



June 9, 2016

Vote “NO” on the NDAA Because It Hinders Closing the Guantanamo Detention Facility and Ending Indefinite Detention without Charge or Trial

Dear Senator:

The undersigned human rights, civil liberties, national security, and religious organizations write to strongly urge you to vote “NO” on S. 2943, the National Defense Authorization Act for Fiscal Year 2017 (NDAA). The harmful and unwarranted transfer restrictions in the current version of the bill will make closing the Guantanamo detention facility much more difficult and continue the practice of indefinite detention without charge or trial. We ask you to vote against the bill.

The Obama administration, in its Statement of Administration Policy (SAP) issued this week, included the Guantanamo transfer restrictions as part of its veto threat, stating that “if the President were presented with S. 2943, his senior advisors would recommend he veto the bill.” The SAP characterizes the Guantanamo transfer restrictions in the bill as “unwarranted;” “attempting to dictate how the Executive Branch conducts foreign policy;” “weaken[ing] our national security by draining resources, damaging our relationships with key allies and partners, and emboldening violent extremists;” in some circumstances, “violat[ing] constitutional separation of powers principles;” and in some circumstances, “interfer[ing] with the ability to transfer a detainee who has been granted a writ of habeas corpus.”

The Senate version of the NDAA has the most onerous restrictions on transferring detainees out of Guantanamo of any NDAA on the Senate floor in the entire 14-year history of Guantanamo. In addition to continuing the current foreign transfer restrictions and the ban on transfers to the United States, except for medical care, the Senate NDAA includes an unprecedented provision that bans transfers to dozens of countries, including close U.S. allies, where the State Department has issued a travel warning—which, as the Obama administration’s

SAP states, “are designed for the unrelated purpose of conveying information to individual tourists and other travelers about potential dangers associated with travel to those countries.” There is no national security justification for barring all transfers to countries on a State Department list that the government has long provided for reasons that are wholly unrelated to Guantanamo.

The transfer restrictions in the NDAA would further the inhumane continued and indefinite detention of men at Guantanamo Bay, squander scarce resources, and—according to top national security officials under both the Bush and Obama administrations—make us less safe. We urge you to vote “NO” on this bill or any version of the bill that does not fix the onerous Guantanamo provisions.

Thank you for your attention to this issue, and please call on any of us with any questions.

Sincerely,

American Civil Liberties Union
Amnesty International USA
Bill of Rights Defense Committee
Constitution Project
Council on American-Islamic Relations
Defending Dissent Foundation
Friends Committee on National Legislation
Human Rights First
National Religious Campaign Against Torture
Physicians for Human Rights
Win Without War