



Obama's Order to Close Guantanamo: 19 Months and Counting

Two days after taking the oath of office, President Barack Obama signed an executive order stating that “the detention facilities at Guantanamo ... shall be closed as soon as practicable, and no later than 1 year from the date of this order.”

Nearly 19 months later, the Guantanamo Bay prison camp not only remains open but shows no signs of closing at all. [According to the UK Telegraph](#), “The man in charge of the seven prison camps at the US naval base in Cuba is yet to receive direct orders to begin the transfer of prisoners so he can close the detention facilities.” Furthermore, he says that even if he received the orders today — orders that the very man who autographed the executive order is constitutionally empowered to issue — it would take him six months to finish the job, missing Obama’s deadline by over a year.



Admiral Jeffrey Harbeson, who in June became the 10th commander of the Guantanamo camp, said the six-month period required to shut down the facility was necessitated by the number of people involved in transporting the detainees and the subsequent “infrastructure and the security aspect and the personnel who are here, turning off the lights, turning off the power,” reports the *Telegraph*.

After that, the paper explains, “the infrastructure must be maintained as evidence in ongoing legal action being brought by detainees against the US government.”

The *Telegraph* says that “the stalled timetable [for ordering the camp’s closure] reflects growing opposition from the US public, and Congress, to the transfer of prisoners to the US mainland. Plans to move the bulk of the 176 detainees to a specially built maximum security prison close to Chicago have run into fierce local and national opposition, while Congress has also blocked the allocation of more money to build new facilities.”

Undoubtedly this is true. Yet while Obama mustered the political capital to push ObamaCare, financial “reform,” and various other pieces of unconstitutional, big-government legislation through Congress, he has been unwilling to expend much effort to accomplish something that actually aligns with the document he swore to “preserve, protect, and defend.” It’s easy to see where his priorities lie.

In fact, as the American Civil Liberties Union pointed out in a July [report](#), Congressmen and Senators haven’t been the only ones obstructing the closure of Guantanamo. Said the ACLU: “The Obama administration’s unjust decision to halt all detainee releases to Yemen — even when the detainees have been cleared for release after years of harsh detention — has been a major factor in the prison’s



Written by [Michael Tennant](#) on August 20, 2010

remaining open; a majority of the remaining detainees are Yemeni. Moreover, the administration bears responsibility for opposing in court the release of detainees against whom the government has scant evidence of wrongdoing.”

One of those detainees, reports the *Miami Herald*, is Adnan Abdul Latif, who has been held at Guantanamo since 2002. Though the Department of Defense recommended Latif’s release in 2004, “it wasn’t until 2007 that the Bush administration adopted the military assessment and put Adnan Abdul Latif, now about 34, on an approved transfer list,” according to the report.

Because of “a diplomatic standoff over whether [Yemen] could provide security assurances and rehabilitate suspected radicalized Guantánamo detainees,” the *Herald* explains, the “emotionally stricken” and suicidal Latif remained in U.S. custody. The fact that the Christmas Day “underwear bomber” had been trained in Yemen has only made matters worse.

Both the Bush and Obama administrations fought Latif’s release in court. On July 21 U.S. District Court Judge Henry Kennedy ordered the Obama administration to release Latif, explaining in his ruling that “the Pentagon’s own military intelligence analysis found no eyewitnesses to back up” the Justice Department’s claim that “Latif was seen at an al Qaeda guest house [in Afghanistan] and trained with the terror movement,” said the *Herald*. “Kennedy quoted from a 2004 Defense Department report that recommended he be sent home and said Latif ‘is not known to have participated in combatant/terrorist training.’”

One might think that Kennedy’s ruling would be the end of the matter, but apparently not. A Justice Department spokesman said government lawyers may very well appeal the decision. The President’s lack of concern for an obviously innocent and disturbed man does not speak well of him.

Although, according to Adm. Harbeson, the conditions for Guantanamo prisoners have vastly improved over time and “the CIA has dramatically scaled down its interrogations operations at Guantanamo Bay,” writes the *Telegraph*, the fact remains that the prison camp, built at Guantanamo specifically to avoid the strictures of the U.S. Constitution, remains in operation long after the deadline in Obama’s executive order. Its closure, avers the newspaper, “may not be completed in his first administration.”

Thus, while average Americans are expected to adhere scrupulously to every jot and tittle of the myriad laws and regulations issued by the federal government even though most of them are unconstitutional, the President is apparently permitted to violate his own order to shut down the extraconstitutional Guantanamo detention camp, though he possesses the constitutional power as commander-in-chief to order its closure.

Photo of Guantanamo: AP Images

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