

October 8, 2008

United States Senate
Committee on the Judiciary
Washington, DC 20510-6275

Re: Questions for the Record of Senator Sheldon Whitehouse

Dear Senator Whitehouse:

On September 16, 2008, I testified before the Senate Judiciary Committee, Subcommittee on the Constitution regarding *Restoring the Rule of Law*. This letter responds to your September 24, 2008 request for additional responses to two particular questions.

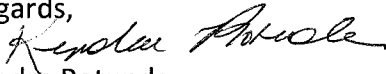
Question 1:

You asked whether I would support the establishment of an independent commission on how to close Guantanamo Bay. The answer is no. For reasons stated in my testimony before the committee on September 16, 2008, I do not think the U.S. should close the detention camp in Guantanamo Bay and therefore I do not support the notion of a commission to explore how to close Guantanamo Bay.

Question 2:

You asked whether I would support legislation authorizing the Chairman and Ranking Member of the Judiciary and Intelligence Committees the authority to declassify evidence. I suppose that Congress could pass a statute granting de-classifying authority to whomever it deems appropriate. But, the Department of Defense has strict guidelines to protect classified information, which also specify procedures to declassify information. These procedures are designed to ensure careful analysis and consideration before allowing any information to be declassified. Extending declassifying authority to any, or all, members of Congress could pose significant national security risks, and could increase the likelihood of security breaches and leaks. To ensure national security and the protection of classified information (particularly during a time of war), I would not support the notion of granting members of Congress the authority to declassify information at their discretion.

Regards,


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