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## The politics of Gitmo

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Arguing that “It’s been clear that the detention center at Guantanamo Bay does not advance our national security,” and that “It undermines our standing in the world,” President Obama has at last presented a plan to close Gitmo. The plan Obama outlined last week was already well-known in most of its particulars. After transferring the 35 detainees already eligible and quickly reviewing the threat posed by the rest, the United States would then seek to move the remaining detainees to American prisons and military bases.

The arguments for closing Gitmo are powerful. As Obama himself has long argued, the facility has provided terrorists with a potent recruiting narrative. The tortured policy of labeling the prisoners non-combatants in order to circumvent Geneva Convention prohibitions on torture and the need for due process violated both the Constitution and American ideals of justice. As Obama noted today, “Keeping this facility open is contrary to our values. It undermines our standing in the world. It is viewed as a stain on our broader record of upholding the highest standards of rule of law.” Closing the facility will not only deprive terrorist organizations of recruiting material it will also save the United States a good deal of money.

Unfortunately, the reality is that Obama’s plan is unlikely to go anywhere fast. In 2010, Congress passed a ban on bringing detainees to domestic prisons and there is little support among Congressional Republicans for lifting the ban. Speaker of the House Paul Ryan responded by arguing that “It is against the law – and it will stay against the law – to transfer terrorist detainees to American soil.” Obama might seek to close Guantanamo through an executive order, but the legality of that approach is highly dubious, and even the White House acknowledges that it is unclear whether that would be a politically viable route. Representative Lynn Jenkins (R-Kan.) summarized the sentiment among Republicans in Congress: “Submitting a plan to close the prison at Guantanamo Bay is yet another sign that President Obama is more focused on his legacy than the will of the American people. Republicans and Democrats are united on this issue: bringing the inmates housed at Guantanamo Bay to the United States is a nonstarter.”

The immediate beneficiaries of Obama's plan won't be the detainees; it will be the leading Republican candidates, all of whom oppose the plan. Last December, Donald Trump criticized Obama's plan to close Gitmo, saying "I would leave it just the way it is, and I would probably fill it up with more people that are looking to kill us." At a recent town hall in South Carolina, Ted Cruz argued that "The people in Guantanamo at this point, it's down to the worst of the worst. A really alarming percentage of the people released from Guantanamo return immediately to waging Jihad, return immediately to going back trying to murder Americans." And during the GOP debate in January that followed word that the administration was preparing a plan for closing Gitmo, Marco Rubio seized the moment to propose how he would deal with Islamic State supporters: "The most powerful intelligence agency in the world is going to tell us where they are; the most powerful military in the world is going to destroy them; and if we capture any of them alive, they are getting a one-way ticket to Guantanamo Bay, Cuba, and we are going to find out everything they know."

That's bad enough for Obama, but it might wind up worse for Hillary Clinton. Clinton is on the record repeatedly calling on Obama to speed up the process of closing the base. In a secret memo to Obama in 2013 Clinton argued that "We must signal to our old and emerging allies alike that we remain serious about turning the page of GTMO and the practices of the prior decade." Though this plays well with Clinton's Democratic base during the primaries, it will prove a touchier subject during the general election. Even though a November Washington Post/ABC News poll showed that the public trusts Clinton more than any of the Republican candidates to handle the threat of terrorism, polling on Guantanamo specifically shows that a consistent and sizeable majority of the public supports keeping Gitmo open for business.

In the short run, the most likely outcome of this latest clash is a few news cycles dominated by Republican criticism of Obama's plan and little change in the status quo. Obama may desperately want to close Gitmo before he leaves office, but Republican control of Congress and the presidential election will combine to make that impossible. Obama's biggest legacy will be to have reduced the number of detainees and to have avoided sending any new detainees there on his watch. In the long run, however, the decision about whether to close Gitmo for good lies with the next president.

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