

Prepared Statement by U.S. Senator Chuck Grassley (R-Iowa)
Ranking Member, Senate Judiciary Committee
Hearing Titled "Closing Guantanamo: Ending 20 Years of Injustice"
Tuesday, December 7, 2021

Today, 39 men reside in the detention facility at Guantanamo Bay, Cuba. They include the mastermind of the September 11th attack, Khalid Sheikh Mohammed, and the mastermind of the attack on the USS Cole, al-Nashiri. KSM and al-Nashiri are being prosecuted for their crimes in military commissions.

In 2010, under President Obama, the current National Security Division Assistant Attorney General, Matt Olsen, led a review of the 240 detainees still in Guantanamo at that time. Only a small portion could be prosecuted, due to legal and evidentiary challenges. Some were set for transfer to other countries. And some were so dangerous that the Task Force recommended continued detention.

President Biden has committed to closing Guantanamo by the end of his term. He is not the first President to attempt to do so. But, as the Task Force report explains, simply prosecuting or transferring a detainee is not an option in every case.

AAG Olsen is not here to say whether he has changed his conclusions about continuing law of war detention at Guantanamo. There is no representative from the State Department, to say what countries are newly able to provide adequate security for transferred detainees. No one is here from the Intelligence Community, which has assessed that nearly 32% of Guantanamo detainees are believed to have rejoined their war on the United States. The IC isn't here to say that the top tier leaders still at Guantanamo are safe to release.

No one from the Administration has come to defend the President's plan for closing Guantanamo. I'm not sure there is a plan.

Setting a policy goal with no plan only invites disaster. Over the summer, we watched this unfold in Afghanistan. To meet a deadline at the end of August, President Biden ordered an American withdrawal, over warnings from his own senior advisors. I fear that his plan to withdraw from the Guantanamo Bay detention facility is no different.

In making decisions on matters of national security, we must ask if a course of action makes Americans more safe, or less? Are we protecting the American people?

Creating a potential safe haven for Al Qaeda and ISIS in Afghanistan doesn't protect the American people. Bringing terrorists to the United States doesn't protect the American people. Releasing terrorists who will only seek to attack us again doesn't protect the American people.

The safety of Americans is not the only question, though it is a priority. Another question is that of accountability. I'd like to enter into the record a letter from Terry Strada.

Terry is a mother of three who lost her husband Tom on 9/11. Today she is an active member of 9/11 Families United, which serves thousands of families and survivors of the 9/11 terrorist attacks. She states that she and her family, and all of us, deserve justice for what happened. Like many victims' family members, she believes that means staying the course at Guantanamo.

I'd like to read from her letter:

That the war in Afghanistan has ended or that a new Administration is in charge, none of that changes our need for prompt justice.

None of that changes our need for an accounting based on the evidence collected over the years—evidence that may not be available anywhere else.

Rather than lose the opportunity to attain a modicum of justice for all those lost and all of us left behind, the military trial should continue to proceed under the guidelines of a military tribunal, uninterrupted and as swiftly as possible.

The evidence amassed needs to be heard for justice to be served and this dreadful chapter of our lives closed.

The victims of terrorism are not just those we lost on 9/11, like Terry's husband Tom. Over 7,000 servicemembers have given their lives in the war on terror, in Iraq, and in Afghanistan. The veterans of those wars have given life and limb to protect Americans from terrorists like those at Guantanamo Bay. I hope we will honor that sacrifice.

