



May 14, 2015

Vote “NO” on Walorski Amendment #15, Which Further Obstructs Transferring Cleared Detainees Overseas.

Vote “YES” on Smith/Nadler Amendment #16 to Close the Guantanamo Prison.

Vote “NO” on Final Passage of the NDAA, Unless Smith/Nadler Amendment #16 Passes.

Dear Representative:

The undersigned human rights, civil liberties, national security, and religious organizations write to strongly urge you to vote today and tomorrow to close the Guantanamo detention facility and end indefinite detention without charge or trial. Specifically, we ask you to vote “no” on Walorski amendment #15, which would impose further unwarranted restrictions on top of the already onerous Guantanamo transfer restrictions in the base bill. We also ask you to vote “yes” on Smith/Nadler amendment #16, which would delete the new restrictions in the base bill, provide for an orderly closing of the Guantanamo detention facility, and permit an end to indefinite detention without charge or trial. **If Smith/Nadler amendment #16 fails, we urge you to vote “no” on final passage of the NDAA.**

The Obama administration, both through its Statement of Administration Policy (SAP) on the NDAA and through recent public statements on Guantanamo transfer restrictions, has threatened a veto over transfer restrictions. In its veto threat yesterday, the administration stated, the NDAA “continues unwarranted restrictions, and imposes additional ones, regarding detainees at Guantanamo Bay.” The administration characterizes the restrictions in the bill as “onerous,” “unwise and unnecessary,” “imped[ing] efforts to responsibly close the facility,” inconsistent

“with our national security and our humane treatment policy,” in violation of “constitutional separation of powers principles,” and “interfere[ing] with a detainee’s right to the writ of habeas corpus.” In February, the White House press secretary stated that the president would veto legislation introduced by Senator Kelly Ayotte that was in a companion bill to legislation introduced in the House by Congresswoman Jackie Walorski—and which appears to have been the basis for Walorski amendment #15.

Vote “NO” on Walorski Amendment #15: As reported out of committee, the bill already reinstates a series of restrictive overseas transfer restrictions that a bipartisan majority of Congress rejected and replaced in the NDAA’s for FY 2014 and FY 2015. In addition, the committee-reported bill added new restrictions, including a bizarre provision that has the IRS tax code set Guantanamo policy by prohibiting transfers to countries that are included as “combat zones” for IRS tax preferences—including allies of the United States, such as Israel, Turkey, Saudi Arabia, and Kuwait. The Walorski amendment extends all of the restrictions for two years, instead of one year. It then adds further restrictions to take away authority traditionally held by the Secretary of Defense and transfer it to the Director of National Intelligence, bars the Secretary of Defense from using a national security waiver for nearly all of the detainees currently left at Guantanamo, and bars transfers to Yemen, even for humanitarian relief of any desperately ill detainee. We urge you to vote no on Walorski Amendment #15 and oppose efforts to add any further restrictions to the already “onerous” restrictions in the base bill.

Vote “YES” on Smith/Nadler Amendment #16: The Smith/Nadler amendment strikes all of the provisions in the NDAA base bill that form the basis of the administration’s veto threat, facilitates the clearance process, and authorizes the Secretary of Defense to close the Guantanamo detention facility pursuant to a plan that the president would have to submit to Congress. The Smith/Nadler amendment would facilitate the closure of the Guantanamo detention facility and allow the end of indefinite detention without charge or trial.

Vote “NO” on Final Passage of the NDAA, If Smith/Nadler Amendment #16 Fails: We strongly urge you to vote “no” on final passage of the NDAA, if the Smith/Nadler amendment fails. The administration’s SAP enumerates compelling constitutional, national security, and human rights reasons for opposing the transfer restrictions in the NDAA, as reported out of committee. Regardless of whether Walorski amendment #15 passes, the transfer restrictions in the base bill, taken together, are already too onerous. They would further the inhumane continued 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.

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
Appeal for Justice
Bill of Rights Defense Committee

The Center for Victims of Torture
The Constitution Project
Council on American-Islamic Relations
Defending Dissent Foundation
Friends Committee on National Legislation
Human Rights First
Human Rights Watch
National Association of Criminal Defense Lawyers
National Religious Campaign Against Torture
National Security Network
Reprieve
Win Without War