OBAMA: WE’RE FORCE-FEEDING CLEARED DETAINEES BECAUSE WE COULDN’T TRY THEM IN CIVILIAN COURTS

At a press conference today, Obama had this to say about hunger strikers at Gitmo.

> **Q**: Mr. President, as you’re probably aware, there’s a growing hunger strike at Guantanamo Bay, among prisoners there. Is it any surprise, really, that they would prefer death rather than have no end in sight to their confinement?
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> **PRESIDENT OBAMA:** Well, it is not a surprise to me that we’ve got problems in Guantanamo, which is why, when I was campaigning in 2007 and 2008 and when I was elected in 2008, I said we need to close Guantanamo.
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> I continue to believe that we’ve got to close Guantanamo. I think – well, you know, I think it is critical for us to understand that Guantanamo is not necessary to keep America safe. It is expensive. It is inefficient. It hurts us in terms of our international standing. It lessens cooperation with our allies on counterterrorism efforts. It is a recruitment tool for extremists. It needs to be closed.
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> Now Congress determined that they would not let us close it and despite the fact that there are a number of the folks who are currently in Guantanamo who the courts have said could be returned to their country of origin or potentially a third country.
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> I’m going to go back at this. I’ve asked

my team to review everything that's currently being done in Guantanamo, everything that we can do administratively, and I'm going to re-engage with Congress to try to make the case that this is not something that's in the best interests of the American people.

And it's not sustainable. I mean, the notion that we're going to continue to keep over a hundred individuals in a no man's land in perpetuity, even at a time when we've wound down the war in Iraq, we're winding down the war in Afghanistan, we're having success defeating al-Qaida core, we've kept the pressure up on all these transnational terrorist networks, when we've transferred detention authority in Afghanistan — the idea that we would still maintain forever a group of individuals who have not been tried — that is contrary to who we are, it is contrary to our interests, and it needs to stop.

Now, it's a hard case to make because, you know, I think for a lot of Americans, the notion is out of sight, out of mind, and it's easy to demagogue the issue. That's what happened the first time this came up. I'm going to go back at it because I think it's important.

Q: (Off mic) — continue to force-feed these folks — (inaudible) —

PRESIDENT OBAMA: Well, I don't — I don't want these individuals to die. Obviously, the Pentagon is trying to manage the situation as best as they can. But I think all of us should reflect on why exactly are we doing this. Why are we doing this?

I mean, we've got a whole bunch of

> individuals who have been tried who are currently in maximum security prisons around the country. Nothing's happened to them. Justice has been served. It's been done in a way that's consistent with our Constitution, consistent with due process, consistent with rule of law, consistent with our traditions. The — the individual who attempted to bomb Times Square — in prison serving a life sentence. Individual who tried to bomb a plane in Detroit — in prison serving a life sentence. A Somali who was part of al-Shahab (sic) who we captured — in prison.
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> So we can handle this. And I understand that in the immediate aftermath of 9/11, with the traumas that had taken place, why, for a lot of Americans, the notion was somehow that we had to create a special facility like Guantanamo, and we couldn't handle this in — in a normal, conventional fashion. I understand that reaction.
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> But we're not over a decade out. We should be wiser. We should have more experience at — in how we prosecute terrorists. And this is a lingering, you know, problem that is not going to get better. It's going to get worse. It's going to fester.
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> And so I'm going to — as I've said before, we're — examine every option that we have administratively to try to deal with this issue. But ultimately, we're also going to need some help from Congress. And I'm going to ask some — some folks over there who, you know, care about fighting terrorism but also care about who we are as a people to — to step up and — and help me on it.

To review, he was asked about hunger strikers' desperation. In response, Obama talked about

Gitmo in terms of efficacy — citing cost and image, which only indirectly relate to the plight of those who have been cleared. He then blames Congress for not letting him close Gitmo. Then ultimately he admits that Gitmo amounts to keeping "a hundred individuals in a no man's land in perpetuity."

Now, at that point, someone should have asked whether he admits that military commissions aren't working. Because one of the things that is keeping the actual terrorists in no man's land is the failed MC system.

But Obama doesn't answer the question, really, about hunger strikers directly. When the reporter asks again, Obama suggests that the problem — why are we doing this — is that his Administration has not been permitted to try detainees in civilian courts.

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He ends by repeating that he needs Congress' help.

Now, Obama does need Congress' help to close Gitmo. He needs Congress' help (though didn't, when Eric Holder initially decided to try the 9/11 plotters in NY) to try the actual terrorists in civilian courts, to get them in Florence SuperMax in cells down the hall from Faisal Shahzad and Umar Farouk Abdulmutallab, whom he cites.

But most of the detainees at Gitmo won't ever be tried in civilian courts, either because they were tortured so badly they couldn't be tried without also admitting we tortured them (and, presumably, try the torturers), or because we don't have a case against them.

Trying detainees who don't pose a threat in

civilian courts won’t solve the problem as they’re not guilty of any crime.

Moreover, Obama dodges what his Administration has done himself to keep detainees in Gitmo, notably the moratorium on transferring detainees to Yemen and the appeals of Latif and Uthman’s habeas cases so as to have the legal right to keep people based solely on associations and obviously faulty intelligence documents.

Obama doesn’t mention that part of Gitmo’s legacy. Obama says 10 years have elapsed and we should be able to move beyond the fear keeping men at Gitmo.

3 years have elapsed since he issued the moratorium on Yemeni transfers; 19 months have elapsed since he killed Anwar al-Awlaki, purportedly (though not really) the big threat in Yemen. It’s time to move on in Yemen, as well as generally.