



COMMITTEE ON APPROPRIATIONS

DAVID R. OBEY, CHAIRMAN

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Press Contact: Ellis Brachman / Jenilee Keefe Singer (202) 225-2771

OBEY STATEMENT ON GUANTANAMO DETAINEES

“WE DO NOT PROVIDE DUE PROCESS FOR THE BENEFIT OF CRIMINALS;
WE PROVIDE IT FOR OUR OWN SAFETY'S SAKE”

WASHINGTON – Dave Obey (D-WI), the Chairman of the House Appropriations Committee, made the following statement today on the House Floor regarding the handling of Guantanamo Bay detainees:

“Madam Speaker,

“From time to time, people in this House know that I quote my old favorite philosopher, Archie the Cockroach, and Archie said, or maybe it was Will Rogers – I've forgotten exactly which –but one of them noted that there is nothing more pitiful than the sight of a flock of politicians in full flight.

“They can look as panicked as a loon trying to take off from choppy lake water. And if you've ever watched one of those, it takes them a long time, they make a lot of ruckus, and they look like an unjointed turkey in the process. That's the way the Congress has looked, in my judgment, with respect to this Guantanamo Bay issue.

“Now, this country has a problem. After September 11 we picked up a lot of bad and dangerous characters and shipped a lot of them to Guantanamo. We also picked up, on the basis of bad information, some who didn't belong there. From what I can tell, it would appear like virtually every single person there now deserves to be there.

“But the problem is that the previous Administration had no process by which to separate the merely misguided from the truly evil. And as a result, thanks in part to the unrelated chaos of Abu Ghraib, the United States, which has rightly prided itself on being the principal advocate of due process and human rights in the world, has come to be seen by some these days as a pretty major apologist for torture and imprisonment without review or remedy. I don't think that's what America really stands for.

“President Obama has tried to deal with the fact that Guantanamo has become a major liability to this country in the court of world opinion and in some cases has become a recruiting ground for the very forces that we wish to contain.

“In the Presidential campaign, to their credit, both candidates called for closing Guantanamo because they recognized the damage being done to our influence and our security. President Obama won that election and announced his intention to close the facility.

“Admittedly, the Administration did not demonstrate a high degree of skill in implementing that decision. They had a credible goal, but they clearly had not thought through how to get there. That's why this committee insisted in the 2009 supplemental that the administration present its analysis to the Congress before people who were imprisoned in Guantanamo could be shipped elsewhere and before any detainees could be brought to the U.S. or transferred to another country.

Very frankly, the Administration has received very little help from Capitol Hill in thinking through this problem. A number of Members have had legitimate concerns, but they could not come up with any reasonable set of criteria by which transfers could be affected.

“Now, this motion would have this body declare that no prisoners can be transferred anywhere in this country even for prosecution, which they so richly deserve. That means the detainees would have to be transferred to other countries or that Guantanamo would have to remain open as a permanent stain on our reputation for due process.

“I think we can do better than that.

“Has this country, this country that has even tried the worst criminals in the history of the world at Nuremberg, has this country experienced such a pitiful decline of modern thoughtful political leadership that we now have no capacity except to say lock them up forever, no questions asked, and no due process provided under any circumstances? We may want to lock them up. I'm sure we do. But we can do better in the way we do it.

“In America we do not provide due process for the benefit of criminals; we provide it for our own safety's sake.

“I don't know how many Members are familiar with the play ‘A Man for All Seasons’ about Sir Thomas More, who was martyred by King Henry VIII. When More's son-in-law, Richard Roper, in that famous play, said that he would cut down every law in England to get at the devil, More replied, ‘And where would you hide then, the laws all being flat? Yes, I give the devil benefit of law, for my own safety's sake.’

“That's why it's important that we have a process that will allow us to lock up and throw-away the key on everyone in Guantanamo who deserves it; but we cannot tell the world that just because this process is difficult, we are simply going to take the easy road and step over the values that make this Nation great.

“I refuse to believe, as the gentleman from North Carolina has already indicated, I refuse to believe that our law enforcement officials, our prison officials, and our Justice Department officials are not skilled enough and thoughtful enough to imprison these thugs in high-security facilities at minimal or no danger to our citizens and our communities. Our prisons keep us safe from the likes of Charles Manson; David Berkowitz, the "Son of Sam" killer; the World Trade Center bombers; and the Kenyan Embassy bombers, whom I detest because they killed several friends of mine. What we want to propose in conference will be built on the faith that we do have that capacity.

“Now, we can either let somebody else deal with our problems, or we can let them fester because we don't want to deal with them and make hard choices ourselves. That's unacceptable, and I think it's time that we face up to that.

“What will emerge from conference, I suspect, will be language that any reasonable person will be able to say is a good-faith, effective process by which we can keep Americans safe and still continue to stand for the due principles that we have always stood for.

“I know these people are enemy combatants and they don't deserve it. But we don't make our decisions on the basis of what we think of defendants. We make our decisions on the basis of what we think of ourselves. And that's what makes us the greatest country in the world. And I do not want, as this motion would have us do, to depart from that high standard today.

“Again, I thank the gentleman for the time.”

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