

GREG KATSAS ON TERRORISM

Highlights:

- Greg Katsas was out-of-step on terrorism.
 - Katsas defended the Bush administration's Guantanamo Bay policies.
 - Paul Ryan hired Katsas to advise him on suing the Obama administration over detainee transfers from Guantanamo Bay.
 - Katsas refused to say whether waterboarding was illegal.
 - Katsas said that the McCain Amendment specifically prohibited "cruel, inhuman, or degrading treatment," but would not say if waterboarding fell under this description.
 - Katsas argued to nullify a \$653 million judgment awarded to former prisoners of war tortured by the Iraqi military.
 - Katsas opposed opening deportation hearings against a man suspected of financing terrorism to the media.
 - A district court judge ruled it was unconstitutional to bar the public from the hearing.

Katsas Held Controversial Views On Terrorism

KATSAS DEFENDED THE BUSH ADMINISTRATION'S GUANTANAMO BAY POLICIES

Katsas Defended The Bush Administration's Guantanamo Bay Detainment Policies During A House Judiciary Hearing On The Matter. In his testimony during a House Judiciary Committee hearing, Katsas said, "Mr. Chairman, members of the subcommittee, I appreciate this opportunity to discuss the writ of habeas corpus and the judicial review procedures that Congress has provided to the aliens captured abroad and detained as enemy combatants at Guantanamo Bay, Cuba. [...] In one day, they destroyed the World Trade Center, severely damaged the Pentagon and inflicted greater casualties than did the Japanese at Pearl Harbor. They are actively plotting further attacks. To prevent such attacks, the United States is detaining some members of Al Qaida and the Taliban at a military base leased by the United States at Guantanamo Bay. The majority of the Guantanamo detainees already have been released or transferred to other countries, but the U.S. continues to hold others either because they remain a threat or because no other country will take them. Each detainee receives a hearing before a combatant status review tribunal, or CSRT. These CSRTs afford detainees more rights than ever before provided for wartime status determinations. They also afford more rights than those deemed by the Supreme Court to be appropriate for United States citizens detained as enemy combatants on American soil, and they afford more rights than those given for status determinations under the Geneva Convention." [United States House Committee on the Judiciary, 6/27/07]

Katsas Defended The Administration's Guantanamo Policies Before A Federal Appeals Court Panel. According to the Associated Press, "A federal appeals court questioned the Bush administration's handling of detainees at Guantanamo Bay, suggesting the judiciary might have authority to delve into the conduct of military tribunals that have categorized almost all inmates as enemy combatants. The arguments were in sharp contrast to those of several years ago when the appeals court suggested detainees at the Guantanamo Naval base were not entitled to have access to the U.S. courts, and then ruled against them. The U.S. Supreme Court reversed that decision a year ago. On Thursday, a panel of three appeals court judges - two appointed by Republican presidents and one by a Democratic president - aggressively questioned Justice Department attorney Gregory Katsas about the possibility of court scrutiny over the detainee review process." [Associated Press, 9/8/05]

Paul Ryan Hired Katsas To Advise Him On Suing Obama Over Detainee Transfers From Guantanamo Bay

Paul Ryan Contracted Katsas And Mike Carvin Of Jones Day To Advise Him On A Possible Lawsuit Against The Obama Administration Over The Potential Transfer Of Guantanamo Bay Detainees. According to Politico, "House Republicans have retained a top-tier law firm to advise Speaker Paul Ryan on potential litigation against the Obama administration over the transfer of detainees from Guantanamo Bay. The GOP leaders contract with Mike Carvin and Gregory Katsas of Jones Day is worth up to \$150,000, according to a copy of the agreement obtained by POLITICO." [Politico, [2/10/16](#)]

KATSAS REFUSED TO SAY WHETHER WATERBOARDING WAS ILLEGAL

Katsas Refused To Say Whether Waterboarding Was Illegal. According to Yale Journal on Regulation, “SENATOR DURBIN: Is waterboarding cruel, inhuman, and degrading treatment? MR. KATSAS: It clearly could be. No question about it. SENATOR DURBIN: Is waterboarding illegal under U.S. law? MR. KATSAS: To the extent it constitutes either torture or cruel, inhuman, and degrading treatment—yes, it is. SENATOR DURBIN: But you haven’t drawn any personal conclusion as to whether waterboarding qualifies under the existing law? MR. KATSAS: Well, my personal opinions are not what I’m here to talk about with regard to my assessment of the law, Senator. I can tell you, I did a lot of work on detainee issues when I was at the Justice Department, but I didn’t work on interrogation methods, so I haven’t thought those through the way I have issues regarding detention. As you know, I worked on habeas cases for years, and I’m very conversed in that law and very familiar with it and happy to discuss it with you.” [Yale Journal on Regulation, [10/20/17](#)]

Katsas Said That The McCain Amendment Specifically Prohibited “Cruel, Inhuman, Or Degrading Treatment,” But Did Not Say Whether Waterboarding Fell Under This Description

Katsas Said That The McCain Amendment Specifically Prohibited “Cruel, Inhuman, Or Degrading Treatment,” But Did Not Say Whether Waterboarding Fell Under This Description. According to the District Sentinel, “Katsas replied that the McCain Amendment didn’t specifically bar waterboarding, but rather ‘cruel, inhuman, or degrading treatment.’” [District Sentinel, [10/17/17](#)]

The McCain Amendment Set American Standards For Interrogation Techniques

The McCain Amendment Set American Standards For Interrogation Techniques. According to Human Rights First, “The McCain-Feinstein amendment is designed to ensure that all agencies and departments use lawful, effective interrogation techniques that will enhance our national security and reflect American values. It does the following: 1) codifies the Army Field Manual (AFM) on Human Intelligence Collector Operations as the standard for interrogations across the government; 2) requires that the International Committee of the Red Cross (ICRC) be provided notification of and access to detainees in a timely manner when they are taken into U.S. custody; and 3) mandates a review of the Army Field Manual to ensure that its interrogation approaches are lawful, humane, and based on the most up-to-date science.” [Human Rights First, accessed [6/25/24](#)]

KATSAS ARGUED TO NULLIFY A \$653 MILLION JUDGMENT AWARDED TO FORMER PRISONERS OF WAR TORTURED BY THE IRAQI MILITARY

Katsas Argued That President George W. Bush’s Decision To Remove Iraq From The List Of State Sponsors Of Terrorism Nullified A \$653 Million Judgment Awarded To Former Prisoners Of War Tortured By The Iraqi Military. According to the Washington Post, “Justice Department lawyers argued yesterday that President Bush’s decision to remove Iraq from the list of terrorism-sponsoring states nullified a \$653 million judgment awarded to former U.S. prisoners of war tortured by the Iraqi military during the 1991 Persian Gulf War. The veterans won the judgment from the Iraqi government and are seeking to be paid from frozen Iraqi assets in the United States. But Justice Department lawyer Gregory Katsas said yesterday in the U.S. Court of Appeals for the District of Columbia Circuit that the money is needed for the rebuilding of Iraq. ‘What is at stake in this case is the enforcement of an executive order by the president of the United States and his ability to conduct foreign policy,’ Katsas said. ‘The government has an obvious and compelling interest in facilitating reconstruction of Iraq.’” [Washington Post, [4/8/04](#)]

KATSAS OPPOSED OPENING DEPORTATION HEARINGS AGAINST A MAN SUSPECTED OF FINANCING TERRORISM TO THE MEDIA

Katsas Argued That Opening Deportation Hearings Against A Man Suspected Of Financing Terrorism To The Media “Would Assist Terrorists In Getting A Blueprint Of The Government’s Strategy To Fight The War On Terrorism.” According to the Associated Press, “Deportation hearings for the co-founder of an Islamic charity that the

government claims has funneled money to terrorists should remain closed, a prosecutor told a federal appeals court Tuesday. Rabih Haddad, 41, has been detained since his Dec. 14 arrest on a visa violation. The same day, the Treasury Department froze the bank accounts of his Global Relief Foundation and agents raided its suburban Chicago office. Opening the deportation hearings to the public and media 'would assist terrorists in getting a blueprint of the government's strategy to fight the war on terrorism,' Justice Department lawyer Gregory Katsas told the 6th U.S. Circuit Court of Appeals." [Associated Press, [8/7/02](#)]

A United States District Court Judge Ruled That It Was Unconstitutional To Bar The Public From Deportation Hearings

A United States District Court Judge Ruled That It Was Unconstitutional To Bar The Public From Deportation Hearings. According to the Associated Press, "A federal judge today denied the Justice Department's request for a reconsideration of her ruling ordering the release of transcripts of closed deportation hearings for the detained founder of an Islamic charity. Government attorneys said they will immediately appeal the order before the 6th U.S. Circuit Court of Appeals in Cincinnati. Last week, U.S. District Judge Nancy G. Edmunds said the Justice Department improperly barred the media and the public from the immigration hearings for Rabih Haddad, a co-founder of the Global Relief Foundation. She ruled that the transcripts of the hearings must be made public." [Associated Press, [4/9/02](#)]