

## **GIST OF IT FOR GREENVILLE JOURNAL**

**By Judith McKenney**

**EVENT:** Lecture sponsored by Riley Institute at Furman University

**LECTURE TITLE:** “Guantanamo: When Public Policy & the Constitution Collide”

**PRESENTER:** Major General Michael R. Lehnert, USMC (Ret.)

**DATE:** October 28, 2013

Retired Major General Michael R. Lehnert is the former commanding officer of the Guantanamo Bay detention camp in Cuba, where he headed a task force to build and run detention facilities for Al Qaida and Taliban terrorists. Commissioned in 1973 as a combat engineer, Lehnert participated in combat operations in Panama, Kuwait and Iraq. In 2003 he led 5,000 Marines and sailors during the initial invasion of Iraq. During his 37 years of active duty, he held 13 separate commands from platoon commander to joint task force commander, including a command task force in Guantanamo. General Lehnert was honored as the 2010 National Peacekeeper Award recipient by the National Conflict Resolution Center and has been recognized by numerous environmental groups for his work recovering endangered species. As a Woodrow Wilson Visiting Fellow, Lehnert was at Furman for a week-long residential program of classes, lectures and informal discussions. His visit was sponsored by the Riley Institute at Furman.

### **INTRODUCTION**

“It has been over a decade since I went to Guantanamo to set up the detention facility and I’ve had ample time to reflect on what I helped to create. I suspect that many of you will find it difficult to think that you too may have to wrestle with moral and public policy issues that have international and historical significance.”

**ETHICAL DECISIONS IN DIFFICULT SITUATIONS.** “War (even a righteous war) is a morally bruising event. War is not tidy as Hollywood movies would have you believe. It is

messy, inexact and the moral and ethical issues can be profound. Warfare creates ethical dilemmas unlike anything most of us ever experience in peacetime.”

**OATH TO SUPPORT THE CONSTITUTION.** “Every commissioned officer takes the following oath: ‘I, \_\_\_\_\_ solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.’ An oath of obedience to his/her commanding officers is absent for a very good reason—in the event of a conflict, the *Constitution* takes precedence over any other rule, or order or individual.

**ATMOSPHERE AFTER 9-11.** “[The American people] were angry. We’d been attacked without provocation. Thousands of innocents had been killed. The symbols of our nation had been destroyed or seriously damaged. On the morning of 11 September I was Brigadier General in charge of a force of about 8,000 Marines and Sailors, when my Chief of Staff walked into my office, and we watched the second plane fly into the tower. We knew that the world had changed forever. A senior Muslim officer told me, ‘General, this was an attack on Americans. I’m an American. I’m angry like you. I’m also embarrassed that Muslims did this in the name of God. They don’t worship the same God I do.’ I told him that this could not become a religious war for if it did, the terrorists had won.”

**DEPLOYING TO GITMO.** “On the 20<sup>th</sup> of December, I was told to deploy to Guantanamo the following day and to build a plan to hold detainees. We were asked to build 96 cells in 96 hours which we accomplished. No duration was given but the administration at this time clearly felt that the detention facility would not be long term. After about three months the Army-led Joint Task Force began to arrive and our unit returned to the U.S.”

**GENEVA CONVENTIONS.** “Of all my initial guidance from superiors, perhaps the most disturbing was the decision by the Administration that the detainees would be afforded none of the protections of the Geneva Conventions. I thought that the Geneva Convention’s stricture to treat detainees humanely until they had been tried by an Article V Tribunal made sense. My personal decision was to run the facility in accordance with the GC wherever possible. Although some of the people in the facility could be the ‘worst of the worst,’ that didn’t absolve us from the responsibility to treat them humanely.”

**FINAL THOUGHTS.** “779 detainees have been brought to Guantanamo. Of that number about 80% were not captured by U.S. forces but by Afghan and Pakistani forces and turned over to the U.S. in exchange for bounty payments. Most detainees have been released without charges after spending several years in the camp. 164 detainees remain in Guantanamo, and of that number about half have been cleared for release without charges, but with repatriation difficulties.

This is about our national values. We must ask ourselves who we are and what we stand for as a nation. The decision to interrogate detainees, particularly the harsh interrogation techniques that followed later in the history of GITMO, reinforced all of the negative perceptions of the U.S. Now even senior intelligent leaders are coming forward to admit that the information we received was of little use.”