

Congress of the United States
Washington, DC 20515

January 31, 2021

The Honorable Lloyd J. Austin III
Secretary of Defense
1400 Defense Pentagon
Washington, DC 20301-1400

Dear Secretary Austin,

Congratulations on your historic confirmation to lead the Department of Defense. We look forward to working with you and your team to better prepare our military for the many challenges our great nation faces, while also improving the quality of life for all of our servicemembers and their families. That is a solemn commitment we owe them for their oath to our Constitution, valor, and sacrifices.

However, as veterans of the Global War on Terrorism, we have serious reservations about the Biden Administration's push to close the Guantanamo Bay Detention Camp. In your written confirmation testimony, you wrote "I believe it is time for the detention facility at Guantanamo to close its doors," and that you would direct your staff to "work with other Administration officials to develop a path forward for the remaining 40 detainees at the facility." We respectfully ask that you reconsider this position.

We agree with you that "Guantanamo has provided us the capability to conduct law of war detention in order to keep our enemies off the battlefield." We believe this continues to be the case. Law of war detention is the most acceptable and secure disposition for the remaining terrorist detainees.

Many of us put our lives on the line to prevent these terrorists from ever returning to the battlefield. Some of us even sustained permanent wounds.

Without law of war detention, we could be forced to release these dangerous individuals, allowing them to re-establish their networks and jeopardize American national security interests, along with the security interests of our allies.

Additionally, these terrorists should not be transferred to facilities in the U.S. There is no acceptable reason to bring terrorists to the homeland and risk release due to a legal technicality. For years it has been a matter of debate whether Guantanamo prisoners should have the same evidentiary standards as American citizens through the United States judicial system. It would be a mistake to risk acquittal of a known terrorist because of a prosecutorial error, a technicality, or a miscellaneous legal loophole.

Previous administrations have tried to close Guantanamo, including former-President Obama, who stated on his first day in office his intention to close the facility. Each attempt has run into the same facts of reality. As former-President Obama noted, these terrorists “received extensive explosives training at al-Qaeda training camps, or commanded Taliban troops in battle, or expressed their allegiance to Osama bin Laden, or otherwise made it clear that they want to kill Americans. These are people who, in effect, remain at war with the United States.” Despite his efforts, former President Obama was unable to transfer these detainees to other countries, and in many instances, no other country will accept them.

According to the Defense Intelligence Agency, the confirmed and suspected reengagement rate of prisoners released from Guantanamo is nearly 30%. A recidivism rate which indicates both a degree of risk in releases and that the most dangerous terrorists in the world are the ones that remain at Guantanamo. Put simply, we cannot return these prisoners to their home countries and risk reengagement with terrorist groups.

That said, we are encouraged by your support for the Periodic Review Board (PRB) process – a process that determines whether a detainee poses a continuing significant threat to the security of the United States can be transferred to another country, provided appropriate security assurances are guaranteed, or whether the individual should continue to be detained. However, we hope the PRB process is not unduly influenced by an administrative desire and ambition to close the Guantanamo Bay Detention Camp prematurely, nor unreasonable pressure applied to a friendly government to force them into accepting an unnecessary security risk.

We anticipate continuing this conversation with your Department and the Administration. Thank you for your consideration of our serious concerns. We stand ready to work with you on issues vital to the safety and security of the American people, and for the betterment of the men and women of our Armed Services who bravely defend our country.

Sincerely,



Michael Waltz
Member of Congress



Jim Banks
Member of Congress



Steve Stivers
Member of Congress



Brad Wenstrup, D.P.M.
Member of Congress



Ronny L. Jackson
Member of Congress



Andrew S. Clyde
Member of Congress



Tony Gonzales
Member of Congress



Guy Reschenthaler
Member of Congress



Van Taylor
Member of Congress