

Bush demands US Congress pass bill sanctioning torture of detainees

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President George Bush held a news conference on Friday at which he demanded that Congress pass a bill sanctioning interrogation methods of detainees that are defined by international law as torture and banned by the Geneva Conventions.

His bill is designed to circumvent a US Supreme Court ruling handed down in June rejecting the military tribunals he established by executive order after 9/11. The high court ruled that the military commissions set up to try detainees at the Guantánamo prison camp violated the US Constitution's Bill of Rights as well as a key provision of the Geneva Conventions on the treatment of combatants captured in wartime.

At times belligerent and incoherent, Bush said he would reject a proposed Senate bill on military commissions because it does not "clarify" the Geneva Conventions to allow a program of CIA interrogations carried out at secret prisons, the existence of which the president acknowledged only last week.

The CIA prisons, which Bush openly defends, are themselves illegal under international law, since the International Red Cross is denied access to them. Those held in these gulags have been subjected to what Bush terms "alternative interrogation methods"—a euphemism for torture.

The Bush administration's bill would sanction the military commissions' use of coerced evidence—an open repudiation of the basic foundations of international law. It would also allow hearsay evidence and secret evidence withheld from the defendants.

At the press conference, Bush said he had "one test" for any legislation coming out of Congress: "The intelligence community must be able to tell me that the bill Congress sends to my desk will allow this vital [CIA] program to continue." In an attempt to politically blackmail the Senate opponents of his bill—including

four prominent Republicans on the Senate Armed Services Committee—Bush declared that unless the Senate agreed to his "clarification," i.e., evisceration, of Common Article Three of the Geneva Conventions, he would close down the CIA interrogation program.

The clear implication was that senators who blocked a de facto authorization of torture would be branded as accomplices of the terrorists.

The June, 2006 Supreme Court ruling found that all prisoners held in US custody had to be treated in accordance with Common Article Three of the Geneva Conventions, which prohibits torture and "outrages upon personal dignity, including humiliating and degrading treatment."

This language, Bush said, is so "vague that it's impossible to ask anybody to participate in the program for fear—for that person having a fear of breaking the law."

Bush repeated the administration's position that the high court ruling allowed for the commissions so long as they were authorized by Congress, rather than simply established by executive order. In fact, the ruling found specific aspects of the military commissions to be unconstitutional, including the use of secret evidence, hearsay evidence, and evidence obtained through coercion. The administration is seeking to retain all of these in the new legislation.

Bush called the impromptu Rose Garden press conference Friday morning, following a vote by the Senate Armed Services Committee the day before in which four Republicans joined with the Democrats to defeat the administration's bill and approve one that the White House has rejected as unacceptable. The Republican rebellion was led by John Warner of Virginia, the committee chairman, with backing from John McCain of Arizona, Lindsey Graham of South

Carolina and Susan Collins of Maine.

Bush and Vice President Dick Cheney had gone to Capitol Hill on Thursday to try to pressure the recalcitrant Republican senators to back down and support the administration's bill.

Three of the Republican senators opposing the Bush bill—Warner, McCain and Graham—have close ties to the military establishment. They have proposed an alternative version of a military commissions bill that would not include a “redefinition” of Common Article Three and would bar evidence obtained through cruel or abusive treatment.

Joining them in opposing Bush's attempt to openly flout the Geneva Conventions was the secretary of state during Bush's first administration, Colin Powell, a retired general who was chairman of the Joint Chiefs of Staff at the time of the 1991 Persian Gulf War. In a letter to McCain—himself a Vietnam-era prisoner of war—released on Thursday, Powell wrote: “The world is beginning to doubt the moral basis of our fight against terrorism. To redefine Common Article 3 would add to those doubts. Furthermore, it would put our own troops at risk.”

Powell's letter underscored the essential content of the opposition in the Senate to Bush's bill. There is growing concern within sections of the American ruling elite that the world position of US imperialism is being badly undermined by the administration's brazen repudiation of international law.

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Within the military, there is also concern that the flouting of the Geneva Conventions jeopardizes American soldiers captured in combat.

Fueling these divisions is the crisis of American military operations in Iraq and Afghanistan. Prominent sections of the ruling establishment and the military brass blame the Bush administration for this debacle, which has severely undermined the institutional stability of the military.

In response to Bush's remarks, Senator McCain made clear that he supported the secret CIA prisons, insisting that the version of the legislation he supports would not force the CIA program to end. He also said that both versions of the measure would protect American interrogators from prosecution.

The House Armed Services Committee has already

approved legislation that includes all the measures that the Bush administration is seeking. Support on the committee was overwhelmingly bipartisan, with Democrats joining Republicans in a 52-8 vote.

The Democratic Party has played an utterly cowardly role in the debate over military tribunals and the CIA program. Democratic Party leaders have been happy to stand on the sidelines and let Republican opponents of Bush's bill take the lead. The last thing the Democrats want is to be seen as obstructionists on any measure proclaimed by the administration as relevant to the “war on terror.”

Both the House and Senate versions contain a host of anti-democratic measures, including a provision declaring that no person may invoke the Geneva Conventions as an individually enforceable right in US courts. Both bills also severely limit the ability of detainees to challenge their detention in court. According to a *New York Times* article published Friday, “More than two dozen retired federal judges sent a letter to Congress arguing that such a provision would lead to unlawful permanent detention, and defy Supreme Court precedent.”

One of the main concerns of the administration is to obtain legal sanction for torture retroactively—to cover all of the government's actions since September 11, 2001. This is meant to ensure that top administration officials, including Bush, Cheney, Rumsfeld and others, are protected from potential prosecution for war crimes.



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