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IN THIS WEEK'S ISSUE

Why Obama Has Failed to Close Guantánamo

In the August 1, 2016, issue of *The New Yorker*, in “The Guantánamo Failure” (p. 34), **Connie Bruck** reports on President Barack Obama’s failure to close the military prison in Cuba during his nearly eight years as President. Although Obama publicly blames Congress, Bruck uncovers a more complex story of highly charged political maneuvers, tense negotiations with foreign officials, shouted confrontations during meetings in the White House Situation Room, and a long-running fight with the Pentagon. On January 22, 2009, President Obama’s second day in office, he issued an executive order directing that Guantánamo—opened in the aftermath of 9/11 for foreign detainees deemed a terrorist threat—be shut down within a year. But nearly eight years later, Guantánamo, which has held as many as seven hundred and seventy-nine prisoners, is still open, housing just seventy-six prisoners—at a cost of \$445 million last year. Bruck writes, “The process began with little urgency, since [Obama] and his advisers believed that there was a bipartisan consensus on closing the prison. This measured approach turned out to be a miscalculation.” Greg Craig, Obama’s former White House counsel, tells Bruck, “Maybe it was a mistake . . . to be so rational in the way we approached the topic. Maybe the President should have told the Secretary of Defense, ‘I want this closed in one year. You figure out how, but do it.’”

In 2009, Obama created interagency task forces to study detention policy and to vet detainees, putting them in one of three categories: prosecute, transfer, or release. (Ultimately, a task force added a fourth category, indefinite detention.) The same year, Congress passed legislation that would prohibit spending public funds to transfer detainees to the U.S., and in late 2010, when Congress was finalizing the military’s annual spending bill, staffers on the House Armed Services Committee crafted provisions that restricted transfers to other countries. “Before a detainee was transferred to a foreign country, the Secretary had to issue a certification to Congress, pledging that the country would carry out security measures stringent enough to ‘ensure that the individual cannot engage or reengage in any terrorist activity,’” Bruck writes. The bill passed, and Robert Gates, who was Secretary of Defense at the time, did not approve a single transfer. His successor, Leon Panetta, was similarly stymied by the provision, telling Bruck, “As Secretary, it required that I sign my life away.” By 2014, the Secretary of Defense no longer had to insure that transferred detainees would not engage in terrorism, only that the risk had been substantially mitigated, and some thirty deals were ready for final approval. But Secretary of Defense Chuck Hagel stopped the process, telling Bruck, “The White House started putting immense pressure on me to sign off on detainees. The President said, ‘I want this done—I want it done now.’ I said, ‘I think you’d be disappointed in me, Mr. President, if I just arbitrarily sign off, based on a political promise.’” When Ashton Carter took over as Secretary of Defense, in February, 2015, officials in the White House and the State Department expected him to quickly approve transfers out of Guantánamo. But it wasn’t until June that six detainees were transferred from Guantánamo, the first under Carter; by September, Carter began signing transfers with increasing alacrity.

In February, Obama said, “I don’t want to pass this problem on to the next President—whoever it is.” Hillary Clinton has wavered in her views on how detainees should be treated: as a senator, she vacillated on whether and where they could be transferred, but as Secretary of State, she was willing to take political risks to get the prison closed. She recently released a statement supporting Obama’s latest efforts, saying, “Closing Guantánamo would be a sign of strength and resolve.” If Obama’s initiatives—such as transferring detainees to foreign countries for prosecution—succeed in the coming months, only thirty prisoners who seem unlikely to win transfer will remain. “If the group of detainees is small enough, Obama could conceivably take executive action to order them moved to the U.S. . . . And if the Democrats win enough congressional seats in November there will be a brief window, between when they take office and when Obama steps down, in which they might be able to pass legislation that permits closure,” Bruck writes. As the election approaches, Obama’s team has been circumspect about the details of its last efforts. Lee Wolosky, the State Department’s envoy for closing Guantánamo, said, “What we’re doing to make it happen is *transfers*.” Bruck writes, “Closing the prison by such forceful measures would represent a success, but a highly compromised one, in which a process that began with bipartisan ideals ended with political force. But perhaps Obama is finally free of the need to avoid political consequences.”

Fighting to Vote in the Mississippi of the West

In “Can Latinos Swing Arizona?” (p. 20), **Héctor Tobar** reports from Phoenix, where he explores voter registration and turnout among Latinos, speaking with local and national elected officials and with activists organizing in response to infringements on minority rights. In the state’s March 22nd Presidential primary, a record six hundred thousand people cast ballots in Phoenix and the rest of Maricopa County, where Joe Arpaio, known nationally as a Trump ally and a hard-line opponent of undocumented immigrants, is the sheriff. This year, the county had sixty polling stations, down from two hundred in 2012. In Phoenix, where Latinos make up forty per cent of the population, there was one station for every hundred and eight thousand residents, and some precincts in the south of the city, where the majority is Latino, had no polling places at all. Helen Purcell, the elections chief of Maricopa County, tells Tobar, “We should have anticipated a more energetic group of voters.” She continues, “I’ve never discriminated against anyone.”

Petra Falcon, the founder of Promise Arizona, a local group dedicated to turning out Latino voters, tells Tobar that since its founding, in 2010, her organization has registered forty-six thousand voters in Maricopa County. Jose Barboza, who has been volunteering for Promise Arizona since he was nineteen, recalls Elec-



tion Day in 2012, when he helped a man turn in his ballot: “I saw the envelope he was holding, and it felt like it was shining gold.” In a recent e-mail, John McCain told Tobar, “Arizona needs more leaders like Petra, whose commitment to engaging young people in public service and reforming our immigration system continue to have a tremendous impact across our state.” But, in January, Michelle Ugenti-Rita, a state representative from Scottsdale, introduced a bill that would make ballot collection—in which volunteers deliver mail-in ballots for those who missed the deadline and cannot go to a polling place—a felony in Arizona, telling Tobar, “Collecting someone else’s ballot is bizarre. . . . When does a stranger knock on someone’s door and collect very sensitive information?” Ian Danley, the director of One Arizona, a coalition of Latino voter-registration groups, says that “voters are giving us their ballots gratefully. The only people criticizing this are people who are fundamentally afraid of Latinos voting.”

In the lead-up to November’s Presidential election, Hillary Clinton has promised to pursue comprehensive immigration reform, end family detention, and close private detention centers. Meanwhile, recent polls show that Trump’s favorability among Latinos is as low as fourteen per cent. This fall, Falcon expects that, in the race for county sheriff, voters will cast their ballots for Paul Penzone, who is challenging Arpaio, saying, “It’s going to take everyone’s concerted effort to beat him.” And McCain, who is running for his sixth term in the Senate, faces a formidable challenge from the Democratic representative Ann Kirkpatrick, as he struggles to reconcile the demands of the Republican base with his own positions. The bill prohibiting ballot collection has now become law and is scheduled to go into effect in August. The Democratic National Committee has challenged it in the courts, but, even if it stands, Falcon says, “we can still call voters. Voter education is going to be much more important.” Tobar writes, “Falcon and her allies hope that a sizable Latino turnout in Arizona will help to secure a victory for Clinton nationwide.”

A Legendary Architect, a Conceptual Artist, a Hidden Archive, and a Mysterious Diamond

In “Body of Work” (p. 26), **Alice Gregory** speaks with Jill Magid, a conceptual artist who, with her latest performance-art work, negotiates opening the carefully controlled archive of the Mexican architect Luis Barragán to the public in Mexico. Barragán, who is revered for his geometric, brightly colored buildings, has been the center of an “odd arrangement concerning his archive and his copyrights” since his death, in 1988, Gregory writes. “It intrigued me as a gothic love story,” Magid has said, “with a copyright-and-intellectual-property-rights subplot.” According to a widely circulated story, a Swiss businessman purchased the archive and the copyrights for three million dollars as an engagement gift, in lieu of a ring, for the Italian architectural historian Federica Zanco. Since then, architects, students, historians, and museum staff members have been refused access to the archive, and artists and museums interested in exhibiting the architect’s work have been warned off. “The story of Barragán’s archive has both enraged and fascinated Mexico City’s intelligentsia for years,” Gregory writes. Zanco contends that access is restricted while she prepares a catalogue of Barragán’s work, but, twenty years later, the catalogue has yet to appear. Magid, whose art addresses issues of institutional power and the law, came up with an elaborate plan: she would have Barragán’s cremated remains compressed into a diamond engagement ring, with which she would “propose” to Zanco, in the hope that she would, in exchange, agree to open the archive, perhaps even to return it to Mexico. “I’ve always called the archive her lover,” Magid says of Zanco. “To marry one man, she negotiated owning another man, whom she’s devoted her life to. It’s a weird love triangle, and I’m the other woman.”

In May, Magid travelled to Switzerland to prepare a new exhibition, which included a video of Barragán’s exhumation; the correspondence and the legal contracts between Magid, the Barragán family, and the Mexican government; the ring; and a letter from Magid to Zanco explaining the terms of the proposal. Before the show, Magid met Zanco and her husband at a café to present Zanco with the ring. “If you accept this ring, you will return the archive to Mexico,” she said to Zanco. “I am offering you the body for the body of work.” Gregory speaks with Zanco, who has been widely criticized for her handling of the archive. “Mexico is very personal,” she says, “which can be a good thing and a bad thing.” She praises Magid’s project. “I found it very touching,” she says. “That it—he—was between us, there next to a cappuccino.” Then she points out her concerns with Magid’s plan. “You say it should go back to Mexico. Back to whom? Under what circumstances?” Zanco hasn’t formally addressed the terms of the proposal, but she departed from her usual privacy by inviting Gregory into the archive. Gregory asks her if she ever felt bored by what appeared to be painstaking, lonely work. “Never. But I was in despair often.” She continues, “I am a working horse. I know that. And still, after all these years, I have so little to show. It’s demoralizing to be confronted with such criticism and aggressions. Am I doing something wrong? I have asked myself that many times.”

Plus: In Comment, **David Remnick** examines how Roger Ailes, “the impresario of reactionary populism,” who was just ousted as the chairman of Fox News, is in many ways the ideological godfather of Donald Trump, and looks at why the Republican nominee for President “is the most dangerous candidate for the White House in generations” (p. 15); in Shouts & Murmurs, **Colin Stokes** imagines a series of tracking updates from your FedEx package (p. 25); **Anthony Lane** watches Justin Lin’s “Star Trek Beyond” and James Schamus’s “Indignation” (p. 62); **Amy Davidson** reads several books about competitive child-rearing tactics for an economically unstable age (p. 65); **Pankaj Mishra** considers how the Enlightenment philosopher Jean-Jacques Rousseau’s attack on cosmopolitan elites seemed to predict the age of Donald Trump and Brexit (p. 68); **Hilton Als** attends “Oslo” at Lincoln Center’s Mitzi E. Newhouse and “Small Mouth Sounds” at the Pershing Square Signature Center (p. 74); in text accompanying a Portfolio of photographs by **Mark Seliger**, **Janet Mock** considers the continued challenges faced by the transgender community, and looks at why Christopher Street is “recognized as the birthplace of the modern L.G.B.T. movement” (p. 46); a Sketchbook by **Barry Blitt** (p. 41); and new fiction by **Joshua Ferris** (p. 54).

Podcasts: **David Remnick** speaks with **Andy Borowitz**, *newyorker.com*’s satirical news columnist, after Donald Trump’s speech at the Republican National Convention; **Amy Davidson** and **Evan Osnos** discuss the consequences of the Republican National Convention, one of the most divided political conventions in modern history; and **Joshua Ferris** reads his short story “The Abandonment.”

Digital Extras: **Marie Howe** and **Glyn Maxwell** read their poems; an additional photograph from **Mark Seliger**’s Portfolio; and **Richard Brody** comments on scenes from Sofia Coppola’s “Marie Antoinette,” from 2006.

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