



Written by [Raven Clabough](#) on December 1, 2012

## Senate Votes Against Transfer of Gitmo Detainees

On Thursday, the United States Senate voted [against](#) the transfer of Guantanamo Bay detainees, despite veto threats from the White House. The measure was an amendment to the annual Defense Authorization Bill, which failed by a vote of 54-41, with 10 Democrats voting against their party in favor of the amendment.

The vote came just hours after a memo from the White House Office of Management and Budget warning that senior advisors would recommend “that the President veto the bill” if it arrives on his desk in its current form. Additionally, the memo added that the White House “continues to oppose the prohibition on funding to construct, acquire or modify a detention facility in the United States to house any individual detained at Guantanamo.”

Though the memo also outlines a number of perceived problems with the bill, the Guantanamo concern is the first item listed.

President Obama made clear during his reelection run that he was still interested in closing Guantanamo Bay, something he has been promising since his first presidential campaign. In an interview with Jon Stewart on the *Daily Show* last month, Obama reiterated that agenda: “I still want to close Guantanamo,” he said, according to a media pool report, but “we haven’t been able to get that through Congress.”

After the 2008 election, Obama ordered that Gitmo be closed and that detainees be sent to Thomson Correctional Center — a nearly empty prison in Illinois that the president had handpicked. However, in 2010, Congress drafted language that banned the transfer of those prisoners from overseas to America and added it to the Defense Authorization Act.

As noted by the *Daily News*, “Congress — including a Democrat-run Senate — has stymied Obama’s 2008 campaign pledge to shut down the facility [Guantanamo], which holds 166 suspected terrorists and insurgents, including five men facing the death penalty for plotting 9/11.”

Each defense authorization law since Obama was first elected has included language that prohibits the transfer of those prisoners. The latest amendment extending that ban was introduced by Senator Kelly Ayotte (R-N.H.).

Prior to the vote on the amendment, Senate Armed Services Committee Chairman Carl Levin warned that such an amendment may provoke the president to veto the bill. “This is what we call ‘veto bait,’” Levin told his colleagues.

But proponents of the amendment fired back. “Simply stated, the American people don’t want to close





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Guantanamo Bay, which is an isolated, military-controlled facility, to bring these crazy bastards that want to kill us all to the United States," [said](#) Lindsey Graham, a Republican senator from South Carolina. "Most Americans believe that the people at Guantanamo Bay are not some kind of burglar or bank robber. They are bent on our destruction. And I stand with the American people that we're under siege, we're under attack and we're at war."

"Some of my colleagues in this body have forgotten what 9/11 is all about," Graham continued. "The people who attacked us on 9/11, in that prison, want to destroy our way of life. They don't want to steal your car. They don't want to break in your house. And we've got a military prison being well run, so I think the American people are telling everybody in this body, 'Have you lost your mind? We're at war. Act like you're at war.'"

Not all Republicans were in agreement with Graham's assessment, however. Senator Rand Paul of Kentucky seized upon Graham's terminology. "I will tell you, since I know this record of this debate will be widely read, that I want to make formal objection to the 'crazy bastards standard,'" Paul said on the Senate floor. "I don't really think that if we're going to have a 'crazy bastards' standard that we shouldn't have a right to trial by jury, because if we're going to lock up all the crazy bastards, for goodness sakes, would you not want, if you're a crazy bastard, to have a right to trial by jury?"

Meanwhile, the Obama administration has reportedly been "reprogramming funds" to move ahead with the purchase of the Thomson prison facility, according to Justice Department spokeswoman Tracy Schmalzer, prompting concerns from Congress. Despite plans to buy the prison, the Obama administration contends it has no interest in moving detainees to the Thomson prison in violation of the law.

Notwithstanding the administration's denials, Republican Representative Peter King has articulated [suspicions](#) that the administration may do just that.

In an October 4 letter to President Obama, [Rep. Peter T. King](#) said recent [Justice Department](#) proceedings in Illinois "clearly tips [your Administration](#)'s hand that it intends to proceed with a reckless plan of transferring terrorist detainees to the U.S. Homeland."

Likewise, Kentucky Republican Rep. Harold Rogers issued a statement on October 2 that revealed suspicion of the Obama administration.

The [Obama administration](#) has been trying for years to open [Thomson prison](#) in order to transfer terrorists from Guantanamo Bay into the United States. [Congress](#) has vehemently denied this request and has refused funding for the prison at every step of the way.

This back door move by the [Obama administration](#) to open [Thomson](#) and reject the will of [Congress](#) and the American people is dangerously irresponsible, and will be met with the full and unfettered opposition of the Appropriations Committee.

Additionally, a report released on Wednesday from the Government Accountability Office outlining the process for bringing Gitmo detainees to the United States raised [concerns](#) amongst some lawmakers, particularly when Senator Dianne Feinstein of the Senate Intelligence Committee pointed to the report and said, "This report demonstrates that if the political will exists, we could finally close Guantanamo without imperiling our national security."

But despite all this, the Justice Department continues to assert that the Obama administration has no intention of violating the law and transferring Gitmo detainees. According to Schmalzer, the purchase of



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the Thomson prison is to alleviate overcrowding in existing prisons. “Specifically, it will be used for administrative maximum-security inmates and others who have proven difficult to manage in high-security institutions,” she said in an e-mail to the *Washington Times*.

There are currently 166 detainees at Guantanamo, notes the *Washington Times*, 34 of whom have been designated for prosecution for involvement in *USS Cole* and 9/11 attacks, and 46 of whom face potential indefinite detention.

Photo of Thomson Correctional Center: AP Images



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