



July 28, 2010

RE: Vote "YES" on Gingrey Amendment #2 to Bar DoD Renovation or Construction of Facilities in U.S. for Housing Guantanamo Detainees

Dear Representative

The American Civil Liberties Union strongly urges you to vote "YES" this afternoon on Gingrey Amendment #2 to the Military Construction appropriations bill. The amendment would bar the Department of Defense from using any funds appropriated by the legislation for the renovation or construction of any facilities within the continental United States for the purpose of housing any of the detainees now held at Guantanamo.

There is a right way and a wrong way to close Guantanamo. To date, many of the steps the Obama Administration has taken--with the support of many members of Congress--have been in the direction of closing Guantanamo the right way. The Obama Administration has worked hard to make charging decisions for detainees whom the government believes should be prosecuted in federal criminal courts in the United States, has closely collaborated with important allies of the United States in repatriating and resettling detainees cleared for release, and has continued the process of clearing detainees for release or transfer. The Obama Administration should continue all of these steps until the population at Guantanamo reaches zero.

Closing Guantanamo the right way does NOT require the Defense Department to renovate or construct any prisons or other housing facilities in the United States itself. Given the current statutory bar on release into the United States, the only reason any Guantanamo detainee should be brought to the United States itself should be to be prosecuted by Justice Department prosecutors in federal criminal court, or to serve a sentence in a Bureau of Prison facility. There is no role for the Defense Department in renovating, constructing, or running any facility in the United States itself for any transferred Guantanamo detainees.

Although it might not be the intent of the Gingrey Amendment, its beneficial effect would be to block one avenue to closing Guantanamo the wrong way. The Gingrey Amendment would effectively prohibit the use of the Thomson prison in Illinois and other facilities for use as domestic sites for either continued indefinite detention without charge or trial of Guantanamo detainees or continued use of military commissions. Indefinite detention by the Defense Department at Thomson cannot happen without new construction, and the Gingrey Amendment would block such construction. Indefinite detention and military commission practices should end--and certainly should not be relocated from Guantanamo to United States soil.

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The ACLU has consistently urged you to support closing Guantanamo and to support the Justice Department's prosecutorial discretion to bring Guantanamo detainees to the United States for prosecution. In furtherance of those objectives, we now urge you to vote for the Gingrey Amendment as a way to ensure that the worst practices remaining at Guantanamo--particularly indefinite detention without charge or trial--do not become institutionalized in any prison within the United States itself.

Please vote "YES" on Gingrey Amendment #2.

Sincerely,

A handwritten signature in black ink, reading "Laura W. Murphy". The signature is fluid and cursive, with the first name "Laura" being the most prominent.

Laura W. Murphy
Director, Washington Legislative Office

A handwritten signature in black ink, reading "Christopher E. Anderson". The signature is cursive and somewhat stylized, with the first name "Chris" being the most prominent.

Senior Legislative Counsel