



May 15, 2015

Vote “NO” on Final Passage of the NDAA

Dear Representative:

The undersigned human rights, civil liberties, national security, and religious organizations write to **strongly urge you to vote “no” on final passage of the NDAA**. The onerous and unwarranted transfer restrictions in the bill would block the closing of the Guantanamo detention facility and continue the practice of indefinite detention without charge or trial. We ask you to vote “no” on final passage this morning.

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 this week, 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 the Walorski amendment that was added to the bill yesterday.

The NDAA’s Guantanamo provisions were harmful as reported out of committee, but got even worse on the floor yesterday. As reported out of committee, the bill already reinstated a

series of restrictive overseas transfer restrictions that a bipartisan majority of Congress rejected and replaced in the NDAA 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. After the House voted last night to pass the Walorski amendment, the bill now extends all of the restrictions for two years, instead of one year. It also 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.

Vote “NO” on Final Passage of the NDAA: We strongly urge you to vote “no” on final passage of the NDAA. 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. The transfer restrictions in the NDAA 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. We urge you to vote “NO.”

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