



Responding to the Conservative Offensive on Guantanamo Bay and Torture

Executive Summary

In recent weeks the GOP has launched a new line of attack in its attempt to reclaim national security as a conservative issue. In responding to claims that closing Guantanamo will bring terrorists to our backyard and that stopping torture will make us less secure, we recommend making the following points:

- Terrorists will be transferred to the most secure detention facilities in the entire world – facilities that have successfully held some of the world’s most dangerous terrorists and criminals.
- The men, women and military officials who run these facilities and keep our communities safe have a proven track record and are ready to continue doing their job. Why do Republicans think they can’t do their job?
- These facilities are often times the economic and social lifeblood of the community. Why do Republicans insist on disparaging them during such tough economic times?

Below are a number of myths that the GOP continues to perpetuate and our recommended responses. Further push back data is provided in the body of the document.

Myth: The President should not close Guantanamo because it will result in releasing terrorists into American neighborhoods.

Reality: Our criminal justice system has a long history of being able to hold the world’s worst terrorists including the perpetrator of the first World Trade Center attacks, numerous 9/11 conspirators, the Shoe Bomber and Timothy McVeigh. The men and women who serve their country by working at these prisons are ready and eager to do their job – a job that is economically critical to their communities. Why do Congressional Republicans continue to claim that the men and women who run our prisons and help keep America safe aren’t up to it?

Myth: Torture has worked to keep Americans safer.

Reality: Intelligence experts believe that torture has resulted in the deaths of “at least hundreds but more likely thousands” of Americans at the hands of terrorists. General Petraeus instructed his troops not to use torture in Iraq because it doesn’t work and hurts the fight. And the interrogator who located the notorious terrorist Abu Musab al-Zarqawi believes that Abu Ghraib and Guantanamo were the main reasons fighters came to Iraq to attack Americans.

Myth: Our criminal justice system is not adequate for trying and convicting terror suspects.

Reality: The U.S. justice system is much more effective at convicting terrorists than ad-hoc system at Guantanamo Bay. Between September 12, 2001 and the end of 2007, 145 terrorists

were been convicted in American courts. Meanwhile since 9/11 only three have been convicted at Guantanamo. In fact, the U.S. justice system has a long history of success convicting terrorists such as the perpetrator of the first World Trade Center attacks, 9/11 conspirator Zacharias Moussaoui, the Shoe Bomber and Timothy McVeigh.

Myth: 61 released terrorists have returned to the fight and are killing Americans. We can't release anymore.

Reality: The 61 number is inflated by counting detainees who wrote op-eds or made documentaries after leaving Guantanamo. The Bush Pentagon has a history of inflating these numbers and using them to scare people. The reality is that some small number of these detainees may return to the fight, but that risk is far outweighed by the hundreds if not thousands of Americans who have already died at the hands of terrorists motivated as a result of Guantanamo Bay and Abu Ghraib.

Myth: The Bush administration kept us safe for seven years by preventing another terrorist attack.

Reality: Rather than keeping us safe, the Bush administration diverted efforts from the real fight and launched a disastrous war against a country that had nothing to do with 9/11 and had no weapons of mass destruction. And today, thanks to the Bush administration's neglect, the countries that present the most direct terrorist threat – Afghanistan and Pakistan – are in dire straits.

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Reality: Guantanamo Bay remains an unsalvageable blight on America's reputation and makes it incredibly difficult for us to pursue other foreign policy interests. A bipartisan group of five former Secretaries of State, including Colin Powell, Henry Kissinger and James Baker all agree that it should be closed and Condoleezza Rice and Bob Gates both urged President Bush to close it. The Obama administration has developed a plan for closing Guantanamo and the money it has requested is the start of a process that we will see unfolding over the next few months.

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- **The federal prison system currently, and safely, holds a large number of convicted terrorists. Prisoners currently being held or have been held for an extended period of time include:**
 - **Ramzi Yousef.** The mastermind of the 1993 World Trade Center bombings was convicted and sentenced in 1998 by the Federal District Court in Manhattan and is

being held at ADX Florence, the supermax prison in Florence, Colorado. [NY Times, [1/9/98](#). NY Times, [4/5/03](#)]

- **Zacharias Moussaoui.** Convicted of conspiring to kill Americans for his role in the 9/11 attacks, Moussaoui is currently serving a life sentence at the ADX Florence, the supermax prison in Florence Colorado. [NY Times, [5/3/06](#). NY Times, [5/14/06](#). NY Times, [5/5/06](#)]
 - **East African embassy bombing perpetrators.** Wahid el-Hage, Mohammed Sadiq Odeh, Mohammed Rashed al-Owhali, and Khalfan Khamis Mohammed are all serving in ADX supermax. [NY Times, [12/25/01](#)]
 - **Richard C. Reid.** The so called “Shoe Bomber,” Reid was convicted for trying to blow up an airliner over the Atlantic with explosives in his shoe. He is currently serving a life sentence at the ADX Florence supermax prison. [NY Times, [1/31/03](#). NY Times, [5/14/06](#)]
 - **Timothy McVeigh.** Convicted of killing 168 people by blowing up the Alfred P. Murrah Federal Building in Oklahoma City, McVeigh was held in the Colorado Supermax prison, ADX Florence, until his execution on June 11, 2001. [NY Times, [6/11/01](#)]
 - **Ali Saleh Kahlah al-Marri.** The only person known to be held as an enemy combatant in the continental United States, al-Marri spent six years in the Naval Consolidated Brig in Charleston South Carolina and is now being held in the Federal Correctional Institution in Illinois. [Associated Press Via Fox News, [5/1/09](#). NY Times, [4/30/09](#)]
 - **Sheikh Omar Abdel-Rahman.** Responsible for plotting a series of bombings and assassinations, Omar Abdel-Rahman is currently serving a life sentence at Butner Federal Correctional Institution in North Carolina. [NY Times, [1/18/96](#).]
 - **Muhammad Salameh.** Convicted for his role in the 1993 World Trade Center bombing, Salameh is serving a life sentence in ADX Florence. [Library of Congress, [9/99](#). NY Times, [3/5/94](#).]
- **During World War II 425,000 Nazis were held inside the United States – much more than the 250 detainees who remain in Guantanamo.** During World War II, the United States, which had little previous experience with foreign POWs, hastily threw up 700 internment camps to detain 425,000 enemy soldiers, who were arriving sometimes at a rate of 30,000 a month. The total number of detainees in Guantanamo is only 250 many of whom would not come to the United States. [USA Today, [11/15/04](#).]
 - **Communities around these facilities are able and willing to hold detainees.** The National Journal writes, “Indeed, as home to four major prisons, Leavenworth is known for being pretty good at locking people up. The U.S. Penitentiary, built on federal land abutting the Army post, held some of the worst criminals of the 20th century... ‘Prison City,’ as Leavenworth is sometimes called, is best known for the Disciplinary Barracks, the only maximum-security prison in the military. Operating since 1875, its current inmates include Ronald Gray, a serial killer entering his third decade on death row... Leavenworth itself has a long history of dealing with foreign enemies: Fourteen Nazi prisoners of war were transferred to the Disciplinary Barracks for killing other inmates, and Muhammad Salameh, who rented the Ryder truck used in the 1993 World Trade Center bombing, served time at the U.S. Penitentiary. ‘Most of us who are former military in town are behind the effort, BECAUSE we know the capabilities of the USDB

[U.S. Disciplinary Barracks] staff to handle the situation,' [says] former Army Sgt. Jere Smith." As another resident and retiree said, "We are a prison city; that's what we do." [National Journal, [1/31/09](#)]

- **ADX Florence – America’s supermax prison – places prisoners in 23 hour a day lockdown and keeps them almost completely confined.** The former warden at ADX Florence, America’s only supermax prison, said on 60 Minutes, “Most prisoners spend up to 23 hours a day in their cells, every minute, every meal. The window in their cell is blocked so they can't see the mountains. Inmates can watch a 12" black and white television or read books to pass the time. And if they behave, they may get limited exercise in a one-man recreation pen.” And regarding Ramzi Yousef, the warden said, "Never been out, to my knowledge." [60 Minutes, [8/14/07](#)]
- **In this time of economic hardship, residents of prison towns welcome the financial benefits of the high-profile prisoners.** As a National Journal article says, “That sense of duty is matched by a cold pragmatism... as any farmer knows, we should 'make hay while the sun shines,' wrote one resident, referring to the jobs, government contracts, and federal money that would accompany a prisoner transfer. The U.S. government is the lifeblood of Leavenworth; in 2007 alone, the county received federal funds amounting to \$24,000 per capita. (The corresponding figure for Alaska, the leading state in terms of federal aid, was \$14,000.) And as Colorado Governor Bill Ritter’s spokesman said about ADX Florence, "I think communities in Florence and in southern Colorado — where there are many prisons and correctional facilities — this is part of their community, they understand that." [National Journal, [1/31/09](#). Denver Post, [1/25/09](#)]

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- **The interrogator who used legal means to locate the notorious terrorist Abu Musab al-Zarqawi believes that Guantanamo Bay and torture there are responsible for the deaths of “at least hundreds but more likely thousands” of Americans.** A Retired Air Force Major who goes by the pseudonym Matthew Alexander says that these programs are responsible for thousands of Americans’ deaths, “I listened time and time again to foreign fighters, and Sunni Iraqis, state that the number one reason they had decided to pick up arms and join Al Qaeda was the abuses at Abu Ghraib and the authorized torture and abuse at Guantanamo Bay... The number-one reason foreign fighters gave for coming to Iraq to fight is the torture and abuse that occurred at Abu Ghraib and Guantánamo.” [Harper’s Magazine, [12/18/08](#)]
- **General Petraeus wrote to his troops that torture is not useful and hurts America’s efforts.** In a 2007 letter to his troops in Iraq, General Petraeus wrote, “This fight depends on securing the population, which must understand that we—not our enemies—occupy the moral high ground... Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows

that they also are frequently neither useful nor necessary. Certainly, extreme physical action can make someone 'talk'; however, what the individual says may be of questionable value. In fact our experience in applying the interrogation standards laid out in the Army Field Manual (2-22.3) on Human Intelligence Collector Operations that was published last year shows that the techniques in the manual work effectively and humanely in eliciting information from detainees. [David Petraeus, [5/11/07](#)]

- **According to former CIA interrogators and intelligence officials, torture has produced little actionable intelligence.** The Bush administration claimed that torturing Khalid Sheikh Mohammed (KSM) saved American lives. But retired CIA agents disagree, "according to a former senior C.I.A. official, who read all the interrogation reports on KSM. '90 percent of it was total fucking bullshit.' A former Pentagon analyst adds: 'KSM produced no actionable intelligence.'" [Vanity Fair, [12/16/08](#). CBC, [10/27/08](#).]

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- **Between September 12, 2001 and the end of 2007, 145 terror defendants have been convicted in American courts of at least one count, either by a verdict of guilty after trial or by a guilty plea.** [Human Rights First, [May 2008](#)]
- **Only 3 terrorists have been convicted at Guantanamo and two of those were released.** Osama Bin Laden's driver Salim Hamdan and Australian David Hicks were both convicted and sent home (Hicks pled guilty). Ali Hamza al Bahlul was convicted and sentenced to life. Former chief military prosecutor Col. Morris Davis explained the problems with the ineffective system "In seven years we've managed to complete three trials: Hicks, Hamdan, and al Bahlul, or as I'd summarize it: a dupe, a driver, and a default." [Washington Post, [11/4/2008](#)]
- **Our system has convicted some of the world's worst terrorists and sent them to jail.** Ramzi Yousef, the mastermind of the 1993 World Trade Center bombings was convicted and sentenced to life in prison in 1998 by the Federal District Court in Manhattan. Zacharias Moussaoui, was convicted by a federal court in Alexandria, VA of conspiring to kill Americans for his role in the 9/11 attacks, he was sentenced to life in prison. The terrorists who committed the East African embassy bombings were convicted in Federal District Court in Manhattan and are imprisoned for the rest of their lives. [NY Times, [1/9/98](#). NY Times, [4/5/03](#). NY Times, [5/3/06](#). NY Times, [5/14/06](#). NY Times, [5/5/06](#). NY Times, [12/25/01](#). NY Times, [1/25/01](#)]

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- **The report citing the number 61 is inflated and misleading. The Bush Pentagon had a history of inflating these numbers by claiming that former detainees by virtue of having written op-eds in the NY Times had “returned to the fight.”** A report by Seton Hall University Law School found that previous statements by the Pentagon far exaggerated the number of detainees who have actually returned to the fight and included, for example, detainees who wrote op-eds about Guantanamo or participated in a documentary. The Pentagon’s latest report was the 43rd time it has tried to calculate these numbers but with new and contradictory numbers being released each time. And in fact, of the “61” supposed detainees who have returned to the fight, only 18 were actually confirmed and no details about the 18 were released. [VOA, [1/14/09](#). Ken Gude, Think Progress, [1/15/09](#). [Seton Hall University Law School](#)]
- **The conditions and abuses in Guantanamo Bay have contributed to creating terrorists.** One example of recidivism is Abdullah Saleh Al-Ajmi, a Guantanamo Bay detainee who on March 23, 2008 drove a pickup truck filled with 5,000 to 10,000 pounds of explosives onto an Iraqi army base outside Mosul. As the Washington Post reported, “What makes Ajmi's journey from inmate to bomber so disturbing to top government officials is the fact that he never was deemed to be among the worst of the worst... Ajmi was ‘never on anyone's top 10 list of people we expected to return to the fight.’” But since his death, “U.S. intelligence agencies have sought to determine when Ajmi became a hard-core jihadist.” As his attorney said, "It was Guantanamo." [Washington Post, [2/22/09](#)]
- **The handful who have committed violence after being released from Guantanamo Bay pales in comparison to the number of people recruited to extremism because of these policies. Torture and detention at Guantanamo Bay are the strongest recruiting tools for al Qaeda.** As Navy General Counsel Alberto Mora testified before the Senate Armed Services Committee, “Serving U.S. flag-rank officers... maintain that the first and second identifiable causes of U.S. combat deaths in Iraq – as judged by their effectiveness in recruiting insurgent fighters into combat – are, respectively the symbols of Abu Ghraib and Guantanamo.” [Alberto Mora [6/17/08](#)]

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- **America’s 16 intelligence agencies say that al Qaeda is growing stronger and that the threat emanating from the Afghanistan-Pakistan border is the most direct**

threat to American security. The 2006 and 2007 National Intelligence Estimates both concluded that al Qaeda “will continue to pose the greatest threat to the Homeland and US interests abroad.” The GAO, in concert with the unclassified 2007 NIE and State and embassy documents, found that “al Qaeda’s central leadership, based in the border area of Pakistan, is and will remain the most serious terrorist threat to the United States...” and “...is now using the Pakistani safe haven to put the last element necessary to launch another attack against America into place.” [NIE, [4/06](#). NIE, [7/07](#). NY Times, [9/24/06](#). GAO, [4/08](#)]

- **Rather than focus on the greatest threat, the Bush administration consistently diverted resources away from Afghanistan and Pakistan to Iraq.** The New York Times reported that “the White House shifted its sights, beginning in 2002, from counterterrorism efforts in Afghanistan and Pakistan to preparations for the war in Iraq... Current and former military and intelligence officials said that the war in Iraq consistently diverted resources and high-level attention from the tribal areas. When American military and intelligence officials requested additional Predator drones to survey the tribal areas, they were told no drones were available because they had been sent to Iraq.” [NY Times, [6/30/08](#)]
- **There is a consensus among experts that the Bush administration did not treat the threat “seriously enough.”** According to the New York Times, there is “growing recognition among senior officials that the Bush administration for years did not take the Qaeda threat in Pakistan seriously enough...” As National Intelligence Officer Ted Gistaro has testified before Congress, this inattention has meant that the region has become a “stronger, more comfortable safe haven” for al Qaeda. [NIE, [07/07](#). NY Times, [8/13/08](#)]

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- **Five former Secretaries of State – Republicans and Democrats – agree that we must close Guantanamo Bay to regain our moral leadership abroad.** A bipartisan panel made up of Secretaries Kissinger, Albright, Powell, Baker, and Christopher all agreed that closing Guantanamo Bay is vital for repairing the damage it has caused to America’s image and respect. As James Baker, Secretary of State for George H.W. Bush, said, “Close Guantanamo. We were on a panel together several months ago, and we all agreed, one of the best things that could happen would be to close Guantanamo, which is a very serious blot upon our reputation.” [CNN, [9/20/08](#)]
- **Secretaries Gates, Rice, and Powell all urged President Bush to close Guantanamo Bay detention center.** The NY Times writes, “in his first weeks on the job, Mr. Gates told Mr. Bush that the world would never consider trials at Guantánamo to be legitimate.

He said that the camp should be shut, and that inmates who should stand trial should be brought to the United States and taken to real military courts. Mr. Bush rejected that sound advice, heeding instead the chief enablers of his worst instincts, Vice President Dick Cheney and Attorney General Alberto Gonzales... even when he [Gates] was backed by Secretary of State Condoleezza Rice, who, like her predecessor, Colin Powell, had urged Mr. Bush to close Guantánamo.” [NY Times, [3/25/07](#)]

- **Obama’s promise to close Guantanamo Bay improves the image of America in the world.** Gallup says, “After less than a week in office, Obama has already set in motion one action that some residents in the predominantly Muslim Middle East and North Africa region told Gallup would improve their opinions of the United States significantly -- the closure of the Guantanamo Bay detention facility camp in Cuba. And Obama has started discussions on another action that also will likely affect a number of residents' opinions -- the expedited withdrawal of U.S. combat troops from Iraq... Obama's order to close the Guantanamo facility and even the United States' expedited departure from Iraq will not renew America's leadership in the region, not while a perceived imbalance in U.S. relations with Israel remains, but they may help improve its image among some residents. At the very least, they may help open a window of opportunity through which the Obama administration can see its ‘new way forward.’” [Gallup, [1/27/09](#)]
- **The President understands that this is a complicated issue, which is why he ordered Guantanamo Bay to be closed within year instead of immediately.** The President’s Executive Order established a process and plan for closing Guantanamo Bay over a one year period. It requires consolidating detainee information, reviewing the cases of each detainee, determining which detainees the Federal government should prosecute, figuring out transfers and negotiating with foreign governments. This is a complex process that was not meant to be completed overnight. Progress is, however, being made as is demonstrated by the French government’s recent announcement that it will accept Guantanamo detainee Lakhdar Boumediene. [Barack Obama, [1/11/09](#). Reuters, [5/6/09](#)]