



## STATEMENT CALLING FOR THE RELEASE OF THE UIGHURS

Ten Prominent Conservatives Say  
Indefinite Detention Violates the Constitution

November 20, 2008

The Constitution Project  
1025 Vermont Avenue, NW  
Third Floor  
Washington, DC 20005

202-580-6920 (phone)  
202-580-6929 (fax)

[info@constitutionproject.org](mailto:info@constitutionproject.org)  
[www.constitutionproject.org](http://www.constitutionproject.org)

## STATEMENT CALLING FOR THE RELEASE OF THE UIGHURS

On Wednesday, October 7, 2008, federal district judge Ricardo Urbina ordered the release of Guantanamo detainees whom the Bush administration admits are not enemy combatants.

Detained for nearly seven years and of Uighur-Chinese ethnicity, these 17 men were ordered to appear at a hearing in Washington, D.C. on October 10 to determine the terms of their release. The U.S. Court of Appeals for the District of Columbia Circuit issued a stay while it considers the administration's appeal of that ruling.

Unfortunately, the Uighurs cannot be repatriated to China, their homeland, due to state sponsored persecution, and it is an open question whether any country would admit them. The United States government proposes to confine the Uighurs indefinitely in Guantanamo, is continuing to narrowly construe the federal court's ability to exercise its *habeas corpus* powers, and is actively seeking to prevent their appearance in court.

While it is clearly necessary for the United States to detain foreign terrorists to protect national security, that is not at issue here. The continued detention of the 17 Uighurs in Guantanamo compromises our principles and undermines our standing in the world.

The right of *habeas corpus* is the preeminent safeguard of individual liberty and separation of powers. It provides for meaningful judicial review of executive actions. The executive branch is wrong to have detained the Uighurs for nearly seven years without meaningful review. Moreover, it is wrong in opposing the exercise of their *habeas corpus* rights, and it is wrong in asserting they can be detained indefinitely.

This is not a partisan issue. Conservatives and liberals, Republicans and Democrats, advocates of a strong president, a strong Congress, and a strong federal judiciary all believe that the system of checks and balances created by our country's founders is required to preserve Americans' freedoms and liberties and our country's security.

The administration's ongoing opposition to *habeas corpus* review is a symptom of a greater illness: the inability to create a fair, consistent, and constitutional process for those it deems "enemy combatants." The administration cannot place the Uighurs in limbo and abdicate responsibility for resolving the problems it created.

## SIGNATORIES

---

**Stephen E. Abraham**—Partner, Fink & Abraham LLP; Lieutenant Colonel, Military Intelligence, United State Army Reserve (Ret.)

**Mickey Edwards**, President, Aspen Institute; Lecturer at the Woodrow Wilson School of Public and International Affairs, Princeton University; former Member of Congress (R-OK) and Chairman of the House Republican Policy Committee

**Richard A. Epstein**—James Parker Hall Distinguished Service Professor of Law, University of Chicago Law School; Senior Fellow at the Hoover Institution

**Thomas B. Evans, Jr.** —Chairman, The Evans Group, Ltd.; former U.S. Representative (R-Del.); former Co-Chairman Republican National Committee

**Bruce Fein**—Constitutional lawyer and international consultant at Bruce Fein & Associates and the Litchfield Group; former Associate Deputy Attorney General to Ronald Reagan

**David Keene**—Chairman, American Conservative Union

**William S. Sessions**—Partner, Holland and Knight LLP; former Director, Federal Bureau of Investigation; former Chief Judge, United States District Court for the Western District of Texas

**Don Wallace, Jr.**—Professor of Law, Georgetown University Law Center; Chairman, International Law Institute

**John W. Whitehead**—President, The Rutherford Institute

**Lawrence B. Wilkerson**—Visiting Pamela C. Harriman Professor of Government at the College of William and Mary; Professional Lecturer in the University Honors Program at the George Washington University; former Chief of Staff to Secretary of State Colin Powell; Colonel, United States Army (Ret.)

*\*Affiliations Listed for Identification Purposes Only*