**SpikeBowman_WeHavetoMoveForward.mov / Bowman, Marion (Spike) - short clip - WeHavetoMoveForward / Duke Digital Repository**

---

- One of the singular issues that comes out of Guantanamo is a, so far, a failure to recognize that the laws that we tried to carve out of World War II, don't neatly apply to today. And international lawyers, and I am an international lawyer, most international lawyers don't want to face up to the necessity of having to accept new customary international law. They want it to stay the same way it is right now cause they're comfortable with it. We can't afford to do that. We have to move forward. The issues of terrorism, of the detainees, of piracy, things like this, have moved beyond the codification of the laws that we've got.

Interviewer: Do you think we cannot prosecute those people under the old laws? Is that what you're saying?

- I think that, I think we could prosecute them under the old laws. I think it would be a mistake to do so because it would be trying to carve into the 21st century something that was barely adequate for the 20th century. And instead of having to say, "You did something wrong. Look what the Geneva Convention said in 1945", we should be saying, "You were stumbling along trying to work with something that doesn't exist." We need to recognize the fact that we have to move forward and develop new distinctions, new definitions, and allow the law to develop the way it has for the last several centuries.