

12 February, 2015

President Barack Obama
The White House
1600 Pennsylvania Ave, NW
Washington, D.C. 20500

Dear Mr. President:

As you are well aware, the Department of Defense has, since shortly after September 11, 2001, detained at Guantanamo Bay, Cuba dangerous individuals the U.S. government has designated as unlawful enemy combatants. Yet, shortly after you took office in January of 2009, you issued an Executive Order mandating the closure of the detention/interrogation facilities at that installation (popularly known as Gitmo.)

In the intervening period, you have transferred a number of those detainees to foreign countries, particularly during the past several months. You also reiterated in your 2015 State of the Union address your intention to close Gitmo and appear intent on removing from that secure facility the unlawful enemy combatants – jihadists that have been officially described as “the worst of the worst” – still confined there.

Meanwhile, public reports indicate that the Castro regime has demanded that the United States surrender Gitmo as part of any arrangement for normalization of relations between the United States and Cuba. As you have made a priority of achieving such a restoration of ties, you may feel tempted to accede to this demand.

Our past experience as military, intelligence, law enforcement and security policy professionals leads us to believe that the continued transfer of detainees out of Gitmo to foreign countries, and potentially into the United States, threatens national security and public safety. This is particularly true given events of recent weeks, during which we have seen a resurgence of al Qaeda, Islamic State and other jihadist organizations eager to deploy operatives both abroad and, if possible, here at home to carry out attacks against the West.

The statistics concerning the recidivism rates of former Gitmo detainees should be cause for you to suspend indefinitely all overseas detainee transfers. According to the Office of the Director of National Intelligence, approximately thirty percent of detainees who have been transferred out of Gitmo since detainee operations were first established there – under the previous administration as well as your own – have either been confirmed as having reengaged on the battlefield, or are suspected of having done so. The actual number could well be considerably higher.

Some of the former Gitmo detainees who have definitely resumed their jihad include: Abu Sufian bin Qumu, now the leader of a group that participated in the attacks on our facilities in Benghazi; Ibrahim al-Rubaysh, now a senior leader of Al Qaeda in the Arabian Peninsula; and Mazin Salih Musaid al-Alawi al-Awfi, also a senior leader of Al Qaeda in the Arabian Peninsula. There are press reports that at least one of the Taliban commanders exchanged for Sergeant Bo

Bergdahl has already returned to the fight. Such individuals pose a direct threat to our military and diplomatic personnel overseas, as well as to our civilian population domestically.

While U.S. law prohibits the transfer of Gitmo detainees to the United States, or the construction/modification of facilities within the United States for that purpose, your former State Department envoy for Guantanamo closure, Cliff Sloan, has indicated to the media that your strategy is eventually to make the case to Congress that the “small core” that may remain after further foreign transfers take place should be transferred into the United States for detention. We believe that such a transfer into the United States would be unacceptable on both the domestic security and legal grounds.

For example, the transfer of detainees to U.S. prisons or military bases would turn those facilities – and the nearby civilian populations – into high-probability terrorist targets. In addition, convicted terrorists are known to have plotted or facilitated attacks while incarcerated in our penal institutions. For example, Sayyid Nosair helped plan the first World Trade Center bombing from a U.S. prison. And Sheikh Omar Abdel Rahman (a.k.a. the “Blind Sheikh”) ran the *al-Gama’a al-Islamiyya* terrorist organization from a U.S. prison.

Moreover, once inside the prison system, detainees will be better positioned to argue that prison security practices violate their rights and need to be altered. That was the case when “shoe-bomber” Richard Reid asserted the Special Administrative Measures (SAMs) interfered with his free exercise of religion. The Department of Justice chose in response to lift the SAMs at Supermax.

Furthermore, once on U.S. soil, detainees will argue that they are entitled, by virtue of their physical presence here, to a range of constitutional protections that can only, they will argue, be realized in our defendant-friendly civilian criminal court system. At least, some federal judges can be expected to entertain such a contention.

Given the circumstances surrounding the capture of these detainees – often on foreign battlefields – civilian prosecutors will likely be forced to choose between revealing classified evidence to secure a conviction, and dropping charges. Such a scenario begs the question of what we will have to do with detainees who, once here in the U.S., cannot be tried and cannot be sent overseas. The options at that point will be either to detain these terrorists inside the U.S. indefinitely, without trial and possibly in the face of court orders dismissing their cases, or *release them here*.

Additionally, proponents of closing detention operations at Gitmo often argue that the facility’s existence is a “recruiting tool” for terrorists. This ignores the fact that the United States was repeatedly attacked by terrorists during the decades *prior* to the commencement of detainee operations at Gitmo, including on September 11, 2001. To suggest that Gitmo fuels terrorism ignores history and the reality that the terrorism of greatest concern today is, and has long been, driven by jihadist ideology. Gitmo does not fuel global jihad; rather, it is global jihad that necessitates Gitmo.

That said, there is some truth to the idea that Gitmo has symbolic value to our enemies: It is certain that they would, quite properly, consider its closure a signal victory in their determined effort to demonstrate our submission and enlist new recruits to their cause.

It is also our professional judgment that surrendering to the Castro regime control of the U.S. naval facility at Guantanamo Bay, with its deep water port and airfield, would be a strategic mistake of the first order.

Quite apart from its use over the past thirteen years for detainee operations, Gitmo has served a vital security role for American interests in the Western Hemisphere since its establishment in 1903, and continues to do so. Notably, that installation provides critical logistical support to ships and aircraft involved in counter-narcotics operations in the Caribbean, and also support for contingency operations in the region.

Even worse than the loss of this facility to our forces would be the prospect that its surrender to the Cuban government may well presage Guantanamo Bay becoming an important power-projection base in the Western Hemisphere for other, hostile powers (e.g., Russia, China or Iran). We recall that, in 2007, Ecuadoran President Rafael Correa – shortly before he informed the United States that the agreement allowing the U.S. Air Force to use the Manta air base for counter-narcotics operations would not be renewed – offered the use of that base to China. (Manta has subsequently become a conduit for the very drug-trafficking to this country that it once did so much to disrupt.)

The Castro regime is already making its ports, airfields, intelligence collection and other facilities available to our actual or potential foes. There is little doubt in our view that the Cuban government would be inclined toward similar arrangements with China or others with respect to Gitmo. It would be a serious dereliction of duty were our government to facilitate such a fundamental transformation of our strategic posture in the Caribbean.

For these reasons, we believe that there should be no further transfers of unlawful enemy combatants currently held at Gitmo – either to other nations or to any locale in the United States or its territories – for the duration of hostilities.

We further strongly recommend that the Department of Defense and other federal agencies refrain from spending any funds to accomplish the closure of Guantanamo Bay or the transfer of detainees abroad or to the United States, and that the United States reject Cuban government demands that this vital strategic facility be transferred to the latter's control.

Sincerely,

Army

Gen. Carl Stiner, USA (Ret.)

Lt. Gen. Edward G. Anderson III, USA (Ret.)

Maj. Gen. John R. D. Cleland, USA (Ret.)
Maj. Gen. Vincent E. Falter, USA (Ret.)
Maj. Gen. Alvin W. Jones, USA (Ret.)
Maj. Gen. H. Douglas Robertson, USA (Ret.)
Maj. Gen. George R. Robertson, USA (Ret.)
Maj. Gen. Duane Stubbs, USA (Ret.)
Maj. Gen. Mel Thrash, USA (Ret.)
Brig. Gen. Dale F. Andres, USA (Ret.)
Brig. Gen. Terence M. Henry, USA (Ret.)
Brig. Gen. Darryl Powell, USA (Ret.)
Brig. Gen. Richard D. Read, USA (Ret.)
Brig. Gen. Warren A. Todd, USA (Ret.)

Navy

Adm. Jerry Johnson, USN (Ret.)
Adm. James A. Lyons, USN (Ret.)
Vice Adm. Edward S. Briggs, USN (Ret.)
Vice Adm. Robert Monroe, USN (Ret.)
Rear Adm. Lawrence Burkhardt, USN (Ret.)
Rear Adm. Robert H. Gormley, USN (Ret.)
Rear Adm. Robert McClinton, USN (Ret.)
Rear Adm. E. S. (Skip) McGinley, II, USN (Ret.)
Rear Adm. Don. G. Primeau, USN (Ret.)
Rear Adm. Hugh Scott, USN (Ret.)
Rear Adm. H. Denny Wisely, USN (Ret.)

Air Force

Lt. Gen. David Deptula, USAF (Ret.)
Lt. Gen. Thomas G. McInerney, USAF (Ret.)
Lt. Gen. E.G. “Buck” Shuler, Jr., USAF (Ret.)
Maj. Gen. Henry Canterbury, USAF (Ret.)
Maj. Gen. Bentley B. Rayburn, USAF (Ret.)

Marine Corps

Maj. Gen. Richard M. Cooke, USMC (Ret.)
Maj. Gen. J.D. Lynch, USMC (Ret.)
BGen. William A. Bloomer, USMC (Ret.)
BGen. James M. Mead, USMC (Ret.)
BGen. Michael I. Neil, USMCR (Ret.)
BGen. W.H.J. Tiernan, USMC (Ret.)
BGen. William Weise, USMC (Ret.)

State Defense Forces

Maj. Gen. John Bianchi, CSMR (Ret.)

National Security

Hon. Michael B. Mukasey, Former Attorney General of the United States

Hon. Pete Hoekstra, Former Member of Congress; Former Chairman, House Permanent Select Committee on Intelligence

Hon. Tidal McCoy, Former Acting Secretary of the Air Force

Hon. Kenneth E. deGraffenreid, Former Deputy National Counterintelligence Executive

José R. Cárdenas, Former Acting Assistant Administrator for Latin America and the Caribbean, U.S. Agency for International Development; Former Staff Member, National Security Council

Daniel J. Gallington, Former Special Assistant to the Secretary of Defense for Policy; Former General Counsel, Senate Select Committee on Intelligence

Andrew C. McCarthy, Former Chief Assistant United States Attorney

Frank J. Gaffney, Jr., Former Acting Assistant Secretary of Defense for International Security Policy

Elaine Donnelly, 1992 Presidential Commission on the Assignment of Women in the Armed Services

cc: Members of the Senate Armed Services Committee
Members of the House Armed Services Committee