

TRANSCRIPT - Feb. 23, 2016

Media Telebriefing: Obama Administration's Plan to Close Guantanamo Bay

WALA:

Thanks so much and thank you all for joining this conference call and, obviously, it's an incredibly busy day with the release of the Pentagon's plan for closing Guantanamo. We aren't going to keep you too long but we did want to provide you a little bit of context and some interesting perspectives on the issue.

I have a really amazing panel of experts that will be sharing their thoughts on the plan and the way forward on Guantanamo with. It is retired Major General Michael Lehnert who was, in fact, the first commander of the detention facility at Guantanamo after the 9/11 attacks. You have his whole bio, I won't read his incredibly impressive military career. He will be sharing some thoughts.

I also have with me Colleen Kelly, who is a member of the 9/11 Families for Peaceful Tomorrows, an organization that works on a variety of issues related to peace and justice. Her brother, Bill Kelly, Jr., died very tragically in the World Trade Center on the 9/11 attacks and Colleen has been to Guantanamo to actually observe the 9/11 trials there and so has some personal experience with that.

Finally, I have Jim Gondles. He has been the executive director of the American Correctional Association since 1991, and has an incredible amount of practical experience evaluating stateside detention facilities and their ability to house dangerous criminals, and can speak to some of the questions around that.

Maybe just by way of introduction I will just say a few words before turning it over to General Lehnert. So the Department of Defense delivered to the Hill today its plan for the closure of Guantanamo Bay pursuant to a requirement in the national defense authorization act. The plan has a few main components to it.

The first component is an accelerated pace of transferring detainees who have been cleared by the law enforcement, military, and intelligence agencies of the United States government. So that includes, currently, 35 detainees, though that number may increase depending on the second prong of the plan, which is to accelerate the pace of Periodic Review Board, or PRB hearings, for those detainees who have not yet been cleared and are not facing trial at Guantanamo. That is the vast majority of additional detainees at Guantanamo who are subject to these reviews that are designed to evaluate whether any threats associated with their transfer can be mitigated or whether they can be cleared for transfer.

Again, this is an interagency process that involves the Department of Defense, the Department of Homeland Security, the Director of National Intelligence, the State Department, the Department of Justice. It's, you know, something that is also may consult with the Joint Chiefs as well, so it is something that is a very rigorous interagency process that is taken seriously at the highest levels of the government.

The plan also makes clear that closing Guantanamo Bay will save the taxpayers money, up to \$180 million a year, despite some outlays associated with modification or construction of facilities within the United States, and is a reflection of the considered national security thinking of top military, national security, and law enforcement officials, both current and former.

One of the surprising, you know, I guess I shouldn't say surprising, but, discouraging developments, is the degree to which this has become a partisan and even a campaign-related issue, and it just has not been over time, by those who've taken a look at the policies.

Even President George W. Bush said in, and I'm quoted here, that the detention facility at Guantanamo had become a propaganda tool for our enemies and a distraction for our allies, quote-unquote, and that's the perspective of the president who opened the facility, and ultimately decided that it needed to be closed, transferring over 500 individuals from Guantanamo Bay.

So I think it's really important to put partisanship aside, put politics aside, and take a clear look at the facts and the policy in evaluating the DOD plan and the way forward to ultimately close the detention facilities at Guantanamo Bay.

With that, I'm going to turn it over to General Lehnert, who's going to say a few words. And Gen. Lehnert, you know, I just want you to address this question head-on: why is it important for Congress to work with the administration to close Guantanamo? And the safety concerns of the American people—why isn't it safer to leave all the detainees at Guantanamo indefinitely? With the rise of ISIS, isn't it just too risky to close Guantanamo right now?

GEN. LEHNERT:

Thank you, Raha. I'll be glad to answer those questions. First, though, as a preamble: as you've already explained, I was the first commander. I was selected to go down there I think largely because my unit was force listed to address any issues that may occur as a consequence of a migrant crisis. That's where Guantanamo has been used for years, for those issues. And I was a commander in the Cuban and Haitian migrant crisis in 1995. So I had the experience.

We deployed in early January 2002. We were given about 96 hours to deploy and to build the first 100 cells. Guantanamo has functioned as a no-man's land for foreign policy under many administrations, both a Democratic and a Republican.

Initially, when we saw the detainees arrive it became fairly apparent after a little bit that there'd been an extraordinarily poor vetting of detainees at the other end, and Raha's talked enough about that. The majority of prisoners at Guantanamo have been held there for years and then returned to their country of origin without any real action whatsoever.

We've seen the failure of the military commissions. They have not been successful. Even conservative-leaning Supreme Court justices have supported the cases brought before them—or—have *not* supported the cases brought before them. So, the commissions have not been successful and the federal courts have been much more successful with those who are incarcerated currently in federal prisons.

Now, in direct response to Raha's question about, why Congress? Guantanamo isn't simply a Republican or Democratic issue. It's about who we say we are as Americans. It's about whether the U.S. Constitution or the values we believe in stop at the water's edge.

Closing Guantanamo should be a bipartisan action and it should be done by all branches of government. We can't say that we're a nation of laws and allow Guantanamo to continue. Congress, as everybody who's listening here knows, holds the purse strings. Raha has already talked about what an extraordinarily expensive operation it is. It costs us over \$4 million per annum per prisoner right now.

Additionally, what he didn't mention is, we tie up about 2,000 troops to guard 91 prisoners. These troops could be used more effectively elsewhere.

Now, there's no doubt that some of these 91 prisoners remaining are very bad people. But they can be locked up in maximum-security prisons. If we can't do that legally, then we've already conceded that our U.S. Constitution, and the values they espouse, don't apply outside the United States.

Now I'm a commissioned officer. I took an oath to support and defend the constitution. Does our current situation imply that if I'm in Guantanamo I don't have to follow the constitution? That's a rhetorical question: I sure hope not.

So the other question that Raha asked is: is it safer to leave all the detainees at Guantanamo? In my view, with the rise of ISIS, it becomes even more imperative to close Guantanamo. I'll leave it to James to assess the relative merits of security in U.S. prisons, he's the experts, compared to Guantanamo. But I've observed that locking folks up in America is one of our core competencies. We do it pretty well.

More importantly: as long as Guantanamo exists, it provides a recruiting tool for our enemies. It makes it difficult for us to claim that we adhere to the rule of law, domestic or international, and for that reason, keeping Gitmo open puts our troops overseas at greater risk, and it is helping to perpetuate terrorism, not to stop it.

So I think in closing, what I'd say is this: that the goal of terrorists is to change our values, to make us afraid. And by keeping Guantanamo open we play into the goal of terrorists. And speaking only personally, I don't intend to live out my life in fear, nor do I intend to dance to their tune.

I'll be glad to take your questions later. Thank you.

WALA:

Thank you so much General Lehnert. I think those are really important points to bear down on.

Colleen Kelly a member of 9/11 Families for Peaceful Tomorrows, I want to just ask you from your perspective why is closing Guantanamo important for getting justice for those killed on September 11th in those horrific terrorist attacks? The president talked in his remarks on the plan this morning about how long it's taken for the military commission trials of the 9/11 co-conspirators –the codefendants – to move forward, and it's unclear whether there's a trial date

even in site at this point in time. Can you, having been at Guantanamo following this issue and your own personal experience, say a little bit about the importance of closing Guantanamo from that angle?

KELLY:

Sure, thanks Raha. I'm Colleen Kelly and I'm one of the cofounders of September 11 Families for Peaceful Tomorrows.

I have visited Guantanamo Bay, I was last there in October of 2015 for two weeks to observe the pre-trial hearings. And I want to emphasize that we're pre-trial because, as you all know, we are still in the pre-trial hearing phase of the military commissions. The pre-trial hearings started in May 2012 and we're coming up on four years. So for us family members, who are actually getting quite desperate for a glimpse of justice into to murder of our loved ones, for this to be four years on and not only still in pre-trial but there's no trial date set. The pre-trial hearings are bogged down in many extraneous issues much of which is coming from outside the court room, players that are influencing what's happening in the military commission process outside the court.

I echo much of what General Lehnert said. I really value his opinion and his thoughts. I also am not a person who wants to live my life being afraid and as someone who did experience first-hand the terror of September 11th I'm firmly committed, as is our organization, to preventing terrorism. And part of that goal it seems is to amplify and use all of the tools that we value so much as American citizens that fall under the umbrella of the rule of law.

Guantanamo Bay, I think we can all agree, was very explicitly set up to be outside of the rule of law. It's outside of our national boundaries and it's outside of our legal boundaries in many ways also. So by President Obama's commitment today, and we're very proud to see that he is recommitting to a promise that he made seven years ago, his recommitment to his promise to close Guantanamo, empty out that prison, and bring justice to those who have committed serious and horrific crimes, and to let other people go free who have never been accused nor charged with anything. I also look forward to any conversations and questions you may have about this issue, but we feel as an organization that we have a system of jurisprudence that has worked very well for this country for over two hundred years, and we are firmly committed to seeing that process play out by the closure of Guantanamo.

WALA:

I want to now turn to Jim Gondles Executive Director of the American Correctional Association, Jim, one of the questions that comes up repeatedly on this issue of closing Guantanamo is whether U.S. facilities can actually handle these detainees. And this came up when one Guantanamo detainee was transferred to the United States, and it's come up every single time that it's been suggested that detainees may be moved to the United States, and the suggestion is that it would make communities less safe, and there is a NIMBY-ism at play here that no member of Congress will agree that Guantanamo detainees could be housed within their district or within their state. I just think it's important to get some idea of what the issues are here. What in your professional judgement does it take to house Guantanamo detainees? Is that possible? What would be the challenges? Are stateside facilities up to the task.

GONDLES:

I've served as executive director of the largest and oldest correctional association in the world, now for 25 years, I've been in prisons throughout the world and specifically throughout the United States. It's a natural reaction to anyone to have what we call NIMBY, not in my backyard. Nobody wants a prison right beside their house, beside their school, or beside a church or beside a hospital or anywhere else. But unfortunately in a country like the United States, we're going to have prisons. And the United States is probably the worldwide expert in incarceration since we have the highest rate of incarceration in the world, and we lock up more people for longer periods of time than any other nation probably in the world. Statistically, China, and North Korea and perhaps Russia may lock up more, but we don't specifically know that.

We've held terrorists since before 1995 in federal facilities and military prisons throughout the United States. They haven't escaped, they won't escape, there is not a jail or prison built in the world that is escape-proof, but the U.S. does an excellent job of ensuring that individuals locked up are locked up away from the public and that the public is safe.

The American Correctional Association takes no particular position on whether or not Guantanamo Bay should be closed. All of us have individual positions, including me. I've been to that particular prison three different times, but I will say that beyond the security aspect, there's also the financial aspect.

We're spending \$3-4 million dollars per individual incarcerated there, held there. In the United States we don't spend anywhere near that much money to incarcerate an individual in one of the most hardened prisons, whether it's a state, federal, or military prison. So, we're experts at doing it and individuals who use fear to prevent it, I think are begging the issue and I think they're looking at the worst elements of an individual when they talk solely on the basis of fear.

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