



**To: Members of Congress**

**From: Major General Paul D. Eaton (RET). Senior Adviser, National Security Network**

**Re: Stand with Gens. Powell & Petraeus On Bringing Terrorists to Justice, Keeping America Safe**

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This past Sunday, General Colin Powell (Ret.) and CENTCOM Commander General David Petraeus appeared on the Sunday shows to discuss a host of national security issues. As someone who served more than 30 years in the Army, I can attest that both these men are among the most respected and well informed officers America has seen in decades. Their leadership transcends the ranks of military and both are rightfully considered leading voices in our national security dialogue. So when they say that civilian trials are the best way to bring terrorists to justice or that torture cannot be a tool in the American arsenal as we fight violent extremism—as they did on Sunday—we should pay attention. Powell and Petraeus both demonstrated strong support of President Obama’s national security strategy. Their leadership convinces me and many of my fellow officers that America is best served when we put a civilian—not military—face forward while bringing terrorists to justice. As you consider votes in Congress and speak with your constituents in your district, it is important you take these two serious military voices into consideration:

**Powell and Petraeus agree civilian trials for terrorists—including 9/11 mastermind Khalid Sheikh Mohammed—are a crucial tool in fighting terrorism:**

**Powell:** "I have no problem with him [Khalid Sheikh Mohammed] being tried in our federal system here in the United States...The issue about sending people to military commissions, we—we're not using military commissions like we should. Any time you lock somebody up or you catch a terrorist let's give them the military commission. In eight years the military commissions have put three people on trial. Two of them served relatively short sentences and are free. One guy is in jail. Meanwhile, the federal courts, our Article III, regular legal court system, has put dozens of terrorists in jail and they're fully capable of doing it. So the suggestion that somehow a military commission is the way to go isn't born out by the history of the military commissions." [Colin Powell, Face the Nation, [2/21/10](#)]

**Petraeus:** “Well first of all I don’t think we should be afraid to live our values. That is what we’re fighting for and it’s what we stand for. So indeed, we need to embrace them and we need to operationalize them in how we carry out what it is we’re doing on the battlefield and everywhere else. So one has to have some faith I think, in the legal system. One has to have a degree of confidence that individuals that have conducted such extremist activity would indeed be found guilty in courts of law.” [Fox News, [5/29/2009](#)]

**Powell and Petraeus have no problem reading Miranda rights to terrorists:**

**Powell:** But he's [Abdulmutallab] in jail. He's facing trial. I don't think it will be a difficult trial to handle. And also he's still talking. They found other ways to interrogate him. But even in the military commission, whoever is before that commission has legal rights. They get lawyers. [Colin Powell, Face the Nation, [2/21/10](#)]

**Petraeus: (On concerns that the FBI reading of Miranda rights would inhibit intelligence collection from terror suspects):** "Let me just answer that question, if I could. No concerns at all. Look, this is FBI doing what the FBI does. And there are a very limited number of cases in which this has been done. These are cases in which they are looking at potential criminal charges. And when that is done, as that is initiated, and I've been involved in that in other countries as well over the years, they understandably read Miranda rights...So we're comfortable with this." [David Petraeus, [6/11/2009](#)]

### **Powell and Petraeus Want to Close Guantanamo Bay:**

**Powell:** "I think Guantanamo has cost us a lot over the years in terms of our standing in the world and the way in which despots have hidden behind what we have at Guantanamo to justify their own-- their own positions... And so I think we ought to remove this incentive that exists in the presence of Guantanamo to encourage people and to give radicals an opportunity to say, you see, this is what America is all about. They're all about torture and detention centers." [Colin Powell, Face the Nation, [2/21/10](#)].

**Petraeus:** "I've been on the record on that for well over a year as well, saying that it should be closed." Closing Guantanamo "sends an important message to the world, as does the commitment of the United States to observe the Geneva Convention when it comes to the treatment of detainees." [David Petraeus, Meet the Press, [2/21/10](#), Radio Free Europe, [5/24/2009](#)]

Petraeus last year put in stark terms how damaging Guantanamo Bay has been to U.S. soldier overseas:

Army Gen. David Petraeus said the U.S. military is "beat around the head and shoulders" with images of detainees held in Guantanamo, the facility in Cuba President Barack Obama has vowed to close. He said closing Guantanamo and ensuring detainees are dealt with by an appropriate judicial system would bolster the nation's war effort in Afghanistan and Iraq.

"I do believe very strongly that we should live our values," he said. "Generations of soldiers have fought to defend those values, and we should not shrink from living them, from operationalizing them, on the battlefield." [Army Times, [6/1/2009](#)]

### **Powell and Petraeus firmly oppose torture, believe enhanced interrogations don't work:**

**Petraeus:** "I have always been on the record, in fact, since 2003, with the concept of living our values. And I think that whenever we have, perhaps, taken expedient measures, they have turned around and bitten us in the backside. We decided early on in the 101st Airborne Division we're just going to—look, we just said we'd decide to obey the Geneva Convention, to, to move forward with that. That has, I think, stood elements in good stead. We have worked very hard over the years, indeed, to ensure that elements like the

International Committee of the Red Cross and others who see the conduct of our detainee operations and so forth approve of them. Because in the cases where that is not true [where torture occurs], we end up paying a price for it ultimately. Abu Ghraib and other situations like that are nonbiodegradables. They don't go away. The enemy continues to beat you with them like a stick in the Central Command area of responsibility. Beyond that, frankly, we have found that the use of the interrogation methods in the Army Field Manual that was given, the force of law by Congress, that that works. [David Petraeus, Meet the Press, [2/21/10](#)]

**Powell:** "If you just look at how we are perceived in the world and the kind of criticism we have taken over Guantanamo, Abu Ghraib and renditions," Powell said in an interview, "whether we believe it or not, people are now starting to question whether we're following our own high standards." "The world is beginning to doubt the moral basis of our fight against terrorism."

**Larry King:** Is torture a good idea?

**Colin Powell:** No.

[Washington Post, [9/19/2006](#), Larry King [7/28/2009](#)]