



## BILL ON INTERROGATING DETAINEES MOVES TO FOREFRONT IN 'WAR ON TERRORISM' DEBATE

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*In trying to come up with rules to regulate the interrogation and prosecution of terror suspects, President Bush and Republican leaders in Congress debated what is and what is not "torture."*

In the days following the Sept. 11, 2001, attacks, American forces began arresting people suspected of helping plan and carry out terrorist plots.

The most notorious suspects are now held at a U.S.-run military facility at Guantanamo Bay, Cuba.

The plan was to hold military tribunals with special rules to try the men and women in custody. However in June, the Supreme Court decided that military trials for terrorism suspects are illegal under U.S. and international laws.

President Bush urged Congress to pass a law legalizing the tribunal process but met resistance in his own party.

Members of Congress also wanted a law that would define the process for interrogating suspects following reports of torture at Iraq's Abu Ghraib prison and other U.S.-controlled facilities around the world.

### **Definition of torture**

President Bush said his main concern was giving CIA interrogators legal protection for their actions and to prevent defendants from seeing confidential evidence during their trials.

The president also sought to redefine the U.S. government's responsibility under the Geneva Conventions -- a set of international laws concerning humanitarian treatment during war.

One section in the Geneva Conventions in particular has come under scrutiny: Phrases in the "Common Article 3" section of the document, like "outrages upon personal dignity," are vague under U.S. law.

Colin Powell, President Bush's former secretary of state, said the suggestions to reinterpret the Geneva Conventions would cause the world to doubt the moral basis of the war on terrorism and put U.S. troops at risk.

President Bush's requests quickly divided the Republican Party, with several of its members criticizing the president.

Influential Republican senators said they wanted guarantees against torture, as well as assurances that defendants would receive fair trials and access to evidence used to convict them -- even if it contained confidential information.

### **The compromise**

After weeks of debate, President Bush reached a compromise with members of the Senate Armed Services Committee, who disagreed with his plan, including Senators John Warner, R-Va., Lindsey Graham, R-S.C., and John McCain, R-Ariz., who was himself a tortured prisoner of war.

"We got what we wanted and that is the preservation of the Geneva Conventions," McCain said on NBC's Today.

"There will be no more torture. There will be no more mistreatment of prisoners that would violate standards of conduct that we would expect of people who work for the United States of America."

Under the agreement, the CIA interrogation program that President Bush called the "most potent tool we have in protecting America and foiling terrorist attacks" would be preserved.

"The agreement clears the way to do what the American people expect us to do -- to capture terrorists, to detain terrorists, to question terrorists and then to try them," the president said.

In the proposed law, Congress would spell out interrogation techniques that are considered "grave breaches" of the Geneva Conventions, placing them under U.S. law -- the War Crimes Act.

CIA officials would have some flexibility in how they interrogate suspects, but controversial techniques like "waterboarding," a simulated drowning, would be outlawed.

President Bush also retained his requests to give CIA and other U.S. military agents immunity from persecution for actions made in the past, when the rules for interrogation were not as well defined.

But any new evidence allowed in terrorism trials would have to be obtained without "cruel, inhuman or degrading treatment," as outlined by 2005's Detainee Treatment Act, spearheaded by McCain.

Secret evidence also would have to be presented to defendants as part of a fair trial -- something the Bush administration did not want -- though many parts would remain confidential, including

the identities of military agents who obtained the evidence and the methods by which the evidence was obtained.

### **A long road ahead**

President Bush urged Congress to pass the legislation before it adjourns for the November election so that terrorism trials could continue.

Though the compromise has the agreement of major players in the Senate, there is no guarantee that Congress will approve the bill or that it will stand up to further legal challenges.

-- *Compiled by Adnaan Wasey for NewsHour Extra*

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