

# THE CONSTITUTION PROJECT



*Safeguarding Liberty, Justice & the Rule of Law*

FOR IMMEDIATE RELEASE - October 7, 2015

Contact: Larry Akey, Director of Communications, (202)580-6922 [o] or (202)580-9313 [c]  
[lakey@constitutionproject.org](mailto:lakey@constitutionproject.org)

## Guantanamo Transfer Restrictions Warrant Veto of Defense Bill, TCP Says

WASHINGTON, D.C. -- Virginia Sloan, president of The Constitution Project, a bipartisan legal watchdog group, offered the following comment on the Senate's passage earlier today of the conference report for H.R. 1735, the National Defense Authorization Act for Fiscal Year 2016:

"It is essential that President Obama carry out his threat to veto the legislation. The conference report contains onerous and unwarranted restrictions on the transfer of even detainees already cleared for release from the Guantanamo detention facility. Although it is significant that large bipartisan majorities in both the House and Senate backed provisions in the legislation preventing a return to torture in future administrations -- provisions that must remain in any final version of the bill -- the president must insist that the transfer restrictions be removed before signing the NDAA into law."

The conference report contains the most comprehensive set of obstacles to closing Guantanamo ever adopted. It bans all transfers to the United States. It reinstates highly restrictive overseas

transfer requirements rejected by the Congress in the FY2014 and FY2015 versions of the NDAA, and for the first time introduces several other country-specific prohibitions.

The Guantanamo Bay detention facility continues to house 114 detainees, 54 of whom are cleared for immediate transfer by unanimous consent of the Joint Chiefs of Staff, the Director of National Intelligence, the State Department, the Justice Department, and the Department of Homeland Security.

In April 2013, The Constitution Project Task Force on Detainee Treatment -- a [bipartisan, blue ribbon panel](#) -- issued a [comprehensive report](#) following two years of investigation into the treatment of suspected terrorists across the Clinton, Bush, and Obama administrations. Members of the task force made a series of recommendations aimed at safeguarding against a return to government-sanctioned torture and abuse in the face of a future crisis. One recommendation was to close the Guantanamo Bay detention facility. Another was to tighten U.S. laws against torture. Section 1045 of the conference report accomplishes the latter and must remain in whatever version of the NDAA President Obama ultimately signs into law.

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#### [About The Constitution Project](#)

*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 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 through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.*