

# Republican senators' resistance to Bush torture bill reflects tension between White House and military brass

**Joe Kay****22 September 2006**

The Bush administration and several prominent Republican senators are seeking to negotiate a compromise on a bill that would perpetuate a CIA interrogation program and establish military commissions for prisoners held at Guantánamo Bay.

Whether or not a final deal is worked out, the divisions that have emerged over the legislation are a reflection of deep fissures within the political and military establishment in the United States.

The immediate issue of dispute is the attempt by the administration to "clarify" Common Article 3 of the Geneva Conventions so as to give cover for a program of abusive interrogation put in place five years ago. The administration is seeking a bill that would effectively repudiate one of the major international agreements codifying humanitarian principles in the treatment of wartime prisoners.

A number of Republicans on the Senate Armed Services Committee have objected strongly to the White House language on the Geneva Conventions, while insisting that they too want the CIA interrogation program to continue. The senators—committee Chairman John Warner of Virginia, John McCain of Arizona and Lindsey Graham of South Carolina—also object to other components of the administration's bill, including a section that would allow for the use of secret evidence by the military commissions.

On September 14, the dissident Republican senators, backed by the Democrats on the Senate Armed Services Committee, rejected Bush's bill and instead passed their own version, excluding the "clarification" of Common Article Three and some of the violations of due process rights contained in the White House bill. This prompted Bush to hold an angry press conference the following morning in which he all but accused opponents of his bill of sabotaging the defense of the American people from terrorist attack.

Warner, McCain and Graham refused to abandon their position, and over the past several days have won the support of some Republican members in the House of Representatives. Last week, the House Armed Services Committee, in a lopsided bipartisan vote, passed the administration's version of the bill, including the redefinition of the Geneva Conventions. However, a vote by the full House has been put off a week, pending the results of the White House-Senate negotiations.

There are powerful interests behind the dissident Republican senators, including influential sections of the military brass. Of particular significance was the decision by Warner, a former secretary of the Navy, to oppose the administration on the interrogation bill.

As a *New York Times* article from September 17 noted, Warner "has a reputation as an accurate gauge to views that senior [military] officers are reluctant to express in public.... Mr. Warner, like his two colleagues [McCain and Graham], has a network of high-ranking current and retired military officers who provide regular guidance and support."

Warner's opposition apparently came as a shock to the Bush administration. The *Times* reports, "In interviews, two senior Bush administration officials acknowledged that the White House had underestimated the depth of opposition Mr. Bush's proposal would provoke. They also said they had focused mostly on gaining Mr. Graham's support and mistakenly believed they had it.... A Republican senator separately described the clash between the White House and Mr. Warner's group as 'a train wreck.' "

Following Warner's move, other individuals closely associated with the military brass came out in opposition as well, most notably Colin Powell, the secretary of state during Bush's first term and a former chairman of the Joint Chiefs of Staff. Powell added to an initial letter he sent to McCain by giving an interview to the *Washington Post* that was published on September 18.

Powell's criticisms are not new, and he came into conflict with other administration officials over similar issues while he was serving as secretary of state, although he did not publicly state his differences at that time. Powell objected, for example, to the initial decision to declare that the Geneva Conventions would not apply to prisoners taken in Afghanistan and elsewhere whom the Bush administration claimed were associated with Al Qaeda. This decision was overruled by the Supreme Court last June, in a decision striking down Bush's military commissions and prompting the current push for legislation to provide congressional sanction for the commissions.

Powell's expressed concern was that a policy openly flouting international law, including what is seen around the entire world as a repudiation of the Geneva Conventions, would severely undermine the "moral" legitimacy of the "war on terror." Powell told the *Post*: "If you just look at how we are perceived in the world and the kind of criticism we have taken over Guantánamo, Abu Ghraib and renditions, whether we believe it or not, people are now starting to question whether we're following our own high standards."

"Plus," Powell added, "I believe that the legitimate concerns that the administration has can be dealt with in other ways." Though Powell didn't specify, these "legitimate concerns" are, first, that the CIA program continue, and second, that interrogators and administration officials be protected against future prosecution for war crimes.

Powell and the trio of Republican senators on the Armed Services Committee are also warning that a US repudiation of the Geneva Conventions would undermine the Conventions' protections for US forces captured by foreign governments.

Powell's statements make clear the basic perspective of the administration's critics within the US ruling elite. Their concern is that the "war on terror" is increasingly being perceived for what it actually is—the aggressive and violent assertion of the interests of American

imperialism all over the world.

The ability of the government to cloak its imperial ambitions in the mantle of the “war on terror” and the struggle for democracy is severely undermined, both within the United States and around the world, by a policy that sanctions torture and expresses contempt for international law. In allowing this to happen, the critics feel, the Bush administration has squandered an important opportunity afforded by September 11.

In the view of Powell and others, it is not necessary to change the US interpretation of the Geneva Conventions. The CIA program can continue either way. While administration officials such as Vice President Dick Cheney and Defense Secretary Donald Rumsfeld want to free the US government from even the nominal constraint of international obligations, their critics see some of the more egregious moves in this direction to be self-defeating and counterproductive.

The commitment of the administration critics to international legality is, in fact, of a highly limited character. They all support the invasion of Iraq and the continued occupation—an invasion that violated a basic principle of international law: the prohibition of aggressive war. Powell played a particularly odious role in promoting the lies that were used to justify the invasion, while McCain remains a fervent defender of the invasion and has advocated sending even more troops to ensure continued US control of the oil-rich country.

Moreover, the bill advanced by Warner, McCain and Graham would strip Guantánamo detainees of their habeas corpus right to contest their detention in US federal courts.

Opposition to the Bush administration from within the military is directly bound up with the deep crisis in the occupation of Iraq and the way the administration has pursued its policy of global militarism.

From the perspective of a growing section of the military establishment, the occupation of Iraq has turned into a disaster. Most of the country is out of US control, and US military casualties are increasing. General John Abizaid, the top US commander in the Middle East, said earlier this week that US forces in Iraq would have to remain above 140,000 at least until the spring, just to maintain control of Baghdad.

A memo leaked last week from the US Marine Corps’ chief intelligence officer concluded that the American military had already lost in its attempt to maintain control of Anbar province, which has been a center of fierce resistance. Sectarian violence is rampant, with an estimated 100 Iraqis killed every day.

The perspective of the Bush administration, that it could quickly seize control of the country and its oil reserves by violence and intimidation, has produced a political and military debacle. The strain of continuous occupation has severely undermined the structural integrity of the US military, decimating morale and leading to a drop in new recruits—a reflection of deep anti-war sentiment within the American population.

The situation in Afghanistan is as bad if not worse from the perspective of the American military. The American-backed stooge regime is increasingly isolated, and European powers are balking at sending additional troops. Casualties for NATO forces are up sharply.

The divisions within the military and between influential sections of the military establishment and the Bush administration over how to handle this situation have emerged in various ways over the past year. Last November, Democrat John Murtha, a congressman with particularly close ties to the military brass, called for the pullout of US forces from Iraq within six months and advocated a scaled-down role for the US military in maintaining control of the country.

Murtha’s position received virtually no support from his fellow Democrats in Congress, and a resolution calling for the immediate withdrawal of US troops from Iraq, put forward by Republican leaders in the House of Representatives in order to call the Democrats’ bluff and expose the hypocrisy of Democratic critics of Bush’s war policy, was voted down 403-3.

Five months later, the Bush administration confronted the “generals’ revolt,” when a number of retired military officers called for the resignation of Rumsfeld and a change of course in Iraq.

The main criticism that military officials have directed at Rumsfeld is that he failed to provide sufficient troops for a successful occupation of Iraq. This criticism extends back to the period preceding the invasion. In 2003, Rumsfeld replaced Army Chief of Staff Eric Shinseki after the latter voiced the opinion that several hundred thousand troops would be needed to maintain control in Iraq after an invasion.

There is also growing concern within the military over the administration’s plan for yet another military adventure, this time in Iran. Investigative reporter Seymour Hersh wrote in a *New Yorker* article last July that senior military officers have been warning that a bombing strike could well backfire and “lead to serious economic, political, and military consequences for the United States.”

The debate over detainee treatment has taken place in parallel. At the end of 2005, McCain was able to push through the Detainee Treatment Act over the initial objections of the White House. The act stipulates that no prisoner in US custody can be subjected to cruel or inhumane treatment. The Bush administration, and in particular Cheney, had wanted an explicit exemption for the CIA to provide additional cover for its program of torture.

Earlier this month, the military published its new Army Field Manual, which incorporated language from Common Article 3 of the Geneva Conventions. The administration had wanted to excise this language, and had also been pushing for a secret appendix that would allow more aggressive interrogation techniques. The final product was an evident defeat for the administration and the civilian leadership at the Pentagon.

The two different aspects of opposition from within the military—criticism over military tactics and concern over the open repudiation of international law—are two sides of the same coin. In both, the concern is that the way the Bush administration has carried out its international operation of looting and plunder, ignoring traditional military considerations, has led to a catastrophe, and that a change of tactics is needed.

The public side of the debate over the interrogation bill is only a pale reflection of the bitter infighting going on behind the scenes. What the ultimate outcome of this dispute will be is not yet clear.

Murtha, representing the thinking of growing sections of the military establishment, has suggested that a reinstitution of the draft may be necessary, a task that elements within the ruling elite believe the Democrats would be better suited to carry out.



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