

May 16, 2012

Dear Representative:

We are members of a nonpartisan group of forty retired generals and admirals concerned about U.S. policy regarding detention and treatment of persons held by our armed forces.

We write to urge you to support the Smith-Amash Amendment to the National Defense Authorization Act for (“NDAA”) the 2013 Fiscal Year. The Smith-Amash Amendment would roll back controversial and ill-advised detention provisions passed into law last year by banning indefinite detention within the United States and repealing a policy that mandates military custody for foreign terrorism suspects.

As retired general and flag officers, we do not make this request lightly. However, we strongly believe that sound national security policy depends on faithful adherence to the rule of law. Though it is lawful for the military to detain those engaged in hostilities in an armed conflict, the armed forces should not supplant our law enforcement and intelligence agencies at home. Those detained in the U.S. should not be held indefinitely without charge or trial or forced into military custody. Within the United States, those accused of terrorism crimes should face charges in a civilian court, consistent with our constitutional values.

We appreciate that our leaders are constantly striving to make America more secure, but the indefinite detention and mandatory military custody provisions passed into law in the Fiscal Year 2012 NDAA will do more harm than good. The Smith-Amash Amendment, if passed into law, would be an important first step towards reversing this damage.

- General Ronald H. Griffith, USA (Ret.)
- General Joseph P. Hoar, USMC (Ret.)
- General Charles C. Krulak, USMC (Ret.)
- General David M. Maddox, USA (Ret.)
- Lieutenant General Robert G. Gard Jr., USA (Ret.)
- Lieutenant General Charles Otstott, USA (Ret.)
- Lieutenant General Harry E. Soyster, USA (Ret.)
- Major General Paul D. Eaton, USA (Ret.)
- Rear Admiral Don Guter, JAGC, USN (Ret.)
- Rear Admiral John D. Hutson, JAGC, USN (Ret.)
- Major General Melvyn S. Montano, ANG (Ret.)
- Major General William L. Nash, USA (Ret.)
- Major General Thomas J. Romig, USA (Ret.)
- Major General Walter L. Stewart, Jr., USA (Ret.)
- Major General Antonio M. Taguba, USA (Ret.)
- Brigadier General John Adams, USA (Ret.)
- Brigadier General David M. Brahms, USMC (Ret.)
- Brigadier General Stephen A. Cheney, USMC (Ret.)

- Brigadier General Evelyn P. Foote, USA (Ret.)
- Brigadier General Leif H. Hendrickson, USMC (Ret.)
- Brigadier General David R. Irvine, USA (Ret.)
- Brigadier General John H. Johns, USA (Ret.)
- Brigadier General Keith H. Kerr, CSMR (Ret.)
- Brigadier General Richard O'Meara, USA (Ret.)
- Brigadier General Murray G. Sagsveen, USA (Ret.)
- Brigadier General Anthony Verrengia, USAF (Ret.)
- Brigadier General Stephen N. Xenakis, USA (Ret.)