

June 1, 2009

TO: Interested Parties
FROM: Matt Bennett and Scott Payne, Third Way National Security Program
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RE: Closing Guantanamo: Making the Case to Independents

Overview

It is now clear that the United States must shut down the detention facility at Guantanamo Bay. But the question of what to do with the detainees next—specifically, whether or not to move some of them to the United States—has become politically charged. To determine voter perceptions on the debate and identify a message framework to support closing Guantanamo, Third Way and Gotham Research Group fielded a national survey¹ just after the President’s speech on May 21.

The survey demonstrates that the electorate is divided on whether to support or oppose the President’s decision to close Guantanamo and move some detainees to the United States. Democratic voters overwhelmingly support Obama’s order, while the majority of Republicans and Independents oppose it. But a significant portion of Independent voters are open to persuasion on closing Guantanamo. The key is to effectively address their fear that *terrorists will get loose on US soil and endanger Americans*.

We recommend a message strategy that conveys to Independents that **moving detainees to the U.S. is the safest and toughest option for defeating terrorists—one that can be accomplished with no threat to U.S. citizens and that will result in the most effective crackdown on terrorists targeting the United States**. As we describe in more detail below, the strategy is designed to address three key questions:

1. **Q: Why close Guantanamo? A: It’s become a recruiting tool for al Qaeda.**

Military and security experts from both parties agree that Guantanamo must be closed because it is a rallying cry and recruiting tool for terrorists like al Qaeda.

2. **Q: Why is it safe to close Guantanamo? A: No one gets out of supermax.**

Detainees that are transferred to the U.S. will be held in federal “supermax” prisons—highly secure facilities from which *nobody* has ever escaped.

3. **Q: Why bring the worst here? A: It’s the best way to bring them to justice.**

If we don’t bring the worst prisoners to the U.S., they could be released by foreign governments and return to terrorism—some already have.

1. Why close Guantanamo?

It's become a tool for al Qaeda.

Independent voters consistently respond to the argument that Guantanamo should be closed because “it has become a rallying cry and recruiting tool for our enemies like al Qaeda.”

- When given the choice, the “rallying cry and recruiting tool” argument is considered the best reason to close Guantanamo by Independent voters.
- When properly credited to **military and security experts from both parties**, the majority of Independents (56%) believe that the “recruiting” argument is a “convincing” reason to support the President’s position.

Chairman of the Joint Chiefs of Staff Admiral Mike Mullen: *“The concern I've had about Guantanamo in these wars is it has been a symbol, and one which has been a recruiting symbol for those extremists and jihadists who would fight us.”²*

McCain and Powell say it's a good idea.

A split-sample test reveals that the appeal of the “rallying and recruiting” argument is enhanced when John McCain and Colin Powell are explicitly cited as examples of “military and security experts from both parties” who support closure.³

- The inclusion of McCain and Powell gives the message a 7-point boost among Independents, and a 12-point boost among the total electorate.

We tested several other potential arguments for closing Guantanamo, including **security** (it would make the U.S. safer), **values** (it is not consistent with U.S. laws/values), and **Bush** (poor handling of the issue). These are all far less persuasive to Independents:

- **Security:** 80% of Independents reject this argument: 37% believe that holding suspected terrorists at Guantanamo Bay actually has *strengthened* U.S. security, and 43 % say it had no impact on national security.
- **Values:** This argument fails with 65% of Independents: 43% say that suspected terrorists held at Guantanamo have been treated in a way that is consistent with U.S. law and values, while another 22% aren't sure.
- **Bush's Performance:** Among Independents, the argument that “Bush's approach has failed and only produced three convictions in seven years” is considered to be the least persuasive reason to close Guantanamo and the least convincing reason to support moving detainees to the U.S.

Taken together, the weakness of the “blame Bush” messages and the appeal of the bipartisan messaging suggest that avoiding references to Bush and highlighting cross-party support for closing Guantanamo are the best ways to reach Independents.

2. Why can we safely hold terrorists in the U.S.?

The strongest argument against moving suspected terrorists to the U.S.—the one message that is considered persuasive to the majority of Independents—taps into fears about terrorists running loose in American neighborhoods and a lack of confidence in judges. Sixty percent of Independents found this very or somewhat convincing.

No one gets out of supermax.

To effectively counter this misleading argument, the best strategy is to focus on why detainees can be held in the U.S. safely. The most effective “safety” argument among Independents includes an absolute—and absolutely accurate—statement about the security provided by “supermax” prisons (nobody has ever escaped). Even better is to make this argument bipartisan:

“Detainees that are transferred to the U.S. from Guantanamo Bay will be held in federal “supermax” prisons—highly secure prisons that hold our most dangerous and violent criminals. Nobody has ever escaped from a “supermax” prison, and even leading Republicans like Senator Lindsey Graham agree that we can securely house detainees in the U.S.”

Senator Lindsey Graham: *“The idea that we cannot find a place to securely house 250-plus detainees within the United States is not rational. We have done this before.”⁴*

The “liberal judges” charge is baseless.

“President Obama further revealed a dangerous naiveté about the nature of America's enemies...It is not an American value for liberal judges in our federal courts...to grant Constitutional rights to these detainees and allow them to be released on American streets.”
- Press Release from the office of Representative Trent Franks, May 21, 2009.

Opponents of closing Guantanamo are basing their case on the fear of judges (liberal or otherwise) releasing terrorists in the U.S. Our research suggests that this is a potent argument. The best response is one that firmly and unequivocally asserts that no suspected terrorist will ever be released inside the United States, as Attorney General Eric Holder has confirmed.⁵

“Once brought to the U.S., none of the suspected terrorists will ever walk the streets. Those who are found guilty will be brought to justice, and those who are found not guilty will immediately be turned over to the INS for deportation.”

3. Why bring the worst here?

It's the best way to bring them to justice.

Independent voters are most likely to respond to the argument that bringing suspected terrorists to the U.S. for trial or military commission is the only real option for America, because **foreign governments and courts cannot be trusted** to keep the prisoners behind bars. The majority of Independents (57%) are persuaded by the argument that asserts: *"If we don't try the prisoners in the U.S., they will be sent home and could be released or escape and return to terrorism."*

The most dangerous men held in Guantanamo cannot be released to foreign countries because they might not be held to account for the crimes and could return to terrorism. Men like Khalid Sheikh Muhammad, Walid Muhammad bin Attash, who helped plan the 9/11 attack, and Abd al-Rahim Nashiri, who planned the USS Cole attack must be tried in the United States because it is the best way to ensure they receive the punishment they deserve for the murder of American citizens.

Conclusion

Building support for moving detainees from Guantanamo to the U.S. is a challenge, given Independent voters' initial resistance to the policy and the fears that accompany their consideration of the policy. The key to reaching them is to **directly address** these fears and persuade them that closing Guantanamo and moving detainees to the U.S. is **the safest and toughest option for America and the most effective means of battling terrorism**.

The overall effectiveness of this strategy can be enhanced by citing bipartisan support for the policies whenever possible, avoiding partisan charges (like blaming Bush), and noting that the issue at hand—closing Guantanamo and moving some detainees to the U.S.—is President Obama's policy. The President has very high approval numbers and personal credibility on national security. (See the most recent Democracy Corps survey finding that Obama has closed the Democrats' historical national security gap⁶). Our survey confirms that framing the issue as a question of "Obama's order to move detainees" instead of the more generalized question of "whether the U.S. should/should not close Guantanamo and transfer detainees" boosts support among Independents by 16 points—from 24% to 40%.

Proponents also must never lose sight of the strong underlying policy rationale for taking this action. The military and intelligence communities have confirmed that keeping Guantanamo open is not an option and that sending some of these detainees to their country of origin could result in their return to terrorism. Given the quality of our prison system and the unshakeable determination never to allow dangerous terrorism suspects to walk free in the United States, the only policy that truly protects American interests is to close the prison and move some of the detainees to this country.

Endnotes

¹ Gotham Research Group conducted a national telephone survey of 805 registered voters May 21-23, 2009. The margin of error on the overall sample is +/- 3.5% (MOE is higher among subgroups like Independents.)

² <http://www.reuters.com/article/domesticNews/idUSTRE54N1FF20090525>

³ Powell: "Guantanamo has become a major, major problem .. in the way the world perceives America and if it were up to me I would close Guantanamo not tomorrow but this afternoon ... and I would not let any of those people go. I would simply move them to the United States and put them into our federal legal system." (<http://www.reuters.com/article/newsOne/idUSN1043646920070610>)

McCain: "I would declare that we would close Guantanamo Bay and move those inmates to Ft. Leavenworth in Kansas." Jason Garcia, "McCain on Disney and tourism policy," Orlando Sentinel, Jan. 28, 2008.

⁴ <http://cbs2.com/national/guantanamo.detainee.held.2.1014110.html>

⁵ <http://www.google.com/hostednews/ap/article/ALeqM5jj4gWm5CKhPoTGD5bqYQOdPeK0SQD981LK81>

⁶ See <http://www.democracycorps.com/strategy/2009/05/obama-closes-the-democrats-historical-national-security-gap/>