



Guantanamo: America's \$5 Billion Folly

By Ken Gude December 3, 2013

Over the past three years, Congress has focused unprecedented attention on reducing federal spending and cutting the deficit. This myopia has pushed the country from crisis to crisis, slashed federal domestic and defense programs in ways that were purposefully designed to be unacceptable, caused real hardship for many American families, and severely damaged the U.S. economy.

Yet during this period of fiscal austerity, Congress has chosen to waste nearly \$1.5 billion on the prison in Guantanamo Bay, even though the U.S. military and intelligence community have concluded that it is unnecessary and strategically harmful to the United States.¹

These statistics, which are mainly from the Department of Defense, or DOD, comptroller, are detailed and analyzed in this issue brief. In the examination of military expenses at Guantanamo, a number of surprising facts are revealed:

- Since Congress decided to pursue austerity in 2011, it has chosen to spend at least \$1.42 billion on the mission at Guantanamo, although it could have been accomplished for just \$29.9 million.
- The United States could save \$3.73 billion in the next 10-year budget cycle by transferring detainees to existing U.S. prisons.
- Simply by transferring the 84 detainees already cleared to leave Guantanamo, the United States could save nearly \$2 billion over the next 10 years.
- The ratio of staff to detainees at Guantanamo is 15 times greater than that at the highest-security prison in the United States, the Supermax prison at Florence, Colorado, despite the fact that the Supermax holds numerous international terrorists prosecuted in U.S. courts.

- Former Guantanamo detainee Ahmed Ghailani stood trial in a New York City federal court and is incarcerated in the Supermax prison. Ghailani is the only of the 14 so-called high-value detainees who the CIA held prior to transferring to Guantanamo to be prosecuted elsewhere. Other such high-value detainees include Khalid Sheik Mohammed. Despite his high-value status, there have been no appreciable increases in costs in his detention and prosecution over a typical high-security defendant or inmate.
- Even with the excessive security costs requested by the New York Police Department, a trial of Khalid Sheik Mohammed in New York City would have been a bargain compared to military commissions.
- It would be substantially cheaper for the United States to completely fund the construction of a detention facility in Yemen than it would be to continue holding the 56 Yemenis at Guantanamo that have been cleared for transfer.

This remarkable waste of taxpayer money could be starting to turn the tide in favor of closing Guantanamo. The current Senate version of the 2014 National Defense Authorization Act, or NDAA, would ease restrictions on transferring detainees out of Guantanamo that have been the primary obstacle in closing the prison.² In a vote on the Senate floor, a bipartisan majority backed these provisions—the first time in either chamber that a measure intended to make it easier to close Guantanamo attained majority support.³ If the Senate version of the 2014 NDAA becomes law, the portion dealing with transferring Guantanamo detainees to other countries alone would save the United States nearly \$2 billion over the next ten years.⁴

By the end of the Obama administration, the prison at Guantanamo Bay will have existed for 15 years. Congress has made closing the prison practically impossible—a decision that has already needlessly cost American taxpayers billions of dollars. This shocking waste of money comes at a time when kids in the United States are being thrown out of Head Start classrooms, needy families are being denied food stamps, and weapons systems are being scrapped because of the supposed need to slash spending. If Congress does not reverse course and Guantanamo remains open, the wasted money will be counted in the tens of billions. It is time to close Guantanamo.

A summary of U.S. military spending at Guantanamo and comparative costs

- Total cost of Guantanamo through end of 2013: \$4.8 billion
- Guantanamo spending from 2011 to 2013: \$1.42 billion
- Annual cost of keeping detainees who have been cleared for transfer at Guantanamo: \$196 million
- Estimated cost of holding all Guantanamo detainees in existing U.S. prisons from 2011 to 2013: \$29.9 million
- Estimated annual cost of holding all 164 current Guantanamo detainees in existing U.S. prisons: \$9.9 million
- Total cost of military commissions since their inception: \$582.1 million
- Cost of military commissions from 2011 to 2013: \$318.9 million, or nearly \$160 million each for the two convictions obtained during that time
- Average cost per conviction in federal criminal court: \$19,000
- Annual expense of keeping the 56 Yemenis designated for transfer at Guantanamo: \$131 million

Why is Guantanamo so expensive?

The U.S. military has spent nearly \$5 billion on the prison at Guantanamo Bay since it began accepting detainees in January 2002.⁵ That bill is surely not the total U.S. government expenditure on Guantanamo, as it does not include any costs incurred by the FBI, Coast Guard, or the intelligence community. A whopping \$1.42 billion of that total has been racked up since the beginning of 2011 when Congress began the drive to austerity.

Somewhat surprisingly, the cost of building the temporary and permanent detention facilities at Guantanamo represents only a small fraction of the total expense: \$153 million, or just 3 percent. The enormous expenditures are driven by staff costs and operating the prison on an island military base in hostile territory. More than 2,100 military and civilian personnel served the detention mission at Guantanamo in 2012—or 13 people per detainee—and staff expenses account for 37 percent of the total military expenditure.⁶ Base operations and maintenance make up nearly 42 percent to total costs, a price owed to shipping costs and the base's tropical location.

These figures are from the DOD comptroller and are higher than the \$150 million annual cost President Barack Obama cited in his speech at the National Defense University in May.⁷ The president's figure was likely based on an estimate of operating costs that does not include personnel, military commissions, or facility costs. Excluding those categories, the 2012 expenditure was \$157.8 million, which roughly corresponds with the president's figure.⁸ It should be noted, however, that 2012 was unusually low for these categories, as the 2011 expenditure was \$223.1 million.⁹ This analysis uses the DOD comptroller figures—the most detailed accounting of Guantanamo expenditures to date—and represents a more accurate picture of the costs associated with the prison.

Estimated cost of holding Guantanamo detainees in existing U.S. prisons

The staggering amounts of money wasted in Guantanamo stand in stark contrast to the relatively modest cost of holding prisoners in high-security facilities in the United States.¹⁰ It costs roughly \$79,000 per year to house a prisoner at the Supermax prison in Florence, Colorado, the most expensive facility on a per capita basis in the entire Bureau of Prisons, or BOP, system.¹¹ This facility already holds one former Guantanamo detainee—Ahmed Ghaliani, who was convicted in federal criminal court—as well as a large number of other convicted terrorists, such as Zacarias Moussaoui, Ramzi Yousef, and Richard Reid. The Supermax currently holds 437 of the most dangerous inmates in all U.S. prisons, and with a maximum capacity of 490, it is managed by a staff of 347—or less than one staffer per detainee.¹²

Not all Guantanamo detainees could or should be held at the Supermax. Current conditions of confinement for Guantanamo detainees vary depending on their detention status and assessed levels of cooperation, and some prisoners are housed in camps that allow communal living. In 2009, the Obama administration began to review the cases of all detainees at Guantanamo.¹³ The detainee review taskforce made recommendations for the disposition of each detainee's case in one of four categories: prosecution, continued detention, transfer, and conditional transfer.¹⁴ Of the detainees remaining at Guantanamo, the task force designated 80 for either prosecution or continued detention, while 84 were selected for transfer or conditional transfer.¹⁵

Another option in the BOP system for some of these Guantanamo detainees would be Special Management Units, or SMUs, which still maintain very high levels of security at four levels and assign detainees to either more or less restrictive conditions based on behavior, incentives, or other criteria. There are five SMU facilities in the BOP system, including one at Florence.¹⁶ It costs approximately \$43,500 per year to house a prisoner in an SMU facility, the second highest per capita cost behind the Supermax.¹⁷

To estimate the cost of holding Guantanamo detainees in U.S. prisons, each detainee was theoretically assigned to either the Supermax or an SMU facility based on which category the Obama administration's detainee review task force placed the detainee in. Those slated for prosecution or continued detention were assigned to the Supermax, while those selected for transfer were assigned to the SMU facility. The estimated annual cost of holding the 80 Guantanamo detainees assigned to the Supermax at current rates is \$6.3 million.¹⁸ The estimated annual cost of the 84 detainees assigned the SMU facility is \$3.6 million, bringing the total estimated cost to just \$9.9 million.

To calculate the estimated costs of holding all Guantanamo detainees from 2011 to 2013, the figures must reflect the detainee population in each of those years—not just how many detainees are there now, given that a small number of detainees have been transferred out of Guantanamo over the past few years and unfortunately two have died. There were 171 detainees at Guantanamo at the end of 2011 and 166 at the end of 2012.¹⁹ All but one of these additional detainees was in the transfer category and was assigned to the SMU category for the purposes of this analysis. When these additional detainees are factored in, the estimated cost of holding all Guantanamo detainees in U.S. prisons from 2011 to 2013 is just \$29.9 million.

Keeping detainees who are cleared for transfer will cost \$2 billion over the next decade

As noted above, the Obama administration's detainee review task force already cleared 84 detainees for transfer out of Guantanamo. Yet largely because of severe congressional restrictions on any potential transfers out of Guantanamo, they are still stuck in Cuba. To illustrate just how difficult Congress has made transferring detainees out of Guantanamo, there are only 10 fewer detainees at Guantanamo now than there were in 2010 when Congress essentially stopped transfers.²⁰ Of those 10 detainees, 3 have died, 1 was sent back to his native country to serve out his sentence after his conviction by a military commission, and only 6 have been transferred home or to third countries.²¹

The reason these detainees are still at Guantanamo is the supposed fear that they will return to the fight against the United States. Sen. Lindsey Graham (R-SC) even called all Guantanamo detainees "crazy bastards" who are "bent on our destruction."²² A more clear-eyed assessment of these Guantanamo detainees designated for transfer shows that the risk that any one of them will choose to attack the United States upon release is very small. We know this because the Director of National Intelligence, or DNI, releases biannual reports on released Guantanamo detainees, and its most recent finding is that only 2.8 percent of detainees released during the Obama administration are assessed to have engaged in militant activities against the United States.²³ That is far below the rate of recidivism for individuals released from U.S. prisons, which the Bureau of Justice Statistics reports is roughly 67 percent.²⁴ In fact, 97 percent of all Guantanamo detainees who are reported to have engaged in hostile actions against the United States after leaving the prison were released during the Bush administration.²⁵

But even these numbers are in question, as independent analysis of the recidivism rate for Guantanamo detainees has found significantly fewer cases of genuine acts of hostility by those released from the prison. A New America Foundation report could only verify about one-quarter of the claims made by the official DNI report across the life of Guantanamo and found that only 1 of the 71 detainees released since 2009 engaged in hostilities when an Afghan detainee reportedly joined the Taliban.²⁶

It is true that Guantanamo does hold some very dangerous terrorists who wish to do the United States harm. But it has never been accurate that *all* Guantanamo detainees are the "crazy bastards" of Sen. Graham's delusions. While there is some question of whether the rate of recidivism is the official 3 percent or closer to 1 percent, we do know that it has come down significantly during the Obama administration. When coupled with the 2014 drawdown of U.S. forces in Afghanistan, which will greatly reduce the opportunities for hostile action against the United States, detainees who are cleared for transfer out of Guantanamo pose very low risk.

Another fact about this category of detainee at Guantanamo is that it is extremely expensive to keep them in U.S. custody. These detainees have made up approximately 55 percent of the total Guantanamo population since 2009, but the 84 remaining detainees only make up 51 percent of the current population.²⁷ To estimate the annual cost of Guantanamo and project it going forward, a four-year average of the reported expenses from 2010 to 2013 was used, which came to \$487 million. Yet \$104.5 million of that total are costs associated with the military commissions, and since these 84 detainees were by definition not candidates for the commissions, that figure was subtracted to come up with a detention total of only \$382.5 million.

Using these figures, it will cost an estimated \$196 million per year to keep the 84 detainees already designated for transfer at Guantanamo. Over a 10-year budget cycle, that's nearly \$2 billion. That is a staggering price to pay to prevent a problem that does not exist.

U.S. funding for a Yemeni detention facility is cost effective at almost any price

One of the most vexing challenges of trying to close Guantanamo is the large number of Yemeni nationals who remain at the prison. Of the 164 Guantanamo detainees, 88 are Yemeni.²⁸ It has been difficult to transfer Yemeni detainees back to Yemen because of the ongoing conflicts that plague that country, including an Al Qaeda-led insurgency against the national government.

One top figure of the local terrorist group based in Yemen—Al Qaeda in the Arabian Peninsula, or AQAP—is a former Guantanamo detainee who was released during the Bush administration through a deal with the Saudi government. After an incident in which a large number of detainees, including a planner of the attack on the USS Cole in 2000, escaped from a Yemeni prison under mysterious circumstances, legitimate concerns about the ability of the Yemeni government to properly secure detainees were raised.²⁹ Transfers to Yemen completely halted after the attempted AQAP attack on a Detroit-bound plane on Christmas 2009, although that moratorium has recently been lifted.

Of the 88 Yemeni nationals at Guantanamo, the Obama administration's detainee review task force designated 56 for transfer. The estimated annual cost of holding these detainees in Guantanamo is \$131 million.³⁰ It would cost an estimated \$393 million to hold these detainees through the end of the Obama administration and more than \$1.3 billion to hold them for the next 10 years.³¹

Recent reports suggest that the Obama administration is working with the United Nations to explore the possibility of an agreement with the new, more cooperative Yemeni government on the construction of an extremist rehabilitation facility to hold Yemenis returning from Guantanamo, but the cost of building the facility remains an issue. Given the expense associated with continuing to hold these detainees at Guantanamo and that the total construction expenditures for all detention facilities at Guantanamo was only \$153 million, it would be cost effective for the United States to fund the entire construction of this facility in Yemen, since the expense is nowhere close to that of detaining these prisoners at Guantanamo.

The most expensive court in history

The colossal waste of taxpayer money at Guantanamo is not limited to detention operations, as the military commissions process has proven to be as expensive as it is flawed.

One of the principal arguments that forced the Obama administration to abandon its plan to prosecute Khalid Sheik Mohammed and four 9/11 co-conspirators in a New York City federal court was the extremely high cost expected to accompany the trial. After New York Police Chief Ray Kelly originally announced that the city would require \$75 million in additional funding to support security operations around the trial, he then upped that total to \$200 million.³² The higher costs included funding for 2,000 security checkpoints—three times as many as there were on the streets of Baghdad at the time; his \$200 million figure gained acceptance as prohibitively expensive for such a trial.³³ The \$200 million, however, proved to be a bargain compared to the military commissions at Guantanamo.

Since the commissions' inception, the U.S. military has spent \$582.1 million on them, with \$318.9 million coming since congressional austerity efforts began in 2011. Our return on that high investment is poor. Not only are Khalid Sheik Mohammed and his associates still more than a year from a trial, but there have also been only seven total convictions—and just two since 2011—at a cost of roughly \$160 million each. Not a single high-ranking Al Qaeda terrorist is among the group of completed cases nor have the commissions prosecuted anyone for a specific terrorist plot.³⁴

Federal criminal courts, on the other hand, have been extremely successful at prosecuting terrorists at a fraction of the expense, with the average federal criminal conviction in 2012 costing just \$19,000. Since 9/11, federal criminal courts have successfully prosecuted more than 67 terrorists that were captured overseas,³⁵ including one Guantanamo detainee, before Congress prohibited that option in 2010 by banning transfers of Guantanamo detainees into the United States for any reason.³⁶ Ahmed Ghailani was convicted in a New York City court for his role in the 1998 African Embassy bombings and is serving a life sentence at the Supermax. Even though this trial received a great deal of media attention and Ghailani was a high-value Al Qaeda terrorist whom the CIA held for years, there were no costs associated with his trial above normal operating expenses for high-security defendants.³⁷

Conclusion

For a long time, we have known the strategic and moral toll that Guantanamo has taken on the United States. The existence of the prison has been a principal recruiting tool for Al Qaeda and other terrorist groups and has been a stain on the reputation of our great country. Yet despite those clear costs, many in Congress have chosen to keep Guantanamo open.

We now know that the decision has come with steep and unnecessary financial costs, even when many of the same congressional members pushed a relentless focus on cutting government spending, including on defense. Choosing to keep Guantanamo open is choosing to waste billions of dollars. Safe, secure, and far more cost-effective alternatives exist. It is long past time to close Guantanamo.

Ken Gude is a Senior Fellow with the National Security Team at the Center for American Progress.

**Correction, December 4, 2013: The original version of this issue brief incorrectly described the facility under consideration in Yemen as a detention facility instead of a rehabilitation facility. The current version of the brief has corrected the description.*

Endnotes

- 1 Therese Postel, "How Guantanamo Bay's Existence Helps Al-Qaeda Recruit More Terrorists," *The Atlantic*, April 12, 2013, available at <http://www.theatlantic.com/international/archive/2013/04/how-guantanamo-bays-existence-helps-al-qaeda-recruit-more-terrorists/274956/>.
- 2 Congress.gov, "S. 1197 National Defense Authorization Act for Fiscal Year 2014; Sections 1031-1033," available at [http://beta.congress.gov/bill/113th-congress/senate-bill/1197?q=%22search%22%3A\(%222014+ndaa%22\)](http://beta.congress.gov/bill/113th-congress/senate-bill/1197?q=%22search%22%3A(%222014+ndaa%22)) (last accessed November 2013).
- 3 U.S. Senate, "Vote on Senate Amendment 2255," available at http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=113&session=1&vote=00237 (last accessed November 2013).
- 4 Calculations based on analysis in this paper, see pages 5-6.
- 5 Letter from Secretary of Defense Chuck Hagel to Rep. Adam Smith (D-WA), June 27, 2013.
- 6 *Miami Herald*, "Guantanamo By the Numbers," August 12, 2013, available at <http://www.miamiherald.com/2013/08/12/v-fullstory/322461/by-the-numbers.html>.
- 7 The White House Office of the Press Secretary, "Remarks by the President at the National Defense University," Press release, May 23, 2013, available at <http://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university>.
- 8 The total of \$157.8 million consists of \$57.6 million for base operating costs plus \$84.2 million for operations and maintenance costs plus \$16 million for Office of Detainee Affairs at the Department of Defense.
- 9 The total of \$223.1 million consists of \$95 million plus \$111.9 million plus \$16.2 million.
- 10 This paper takes no position on whether it is the correct policy to transfer detainees into the United States and continue to hold all remaining Guantanamo detainees. The analysis in this paper is limited to the comparative costs associated with holding detainees at Guantanamo versus in existing U.S. prisons.
- 11 Government Accountability Office, "Improvements Needed in Bureau of Prisons' Monitoring and Evaluation of Impact of Segregated Housing, Government Accountability Office," GAO-13-429, May 2013, p. 31, available at <http://www.gao.gov/products/GAO-13-429>. The figure cited is \$216.12 per prisoner per day, which totals \$78,883.80.
- 12 Federal Bureau of Prisons, "Weekly Population Report, as of November 14, 2013," available at http://www.bop.gov/locations/weekly_report.jsp (last accessed November 2013).
- 13 Executive Order no. 13492, *Review and Disposition of Individuals Detained at the Guantanamo Bay Naval Base and Closure of Detention Facilities*, available at <http://www.whitehouse.gov/the-press-office/closure-guantanamo-detention-facilities>.
- 14 Guantanamo Review Taskforce, "Final Report" (2010), available at <http://www.justice.gov/ag/guantanamo-review-final-report.pdf>.
- 15 Figures for the current Guantanamo population in the prosecution, continued detention, transfer, and conditional transfer categories based on data obtained at *The New York Times* and NPR, "The Guantanamo Docket," available at <http://projects.nytimes.com/guantanamo> (last accessed November 2013).
- 16 Federal Bureau of Prisons, *State of the Bureau 2010* (U.S. Department of Justice, 2010), p. 5, available at <http://www.bop.gov/news/PDFs/sob10.pdf>.
- 17 Letter from Secretary of Defense Chuck Hagel to Rep. Adam Smith (D-WA). Figure cited is \$119.71 per prisoner per day, which totals \$43,694.15.
- 18 There is no reason to believe that current per capita costs for prisoners in the Supermax could not be replicated for Guantanamo detainees because there is already one former Guantanamo detainee at the Supermax facility, Ahmed Ghailani.
- 19 *The New York Times* and NPR, "The Guantanamo Docket."
- 20 Ibid.
- 21 Ibid.
- 22 Katie Glueck, "Sen. Lindsey Graham calls Guantanamo detainees 'crazy bastards,'" Politico, November 30, 2012, available at <http://www.politico.com/story/2012/11/sen-lindsey-graham-calls-guantanamo-bay-detainees-crazy-bastards-84449.html>.
- 23 Raffaella Wakeman, "September 2013 Guantanamo Recidivism Report from DNI," Lawfare, September 6, 2013, available at <http://www.lawfareblog.com/2013/09/september-2013-guantanamo-recidivism-report-from-dni/>.
- 24 Bureau of Justice Statistics, "Reentry Trends in the U.S.," Bureau of Justice Statistics, available at <http://www.bjs.gov/content/reentry/recidivism.cfm> (last accessed November 2013).
- 25 Wakeman, "September 2013 Guantanamo Recidivism Report from DNI."
- 26 The New America Foundation, "How Many Guantanamo Detainees Returned to the Battlefield?" (2013), available at http://newamerica.net/sites/newamerica.net/files/profiles/attachments/GTMO_Appendix_5-7-2013.pdf.
- 27 *The New York Times* and NPR, "The Guantanamo Docket."
- 28 Ibid.
- 29 Christine Hauser, "Planner of Cole Attack Escapes from Yemeni Jail," *The New York Times*, February 6, 2006, available at <http://www.nytimes.com/2006/02/06/international/middleeast/06yemen.html?pagewanted=print>.
- 30 To estimate the annual cost of Guantanamo and project it going forward, we used a four-year average of the reported expenses from 2010 to 2013, which is \$487 million. Yet \$104.5 million of that total are costs associated with the military commissions, and since these 56 detainees were by definition not candidates for the commissions, that figure was subtracted and a new detention only totals \$382.5 million. These 56 Yemenis make up 34.1 percent of the total detainee population and 34.1 percent of \$382.5 million is \$130.6 million.
- 31 For calculations of the cost of holding detainees slated for transfer, see pages 5-6 for figures.
- 32 The Huffington Post, "Khalid Sheikh Mohammed Terror Trial Security to Cost at Least \$75 Million," December 30, 2009; Kerry Pickett, "NYC's Top Cop Ray Kelly on Decision to have Terror Trials in NY: We Were Not Consulted," *The Washington Times*, January 23, 2010, available <http://www.washington-times.com/blog/watercooler/2010/jan/23/ny-commissioner-ray-kelly-terror-trials-we-were-no/>.
- 33 For number of checkpoints in Baghdad, see WILX.com, "Baghdad Security Checkpoints May Start Disappearing," December 28, 2010, available at http://www.wilx.com/news/worldnews/headlines/Baghdad_Security_Checkpoints_May_Start_Disappearing_112554004.html. For evidence that the expense is seen as too high, see Jane Mayer, "The Trial: Eric Holder and the battle over Khalid Sheikh Mohammed," *The New Yorker*, February 15, 2010, available at http://www.newyorker.com/reporting/2010/02/15/100215fa_fact_mayer.

34 Office of Military Commissions, "Case Docket," available at <http://www.mc.mil/CASES/MilitaryCommissions.aspx> (last accessed November 2013).

35 *The Washington Post*, "Terrorism Convictions in U.S. Courts," March 30, 2013, available at http://www.washingtonpost.com/world/national-security/terrorism-convictions-in-us-courts/2013/03/30/2174b072-9983-11e2-814b-063623d80a60_graphic.html.

36 Charlie Savage, "Guantanamo Prison's Closing Set Back by Vote in Congress," *The New York Times*, December 22, 2010, available at http://www.nytimes.com/2010/12/23/us/politics/23gitmo.html?_r=0.

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