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THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

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TCP Joins Groups Pressing Obama to Move More Quickly on Closing Guantánamo

WASHINGTON, D.C. -- A coalition of human rights, religious, and civil liberties organizations, including The Constitution Project, are pressing the Obama administration to carry out two key steps toward closing the Guantánamo Bay prison that the president promised in May.

In a [letter delivered](#) to the White House earlier today, the groups noted that more than four months have elapsed since the president renewed his commitment to close the prison during a May 23 speech at the National Defense University, and yet very little movement has occurred.

"Despite your personal commitment and engagement, the population at Guantánamo over the past four months has been reduced by only two detainees, moving only from 166 to 164," the groups wrote to President Obama, noting that 84 of the remaining detainees have been cleared for transfer by national security officials for more than four years.

Specifically, the letter pointed to the failure to appoint a special envoy at the Department of Defense whose responsibility will be to facilitate the transfer of detainees to third countries where they will be treated humanely.

Obama promised in May to identify dedicated officials at both the State and Defense Departments to focus on closing the prison. In June, Secretary of State John Kerry tapped Clifford Sloan, a veteran Washington attorney and civil servant, as the State Department's envoy focused on shuttering Guantánamo Bay, but Secretary of Defense Chuck Hagel has yet to name a Pentagon counterpart.

When combined with vacancies in other critical positions within the Defense Department, such as the head of detainee affairs and the absence of a permanent general counsel, the failure to designate a special envoy has resulted in a "leadership void" at the Pentagon, which has delayed decisions and actions needed to reduce the population at Guantánamo, the groups said.

The groups also pointed to internal disagreements within the administration about the president's ability to initiate transfers under current law. President Obama's commitment to use existing authority to the greatest extent possible to transfer prisoners out of Guantánamo "appears to have been largely thwarted by some administration officials applying exceedingly narrow interpretations of that authority," the letter said.

Congress placed restrictions on transferring prisoners from Guantánamo in recent defense authorization bills. However, the groups noted that both Senator Carl Levin (D-MI) and Representative Buck McKeon (R-CA), chairmen of the Senate and House Armed Service Committees respectively, have expressed frustration with the "inexplicably narrow view of the transfer provisions taken by some administration officials."

The letter urged the president to direct Secretary of Defense Hagel to use his existing statutory authority to issue the certifications or national security waivers required by current law to transfer cleared detainees from Guantánamo to foreign countries that will respect their human rights.

The groups commended President Obama for his commitment to close the prison. But, they wrote, "we want to make clear our concern that the more than four-month delay in your administration carrying out two key steps could jeopardize your ability to close the Guantánamo prison and end indefinite detention during your presidency."

Among the groups joining The Constitution Project in signing the letter are the ACLU, Amnesty International, Human Rights Watch and the National Religious Campaign Against Torture. In a [comprehensive report](#) released in April, The Constitution Project's independent bipartisan blue-ribbon Task Force on Detainee Treatment urged the president to close Guantánamo, along with more than two dozen other findings and recommendations on the detention and treatment of suspected terrorists.

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Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project (TCP) brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time. TCP seeks to reform the nation's broken criminal justice system and to strengthen the rule of law through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.

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