

**Statement of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Hearing on
“Closing Guantanamo: The National Security, Fiscal, and Human Rights Implications”
July 24, 2013**

I want to thank Senator Durbin for holding this hearing today on the important matter of closing the detention facility at Guantanamo Bay, Cuba. It is long past time that we take action and end this unfortunate chapter in our nation’s history. For over a decade, the indefinite detention of prisoners at Guantanamo has contradicted our most basic principles of justice, degraded our international standing, and harmed our national security. It is shameful that we are still debating this issue.

As long as the detention facility at Guantanamo Bay remains open it will continue to serve as a recruiting tool for terrorists and discredit America’s historic role as a human rights leader. Countries that champion the rule of law and human rights do not lock away prisoners indefinitely without charge or trial. They do not strap prisoners down and forcibly feed them against their will. We condemn authoritarian states that carry out such practices and we should not tolerate them for even our worst enemies.

We must also face the hard economic truth about the cost of Guantanamo. At a time of deep budget cuts and furloughs at the Department of Defense, we continue to spend almost \$1 million annually per detainee at Guantanamo. By comparison, it costs less than \$65,000 per year to hold a prisoner at America’s most secure Federal prisons, which have housed hundreds of convicted terrorists for decades.

And despite calls by President Obama to close the facility, the military is set to spend hundreds of millions of dollars more to overhaul the compound. For more than a decade, precious manpower, resources, and money have been squandered on this long-failed experiment instead of being directed to important national security missions at home and abroad. This waste must end.

Furthermore, the military commission system for trying these detainees is not working. Federal courts have recently overturned two convictions at Guantanamo in opinions that will prevent the military from bringing conspiracy and material support charges against detainees – something that even the lead military prosecutor at Guantanamo himself acknowledged.

These same charges can be pursued, however, in Federal courts where our prosecutors have a strong track record of obtaining long prison sentences against those who seek to do us harm. Since 9/11, Federal courts have convicted nearly 500 terrorism suspects who remain safely and securely behind bars.

The status quo at Guantanamo is untenable and I appreciate President Obama’s renewed vow to shutter this unnecessary, expensive, and inefficient prison. His decision in June to appoint a new special envoy at the State Department to coordinate efforts to repatriate detainees is a positive step towards closing the facility. So too are reports that the Periodic Review Boards will soon

begin reviewing cases. I hope and expect that the President's leadership will result in ongoing forward movement by the Executive Branch.

But in order for the President's plan to be successful, Congress must also do its part. I was pleased to see the common sense provisions that were included in this year's National Defense Authorization Act that was recently reported by the Senate Armed Services Committee. While incremental, these provisions would make important changes to the onerous transfer certification requirements and prohibitions that have made closing Guantanamo all but impossible.

I look forward to working with other Members of Congress to ensure that these changes become law. We must remove the unnecessary statutory impediments that have ground to a halt the process of transferring detainees.

I remain determined to close this facility. It is the fiscally responsible thing to do, it is the morally responsible thing to do, and it is necessary to strengthen our national security. I thank Senator Durbin for his continued leadership and persistence on these issues and look forward to hearing from the witnesses here today.

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