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- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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# United States Senate

WASHINGTON, DC 20510

707969

PO

October 4, 2006

The Honorable George W. Bush  
President of the United States  
The White House  
Washington, DC 20500

Dear President Bush:

We are writing to express our serious concerns about your Administration's failure to monitor all mail to and from convicted terrorists in federal prisons. Your Administration's disregard for this basic surveillance obligation leaves our nation at grave risk.

As you know, the Federal Bureau of Prisons (BOP) is supposed to carefully screen 100% of mail sent and received by high-risk inmates, including convicted terrorists. When the mail is in a foreign language, the BOP is expected to have the mail reviewed and translated by someone fluent in that language. The BOP is also supposed to monitor the verbal communications of convicted terrorists over the telephone, in visiting rooms, and in the cellblock.

These screening requirements are intended to address the real threat posed by terrorists in our prisons. For instance, in March 2005, news reports indicated that three convicted terrorists at the federal penitentiary in Florence, Colorado, who were imprisoned for the 1993 bombing of the World Trade Center had written approximately 90 letters to Islamic extremists between 2002 and 2004. Some of these letters were written to members of a Spanish terror cell with links to terrorists suspected in the March 2004, train bombings in Madrid.

However, in a report released yesterday, the Department of Justice Inspector General (IG) Glenn Fine concluded that "the BOP has not ensured that mail for terrorist and other high-risk inmates on its monitoring lists is consistently read and analyzed to detect terrorism, criminal activities, or other inappropriate behavior." As a result, according to the IG report, "the threat remains that terrorist and other high-risk inmates can use mail and verbal communications to conduct terrorist or criminal activities while incarcerated."

The failure to monitor the communications of these deadly terrorists already in captivity calls into question your ability to wage an effective war on terror and competently conduct intelligence operations that are crucial to keeping our nation safe.

Among the report's findings are the following:

- At 7 of the 10 prisons surveyed by the IG, the amount of mail involving convicted terrorists that was monitored has decreased since FY 2005 because of BOP cost-cutting initiatives. At one federal prison, only 0.3% of mail for all inmates was randomly screened by BOP staff.

- The BOP did not hire any full-time Arabic language specialists to translate inmate communications until 2005 – four years after the 9/11 attacks.
- The first group of Arabic language specialists hired by BOP received no counterterrorism intelligence training during their first year of employment that would help them analyze the mail they were reading.
- At one prison, only 3 out of 1,385 (0.2%) calls involving high-risk inmates, including convicted terrorists, were monitored during the month of August 2005. The prison also housed organized crime figure John Gotti, Jr., who was awaiting trial for kidnapping and racketeering, and none of his 50 phone calls during that month were monitored.
- The BOP did not audio record the social visits of terrorist inmates, and according to the IG report, “the BOP may be missing opportunities to detect terrorist or criminal activity.”
- There is wide variation in the amount of information shared between the BOP and FBI regarding terrorist inmates. At one federal prison, the three FBI agents responsible for terrorism matters were not even aware that there were two inmates who were incarcerated for international terrorism crimes. The prison staff at another facility learned from a news article, rather than the FBI, that an international terrorist housed at their prison was a high-ranking member of al Qaeda and had trained to be a bodyguard for Osama bin Laden.

We urge you to take immediate action to ensure that the Bureau of Prisons remedies this serious security failure. In the War on Terror, there is no excuse for any agency to allow terrorist activity in its midst. The Department of Justice and the Bureau of Prisons must stop convicted terrorists from engaging in terrorist communications.

We ask that you respond by October 13, 2006, as to the steps that you are taking to address this problem. Thank you.

Sincerely,



Harry Reid  
Senate Democratic Leader



Barack Obama  
United States Senator