individuals. In fact, the AUMF, it was ruled by the Supreme Court, does grant the President that authority. And in fact, it's that authority that allows him to detain individuals at Guantanamo Bay facility now.

Q But as you said -- as you said, in his speech he said "no one man," leaving the impression, in the minds of some, that he would seek congressional authority.

SENIOR ADMINISTRATION OFFICIAL: Right, and that's why I mentioned before, Major, that the President has long held that the habeas reviews are exactly the right judicial oversight for this; that he has made very clear that we will continue to allow periodic reviews of individual detention, and that continues to be our view that the AUMF, as bolstered by the Supreme Court ruling, did grant the President that authority.

Q And do you have any idea when detainees might start arriving at Thomson?

SENIOR ADMINISTRATION OFFICIAL: We don't. I'd just refer you to the question that just came from -- that just came from our colleague from the British paper.

MS. BRUNDAGE: That's all we have time for today. Thanks, everybody.

END

1:35 P.M. EST