

24 May 2011

The Honorable Howard P. McKeon  
U.S. House of Representatives  
2184 Rayburn HOB  
Washington, DC 20515

Dear Mister Chairman:

I am writing to offer my support and, frankly, my thanks for the language in the National Defense Authorization Act that reaffirms and updates the language in the 2001 Authorization for Use of Military Force.

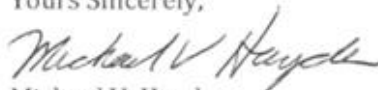
In 2007, speaking to the representatives of our European allies, I attempted to outline for them how we at the CIA—and, indeed, how we throughout the American security community—viewed our task operationally, ethically and legally: winning a conflict against al Qa'eda and its affiliates, a conflict that was global in its scope and which therefore required us to take the fight to this enemy.

Two Presidents, the Congress and the Courts have affirmed that this is indeed true, but this is a different kind of conflict, against a non-state adversary, and there are those who would cloud this question and claim that the laws of armed conflict do not apply and that we should confine our response to other (e.g., law enforcement) models. As time has passed since 9-11, these arguments have become more commonplace and frankly more confusing to those on whom we depend for our safety.

Those whom we have charged with protecting us need clarity in both their mission and in the legal underpinning that justifies it. This Act does exactly that, in unambiguous language, adding yet another Congressional sanction to Presidential statements that a state of armed conflict exists between the United States and al Qa'eda and its affiliates. The Act also reaffirms that activities routinely incident to such conflicts—like detention of enemy combatants for the duration of the conflict—are inherently justified.

This will send a powerful statement to those on whom we depend for our defense: "Press on with our support!" It also sends a powerful message to our adversaries in this conflict: "The American people remain united in their resolve to see this through to success."

Yours Sincerely,

  
Michael V. Hayden