

REMARKS PREPARED FOR DELIVERY

**CITY ON THE HILL OR PRISON ON THE BAY?
THE MISTAKES OF GUANTANAMO AND
THE DECLINE OF AMERICA'S IMAGE, Part II**

**Hearing before the House Foreign Affairs Subcommittee on
International Organizations, Human Rights and Oversight**

May 20, 2008

OPENING STATEMENT OF CHAIRMAN BILL DELAHUNT

This hearing will come to order.

Today we continue our examination of the detention facility at Guantanamo. And how its operation influences the perception of the United States by the international community and the resulting consequences for American national security and foreign policy objectives.

Years after Secretary Rumsfeld described the GTMO detainees as the 'worst of the worst' we can now conclude -- as one of our prior witnesses stated, that many are more accurately described as "the unluckiest of the unlucky." It is crucial to understand that a majority of the detainees were the victims of a bounty system that made them easy prey for local thugs who seized an opportunity to make a quick buck. Remember that only 5% of the inmates were captured by American forces. The rest were primarily purchased from Afghanis and Pakistanis.

The fact that mistakes are made in the fog of war is understandable and -- as in any human endeavor -- mistakes are to be expected. But what is a historical American trait -- once discovered -- we acknowledge them and fix them. And if need be, we design a system that allows redress -- that embraces the rule of law in full measure -- and that shows the world that American justice is not afraid of the truth but rather seeks the truth -- however embarrassing.

However, no admission that mistakes were made is forthcoming from this White House. But this is the rule not the exception. They appear to be in a constant state of denial.

In response to a the Supreme Court's decision in Hamdi, they compound their mistakes by setting up review processes at Guantanamo that makes a mockery of the unique American respect for the rule of law. As we shall hear today, that process, known as the Combatant Status Review Tribunals or "CSRTs" were not established to search for the truth about the guilt or innocence of detainees. Instead, their sole purpose was to legitimize the Administration's detention of these people. If a CSRT issued a determination that someone was not an enemy combatant, they merely convened a new CSRT to overrule the decision of the first. As we shall hear from today from Lt. Col. Abraham, the results were often fixed. They were a sham. Exculpatory evidence was ignored in the case of many detainees, including German resident Murat Kurnaz from whom we will hear shortly.

But that wasn't all that was ignored-- America's adherence to the rule of law was ignored --- and American values were also ignored --The treatment of these detainees -- both in Gitmo and elsewhere has been appalling. As we will hear today, this includes sticking someone's head in a bucket of water while punching them in the stomach and demanding they confess. This includes hanging them by their wrists. This includes placing them in metal boxes with no natural light 22 hours a day with nothing to read or do. Even 14 year olds! This is conduct that every patriotic American should find repugnant. It is important to remember that this is corroborated by reports that the FBI raised concerns about US interrogators mistreating detainees in Guantanamo and withdrew from participating in the questioning of inmates.

What sets America apart among the family of nations is our adherence to principles. Principles of justice -- Principles of respect for all human beings -- These are the

principles that have defined who we are as a nation. They are not to be ignored when inconvenient. They are not to be ignored even when dealing with evil people. Rather, in the treatment of our enemies we are judged.

And if we had adhered to these American principles -- had we provided these detainees with a fair assessment of their status – as patriotic Americans have always done -- we would have found that many of these detainees were neither enemies nor even combatants. Based on the statistics from the Defense Department, as analyzed by Prof. Denbeaux, only 4% of the 516 CSRTs even alleged that a detainee had been on a battlefield.

As we heard in our last hearing, decisions on release often had more to do with whether a country was pushing to get its citizens back or not and whether they were considered allies. That is why some get sent back even when they are dangerous, and many who are not dangerous stay behind.

And when we do send them back, some have been sent back on the basis of ‘diplomatic assurances’ -- in other words, promises from the receiving country that the detainee would not be tortured. Countries like Libya, Tunisia, Kazakhstan and IRAN! These are all nations which our State Department describes as practitioners of systematic torture. But we have to give the government credit for one thing -- recognizing that diplomatic assurances from the Chinese who wanted the Uighurs back couldn’t pass the laugh test. And now we find ourselves in a quandary. What to do with the Uighurs – we can’t seem to find a country that will accept them – are they to be held in captivity indefinitely in Guantanamo?

Let’s be clear about what is at stake here -- the damage from Guantanamo goes well beyond the pain and suffering of these individuals and their families. This place has singlehandedly dealt a blow to the nation’s image in the world that will take decades to overcome.

The consequences to our national interest are devastating. The State Department's own Advisory Group on Public Diplomacy for the Arab and Muslim World concluded that "hostility toward the U.S. makes achieving our public policy goals far more difficult." But the injury is not limited to the Middle East. As a 2005 GAO report concluded, a poor reputation seriously undermines our ability to pursue our foreign policy objectives across the globe, in an array of spheres, whether it be establishing a security alliance or selling American goods.

In our efforts to claim a moral authority, Guantanamo is a serious obstacle. Sixty eight percent of people polled across the globe disapprove of how the US government has treated detainees in Guantanamo and other prisons. In several countries, including Germany, Great Britain, Argentina and Brazil, disapproval rates on our handling of detainees in Guantanamo surpass seventy five percent.

It is well past time for the Bush Administration to deal with its mistakes. We all must work aggressively to free those who everyone agrees after thorough review can depart. If no nation can be found to which detainees could safely be sent without risk of torture, then we need to think creatively about alternative solutions, including bringing some to the United States. Particularly for the Uighurs, resettlement in the US is the obvious choice. For those the Administration still considers a threat, give them their day in court.

Let me now turn to my friend and colleague, Mr. Rohrabacher, for any statements he may care to make.