

Prepared Testimony on
“Transferring Guantanamo Bay Detainees to the Homeland: Implications for States and
Local Communities”
Governor Nikki R. Haley, South Carolina
House Committee on Homeland Security
Subcommittee on Oversight and Management Efficiency
April 28, 2016

Introduction

Chairman Perry, Ranking Member Watson Coleman, and members of the subcommittee, thank you for the opportunity to be here to speak on this issue of national importance.

In August of last year, my office was contacted by a representative of the Department of Defense to inform us they were traveling to Charleston, South Carolina to assess the U.S. Naval Consolidated Brig for the possibility of housing Guantanamo Bay detainees. Imagine my surprise: not only was it against federal law to transfer Guantanamo detainees into the United States – and has been since 2010 – but why would anyone want to put terrorists in Charleston?

We came to learn that the Obama Administration was not only surveying the Charleston brig, but also other facilities across the United States – military and civilian, federal and state.

On February 23, 2016, President Obama announced his plan to close the Guantanamo Bay detention facility, currently used to house some of the deadliest terrorists in history, including the principle architect of the September 11, 2001 attacks – Khalid Sheikh Mohammed. This “plan” contained little-to-no new information, but instead discussed detainee disposition options previously outlined in other forums. Nor did it name a state-side facility for law-of-war detention, but instead referenced the Defense Department’s 2015 survey of 13 potential facilities with no list included.

In the opening paragraph of the plan, President Obama presents three reasons for why it is a “national security imperative” that the United States end its detention mission at Guantanamo Bay. According to the President, the continued operation of this detention facility:

1. Serves as recruiting propaganda for violent extremists;
2. Hinders relations with key allies and partners; and
3. Drains Department of Defense resources.

Regardless of any merit that may support these assertions, they do not support the conclusion that terrorists should be transferred to Charleston, South Carolina (or any other location within the United States). Notwithstanding the legal ambiguity associated with the transfer of long-term law-of-war detainees into the United States, my testimony today will focus on the three specific reasons provided by the President’s plan.

First, Recruiting Propaganda of Violent Extremists:

Guantanamo Bay no doubt serves as propaganda for terrorists, but so do statements by public leaders, the United States' stance against terrorism, and American values generally. Terrorists have chosen to wage war on the United States based on an ideological hatred towards the American way of life, and the fundamental freedoms on which we pride ourselves. The September 11 attacks occurred before there ever was a Guantanamo detention facility, as did the first World Trade Center bombing, the U.S.S. Cole bombing, and numerous other attacks or attempted attacks on United States' interests around the world. Moving detention operations from a secure facility outside of the continental United States and into Charleston, South Carolina will not stop the propaganda. This line of thinking is giving these terrorists too much credit and validity. Terrorists do not need a jail to hate us. They hate us all on their own.

But, what could be accomplished by moving the facility to Charleston? Well, taking the propaganda assertion as fact, Charleston will then be used in an attempt to inspire potential terrorists to join the fight. And with the increased accounts of homegrown terrorism and terrorist sympathizers around the country, we do not want to put a bulls-eye on what has been named the number-one vacation destination in the country for four years in a row simply to fulfill a misguided campaign promise.

Second, Interference in Foreign Relations:

As a Governor, my principal engagement outside of the United States is on the economic development front, attracting foreign investment into my state. That being said, assuming the President's assertions are true, the question that comes to my mind is what about detention activities at Guantanamo Bay is damaging to our relationships with foreign leaders and nations?

Whether the terrorists are detained on an American military base in Cuba or somewhere in the United States, they will be held under the same legal authority, by the same country, in the same manner, for the same duration, and for the same reasons. Why does the zip code matter from a foreign relations standpoint?

Completely unrelated to physical location, maybe foreign relations concerns are due to pure negative perception because the President has been lamenting the prison facility's existence ever since he was running for office. And if this perception does matter abroad, I would hope the leader of the most powerful and influential country in the world could brush aside the aesthetic complaints of a well-run, Geneva-Convention-compliant facility when dealing in matters of national and international importance.

Third, Department of Defense Resources:

If there is one thing we can all agree the federal government is absolutely responsible for, it is defending the national security interests of the United States. And while the Department of Defense is not immune from fiscal waste, running a military prison to detain terrorists during an ongoing armed conflict should not be high on the list of things that need to be cut.

In President Obama's plan, he states that moving the detainees to the United States could save between \$65 million and \$85 million annually. He estimates that one-time costs associated

with hardening a United States' structure will be between \$290 million and \$475 million, but over the course of three to five years the lower operating costs of the United States' facility could fully offset these transition costs and generate at least \$335 million in net savings over 10 years. Whether or not one agrees that it is worth saving \$85 million annually to put terrorists in our backyard – and let me be clear that I do not – the estimated timeframe and cost to harden a United States' facility should give budget writers and policy makers great pause. South Carolina is well aware of the federal government's ability, or lack thereof, to maintain project timelines and cost projections, even in cases where the project is designed to address foreign relations and international agreements. One need look no further than the MOX facility at the Savannah River Site in Aiken, South Carolina, currently billions of dollars over budget and years past original completion projection dates.

In Conclusion...

As the members of this Committee know better than most, national security decisions should be made with one, and only one, consideration in mind: what is in the best interests of the national security of the United States of America? While serious policy issues with no easy answers underline the long-term detention and final disposition of terrorists captured during armed conflict, the location of a United States controlled military prison should not be determined based on loose-perception, estimates, and campaign pledges.

I again thank you for the opportunity to speak here today.

I look forward to your questions.