July 24, 2013

Senator Richard Durbin
Chairman
Senate Judiciary Committee
711 Hart Senate Building
Washington, DC 20510

Senator Ted Cruz
Ranking Member
Senate Judiciary Committee
185 Dirksen Senate Building
Washington, DC 20510


Dear Chairman Durbin and Ranking Member Cruz:

As we end combat operations in Afghanistan, we must face the question of what to do with the remaining 166 detainees at Guantanamo. At the end of the Iraq war, we transferred 10,000 detainees from U.S. custody to the government of Iraq. We have already transferred some 4,000 Afghan detainees held as prisoners of war in Afghanistan to their government. These transfers were seen as essential aspects of our national security strategy, and in this respect the transfer of Guantanamo detainees is no different.

What is different is that Guantanamo is a symbol of torture and injustice not befitting a nation that is a beacon of liberty to the world.

As retired generals and admirals, we are sworn to uphold our Constitution, and the laws and the treaties by which our nation is bound. Torture violates the Geneva Conventions, the Convention Against Torture, the Uniform Code of Military Justice, and domestic laws. Moreover, torture is immoral and unreliable, and places our own troops in danger. The torture at Abu Ghraib and Guantanamo diminished our moral standing in the world, and as long as the prison remains open, it will be a dark reminder of our past.
The military commissions at Guantanamo, in their many incarnations, remain illegitimate in the eyes of the world. When the presiding judge cannot answer whether the U.S. Constitution applies and the CIA was discovered to have the ability to censor the proceedings, among so many other delays and questions, the commissions are seen as a poor substitute for justice.

Guantanamo imperils our nation’s ability to secure cooperation and intelligence from our allies abroad. Both the military and the intelligence community are only as effective as the information we collect from partners on the ground, who remain less likely to cooperate so long as the United States turns a blind eye to the rule of law.

There remains a clear path to closing Guantanamo. The 2010 Guantanamo Review Task Force, which included all the relevant security and intelligence agencies, provided a comprehensive framework for moving forward. That work should continue unimpeded by statutory transfer restrictions that impede the work of our Defense, State and intelligence agencies. Our security officials and those of our partners abroad can mitigate the risk of any transfers.

Terrorists aim to sow fear, and thereby to cause us to change who we are. We should demonstrate our moral courage by standing true to our values and laws. Closing Guantanamo is a necessary step forward in reaffirming our commitments to ourselves and to the world. We welcome this Committee’s hearing on Guantanamo and urge the Committee to explore how to remove any remaining impediments to closing the Guantanamo chapter in our history.

Sincerely,

General Joseph P. Hoar, USMC (Ret.)
General Charles C. Krulak, USMC (Ret.)
General David M. Maddox, USA (Ret.)
General Merrill A. McPeak, USAF (Ret.)
Lieutenant General Robert G. Gard, USA (Ret.)
Vice Admiral Lee F. Gunn, USN (Ret.)
Lieutenant General Arlen D. Jameson, USAF (Ret.)
Lieutenant General Charles Otstott, USA (Ret.)
Major General Mari K. Eder, USA (Ret.)
Rear Admiral John D. Hutson, JAGC, USN (Ret.)
Major General Melvyn S. Montano, USAF (Ret.)
Major General William L. Nash, USA (Ret.)
Major General Thomas J. Romig, USA (Ret.)
Major General Walter L. Stewart, Jr., USA (Ret.)
Brigadier General John Adams, USA (Ret.)
Brigadier General David M. Brahm, USMC (Ret.)
Brigadier General Stephen A. Cheney, USMC (Ret.)
Brigadier General James P. Cullen, USA (Ret.)
Brigadier General Evelyn P. Foote, USA (Ret.)
Brigadier General Gerald E. Galloway, USA (Ret.)
Brigadier General Dennis P. Geoghan, USA (Ret.)
Brigadier General Leif H. Hendrickson, USMC (Ret.)
Brigadier General John H. Johns, USA (Ret.)
Brigadier General Keith H. Kerr, CSMR (Ret.)
Brigadier General Murray G. Sagsveen, USA (Ret.)
Brigadier General Anthony Verrengia, USAF (Ret.)