

By Congressman David Price -

President Barack Obama's promise to close the U.S. detention facility at Guantánamo Bay, Cuba, within his first year in office gave substance to one of the central messages of his campaign: the age of unilateralism and disdain for international norms has come to an end, and an era of renewed American leadership based on core values of justice and human rights has arrived.

With the President's self-imposed deadline now less than three months away, however, even his top advisers are acknowledging that his promise will be hard to fulfill. As Attorney General Eric Holder said in a recent interview, the "possibility still exists, but it will be difficult to meet that deadline."

There are legitimate reasons for this delay. Commitments from other countries to relocate detainees have been significant but not sufficient, and the distinct legal challenges posed by each detainee's circumstances make it difficult to rapidly dispose of every case. Even after most of the remaining detainees have been accounted for, we could still be left with a small number of hardened terrorists who pose a serious threat to our national security, and a decision on what to do with these prisoners should not be hastened by an arbitrary deadline.

But this isn't the whole story. The Administration's efforts to close the facility have been hampered by another more cynical reality: Congressional Republicans have turned the debate over closing Guantánamo into a partisan game of "gotcha." They have chosen to play it repeatedly in attempts to instill fear in the electorate, split the ranks of Democrats, stall vital legislation, and score political points against the President, regardless of the broader consequences.

I was recently on the receiving end of this game as the Chairman of the House Appropriations Subcommittee on Homeland Security. When the Committee considered our fiscal year 2010 spending bill in June, we developed a bipartisan compromise that would prohibit the transfer of any Guantánamo detainees to the United States except for purposes of prosecution and require a threat assessment to be performed for each detainee to be transferred. By the time the final bill made it to the House floor last month, however, the same Republicans who had eagerly accepted the compromise just months ago were railing against it. As Rep. Jerry Lewis (R-CA)

insisted, "Terrorists should not be treated like common criminals in the federal court... [but should be] held and brought to justice right where they are – in Guantánamo Bay."

What accounts for this legislative amnesia? If you take their arguments at face value, the Republicans are concerned that detainees might spread their radical ideologies inside our maximum-security prisons (as if serial killers and rapists weren't radical enough) or that prosecuting them in U.S. courts would be tantamount to giving them undue legal rights (the U.S. Supreme Court has already ruled otherwise). They trumpet military commissions at Guantánamo as the only possible form of justice for these detainees, when the reality is that military commissions have a spotty record, at best, while our criminal courts have a long and successful record of prosecuting terrorists. Why would we want to eliminate that option? Their reasoning both denigrates our judicial system and exalts these detainees to a status they don't deserve in the eyes of the world.

But my Republican colleagues aren't interested in debating the merits of their arguments. They sense an opportunity to score political points against President Obama by undermining his ability to do exactly what both President George W. Bush and Senator John McCain also promised to do.

From an institutional perspective, such cynical tactics are deeply disturbing. When one party drops all pretense of rational debate and views the legislative process purely as an instrument for political gain, the Congress – and, more importantly, the country – suffers. Even the Appropriations Committee, one of the last bastions of bipartisanship in today's highly polarized environment, now seems to be infected by the same partisan calculations that have come to characterize the antics we witness on C-SPAN every day.

Restoring America's image in the eyes of the world – and removing the single greatest recruiting tool that al-Qaeda has – will require us to bring this dark chapter in our history to a close. As the President moves closer to accomplishing his objective in the months ahead, this issue will continue to be part of the national debate. Our Republican colleagues will have a choice between more cheap attempts to undermine the President's national security objectives, or working with the Administration to find the best way to put an end to this terrorist recruiting tool.

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