

National Commission on Intelligence Misuse to Justify War
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May 3, 2013

President Barack Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Re: Releasing the Innocent Prisoners at Guantanamo Bay

Dear Mr. President:

Notwithstanding Section 1028(a)(1) of the National Defense Authorization Act of 2013, you are empowered to end Guantanamo Bay's affront to due process by releasing from imprisonment the 86 inmates whom your administration or its predecessor have found to be neither enemy combatants nor war criminals; and, permitting them to arrange for travel to any foreign nation of their choosing. Section 1028(a)(1) only limits your authority to *transfer* them into the "custody or control of the individual's country of origin, any other foreign country, or any other foreign entity...." **But simple release, without more, is not prohibited.** Of the remaining 80 prisoners, you should either charge and prosecute them for alleged war crimes or release them from Guantanamo Bay prison like the aforementioned 86 inmates.

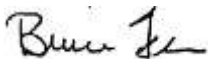
No statute or other legal limitation blocks you from this enlightened course of action, which you have commended as who we are as a people. We are supposed to be willing to take risks that other countries shun because we find imprisoning, killing, or otherwise punishing the innocent to be morally reprehensible.

You cannot escape responsibility for the dubious legal limbo of Guantanamo Bay. You cannot simply blame Congress. President Harry S. Truman's famous Oval Office Desk Sign acknowledged, "The Buck Stops Here." And your oath of office compels you to honor the Constitution, not to evade it.

You must terminate forthwith Guantanamo Bay's blot on the character of this nation that gratuitously provokes retaliation and enmity.

Sincerely,

Bruce Fein



Ralph Nader

