Madam President, since the attacks on 9/11 and the

very beginning of the war on terror in 2001, most Americans have

understood that we could no longer kind of passively wait for the next

enemy attack. In order to defeat, dismantle, and disrupt al-Qaida, our

intelligence, military, and law enforcement officials would have to

work together to defeat terrorist cells, whether they are in the tribal

areas of Pakistan or, frankly, here in our own backyard. Yet, if some

had begun to think, after the killing of Osama bin Laden, that we could

now sit back and relax a little, the recent arrest in my State, in the

hometown of my colleague, Senator Paul, of two foreign fighters who

have openly admitted to conducting attacks against U.S. soldiers and

marines in Iraq shows how mistaken a notion that is.

Let's look at that again. Here are two Iraqi terrorists arrested in

Bowling Green, KY, within the last couple of weeks. And the Director of

Central Intelligence stated in an open hearing on Capitol Hill last

week that about 1,000 members of al-Qaida in Iraq continue to fight us

over in Iraq. Now we know that at least two of them--at least two of

them--have left the battlefield over there to live right here in the

United States.

The case of Waad Ramadan Alwan and Mohanad Shareef Hammadi shows us

that terrorists continue to pose an imminent threat. We owe a debt of

gratitude to the men and women who made sure they couldn't inflict more

harm on Americans here or abroad once they arrived here. Anyone who has

read about the investigation into their activities can only be

impressed with the courage, the skill, and the professionalism of those

who were involved in this effort.

Specifically, I wish to thank the men and women from the FBI's

Louisville Division, the U.S. Attorney's Office for the Western

District of Kentucky, the Louisville Joint Terrorism Task Force, and

the Justice Department's National Security Division. Every one of those

folks involved clearly did their job, and they did it very well.

That having been said, I think it is safe to say that a lot of

Kentuckians, including me, would like to know why two men who either

killed or plotted to kill U.S. soldiers and marines over in Iraq aren't

sitting in a jail cell in Guantanamo right now. When it comes to enemy

combatants, our top priority, as I have said repeatedly, should be to

capture, detain, and interrogate. That wasn't done here. These men are

foreign fighters--unlawful enemy combatants--who should be treated as

such.

Alwan is on tape admitting to having procured explosives and missiles

in Iraq and to using them daily--daily--to conduct strikes.

He said he had personally used improvised explosive devices, or IEDs,

hundreds of times over a period of several years. He has talked about

using them against U.S. troops and the damage he has done to U.S.

military vehicles such as Humvees. He told undercover agents he was

In a reference to attacks on

U.S. troops, he said his lunch and dinner would be ``an American.'' He

admitted that he ``collected everything,'' TNT, electronic detonators,

tank explosive detonators, IED detonators, mortar shells, and rocket-

propelled grenades. He also said that he often placed IEDs after the

curfew, and it was this activity that led to his being asked to join

the mujahedin.

He even tried to demonstrate his expertise as a foreign fighter by

drawing diagrams of four types of IEDs, explaining how to build them

and discussing various occasions in which he used these devices against

U.S. troops in Iraq. In describing one particular type of IED, Alwan

said,

Alwan's

fingerprints have also allegedly been found on IEDs over in Iraq in an

area in which he is known to have lived.

Once Alwan made his way to the United States, he is alleged to have

recruited Hammadi to continue his fight against Americans over in Iraq

by burrowing himself into a community where he thought he would go

undetected. Like Alwan, Hammadi was an experienced insurgent fighter in

Iraq. He too had participated in IED attacks and was part of an

insurgent group that had 11 surface-to-air missiles.

Together, these two men organized shipments of money and weapons,

including rocket grenade launchers, Stinger missiles, and C4 explosives

that they thought they were sending back to the war zone in Iraq.

Anyone who has taken up arms against U.S. forces in the field of

battle is an enemy combatant, pure and simple, and should be treated

like one. They should be hunted and captured, detained and

interrogated, and tried away from civilian populations according to the

laws of war.

Unfortunately, since the earliest days of this administration when

the President signed a series of Executive orders which directed the

closing of the military detention facility at Guantanamo Bay, and

limited the ability of the military and intelligence community to

detain and interrogate prisoners, a higher priority has been placed

upon prosecution than on executing the war on terror.

But I can say with certainty that Kentuckians don't want foreign

fighters who have bragged about killing and maiming U.S. soldiers in a

combat theater treated like common criminals in their own backyards.

They don't want foreign fighters to be afforded all of the legal rights

and privileges of U.S. citizens. They don't want foreign fighters to

have their interrogations curtailed. And they don't want their fellow

citizens in Kentucky subjected to the risk of reprisal that is

associated with these kinds of cases, reprisals against civilian

judges, reprisals against civilian jurors, and the broader community in

which civilian trials are held. That was one of the many reasons that

residents and lawmakers in New York City rebelled against the

administration's equally foolhardy plan to try Khalid Sheikh Mohammed

in a courtroom in New York. That is to say nothing of the security

costs and the disruption that civilian trials for terrorists create for

any American community. We have firsthand experience of this from the

2006 murder trial of Zacarias Moussaoui in Alexandria, VA.

Despite all of this, however, the administration seems fixated on the

idea that once we have caught terrorists, the goal isn't to get as much

intelligence out of them as quickly as possible to prevent further

attacks on soldiers and citizens but to prove that we can treat them

the same way we treat everybody else.

My response to that is, maybe we could. Maybe we can do that. And you

can put them in a U.S. court, but why in the world would you want to?

You could, but should you?

The administration likes to tout its confidence in the U.S. legal

system. Well, I don't believe the American people need to try any enemy

combatants in our own hometowns and cities to prove that our court

system works. We know it works. We are American citizens.

Prosecution is certainly important. But let's be clear, prosecution

is not our ultimate goal in this war. Our goal is to capture or kill

those who want to kill us, here and abroad, and who are plotting even

now, as this case clearly proves, to wreak havoc on our troops

overseas.

This is quite simple: Those whom we capture should be interrogated

and, if necessary, indefinitely detained and tried in a military

setting. Through these interrogations additional intelligence can be

derived that leads to additional targets, thereby weakening al Qaeda

and other associated terror groups at a moment when they are

vulnerable.

The good news is we already have the perfect solution for a case such

as the one I have been discussing in Kentucky. These men don't belong

in a courtroom in Kentucky. They belong in a secured detention facility

at Guantanamo Bay, Cuba, far away from U.S. civilians. Sending them to

Gitmo is the only way to ensure they will not enjoy all the rights and

privileges of U.S. citizens. Sending them to Gitmo is the only way we

can be certain there won't be retaliatory attacks in Kentucky. How

would you like to be the judge in this case? How would you like to be

the jurors in this case? Do they run the risk of being targets for the

rest of their lives? Are they in sort of witness protection programs

indefinitely? Why should we subject U.S. citizens to this kind of risk?

Sending them to Gitmo is the only way we can prevent Kentuckians from

having to cover the cost and having to deal with the disturbance and

disruptions that would come with a civilian trial, and sending them to

Gitmo is the best way to ensure they get what they deserve.

Today I am calling on the administration to change course. Get these

men out of Kentucky. Send them to Guantanamo where they belong. Get

these terrorists out of the civilian system, get them out of our

backyards, and give them the justice they deserve.

Madam President, I yield the floor.