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STATEMENT BY RETIRED GENERALS AND ADMIRALS CRITICIZING DECISION TO TRY KSM AT GUANTANAMO

April 7, 2011

We are deeply disappointed by the Obama Administration's abdication of leadership this week. By abandoning federal court trials for Khalid Sheik Mohammed and his 9/11 co-conspirators and trying them before commissions at Guantanamo Bay, Attorney General Holder voluntarily relinquished a powerful weapon in our nation's counter-terrorism arsenal: our respected civilian court system that has convicted well over 400 terrorism suspects since 9/11. On January 22, 2009, when members of our group stood behind President Obama as he signed the Executive Order that should have closed Guantanamo by now, we expected better.

Trying KSM and his cohorts in civilian courts would have deprived them of the warrior status they crave and treat them as the criminals and thugs they are. Instead of putting these cases to rest in our proven federal court system, we will now face military commissions whose verdicts the international community will not accept and federal courts may once again overturn. Finally, as long as Guantanamo is open it offers America's enemies a propaganda tool that undermines U.S. efforts to win support in the communities where our troops most need local cooperation to succeed.

To contain the damage of this week's announcement, President Obama should publicly commit to limiting commissions to the 9/11 conspirators. The Department of Justice should bring federal court indictments against others and work with Congress to lift restrictions on federal court prosecutions.

Furthermore, the Obama Administration must vigorously oppose, including with a threat of veto, any effort to expand the reach of Guantanamo. The Obama Administration should make clear that it will not incarcerate any terror suspects captured in the future at Guantanamo. Current bills in the House and Senate would require the FBI and local law enforcement to turn over terror suspects, including U.S. citizens, to the military. A House bill would also forbid extradition of terror suspects to the United States for prosecution, increasing the likelihood they will roam free. Those proposals cannot stand. The Obama Administration must use all the tools needed to counter terrorism and defeat attempts to constrain their use.