



Committee on International Justice and Peace

3211 FOURTH STREET NE • WASHINGTON DC 20017-1194 • 202-541-3160

WEBSITE: WWW.USCCB.ORG/JPHD • FAX 202-541-3339

November 18, 2013

Dear Senator,

As deliberations over the FY 2014 National Defense Authorization Act are underway, I write to express my support for sections 1031, 1032, and 1033 of S. 1197 that deal with the issue of detainees at Guantanamo Bay. These provisions, while still restrictive, would allow our government to take practical steps toward drawing down the prisoner population in Guantanamo Bay and eventually closing the detention center.

As Chair of the Committee on International Justice and Peace of the United States Conference of Catholic Bishops, I wrote earlier in support of the release of the Senate Select Committee on Intelligence's report on CIA interrogation practices, including those used in Guantanamo on detainees. In a June 2013 letter to Secretary Hagel, I expressed concern over the situation of many detainees in Guantanamo held for years without trial, encouraged the release of the 86 detainees already cleared, and urged that steps be taken to close Guantanamo since it has become a symbol of indefinite detention without trial. Copies of those letters are attached.

The Catholic faith views torture as an "intrinsic evil" that cannot be justified under any circumstance. At the same time, our moral teaching says that the human rights of detainees must be respected and that "the identification of the guilty party must be duly proven." The *Compendium of the Social Doctrine of the Church* calls for "trials (to be) conducted swiftly: their excessive length is becoming intolerable for citizens and results in a real injustice (No. 404)."

Passage of sections 1031, 1032, and 1033 of S. 1197 would be in keeping with these tenets of Catholic faith, allowing for the right to a trial and expediting transfer of detainees. Section 1031 would simplify the process of transferring detainees if they are not a threat to the United States or if their transfer is in our national security interest. Section 1032 allows for temporary transfers of detainees for medical treatment, when that treatment is necessary to prevent death or imminent significant injury or harm, and it would be excessively costly to treat the detainee in Guantanamo. Section 1033 gives the government the option of trying detainees in federal courts when doing so is in the national security interest of the United States -- a sensible provision that may finally lead to the trial of many Guantanamo detainees. These sections seek to maintain the security of the United States while countering the image of our country as one that ignores the rule of law. In fact, the continued presence of detainees held in Guantanamo for years without trial can motivate terrorist recruits.

Though limited, these sections are practical, logical provisions that can help solve the seemingly intractable problems posed by Guantanamo. In an era of austerity, they also provide good stewardship of taxpayer dollars by helping to eliminate wasteful spending. More importantly, they begin to address a serious moral dilemma -- our nation cannot be a beacon of liberty and

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justice while continuing to operate an offshore prison which disregards the rule of law. I urge you to support Sections 1031, 1032, and 1033 of the Senate Armed Services Committee version of S. 1197 and help the United States regain its moral standing in the world as a defender of human rights.

Sincerely yours,

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Most Reverend Richard E. Pates

Bishop of Des Moines

Chairman, Committee on International Justice and Peace

United States Conference of Catholic Bishops

Enclosures: April 26, 2013 Letter to Senate Select Committee on Intelligence
June 25, 2013 Letter to Secretary of Defense Hagel

cc: Secretary of Defense Chuck Hagel
National Security Advisor Susan Rice



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April 26, 2013

The Honorable Dianne Feinstein
Chair
Senate Committee on Intelligence
U.S. Senate
Washington, DC 20510

The Honorable Saxby Chambliss
Vice Chairman
Senate Committee on Intelligence
U.S. Senate
Washington, DC 20510

Dear Senator Feinstein and Senator Chambliss:

With the 113th Congress now underway, it is our understanding that the Senate Select Committee on Intelligence has concluded its investigation into interrogation practices, including torture, used by the Central Intelligence Agency and has prepared its final report. This report has been several years in the making and represents an important effort to shed light on practices that have placed in jeopardy our nation's reputation of defending human rights.

As Chairman of the Committee on International Justice and Peace of the United States Conference of Catholic Bishops (USCCB), I would note that the U.S. bishops have long registered their absolute opposition to torture. In Catholic teaching, torture is an intrinsic evil that cannot be justified under any circumstances. Torture violates the human dignity of each person. It is degrading to all involved, not only the victim. It also compromises the perpetrator and the society that tolerates its practice. It has a corrosive effect and diminishes our moral credibility in the world. Furthermore, a number of former CIA, FBI and military experts have stated that torture is not an effective technique for producing reliable information. Instead the use of torture is counterproductive. Its use undermines security cooperation with other nations that reject torture and can motivate terrorist recruits who then attack us.

The USCCB joined with several other groups in advocating for an executive order that would ban the practice of torture by the U.S. government and was gratified when that order was issued in 2009. We have been advocating for legislation that would turn that executive order into law. Having the Senate Select Committee on Intelligence release the full report on CIA interrogation techniques would go a long way to ensuring that the public becomes aware of past practices, and of the illegality and ineffectiveness of torture. Subjecting these practices to public scrutiny would help ensure that our government does not engage in torture again.

I urge you, as a member of this Select Committee, to release the full report on CIA interrogation practices. The report will allow the truth to see the light of day. It is time for the United States government to take a clear stance against torture so that we can regain our moral standing in the world as a defender of human rights for all.

Sincerely yours,

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Most Reverend Richard E. Pates
Bishop of Des Moines
Chair, Committee on International Justice and Peace
United States Conference of Catholic Bishops

cc: Members of Senate Committee on Intelligence



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June 25, 2013

The Honorable Chuck Hagel
Secretary of Defense
The Pentagon

Dear Secretary Hagel:

On May 23, President Obama spoke of his efforts to close Guantanamo Bay and called on Congress to lift the restrictions on detainee transfers from that facility. As Chair of the Committee on International Justice and Peace of the United States Conference of Catholic Bishops, I write to express my concern over the situation of detainees in Guantanamo Bay.

Media have reported on a hunger strike being conducted by about 100 detainees and forced feedings. It is my understanding that the hunger strike stems in large part from the fact that 86 of the 166 detainees were cleared for release three years ago and approved for transfer, but nonetheless remain confined in Guantanamo. According to the bipartisan 2013 report issued by the Constitution Project's Task Force on Detainee Treatment, many of these individuals have never been tried, despite spending up to 11 years in Guantanamo. With many now placed in solitary confinement, they are filled with despair.

The *Compendium of the Social Doctrine of the Church* asserts: "Acts of terrorism strike at the heart of human dignity...; 'there exists, therefore, a right to defend oneself from terrorism'. However, this right cannot be exercised in the absence of moral and legal norms, because the struggle against terrorists must be carried out with respect for human rights and for the principles of a State ruled by law. The identification of the guilty party must be duly proven, because criminal responsibility is always personal, and therefore cannot be extended to the religions, nations or ethnic groups to which the terrorists belong (No. 514)."

The *Compendium* states further: "The juridical principle by which punishment cannot be inflicted if a crime has not first been proven must be borne in mind. ... Likewise ruled out is 'the use of detention for the sole purpose of trying to obtain significant information for the trial.' Moreover, it must be ensured that 'trials are conducted swiftly: their excessive length is becoming intolerable for citizens and results in a real injustice' (No. 404)."

This moral teaching appears applicable to the situation in Guantanamo. Detainees have the right to a just and fair trial held in a timely manner. For at least 86 detainees "a crime has not first been proven." The indefinite detention of detainees is not only injurious to those individuals, it also wounds the moral reputation of our nation, compromises our commitment to the rule of law, and undermines our struggle against terrorism. As our Conference of Bishops stated in the wake

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of the 9/11 attacks: “We must not only act justly but be perceived as acting justly if we are to succeed in winning popular support against terrorism.”

Detainees retain basic human rights. The International Committee of the Red Cross has indicated its opposition to forced feeding. The procedure involves shackling and strapping down the detainee as a tube is inserted through the nose into the stomach. Rather than resorting to such measures, our nation should first do everything it can to address the conditions of despair that have led to this protest.

In light of these concerns, I ask you to conduct a careful review of conditions for detainees at Guantanamo and move expeditiously to work with other Administration departments to release the 86 who have already been cleared and to make good on the President’s commitment to close this facility that has become a symbol of indefinite detention without trial.

Sincerely yours,

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Most Reverend Richard E. Pates
Bishop of Des Moines
Chair, Committee on International Justice and Peace
United States Conference of Catholic Bishops