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June 15, 2011

Senator Carl Levin
Chairman, Senate Armed Services Committee
Russell Senate Office Building Room 269
Washington, DC 20510

Senator John McCain
Ranking Member, Senate Armed Services Committee
Russell Senate Office Building Room 241
Washington, DC 20510-0303

Dear Senator Levin and Senator McCain:

We are members of a nonpartisan group of forty retired generals and admirals. We believe that our national security policies should adhere to our domestic and international legal obligations.

We write to you to express our concern about certain provisions that may be considered when the Senate Armed Services Committee marks up the National Defense Authorization Act, which we believe would reshape our counterterrorism policies in ways that would undermine our national security.

We oppose any effort to return to torture of terrorism suspects. Enhanced interrogation techniques or torture, in our experience, are counterproductive, unreliable, immoral and illegal.

We oppose any Authorization for Use of Military Force ("AUMF") or "reaffirmation" of an AUMF that expands war efforts against al Qaeda, the Taliban, "associated" forces and their supporters on a global basis. We should treat those who violate U.S. and international law as criminals, not warriors. If there are legitimate national security reasons to counter threats with military force in Yemen, Somalia or any other country, then Congress should hold hearings. Hearings could examine the specific threats and assess the best response.

Lastly, we oppose any provisions that would require that all future foreign terror suspects be sent to Guantanamo or tried before a military commission. We should not turn criminals into warriors by trying them before military commissions. The military's mission should not be expanded to become judge, jury and jailor for all foreign terror suspects. Federal courts have more criminal laws to incapacitate terrorists, more precedent to guide them, and more experience in adjudicating these laws than military tribunals. Federal courts have obtained more than 400 convictions of persons on terror related crimes, while

commissions have convicted only six. We do not support making permanent certain restrictions governing detainees at the Detention Facility at Guantanamo for the same reasons.

If any of these provisions are offered during mark-up of the National Defense Authorization Act, we ask that you oppose them. We believe that strong counterterrorism policies adhere to the rule of law and American values.

Sincerely,

General Joseph P. Hoar, USMC (Ret.)
General Charles C. Krulak, USMC (Ret.)
General Merrill A. McPeak, USAF (Ret.)
General William G. T. Tuttle Jr., USA (Ret.)
Lieutenant General Robert G. Gard Jr., USA (Ret.)
Lieutenant General Charles Otstott, USA (Ret.)
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Major General William L. Nash, USA (Ret.)
Major General Thomas J. Romig, USA (Ret.)
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Brigadier General Evelyn P. Foote, USA (Ret.)
Brigadier General Leif H. Hendrickson, USMC (Ret.)
Brigadier General David R. Irvine, USA (Ret.)
Brigadier General Richard O'Meara, USA (Ret.)
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