

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<https://oversight.house.gov>

August 2, 2024

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Dear President Biden:

The Committee on Oversight and Accountability is investigating what involvement the White House had in negotiating and/or approving the recently announced plea deal for three terrorists who plotted the devastating attacks against the United States on September 11, 2001. The Committee is seeking documents and information to understand the role your Administration played in these negotiations and the ultimate decision to forgo seeking the death penalty for three individuals who are charged with, among other crimes, the murder of 2,976 people.¹

On July 31, 2024, the Department of Defense (DOD) Office of the Chief Prosecutor for Military Commissions communicated to families of the September 11, 2001 terrorist attack victims that the office had entered into pre-trial agreements with three defendants in the *United States v. Khalid Shaikh Mohammad, et al.* case (KSM proceedings).² After over a decade of pretrial proceedings, Khalid Shaikh Mohammed, Walid Bin ‘Attash, and Mustafa al Hawsawi have allegedly agreed to plead guilty to charged offenses, but only on the condition that the U.S. government not seek the death penalty as punishment for their charges.³

The pre-trial agreements followed 27 months of negotiations and were approved by senior Pentagon officials.⁴ This timeline falls entirely within your Administration. However, the White House Security Council claimed, “the President’s office was told on Wednesday [July 31, 2024] of the new deal and had played no role in the negotiations.”⁵ That White House officials and you, as President and Commander in Chief, would seek to distance your Administration from this decision is understandable given how absurd it is, but it is far from believable or appropriate.

¹ Charge Sheet: Khalid Sheikh Mohammed et al. (May 31, 2011), *available at* [https://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20\(Sworn%20Charges\).pdf](https://www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20(Sworn%20Charges).pdf).

² Letter from Office of the Chief Prosecutor for Military Commissions, U.S. Department of Defense to the Families of the September 11, 2001 Victims (July 31, 2024).

³ Carol Rosenberg, *Accused Sept. 11 Plotters Agree to Plead Guilty at Guantanamo Bay*, THE NEW YORK TIMES (July 31, 2024).

⁴ *Id.*

⁵ Max Matza, *Three men accused of plotting 9/11 reach plea deal – Pentagon*, BBC NEWS (August 1, 2024).

The Committee aligns with the sentiment expressed by retired police officer, Kathy Vigiano, wife of New York Police Department detective, Joseph Vigiano, who was killed on 9/11, when she stated:

I am angry and disappointed that enemy combatants who killed thousands of Americans in our homeland are now able to exploit the U.S. judicial system to their benefit, receiving support from American taxpayers for shelter, food, and healthcare for the rest of their lives.⁶

In addition to questions surrounding the White House's role in this decision, the Committee is also concerned about the complete lack of transparency regarding the deal. The specific terms of the pre-trial agreements remain undisclosed to the public or families of the victims. You are allowing these terrorists to avoid the death penalty, signaling to our enemies that the United States is reluctant to pursue full justice against those who attack our nation.

To assist its investigation, the Committee requests the following documents and information, covering the time period January 20, 2021 to the present unless otherwise indicated, as soon as possible, but no later than August 16, 2024:

1. A complete and unredacted copy of the pre-trial agreements entered into with defendants in the KSM proceedings to forgo seeking the death penalty as a punishment for charged offenses, to include any ancillary or referenced materials related to such agreements;
2. All documents and communications between the White House and DOD relating to the pre-trial agreements in the KSM proceedings referenced in the July 31, 2024 letter to families of victims of the September 11, 2001 terrorist attacks (the pre-trial agreement);
3. All documents and communications between the White House and DOD related to the KSM proceedings, including but not limited to any discussion on the decision to not seek the death penalty as a possible punishment for charged offenses;
4. All documents and communications from the White House containing the terms "KSM", "Khalid Shaikh Mohammed", "Walid Bin 'Attash", and/or "Mustafa al Hawsawi" or any derivation thereof;

⁶ Larry Celona, Caitlin Doornbos, & Chris Nesi, *9/11 mastermind KSM and two other terrorists awaiting trial on Guantanamo Bay strike plea deals*, THE NEW YORK POST (July 31, 2024).

President Joseph R. Biden

August 2, 2024

Page 3 of 3


5. All documents and communications prepared for the President or senior White House officials on any matter related to the KSM proceedings or plea negotiations related to those proceedings, to include but not limited to presentations, briefing memos, and calendar invitations;
6. All documents and communications including but not limited to meeting agendas, minutes, or notes of any meeting involving you, senior White House officials, and/or administration officials where the pre-trial agreements or plea negotiations in the KSM proceedings were discussed,
7. All documents and communications relating to any pre-trial agreements in the KSM proceedings between the White House and the U.S. Department of Justice; and
8. All documents and communications containing any legal opinions provided to the White House regarding potential outcomes and implications of any pre-trial agreements related to the KSM proceedings.

To arrange for the delivery of responsive documents or ask any related follow-up questions, please contact the Committee on Oversight and Accountability Majority staff at (202) 225-5074. Attached are instructions for producing the documents and information to the Committee.

The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

Thank you in advance for cooperating with this inquiry.

Sincerely,



James Comer

Chairman

Committee on Oversight and Accountability

cc: The Honorable Jamie B. Raskin, Ranking Member
Committee on Oversight and Accountability