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January 9, 2012

The Honorable Barack Obama
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear Mr. President:

Three years ago, members of our group of retired flag and general officers proudly stood with you in the Oval Office as you signed Executive Orders to end torture and CIA secret prisons, and close the Guantánamo Bay prison facility. The original deadline you set for closing the facility came and went long ago. Although we understand the many obstacles you have faced, we write on this 10-year anniversary of the Guantánamo prison to reiterate our support for an important national security imperative. We urge you to redouble your efforts to shutter the notorious detention center once and for all.

We are deeply concerned that some lawmakers have whipped up hysteria, fueled by false information, that has led Congress to restrict the transfer of the remaining 171 detainees at Guantánamo. We are also extremely troubled that some lawmakers are even advocating a return to the use of secret “enhanced” interrogation techniques for some detainees, a practice that contributed to the notorious acts of torture at the Abu Ghraib prison and to the national security disaster that ensued.

These strategies are self-defeating. Our group of retired Admirals and Generals formed over concerns about the treatment of enemy prisoners in U.S. custody after learning of the abuses at Abu Ghraib and Guantánamo. We came together because we felt responsible for ensuring that our Nation’s interrogation and detention policies comply with the Geneva Conventions and reflect our laws, values and security interests. Collectively, we have served in every war our country has waged since 1941, against every kind of enemy. We know from experience that torture is counterproductive and unreliable. Acting on information derived through abuse is dangerous to our troops and to our nation.

Three years ago, we welcomed your decision to close the secret CIA facilities where torture was taking place. We also applauded your decision to shutter Guantánamo. Unfortunately, ten years after it was first opened, the Guantánamo prison remains in operation. Regardless of the current prison conditions, it is a remote facility hidden from the world with a tragic legacy that remains an effective recruiting tool for our enemies.

The military commissions held there, too, have undermined the United States' reputation for impartial and transparent justice around the world. Although we understand that the commissions have improved since their earliest incarnation, they are still inexperienced courts with separate rules that prevent detainees from fully defending themselves and that do not carry the imprimatur of competence and impartiality that is the hallmark of our Article III courts. As a result, some of our allies now refuse to extradite suspected terrorists to the United States or to share intelligence with U.S. authorities. This undermines our nation's fight against terrorism, both by fueling the anger of our enemies and alienating our strongest allies. Indefinite detention without charge or trial in a war without foreseeable end is likewise a stain on the military and on the United States' security interests, as well as on our ability to project human rights compliance abroad.

When you took action on these issues in your first days in office, you made clear that ending torture and closing Guantánamo were among your highest priorities. They must remain so, until the job is done.

Some have argued against closing Guantánamo, and even opening its doors to new individuals suspected of terror related crimes, by claiming that suspected terrorists do not deserve the protections provided in our federal courts and should instead be subjected to military tribunals. On the contrary, we believe that anyone who has aided or participated in violent terrorist acts should be treated as the would-be mass murderers they are. To bestow on these men the designation of "enemy belligerent" reinforces their claims to be jihadist warriors. They are not warriors. There is neither nobility nor ideological justification in murdering innocent civilians.

These same critics also argue that a trial in federal court will provide a platform for these terrorists to spread their message of hate. In fact, federal courts are much stricter about the sorts of statements defendants can make in court than are the military commissions. Moreover, we are confident that trials in our time-tested federal court system will showcase America at its best, and underscore that we are a nation of laws. In the war of ideals, we can only lose if we forfeit ours.

Terrorists aim to sow fear, and thereby to cause us to change who we are. The Guantánamo Bay prison facility has become a symbol of how the United States jettisoned its most basic principles and values out of fear, rather than rely on reason and our own world-renowned justice system. Guantánamo and the abuses that occurred there have become symbols of victory for al Qaeda, and unfortunately, remain central to its propaganda. It is high time to put a stop to that.

It is time to end the cycle of terror and to project our own values to the world. This is critical, both to countering al Qaeda's hateful ideology, and so that individuals and allied nations with information about terrorist plots will be willing to share that information with U.S. authorities.

We understand the political opposition you have faced in closing Guantánamo, but you too bear responsibility for failing to do so. Your policy of holding detainees indefinitely, perhaps forever, without charge or trial, not only stands in the way of closing Guantánamo, but is unsupportable in a nation of laws. In addition, you did not exercise the authority you had to transfer home those who had been cleared for release or try those suspected of crimes in an Article III federal court, and Congress has now stripped you of those options. You have threatened to veto bills with continued transfer restrictions, but you have not followed through on your veto threats. You must lead, even in the face of political opposition.

These are difficult and momentous issues that will define our nation for decades to come. We know that you have tried over the past three years to fulfill the important promises you made to the American people in your first days in office. But this is a fight that you and our nation cannot afford to lose. We stand ready to support you and urge you to re-commit today to close the Guantánamo prison facility and bring terrorist

suspects to justice in a nation that is not afraid to provide them with due process of law. Doing so will ultimately make Americans more secure on the battlefield, in the skies and here at home, on our own soil.

Sincerely,

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