

The following opinion piece was submitted to RPNM by former JAG officer, Lieutenant Colonel Harold A. Teeter

President Obama's Decision to Close Guantanamo Bay

Even smart people make dumb mistakes. President Obama is thought to be a smart person, therefore he makes dumb mistakes. Case in point: His decision to close the prison at Guantanamo Bay. If ever there was a case of leaping before looking, this is it! Obama had not considered what he was going to do with the 250 or so detainees when he announced closure of Guantanamo Bay.

We asked about 100 of our "allies" to take some and they all said no! Finally Palau, a nation of some 200 Islands in the South Pacific, eight of which are occupied, has agreed—for \$200,000.00 or about \$10,000.00 per resident—to take the Chinese Muslim Uighurs we are detaining.

Some of the 200 others are downright dangerous and would kill Democrats or Republicans without a qualm! What shall we do with these very dangerous people?

We could transfer them to the USA and put them into some of our supermax prisons from which nobody has escaped, if we are to keep detaining them forever without trial! Goodness me, that sounds like George Bush's policy, and a very good reason to keep them at Guantanamo Bay. We could try them for crimes against the USA, but there are a myriad of reasons why we would probably fail, most of which have to do with a lack of admissible evidence in any federal criminal court. What we could do with the majority, who might not kill us if we just turned them loose on the world, is settle them in the USA.

One thing for sure, if we bring any of these detainees into the USA, on arrival they then would have a right to bring a successful action for Habeas Corpus and ask a federal judge to determine why they are being detained without trial. The fact of the matter is that with very rare exceptions they have not committed recognizable crimes against the United States and even if they had we probably could not come up with admissible evidence to convict them. The real reason we are detaining them is that they were "members" of some kind of a military force making war against us and that war is still going on.

Back in 2006, it was Bush administration policy to question such people for intelligence purposes without giving them the standard Miranda warnings. Before condemning the Bush Administration for infringing upon their rights, remember, the first thing you do when advising a criminal suspect of their Miranda rights, is to tell the suspect of which crime[s] you suspect him! If you

don't suspect the person being questioned of having committed a crime, he quite simply does not have any Miranda Rights.

There is no decent way to rid ourselves of these detainees. The best and kindest thing we could do with them is just keep them at Guantanamo Bay until this 'war' is over. Doing just that complies with a long established rule of International Law for treatment of POWs.