

## **Guantanamo Bay House Committee on Homeland Security**

### **Introduction**

Guantanamo Bay was originally created as a base for the United States Navy to protect the “soft underbelly” of the continental U.S.. As well as being a naval base, it was a coaling station, where American naval ships went to refuel before heading back out to sea. Over the course of the 1800s, it morphed into a ship repair point on top of being a base and coaling station. During both World War I and World War II, Guantanamo was additionally used as a launching point for naval ships to fight against German naval crafts. After the wars, it became a location of hurricane relief for both US territories in the Caribbean and the states bordering the Gulf of Mexico. Within the past 15 years, a new purpose of Guantanamo has emerged. It has now effectively become a prison, known as GITMO, that houses terrorists and enemies of the United States.

History of the Problem:

In the early 1900s, Cuba, which was a territory of Spain at the time, began to rebel against their mother country in a cry for independence. Through yellow journalism and the “attack” of the U.S. Maine, the United States got involved and helped the Cubans achieve their independence. After the war, the U.S. helped Cuba establish a democratic form of government and assisted them in writing their own constitution. In this constitution, the U.S. encouraged the Cubans to sign into law the Platt Amendment. The Platt Amendment outlined the role of the U.S. in Cuba’s foreign policy and additionally granted the U.S. land for the formation of a naval base and coaling station. The U.S. immediately established their presence on the island and claimed Guantanamo Bay as their own.

In 1933, Franklin D. Roosevelt, in an attempt to create better relations with Latin America, established the Good Neighbor Policy. This policy nullified the Platt Amendment and removed the U.S. from Cuban political affairs. However, even though the amendment was nullified, the U.S. still gained Guantanamo Bay as a coaling station, army base, and additionally a launching point for naval attacks during WWII.

After WWII, the world was swept into the Cold War. Cuba at this point in time had a totalitarian leader in place, who the U.S. supported. Fidel and his brother Raul Castro overthrew this leader in favor of a communist government. The USSR then became close allies with Cuba through their shared governmental beliefs. This frightened the U.S. because the nuclear arms race was heating up, and in response to Cuba and the USSR’s actions, the U.S. placed missiles in Turkey. In retaliation, the USSR began building launchpads for their own missiles in Cuba. When the U.S. discovered this, the Cuban Missile Crisis began. After a tense few days where the world was on the brink of war, the USSR “blinked” and a negotiation was reached between the two nations. After the Cuban Missile Crisis and continuance of communist leadership in Cuba, the U.S. have had sanctions on Cuba and relations between the two nations have been tense. Despite all of this conflict, the U.S. still maintained Guantanamo Bay and continued to use it as a base.

After the attacks on September 11th, 2001, a detention center known as “GITMO” was created to house terrorists and terror suspects. This center has become a source of controversy because of the accusations of torture of suspects and violations of human rights. George Bush, a Republican and the president behind the creation of GITMO, stated that, “It (GITMO) was neither obliged to grant basic constitutional protections to the prisoners, since the base was outside U.S. territory, nor required to observe the Geneva Conventions regarding the treatment of prisoners of war and civilians during wartime, as the conventions did not apply to “unlawful enemy combatants.”” However in 2006 the U.S. Supreme Court declared that the system of military commissions being used at Guantanamo were in violation of the Geneva Convention and Uniform Code of Military Justice. In response, Congress passed the Military Commission Act of 2006 which

restored the legality of military commission and denied the federal courts jurisdiction to hear habeas corpus pleas from foreign detainees. In 2008, the case of *Boumediene v. Bush* overturned the second half of the Military Commissions Act by stating that foreign detainees did have the right to petition for habeas corpus. In his campaign for the presidency, Barack Obama, a Democrat, pledged to close GITMO. After being elected, he ordered the closure of Guantanamo Bay within one year and ordered a review of ways to hold and try suspected terrorists and additionally ordered that all interrogation techniques used at Guantanamo were in accordance with the US Army handbook.

Recent Developments:

Since Obama's mandate for the closure of GITMO in 2009, few prisoners have actually been released. His efforts have been hindered by both Republicans and Democrats who argue that keeping terror suspects on US soil is a threat to national security. Additionally, few maximum facility prisons are willing to hold terrorists in their facilities. Currently, Obama is attempting to get GITMO shut down before the end of his term, but arguments across the aisle has made it impossible for anything to be done when it comes to Guantanamo.

### **Democratic Point of View**

On the topic of Guantanamo Bay, the Democratic Party Platform states that, "We are substantially reducing the population at Guantanamo Bay without adding to it. And we remain committed to working with all branches of government to close the prison altogether because it is inconsistent with our national security interests and our values." As a whole, Democrats are against GITMO as a prison facility and wish to shut it down and disperse terrorists and terror suspects to maximum facility prisons in the U.S. or release them. However, there is a smaller subset of Democrats who are fearful of keeping these detainees on American soil because they perceive it as a threat to national security, but still agree that GITMO needs to be closed. In response to the Republican Party, who state that releasing terrorists results in them going back to their organizations and harming the U.S., the Senate Democrats stated that, "As a result of this more rigorous process, less than six percent of detainees transferred since 2009 have been confirmed of re-engaging and less than one percent of detainees have been suspected of re-engaging in terrorist activities. This marked improvement over the record of the prior administration demonstrates that it is possible to transfer detainees while also protecting our national security. "

On the topic of enhanced interrogation, the Democratic Party is strongly against all forms of it and sees enhanced interrogation as a violation of the Geneva Convention. In a written statement, Obama said, "These techniques (enhanced interrogation) did significant damage to America's standing in the world and made it harder to pursue our interests with allies and partners. That is why I will continue to use my authority as President to make sure we never resort to those methods again."

### **Republican Point of View**

The Republican Party is strongly against the closure of GITMO, because they believe that many released detainees return to their terror organizations to continue to fight the U.S.. According to Senator John McCain, a predominant figure in the Republican party, "About 30 percent of those released from Guantanamo have re-entered the fight." Additionally Republicans oppose the closure of GITMO because of the threat to national security that they pose if they were to be held on American soil.

The Republican Party is for enhanced interrogation if it will protect American lives. In a sense, the theory is that the ends justify the means. Ben Carson, a 2016 presidential candidate, stated that “What we do in order to get the information that we need is our business, and I wouldn’t necessarily be broadcasting what we’re going to do.” Rick Perry, another 2016 hopeful also made his opinion clear when he stated, “If we know for a fact that there are individuals that are going to kill maybe millions of Americans and there are enhanced interrogation techniques that would help us get those answer, then I would suggest to you it would be inhumane for you not to use those techniques.” The Republican Party also does not see enhanced interrogation of unlawful combatants as illegal. According to the Geneva Convention, only lawful combatants who are participating in a war are covered in their declaration of human rights in times of conflict. Since terrorists are unlawful combatants, they technically do not fall into this category. Dick Cheney, the former Vice President of the U.S. outlined this belief of the Republican party when he stated, “Terrorist detainees "were not covered by the Geneva Convention. They were unlawful combatants. And under those circumstances, they were not entitled to the normal kinds of courtesies and treatment.”

## **Conclusion**

As members of the House Homeland Security Committee, it is your duty as delegates to create legislation that solves the problem of Guantanamo Bay. As a Democrat, it is your job to argue against Guantanamo and enhanced interrogation. As a Republican, it is your job to argue for keeping Guantanamo open and the use of enhanced interrogation. There will be Democrats and Republicans in this committee, meaning that it is essential for you to work together with your fellow delegates to create a compromise that gets passed and sent to full House. Good luck to you all.

## **Questions to Consider**

1. Why was Guantanamo created in the first place? Does its purpose remain the same or has it’s purpose changed over the past century?
2. Does the United States have a right operate Guantanamo in Cuba, a sovereign nation?
3. Is Guantanamo an essential base for maintaining our national security?
4. What is Cuba’s opinion on Guantanamo? Do they support having the base in their nation?
5. Do you think it is important to keep Guantanamo open as both a base and prison, just as a base, or do you think the facility should be shut down all together?
6. If Guantanamo were to close, where would all of it’s prisoners be taken?
7. What defines enhanced interrogation?
8. Does the United States have the right to perform enhanced interrogation on those accused of terrorism?
9. How is Guantanamo seen by the rest of the world?
10. Does the United State’s use of enhanced interrogation effect how it is seen around the world?

## **Sources for Additional Research**

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