



**Major General Michael R. Lehnert, USMC (Ret.)**

September 13, 2016

Dear Member of Congress:

I understand that you are considering and voting on a bill this week to shut down all transfers from the detention facilities at Guantanamo Bay, Cuba. The bill is unwise and unnecessary. By second-guessing the decisions of career national security professionals and keeping Guantanamo open, the bill would undermine U.S. national security at a time when it is critical to do everything in our power to effectively counter international terrorism. I urge you to vote against this bill.

As the first commander of the detention facilities at Guantanamo after the 9/11 attacks, I understand the importance of legitimate, lawful military detention operations. Unfortunately, instead of advancing our efforts to defeat terrorist groups like al Qaeda, Guantanamo has become a strategic liability for the United States. Our enemies use Guantanamo to bolster their propaganda and our allies refuse to cooperate with us on counterterrorism matters if the result will aid ongoing detention operations at Guantanamo. Because of detainee abuse and multiple Supreme Court rulings against its detention and trial policies, Guantanamo has become a symbol for the false notion that the United States operates beyond the law in prosecuting the fight against terrorism. Closing Guantanamo will go a long way to restoring U.S. leadership on human rights and in the global fight against terrorism.

Legitimate concerns have been raised about the risk of transferring detainees out of Guantanamo. But there exists a robust review process to evaluate each potential transfer before it is effectuated. The Department of Defense, Office of the Director of National Intelligence, Joint Chiefs of Staff, Department of Homeland Security, Department of Justice, and State Department sign off on each and every transfer out of Guantanamo. Pursuant to federal law, no Guantanamo detainee can be transferred unless the Secretary of Defense determines that such a transfer is in the national security interest of the United States and that measures can be put into place to mitigate any risks that the transfer could pose. If there are concerns about the transfer review process, Congress can and should examine that. However, to categorically block transfers from Guantanamo and hold detainees there indefinitely irrespective of the facts of each case is unlawful and counterproductive.

I support Congress's prerogative to shape detention operations and exercise vigorous oversight over the administration's plan to close Guantanamo. This bill does not serve those legitimate purposes, but is a blunt tool that would undermine our national security. I urge you to vote against it.

Very respectfully,

  
Major General Michael R. Lehnert, USMC (Ret.)