

The Post and Courier

Hanahan brig: The next Guantanamo?

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[/File/AP](#) Guards keep watch over a cell block in Camp 6, a maximum-security facility, at Guantanamo Bay U.S. Naval Base, Cuba, on Oct. 9, 2007.

HANAHAN — In the spring of 2002, the Navy's brig became the only military installation on U.S. soil to house enemy combatants. The first to arrive was Yaser Hamdi, a young Saudi who soon asked for a soccer ball.

Proposal

[Preparing for Enemy Combatant Detainment \(17 page PDF\)](#)

A reasonable request, one brig staffer said.



Previous stories

[Are Gitmo detainees headed here?](#) published 01/30/09

[Mayors mixed on Guantanamo move](#), published 02/09/09

"Personally, since the recreation area the detainee has access to is secured, he is under two man guard force supervision and cuffed during recreation call, I feel comfortable with accommodating the request, unless directed otherwise," he said in an e-mail to another brig official.

Extra Photos



The U.S. Naval Consolidated Brig is at the Charleston Naval Weapons Station in North Charleston.

Emails

These [declassified emails](#) were obtained through the Freedom of Information Act by the Allard K. Lowenstein International Human Rights Clinic at Yale Law School and the American Civil Liberties Union. (91 page PDF)

But Department of Defense leaders thought otherwise, citing policies for detainees in Guantanamo Bay, Cuba.

Guantanamo II

Here are some facilities experts cite as likely candidates to hold the 240 detainees now held in the military's detention camps in Guantanamo Bay, Cuba.

U.S. Disciplinary Barracks, Fort Leavenworth, Kansas, is the Defense Department's only maximum-security prison. **Camp Pendleton, California**, is a sprawling Marine Corps base with plenty of room for a detention center, but a think tank said it and Fort Leavenworth would need major renovations to handle

"DOD does not want this detainee to have any privileges that the detainees at Camp X-Ray don't have, so all are treated essentially the same. At

GTMO the detainees have their hands shackled and feet free, and they are permitted to exercise in a fenced area by themselves, for 15 to 20 minutes, twice a week. There are no soccer balls."

Permission for soccer ball denied.

Since Hamdi's arrival in 2002, the brig's enemy combatant unit has been off limits to public scrutiny. While officers at Guantanamo have given hundreds of tours and interviews, the Pentagon has nixed all media requests to interview staff and tour the brig. But as the Obama administration prepares to close

the detainees.

**Naval Consolidated Brig
Miramar, San Diego, Calif.,**

is the identical twin of the Naval Consolidated Brig Charleston. Both have the same medium-security design and were built at the same time.

ADX Florence, also known as "Supermax," is south of Colorado Springs, Colo., and already holds Zacarias Moussaoui, a Sept. 11 conspirator, and Ramzi Yousef, mastermind of the 1993 World Trade Center attack.

Other correctional

institutions, such as Metropolitan Correctional Center in New York, also could be used, particularly if detainees are charged with crimes.

Guantanamo's detention camps, the spotlight on the brig could become brighter.

After last year's election, CBS News reported that Obama's transition team had settled on the brig as a likely successor to Guantanamo. Without citing sources, Time magazine recently put the brig second on a list of U.S. installations that might house at least some of the detainees. Is the brig ready for them?

If experience is any measure, the brig has an edge: nearly seven years of handling terrorism suspects. An examination of recently declassified e-mails among brig staff shows how guards and officers worked in lock-step with officials in Guantanamo, learning how to handle problems as minor as a detainee's request for a soccer ball and as major as whether to follow international policies for prisoners of war.

These heavily redacted but revealing e-mails also show how brig officers questioned the wisdom of holding detainees in solitary confinement for years, and how they tried to improve conditions but were stopped by top-level Defense Department officials. The e-mails, together with internal brig documents and interviews with one of the few civilians to get inside the enemy combatant unit,

provide a unique window into a secretive, non-descript complex on the south end of the Naval Weapons Station that some believe could become the next Guantanamo.

'I'm in a minefield'

In 2006, Sandy Seymour, a civilian brig director, wrote a report titled "Preparing for Enemy Combatant Detainment." Obtained by The Post and Courier under the Freedom of Information Act, the report said brig officials had only a few months to ready the installation for a dramatic addition to its mission.

The Navy built the brig in 1989 as a medium-security facility, and its primary mission has been to incarcerate military prisoners serving sentences shorter than 10 years. It has 10 triangular units, each with cells lining a common area, a design similar to some college dormitories. It has an array of rehabilitation programs, with a heavy emphasis on helping inmates overcome substance abuse problems.

The brig's mission evolved with the arrival of Hamdi and two others designated as enemy combatants, Jose Padilla and Ali Saleh al-Marri. "The enemy combatant concept of operations," Seymour wrote, "meant establishing two separate facilities on the same real estate," one for rehabilitating military inmates, and another for housing enemy combatants in solitary confinement.

As an initial guide, Seymour said, the brig used protections afforded prisoners of war under the Geneva Conventions, though he concluded in the report that "the enemy combatant detainment mission is a fluid task without full definition."

At times, brig officials expressed frustration over this new task. "Trying to stay ahead of as many potential problems as possible, but sometimes I feel like I'm in a minefield," an official said in an e-mail in June 2002, fearing that Hamdi might stage a hunger strike and draw media attention, as happened in Guantanamo.

This declassified e-mail and others with officials' names blacked out were obtained recently by the American Civil Liberties Union and other groups through the Freedom of Information Act.

Brig officials looked often to Guantanamo for guidance, the e-mails show. "Charleston Navy Brig needs to follow whatever GTMO (Guantanamo) does, so just need to know if they do it or not," an official said in a 2005 e-mail, responding to another officer's question about posting Geneva Conventions policies in the detainees' wing.

But brig officials also struggled with Pentagon directives to follow the Guantanamo model. "One issue that I haven't quite come to grips with yet is the lash-up btw GTMO and Charleston," an official said in a July 2006 e-mail.

Another responded that, "you have every right to question" the connections between the two installations, and that "our use of GTMO on everything ranging from our procedures compared to yours to this particular issue appears to be driven by (Secretary of Defense) Detainee Affairs. In a nutshell, they gave the Charleston detainee 'mission' to (Joint Forces Command) who promptly gave it to FFC (Navy) with a 'lots of luck' and nothing else."

At one point, brig officials made a pitch to end its enemy combatant mission. "Once Padilla is launched, we will re-double our efforts to get EC#2 (al-Marri) out of the Brig and into a more suitable facility, i.e., GTMO," an official wrote in 2005.

'Nearing its breaking point'

The e-mails show that some brig guards and officers empathized with the detainees, especially Hamdi and al-Marri.

Hamdi was 21 years old when he arrived at the brig. Hamdi's parents and others said he ran away from home in Saudi Arabia the summer of 2001 to prove he was a good Muslim and spent a few weeks at a Taliban camp in Afghanistan where he quickly became disillusioned. When he tried to return home, he was caught in the crossfire of American-led forces and captured in the basement of an Afghan warlord's fortress. Hamdi was an American citizen by birth, and when military officials learned this, they moved him from Guantanamo to the brig in Norfolk and finally to the brig in Hanahan.

"After eight months of incarceration in detention facilities (Kandahar, Camp X-Ray, Norfolk Brig) with no potential end in site (sic) and no encouraging news and isolated from his countryman, I can understand how he feels," a brig official wrote in June 2002, as officials sought permission from the Pentagon to give him a computer game or let him play pinochle. (The pinochle was approved.) Under the burden of this isolation, Hamdi quickly went downhill.

A year later, after doing his rounds, another brig official wrote that Hamdi, "feels as if he has been forgotten and that no one is working on getting him freed. I could only tell him this was not the case and that the need to continue to put his faith in his god and that I and his family would view his giving up at this juncture as being a failure, and the last thing that I wanted to have happen was to send him anywhere from here as a 'Basket Case,' of no use to no one, to include himself."

The official asked a supervisor if there was any information he could pass along to Hamdi about his case. "I fear the rubber band is nearing its breaking point here," he said.

Three years later and five years after he was captured, Hamdi was flown home to Saudi Arabia in an Air Force C-17, after the Supreme Court said the Bush administration didn't have a "blank check" to hold terrorism suspects indefinitely without charges. Hamdi was never charged, and as part of his release, he signed an agreement not to sue the government over his captivity.

Torture allegations

Like Hamdi, Padilla and al-Marri also were held in solitary confinement. In 2005, brig officials discussed whether to give al-Marri an English/Arabic dictionary, and as usual, they got their cues from Guantanamo, where such dictionaries weren't allowed.

A brig official pointed out that al-Marri already spoke English. "Am I missing the rationale for why we would want to keep a dictionary out of the hands of a detainee who already is conversant in English?"

Unlike Hamdi, who was never charged with a crime, Al-Marri was arrested in December 2001 on credit card fraud charges. The FBI also said al-Marri had links to al-Qaida. But shortly before al-Marri's case was scheduled to be tried before a jury, President Bush declared al-Marri an enemy combatant and sent him to the brig.

Transferring a person from civilian courts, with all their judicial safeguards, to a military prison was highly unusual, and soon groups from across the political spectrum filed lawsuits challenging Bush's tactics. Andy Savage, a lawyer in Charleston, joined a legal team representing al-Marri.

Savage felt the president's actions were an assault on a bedrock American principle: the right of a person to confront his or her accuser in a court of law. He took the case without pay.

Early on, the Bush administration refused to allow the detainees to meet with lawyers, but after 16 months, Savage and al-Marri's other lawyers persuaded federal judges to let them talk to al-Marri, though their conversations were monitored and recorded.

Savage was stunned by al-Marri's condition. Over time, he learned that the CIA, the Defense Department and other agency interrogators had worked al-Marri over. He said interrogators ordered brig staff to turn down the temperature in al-Marri's cell, even though al-Marri was clothed only in undergarments. He had no blanket, mattress or shoes. Windows were blacked out so he didn't know whether it was day or night. He was chained to the floor in a fetal position. Savage said interrogators also "dry-boarded" al-Marri by putting duct tape around his face and nose to slow his breathing. A tape of the interrogations was made and later destroyed.

"He wasn't tortured by the brig staff. All the lack of food, the lack of a mattress, all that was directed by Rumsfeld's police, the DIA (Defense Intelligence Agency)," Savage said. (The Pentagon has long denied its actions constituted torture.) Savage said the mistreatment ended when the interrogators left and al-Marri's care fell back under the brig's control.

"We later found out that the brig guards and officers were the primary lobbyists for improving conditions," Savage said. He said that in 2005, when al-Marri's mental health had deteriorated to the point that some feared he would lose his mind, the brig's head of security sat with him all night and into the morning, urging him to keep up his spirits.

Earlier this year, within days of taking office, the Obama administration reversed the Bush administration's position on al-Marri and ordered him transferred out of military custody. (The administration also has formally dropped the term "enemy combatant" to describe terrorism detainees.) On Feb. 26, a grand jury in Illinois indicted al-Marri on two counts of providing material support to al-Qaida. Last week, in his first appearance in court in six years, al-Marri was given the option of staying in the brig for the time being or being moved to a facility in Illinois. Al-Marri chose the brig.

"There's not an ounce of venom in him, especially to the guards and officers of the brig," Savage said after that hearing. "He will not say that about the DIA and CIA and other agents who interrogated him."

Today, largely because of the brig staff's concerns about keeping someone in isolation for so long, al-Marri has three cells to use, including one with a memory foam mattress. Al-Marri jokes to Savage that one of them is his "summer chalet." He's allowed to watch television and favors Comedy Central's Colbert Report and The Daily Show. He gets The Post and Courier. "I had two phone calls with him yesterday, one at four and another at seven, and I can't do that at the county jail," Savage said. "They've bent over backward because they know he's isolated, and they know the psychological repercussions of isolation, and they're doing things to balance that out."

'Very secure'

Savage and his wife, Cheryl, are among the few civilians with high enough clearance to get inside the brig's gates and walk into the Special Housing Unit, the separate wing where the detainees have been kept. They've gotten to know brig guards and officers and have become the brig's biggest cheerleaders. They talk about the brig's unparalleled record in the prison industry, pointing out how the American Correction Association has given the brig perfect marks in its accreditation tests for six years in row, something no other military or civilian detention facility in North America has done.

Some question whether Guantanamo is a good model for an American detention facility.

"Guantanamo was designed as a law-free zone, a place where the government could do whatever it wanted without having to worry about whether it was legal," said Jonathan Freiman, an attorney with the Lowenstein Clinic at Yale.

Savage says he's seen what the brig can do, and how its staff handled its mission. They're ready for the Guantanamo detainees. "There's all this hysteria that they shouldn't come to the

brig," he said recently as he was traveling to the brig to meet with al-Marri.

"But these men and women are highly trained and competent individuals, and the facility is very secure. I am very comfortable with their role in the war on terror."