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## Attorneys in 'wait-and-see mode' on Gitmo

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President Barack Obama's efforts to shutter the controversial U.S. prison at Guantanamo Bay and finally make good on an oft-repeated campaign line have been in political limbo since he first took office.

Thus, after Obama announced his pick last week to run the office devoted to closing the facility in Cuba, attorneys familiar with the prison and its detainees remain skeptical of the effort's chances.

Local lawyers who have represented the facility's detainees — captured as part of the global war on terror — said this week that they're bullish on progress toward a final shutdown, but they're not getting their hopes up.

"I guess I'm in wait-and-see mode," said H. Candace Gorman, a sole practitioner who has visited Guantanamo between 30 and 40 times since she started representing detainees there in 2005.

"I never thought it would be five years or six years later that we'd still be talking about this."

Clifford Sloan, a Washington, D.C.-based lawyer with experience working for multiple presidents, will lead the State Department's newly reopened Office of Guantanamo Closure. He replaces Dan Fried, whose relocation in January to another position essentially forced the office to close down.

For critics, the prison has long been a symbol of post-9/11 overreach by American officials to clamp down on terrorism. Numerous accounts describe conditions in which prisoners were chained in the fetal position, faced with extreme heat or cold and subjected to enhanced interrogation techniques such as waterboarding.

The conditions have improved significantly over the years, coming to more closely resemble those at an ordinary federal prison within the United States. Still, Gorman said, one key issue

remains — numerous prisoners are kept indefinitely for no real purpose and without legal recourse.

She said one of her clients has been locked up at Guantanamo for 11 years because he happened to be in the same house as a suspected al-Qaida figure when it was raided by Pakistani police and the CIA.

"He's a really good example of just how crazy this whole thing is," Gorman said. "He's on the forever-to-be-detained list ... I have the evidence, coming from the government's own documents, showing that my guy is innocent, but there's no procedure" in place to free him.

There are 166 detainees currently at Guantanamo, 86 of whom have been cleared of wrongdoing. Obama, who during his first campaign for president pledged to close the facility, has put the onus on Congress for preventing their release — primarily due to a dispute over whether they can be housed on U.S. soil.

Attorneys for the detainees, though, say the president still has the power to set them free on his own by signing a national security waiver.

"I'm no longer satisfied with rhetoric, and it's time for action," said Gary A. Isaac, counsel at Mayer, Brown LLP who has been involved in Guantanamo litigation since 2003.

"I've heard only positive things about (Sloan), but I think it still is going to require the backing of the president."

Jeffrey D. Colman, a partner at Jenner & Block LLP who has represented four clients detained at Guantanamo and visited the camp a handful of times, echoed that sentiment.

"I am hopeful and optimistic that he will be able to make significant strides with the support of the president," Colman said. "But we have had 86 men cleared for release. ... They should be sent either home or to some other country — and that we can do, easily."