

Obama seeks Guantánamo-style prison on US soil

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With its decision to purchase a state prison in rural Illinois, the Obama administration is preparing to recreate the essential features of the infamous military prison in Guantánamo Bay, Cuba—indefinite detention without charges and trials by military commissions—on US soil.

This latest move has exposed Obama's pledge to close down the prison at the US military base in Cuba as an empty gesture. In substance, the administration is adopting the criminal practices of the Bush administration as its own, while seeking to legitimize them through legislation and empty rhetoric about American "values and ideals."

The administration announced its decision Tuesday, releasing the text of a letter it had sent to Illinois Governor Pat Quinn, who last month had first proposed the use of the Thomson Correctional Center, a maximum security prison located 150 miles west of Chicago. The facility, which has the capacity to house 1,600 prisoners, was built in 2001, but never fully opened because of state budgetary problems. Quinn pitched the proposal as a means of bringing revenue and jobs into an area hard hit by the recession.

In an indication of the importance the administration attaches to this proposal, the letter to Quinn was signed by Defense Secretary Robert Gates, Secretary of State Hillary Clinton, Attorney General Eric Holder, National Intelligence Director Dennis Blair and Homeland Security Secretary Janet Napolitano.

This letter described the proposed facility as "part of the president's aggressive posture in the fight against al-Qaeda."

It vowed that the prison would be refitted to make it "the most secure facility in the nation" and to employ methods more severe than even "security standards at the nation's only 'supermax' prison in Florence,

Colorado, where there has never been an escape or external attack."

Pentagon officials have indicated that 1,500 military personnel would be assigned to run the prison.

The Obama administration appears set to create even more hellish conditions for the detainees in Illinois than existed at the facility in Cuba.

This is in part an attempt to placate the Republican right, which has portrayed the decision to close Guantánamo as a concession to the "terrorists" and the transfer of its detainees to the United States as a mortal threat to the American population.

The Democrats in Congress have bowed to this right-wing hysteria, joining in a 91-to-5 Senate vote last June to deny the administration funding to close Guantánamo and bar the sending of its inmates to the US for prolonged detention.

Now, before it can begin putting together the facility, the Obama administration must go back to Congress for new legislation both funding the prison and providing explicit authority to the executive branch to transfer the Guantánamo detainees to the US in order to detain them indefinitely without charges or try them before military tribunals.

Until now, the Obama administration, like the Bush administration before it, has claimed such rights under the Authorization for Use of Military Force (AUMF) passed by Congress in the wake of the September 11, 2001, attacks. It has maintained this position even in the face of a 2006 US Supreme Court ruling (*Hamdan vs. Rumsfeld*) that there was nothing in the AUMF legislation allowing the President to abrogate the constitutional right of due process.

Most immediately affected by the Obama administration's decision are the 210 men still held at Guantánamo, most of whom have been detained for

nearly eight years without any justification.

According to administration officials, 116 of these men have been cleared for repatriation to their homelands or to third countries. But in the bulk of these cases, no country has agreed to accept them. Administration officials have claimed that these detainees will be kept at Guantánamo until they can be released abroad.

This is one more indication that the pledge announced by Obama last year with great fanfare that Guantánamo would shut down within a year will not be kept, no matter what happens to the prison in Illinois. Moreover, refitting the Thomson facility would take several months and could begin only after funding is approved by Congress.

A few of the other Guantánamo detainees are to be tried in federal court, held during the trials in facilities near the courthouse. This is the case with five detainees who are to be brought to New York City to be tried on charges stemming from the September 11 terrorist attacks. Among them is the alleged organizer of the attacks, Khalid Sheikh Mohammed, who was subjected to waterboarding 183 times as well as other forms of torture.

All of those brought to Thomson would be denied trials in a normal court. One group would be brought before military tribunals in which their rights are severely abridged. Last month, it was announced that five others were slated for this treatment. Among them is the 23-year-old Canadian citizen Omar Khadr, who was detained by US forces in Afghanistan when he was only 15 and subjected to eight years of imprisonment and abuse.

As for the rest of the Guantánamo detainees, they will be locked away in Thomson—if it is run like other “supermax” prisons, in solitary confinement—indefinitely without ever being formally charged much less brought to trial.

Among the considerations in the Obama administration’s decisions on which inmates are given trials and which not is how much their being tortured would impede prosecution.

The Center for Constitutional Rights, which has defended a number of the Guantánamo detainees, issued a statement in which it charged that the Obama administration’s plans for Thomson showed that it was acting “merely to shut down the symbol of

Guantánamo without dismantling the injustice of Guantánamo. A change of scenery does nothing to restore the rule of law.”

Legislation allowing preventive detention within the United States has implications that go far beyond the fate of the 210 men still held at Guantánamo.

The US government needs a facility like the one proposed at Thomson not just for those presently held in Cuba, but for those it will detain in the future.

The Obama administration has upheld its predecessor’s claim to the right to seize supposed terrorist suspects off the street in any country it pleases and hold them without charges on the theory that the US is engaged in a “global war on terrorism.” It has gone into court to defend the use of rendition, in which such detainees can be handed over to other governments for the purpose of interrogation and torture.

These practices will inevitably create a steady flow of new detainees for the facility that is being referred to as “Guantánamo North.”

Moreover, the passage of such legislation would essentially legitimize the use of presidential power to suspend the bedrock right of habeas corpus and to hold those deemed by the government to be terrorist suspects under preventive detention on US soil.

While such treatment is supposedly restricted to what are now being termed “alien unprivileged enemy belligerents,” a precedent is being set that can be extended under conditions of growing crisis and intensifying social struggle to anyone seen as a threat to the government and the ruling financial elite that it defends.



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