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Newsroom: Margulies on Guantanamo Decision

Roger Williams University School of Law

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Newsroom

Margulies on Guantanamo Decision

Professor Peter Margulies appears on the influential Lawfare blog, discussing a new D.C. Circuit opinion that overturns the release of a Guantanamo detainee.

March 30, 2011: *Federal appeals court judges have rejected what they described as a Guantanamo Bay detainee's "Forrest Gump" defense, because they found it unlikely he was an innocent who repeatedly just happened to find himself at hot spots in the War on Terror.*

Uthman Abdul Rahim Mohammed Uthman of Yemen won a lower court decision granting his release after more than nine years at the U.S. naval prison for terror suspects in Cuba. But a three-judge appellate panel overturned that ruling.

In the Lawfare Blog: "[Peter Margulies on Uthman](#)" by Benjamin Wittes, **Peter Margulies of Roger Williams University School of Law** offers the following brief comment on yesterday's [D.C. Circuit opinion in Uthman](#), about which I wrote about [here](#):



The case is a victory for common sense. Ironically, we could have had the same result in 2003 or 2004, if the Bush administration hadn't viewed judicial review as antithetical to effective counterterrorism policy. As Jack has suggested, by taking an extreme position, the Bush admin allowed detainee advocates' misadventure theory of detainee status ("My client was just in the wrong place at the wrong time") to seize elite imagination. Folks who did their homework are not surprised that the misadventure thesis was just as inaccurate as Rumsfeld's "worst of the worst" description. But somehow, I fear that media portrayals of the scorecard will take a while to catch up.

For the Associated Press account of the ruling, click [here](#).

