

## **Honor Bound To Defend Freedom: The Soldiers and Sailors...and Lawyers ... of Guantánamo**

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I came to Guantánamo Bay Naval Station as a volunteer lawyer for a detainee and remembered my own military service fifty years ago. Yes, fifty. My first impression of the military people - officers and enlisted personnel of Joint Task Force (JTF)/GTMO - and of the naval base itself was how similar it was to the people and facilities of my awakened memories of long ago service.

JTF/GTMO is peopled by officers and enlisted personnel of the Army, Navy, Marines and Coast Guard, supporting civilian employees of the DOD and contractors and "observers" of the CIA. My own observations of the detainees were preceded by observations of, and interactions with, the enlisted men and women who guided, searched and chaperoned me, who chatted with me in the galley or general store (Naval Exchange) and, as I watched, escorted detainees to and from interview rooms and handled counsel requests for special relief.

They were mostly young men and women, of a nineteen to twenty-five age range at a turning point of their lives and a few non-commissioned officers and officers of late twenties to thirties going the distance of a military career. All are subjected to a discipline and motivation system that includes slogans such as:

**Honor Bound To Defend Freedom**

It is emblazoned on walls and gates and reinforced by a ceremonial saluting exchange: the lower ranking person salutes and says: "Honor Bound..." and the senior replies: "... To Defend Freedom." It struck them, and the intruding civilians, as hokey, so they reduced it to a junior's: "Honor Bound..." greeting, met with the senior's reply, "...Honor Bound..." and then, later, a general trend to get away with a silent exchange of salutes, often with a smile.

Why bother? It matters because patriotism is an element of a soldier's or sailor's motivation to enlist, re-enlist and serve honorably. Set aside blandishments of training, structure, bonuses, college help and travel. None would suffice absent the element of patriotism. That and a

sense of mission and willingness to believe in the organization and its duty assignments. Embarrassment at the sentiment of patriotism is covered by pretended cynicism. Throughout history these folks - the boots on the ground (or on the deck) - have been the ones who win wars - Queen Elizabeth's sailors who beat the Spanish Armada, Rudyard Kipling's Tommy Atkins on the frontiers of Empire, the American doughboys of World War I and the GI Joes of World War II.

Other motivating slogans include periodically posted values. Various posted values during my several visits to the base were "Leadership" (OK.), "Courage" (Right.), "Obedience" (Of course.) and, then one day, ... "Compassion" (Say what?). My reaction to the last value made me rethink my own cynicism and reflect on the relation of the guards to detainees -- I saw once harsh captors become gentler over time. They wouldn't wholly reveal feelings and judgments to me, given our separate roles, but there were hints of mutual understanding.

In some ways the young soldiers and sailors are captives. They don't sign up for JTF/GTMO. They are deployed for duty tours that can last years. They are now trained to serve as humane jailers in a jail where they cover their own name tags, follow scripts of addressing detainees and visiting lawyers, cope with challenges of an unusual prison population and glib lawyers and carry out orders, fair or otherwise. Past trainings, exercises of aiding torture and misguided interrogation techniques have moved into a shadowed past. Most practitioners of those sinister excesses have been redeployed, including generals and cabinet level officers. At intermediate rank levels we find brave JAG prosecutors who spoke out and acted, at high risk, against perversions of military honor and legal standards, offset by higher level opportunists in the chain of command seeking advancement by adopting those perversions.

Some of the current guards have empathized with detainees, advocated for them, filtered general declamations of worst of the worst against their own observations of their charges - good and bad, compliant and challenging, healthy and sick, harmless and dangerous. This has been one part of their coming of age experience, mixed with the usual stilted exchanges and *ennui* of military life.

The soldiers and sailors have also gone through a prolonged observation of the visiting lawyers and translators. I was greeted in early visits with a stiff, and, let me say, hostile formality. It changed. We are no longer the devious practitioners of "lawfare" in the eyes of most of them.

They now realize we have a role that adds legitimacy to their roles, that we join with them as a team working for the justice that makes freedom meaningful.

The soldiers and sailors, when sworn into service, took an oath to defend the Constitution. So too did the lawyers. Together, we're honor bound to fulfill it. Would that their Commander-in-Chief was similarly bound.

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