

Open Letter to President Obama

Dear Mr. President:

Your very first executive order promised to implement promptly the determinations of the Guantánamo Review Task Force, a group you established consisting of the Departments of Justice, Defense, State, and Homeland Security, as well as the Central Intelligence Agency, the Federal Bureau of Investigation, the Joint Chiefs of Staff, and the Director of National Intelligence. Those experts reviewed the classified and unclassified information pertaining to every single Guantánamo prisoner and, by January 2010, unanimously decided that transferring more than half of them out of the prison was consistent with America's interests. Yet 3½ years later, 86 of the men who were cleared by the Task Force, a majority of the current Guantánamo population, remain imprisoned.

You have criticized Congress for enacting laws designed to prevent you from closing Guantánamo, and we agree. But those laws are not blocking you from releasing these 86 cleared men. As President and Commander in Chief, you have always had full authority to release them from executive detention. Instead, your Department of Justice fights vigorously in court to keep them imprisoned. For example, a federal judge granted a writ of habeas corpus and ordered the release of Adnan Latif – who also had been cleared by the Task Force – but the Department of Justice appealed the decision and succeeded in getting it reversed. The Supreme Court declined to review the case, and three months later Latif was found dead in his cell.

You could have released Latif and the other 86 men long ago, and you could release the remaining 86 men today, simply by instructing the Department of Justice to consent to issuance of writs of habeas corpus ordering their release. Congressional restrictions on releasing Guantánamo prisoners explicitly do not apply where a court order authorizes release.

We applaud your lifting of the moratorium on repatriating Yemeni prisoners, but note that not one Yemeni has left Guantánamo alive in over a year. We applaud your decision to reopen the Office for the Closure of Guantánamo, and we trust you will give your new State Department envoy Clifford Sloan and the yet-unnamed Defense Department envoy real authority within your Administration and in negotiating with foreign states so that they can accomplish their mission of transferring prisoners to their home or other countries.

Mr. President, we are Chicagoans who have supported you and voted for you consistently over the years because we share the values you espouse. We call on you to act on your convictions. A logical first step toward fulfilling your campaign promise to close Guantánamo would be to release the men already cleared by the Task Force. On May 23, you said you would do this “to the greatest extent possible.”

These men are in their twelfth year of imprisonment without charge, at a taxpayer cost of almost \$1 million per detainee per year, and at an incalculable cost to the men, their families, our fundamental values, and our nation's security and standing in the world. You can and should release these men.

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