

**The Bergdahl Exchange:  
Implications for U.S. National Security and  
the Fight Against Terrorism**

Michael G. Waltz  
Senior National Security Fellow  
New America Foundation

**Hearing before the  
House Committee on Foreign Affairs**  
Subcommittee on Terrorism, Nonproliferation, and Trade

Washington, DC  
June 18, 2014

Mr. Chairman, Madam Chairman, Ranking Member Sherman, Ranking Member Deutch, and Members of the Joint Subcommittee, thank you for holding this hearing today on a subject of vital national importance - the Implications of the exchange of Sgt. Bowe Bergdahl on the fight against terrorism.

I want to first take this opportunity to thank the many Americans, military and civilian, who have served our country in Afghanistan and Pakistan over the past decade since 9/11. Most importantly, I want to pay tribute to the family members of the hundreds of thousands who have served our country in this conflict, particularly the Andrews family that is with us here today.

On June 30, 2009, the day then-Private Bergdahl went missing, I commanded a U.S. Army Special Forces company with responsibility for operations in Ghazni, Khost, Paktia, and Paktika provinces where then Private Bergdahl was missing.<sup>1</sup> That evening two of my Special Forces teams boarded helicopters on a mission to search an Afghan compound where we had indication that Bergdahl may be held. This marked the beginning of several week's worth of missions into some of the most hostile areas of Afghanistan to find him. The basic strategy was to use conventional U.S. infantry units along with the Afghan Army and police to man a series of checkpoints round the clock on key roads and mountain passes in an effort to prevent the Taliban from escaping with Bergdahl across the border into Pakistan's tribal areas. Simultaneously, my Special Forces teams and other special operations units conducted raids into locations suspected of harboring Bergdahl or his captors. Within days we received orders to halt all other ongoing missions and initiatives – notably, including preparations to secure the Afghan National Elections to be held that fall – in order to devote all energy and resources to the search for Bergdahl. It soon became

---

<sup>1</sup> The opinions and analyses expressed in this testimony are solely those of the author. The description of the author as “former commander of Army Special Forces in Afghanistan” is for identification purposes only and does not imply in any way approval by the Department of Defense or the United States Government of the views herein expressed.

apparent that the Taliban knew we were conducting an all-out search for him and they began feeding false information into our network of informants in order to lure our forces into a trap. On several occasions, particularly in Ghazni Province, my men were lured into ambushes, including an Afghan home rigged with explosives, and a car bomb primed to explode. Fortunately, the bombs failed to detonate but those situations were far too close for comfort. Other soldiers were not so fortunate and gave their lives on missions directly or indirectly dedicated to the search. All of us commonly understood at the time that Bergdahl had walked off his post after a guard shift into a local Afghan village where he was apprehended by members of the Haqqani network. We knew we had to do whatever we could to get him back but all of my men, me included, were absolutely furious and resentful frankly that a fellow American soldier had put us in this position. It violated the most fundamental and basic ethos of a soldier's creed – to never put the men and women to the left and right of you in harm's way. I'll leave speculation regarding his motives or state of mind that night to my fellow witnesses who knew him personally in addition to the ongoing Army investigation.

I am confident in saying that Sgt. Bergdahl endangered the lives of the thousands of men and women sent to search for him. He diverted scarce and valuable resources such as Predator drones, helicopters, and IED clearing teams from other missions and units that desperately needed them. Finally, wittingly or unwittingly, he handed our enemies, the Taliban and the Haqqani Network, a significant propaganda tool that they repeatedly used in videos to denounce the United States and recruit for their cause. Ultimately, Sgt. Bergdahl's actions provided the Taliban's leadership with a strategic bargaining tool that they effectively used to free five of their most senior leaders, what I call the Taliban War Cabinet. Let's take a moment and examine the price we paid in this exchange:

By way of background, the Taliban has long sought the release of these five men, all of whom are experienced jihadists and helped run the

Taliban's operations in pre-9/11 Afghanistan. Several were also critical to the Taliban's external relations with al Qaeda, Iran, and other regional extremist groups. They served in various military and intelligence roles. All five of the detainees were deemed "high" risks to the U.S. and its allies by Joint Task Force Guantanamo (JTF-GTMO) and were judged as highly likely to return to extremist activities. Two of the five are reportedly wanted by the UN for war crimes.

**Abdul Haq Wasiq:** a former Taliban intelligence official, Wasiq had direct access to Taliban and Hezb-e-Islami Gulbuddin (HIG) leadership, according to open source reporting on JTF-GTMO threat assessments. Wasiq was central to the Taliban's efforts to form alliances with other Islamic fundamentalist groups to fight alongside the Taliban against U.S. and Coalition forces after 9/11. JTF-GTMO concluded that Wasiq utilized his office to support al Qaeda and to assist Taliban personnel to elude capture in late 2001. Wasiq also arranged for al Qaeda personnel to train Taliban staff in intelligence gathering methods.

**Mullah Norullah Noori:** a Taliban military commander, reportedly fought alongside Taliban and al Qaeda since the 1990s. Noori was instrumental in hosting al Qaeda in Afghanistan and facilitating their support. He apparently served as an intermediary between Osama Bin Laden and Mullah Omar. His brother is reportedly still an active senior leader within the Taliban and he is wanted by the United Nations (UN) for possible war crimes including the murder of thousands of Shiite Muslims.

**Mullah Mohammad Fazl:** a Taliban deputy minister of defense, and one of the Taliban's most experienced commanders prior to his capture in November 2001. Like Noori, according to JTF-GTMO files now available online, Fazl is wanted by the UN for possible war crimes including the murder of thousands of Shiites. Fazl worked closely with Bin Laden's Arab 055 Brigade that actively fought the ethnic Tajik's in Ahmed Shah Massood's Northern Alliance during the Taliban rule. Photographs are currently circulating the internet showing Fazl posing

with a knife behind the heads of a half dozen men.

**Mullah Khairullah Khairkhwa:** the former Taliban governor of Herat province in Western Afghanistan where he apparently liaised with Iranian officials on behalf of Mullah Omar. In June 2011, a DC district court denied Khairkhwa's petition for a writ of habeas corpus, based in large part on his admitted role in brokering the Taliban's post-9/11 relationship with the Iranian government.

**Mohammad Nabi Omari:** a senior Taliban leader that has served in a variety of leadership roles. Omari maintained very close ties to senior Haqqani network leadership and served as a coordinator and facilitator between al Qaeda, Taliban, and Haqqani operations.<sup>2</sup>

One has to wonder why, of all the terrorists still held in Guantanamo, the Taliban chose these five – essentially their top five draft picks.

It's important to put the release of these men in the broader context of our policy towards Afghanistan. As I'm sure you are aware, millions of Afghans voted in a runoff election this past Saturday the 14<sup>th</sup> of June. Afghanistan is currently in the midst of a sensitive and unprecedented political transition. In my view, there are still significant questions as to whether Afghanistan will enjoy its first peaceful political hand off of power in its long and violent history. Every Afghan I have spoken with in the past weeks, from civil society to government officials, are stunned that we would release these individuals back into their society. We must keep in mind that these men are household names of the worst kind in Afghanistan – particularly amongst women and the ethnic minorities that were slaughtered at their hands.

But, the timing of the release is what has these groups particularly

---

<sup>2</sup> Joscelyn, Thomas. "Sgt. Bowe Bergdahl Exchanged for Top 5 Taliban Commanders at Gitmo." The Long War Journal: A Project of the Foundation for Defense of Democracies. N.p., 31 May 2014. Web.

perplexed. We have spent the past year cajoling and dueling with President Karzai to sign a long term strategic agreement with the United States, the Bilateral Security Agreement. Both of the final candidates to replace Karzai have said they would sign the Agreement, yet, weeks before the presidential election in Afghanistan, the Obama Administration announced a full withdrawal of U.S. troops, by end of 2016. He then essentially re-stocked the Taliban War Cabinet with the release of the five Guantanamo detainees. Even if, the government of Qatar is able to prevent these men from returning to their old ways, what happens to them after the one year term on our agreement with the Qataris is over is an open ended question. One year is a blink of an eye in a part of the world with very long memories and that takes a very long term view towards obtaining their objectives. One can understand the confusion and trepidation even the most ardent Afghan supporters of their relationship with the United States are feeling right now.

Where does that leave our policy going forward? In my view, it's currently one of hope that is based on five critical assumptions:

1. We are assuming the Afghan National Army and police can stand on their own as we have predicted. My own experience on the ground over multiple tours as a Special Forces officer, leads me to believe our estimates are very optimistic. The problem is that we no longer have advisors at the operational level to know if the Army is failing. We may not know until it is too late.
2. We are assuming there will be a peaceful political transition this year. I think we run significant risks of severely escalated ethnic tensions regardless of who wins in the coming weeks. If the former foreign minister and presidential candidate Abdullah Abdullah wins we will have a Tajik-led government and a largely Tajik-led Afghan National Army against a Pashtun insurgency. If former finance minister Ghani wins I'm not sure Abdullah and his northern alliance supporters will

magnanimously swallow the bitter pill as they did when he lost to Karzai in 2009.

3. We are assuming that reconciliation talks will resume and end up with results aligned with our interests, even though we have practically given away all leverage by announcing the U.S. withdrawal years in advance.
4. We are hoping Afghanistan's neighbors – Russia, Iran, China, Pakistan, India – will not reignite old hatreds and strategic agendas in the wake of a U.S. withdrawal.
5. Most importantly, we are assuming that al Qaeda can't and won't stage a comeback in Pakistan and Afghanistan's lawless and inhospitable tribal border region as the coalition and the CIA withdraw their ability to pressure al Qaeda's leadership. We are grossly underestimating how dependent our intelligence agencies and civilian agencies are on our military presence in Afghanistan to be able to continue their work.

The implications of the trade of the five senior Taliban members are not just limited to Afghanistan, however. We must remind ourselves that the Taliban are part of a syndicate of extremist groups spanning from West Africa across the Middle East and South Asia to the Philippines. They are just one regional jihadi insurgency amongst a constellation of groups. We must remember that al Qaeda's original goal was to overthrow apostate or un-Islamic regimes across the region and establish a caliphate in the Muslim world. Attacks on the West like 9/11 were just a tactical step to weaken our resolve in the region, lessen our support for Middle Eastern governments aligned with the West, and hopefully force withdrawals similar to Somalia in the 1990s. Whether it's the Taliban in Afghanistan, al Shabaab in Somalia, ISIS in the Levant, or other affiliated groups in Iraq, Yemen, and Uzbekistan, "a victory for one is a victory for all," as Secretary Gates once said in 2010. Sadly, Mullah Omar delivered a rare statement last week that declared the exchange for

Bergdahl a great victory for the Taliban movement.

All of those conflicts across Africa and the Middle East are very concerning. The events unfolding in Syria and Iraq right now are truly disturbing and cause for great concern. However, if one thinks that is bad, how frightening would it be if the keys to a nuclear arsenal were sitting in the capital of Iraq like they are in the capital of Pakistan? A destabilized Afghanistan could directly lead to a destabilized Pakistan along with its nuclear arsenal. The release of the Taliban's War Cabinet from Guantanamo in the midst of so much uncertainty in Afghanistan, upheaval across the Middle East, and terrorist organizations on the rise does not strike me as responsible or wise policy. It was a policy decision that was certainly not worth the sacrifices of the soldiers that gave everything to stabilize Afghanistan for future generations.

For these and other reasons, we need to take a close and careful look at future releases and the overall closure of Guantanamo. There has been much discussion of the relatively low recidivism rate of previously released detainees from Guantanamo. I would argue that quality matters much more than quantity here. Many of the previously released individuals were mid-level operatives that were deemed dangerous but an acceptable risk. Those detainees that are left are the cream of the crop of al Qaeda and their affiliates. I would also point out that Mullah Abdul Zakir, who was until recently the head of the Taliban military committee and Abu Bakr al-Baghdadi, the head of the Islamic State of Iraq and al Sham (ISIS) that is now terrorizing Iraq and Syria, were former detainees. I fully realize that the issue of Guantanamo is a difficult one, a problem that two administrations have grappled with, but we cannot become complacent about the intentions, capabilities, and near "rock-star" status that these men enjoy in extremist circles when they are released. We can't have it both ways. We can't argue to the world for over a decade that these men are too dangerous to bring on to American soil or to release, but then release them when it's expedient.

Finally, without straying too far from the reason I was requested to



come here today, I would like to take this opportunity to urge both committees to think very carefully about calls to reform or even outright repeal the Authorization for Use of Military Force (AUMF) legislation. I am not a legal expert, but from my position as a special operator and a former policy advisor in the Pentagon and White House, I can say these authorities are critical to the successful prosecution of our war against extremism. We must not relegate this war back to a law enforcement problem. The law needs to be updated to be sure, but in light of what we are seeing from Libya to the Levant to Pakistan today we must not tie the hands of our military as they address these problems.

Thank you and I look forward to your questions.