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Efficiency
Transferring Guantanamo Bay Detainees to the Homeland: Implications for States and Local
Communities

Chairman Perry and Members of the Committee:

On behalf of the citizens of Leavenworth County, thank you for the opportunity to present to this committee testimony regarding President Obama's continued desire to close the detention center at the Guantanamo Bay Naval Station. Executive Order 13492, issued January 22, 2009 ordered the closure of the detention center at the Guantanamo Bay Naval Station in Cuba. As with the most recent plan promulgated by the Department of Defense in December 2015, it's quite apparent we lack a clear-cut course of action and are ill prepared and ill equipped to safely and effectively execute a plan that has been kept hidden to the individuals and communities responsible for executing the operation.

As the elected County Attorney for Leavenworth County, I am the chief law enforcement officer. I am responsible for prosecuting criminal offenses committed in violation of state law. This is an important task that the community both expects and deserves. This becomes somewhat of a balancing act, as there are limited resources available to my office that I must carefully allocate to discharge this duty.

The key issues of concern include a lack of communication from the Department of Defense or the President's Administration, the drastic change to the core mission of Ft. Leavenworth, and the security implications for the Kansas City Metropolitan Area as a result of the transfer of detainees to the Disciplinary Barracks at Ft. Leavenworth.

Lack of Communication:

One issue that has arisen in the Leavenworth community has been the lack of communication with our State, local, and military officials. The most important asset that I can have for any part of my job is the availability of pertinent information upon which to base my decision. At this late date, we have no clear-cut idea what the expectations of our community will be if the Guantanamo Bay detainees were placed here. We are unaware how many detainees President Obama's will request to be brought to the United States. As we are led to believe, there are 80 detainees currently held at Guantanamo Bay. That is including 44 detainees that are not recommended for transfer because they are too dangerous, even for their home countries.

These detainees are not a homogeneous group. We know they are high-value detainees, serious detainees never to be released, and detainees from places like Yemen who do not have a home to return to at the moment, among others. This lack of communication causes serious issues

regarding how we as a community are to thwart any pending threats and how much of our limited resources we would need to expend in dealing with those threats.

The Department of Defense conducted a site survey recently, but failed to speak with local officials regarding their objectives or methodology. I believe that military commanders must know those objectives and I believe that they were made aware. However, city and county officials were left out of the conversation and thus, we were not provided the information needed to best serve our community or successfully execute this mission.

This lack of communication will come into play when a citizen or citizens bring a suit against one or more governmental entities. In that case, I will be called upon to collect and disseminate information in a timely manner to the correct official. Without knowing who, when, why, and how these detainees may be transferred, I will not be able to accomplish that task and discharge my sworn duty as the County Attorney. Even if this entire plan for transfer is out of the realm of possibility from a legal and legislative standpoint, I ask that the citizens of Leavenworth be kept informed and that we are become included in the communications between the Department of Defense and the Ft. Leavenworth commanders so that I may serve the people to the best of my ability and so that the citizens may make an informed and reasonable decision about their lives in Leavenworth County.

Change in Core Mission at Ft. Leavenworth:

Ft. Leavenworth is the site of the newly created Army University, which includes the historic and prestigious Command and General Staff College. The mission at Ft. Leavenworth is to educate and train military commanders in current and future tactics and leadership.

Not only is the Command and General Staff College open to American Army officers, but it is also used by many allied nations' commanders. They send their best and brightest commanders to learn our Army's tactics and gain insight into how the best Army in the world conducts itself in wartime. This collaboration serves another purpose: it also strengthens our relationships with those participating nations. Many of the nations that send their commanders to Ft. Leavenworth are Muslim nations. By collaborating with our Army, we strengthen our relationship with them and enable us to project our values and decency to that part of the world.

In the event of a transfer of detainees to Ft. Leavenworth, many of these same allies have already announced that they would cease sending their commanders to learn and train at Ft. Leavenworth. One may ask, who will these countries turn to for training? The answer may very well be Russia.

The reason they come to Ft. Leavenworth to learn with our commanders is that our Army is of the size and capability necessary to portray any type of scenario. Our CGSC instructors have seen all types of battles and training techniques and they are able to relate their experiences to any commander from any size military force. The only other nation currently able to do that may be Russia. It is a large and capable military that has many experienced commanders. With that, it also has the desire to supplant the U.S. Army's place in the world and may try to do so by forming educational relationships with our former partners' commanders.

Security Issues:

In today's society, law enforcement and communities must take into consideration a terroristic threat, whether real or perceived. As the 9/11 Commission stated, "[t]he most important failure was one of the imagination." Incidents ranging from the 2015 San Bernardino attack to the 2015 attack in Paris or 2016 attack in Brussels cause communities to be frightened of a similar attack occurring in their community. President Obama, among others, has said that the rationale for the closure of the Guantanamo Bay detainment facilities is due to the symbolism the facility represents. This would give good cause to a like-minded individual or person(s) seeking attention to try a similar attack. An example of this has already occurred in Leavenworth in 1997. In 1993, terrorists bombed the World Trade Center towers in New York City and one of the four people responsible for the attack, Muhammed Salameh, was housed at the United States Penitentiary, only 5 miles south of the Disciplinary Barracks at Ft. Leavenworth. In 1997 the Penitentiary received several letter bombs that were designed to injure and kill people housing terrorists. Local and federal resources were able to prevent any harm from occurring. The placement of these detainees from Guantanamo Bay has the real potential to bring harm to any community wherein they may be placed. Not simply because there will be more of them in one facility together, but because these detainees are exponentially more dangerous.

While Ft. Leavenworth is fully confident in its ability to contain the detainees now housed at Guantanamo Bay Naval Base at their facilities, they do have serious factors that need considered. At the present moment there is not a specific facility for the detainees. Ten years ago, Ft. Leavenworth erected a new facility that took three years and 90 million dollars to build. The understanding we currently have is that we do not have time to build another structure, therefore we would have to use an existing facility and move the prisoners currently housed there to another location. Our facility is approximately 300 feet from County Road 155 and 250 feet from Coffin Road. At this distance, it would be extremely hard to stop a vehicle IED, or car bomb from being set off, as well as someone getting close enough to assist in an escape.

A railroad runs near the prison and through our community that often carries hazardous materials. A terrorist attack on the railroad would directly threaten our civilian population as well as citizens to our east in the State of Missouri. The railroad runs directly next to Sherman Army Airfield, which is used by civilians and the military on a frequent basis. It would most likely have to be shuttered and those pilots, crew and passengers would have to find another point of entry into Leavenworth and the Fort.

Ft. Leavenworth and Leavenworth County are also adjacent to the Missouri River. A threat could easily use the river to gain access to the Ft. Leavenworth Disciplinary Barracks as well as to target the civilian population of our community.

Ft. Leavenworth would also need to strengthen the border around the perimeter for extra protection. This would include creating a buffer zone much wider than the current two lane road outside the prison perimeter. If the road was to be expanded and land needed for a larger buffer zone, many families would lose their farms and livelihoods to eminent domain. The resources that would be needed is dependent on an unknown assessment at this time.

The other concern for the Ft. Leavenworth prison is the lack of adequate health care for the detainees, which is one of the key issues Paul Lewis of the Department of Defense says, is necessary for a transfer of detainees to the United States. Ft. Leavenworth does not have a proper facility to meet the medical or dental needs of any detainee. If detainees would need these services it would be necessary for them to be taken off the Base and to a local facility. The closest capable hospitals are University of Kansas Medical Center in Kansas City, KS and Truman Medical Center in Kansas City, MO. This would necessitate increased protection and transportation to a non-secure area for the detainee for an unspecified amount of time depending on the extent of their health care needs. The alternative would be the expense of building a new facility, with all the needed staff and equipment, to satisfy this potential issue. There is also the question of would the Mayor of Kansas City, MO or Kansas City, KS even allow this to occur in their cities?

Once again, thank you Chairman Perry and Members of the Committee. I am honored to present testimony to you regarding the impact a transfer of detainees from the Detention Center at Guantanamo Bay Naval Station to the Disciplinary Barracks at Ft. Leavenworth will have on our city, county, region and the Fort itself. I welcome your questions and look forward to providing insightful answers. Thank you.