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U.S. CONGRESS

Hearing Set to Discuss Detainees

A key Senate Republican said he wants Congress to reassert its authority in dealing with prisoners captured in the war on terrorism.

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WASHINGTON - For the first time, a Republican leader on Capitol Hill is pushing Congress to establish new rules and laws for handling the cases of prisoners captured in the war on terrorism, especially those held in the U.S. prison camp at Guantánamo Bay, Cuba.

Pennsylvania Sen. Arlen Specter, chairman of the Senate Judiciary Committee, will hold a hearing Wednesday on the broad issues of enemy combatants' legal rights and how to prosecute them.

One ambitious proposal, contained in the draft of a bill prepared by Specter's staff, would expand and revamp a special federal court that now operates in secret to handle all the litigation over prisoners, including prosecutions.

Since the Sept. 11, 2001, attacks, the Bush administration on its own set up the Guantánamo prison camp, labeled hundreds of prisoners "enemy combatants" who did not deserve Geneva Convention protection and launched military trials for a handful of detainees. Those tribunals were halted by a federal judge for lack of due process.

Through it all, Congress has done little as legal battles played out in the courts.

Specter said that whether Guantánamo is open or closed, prisoners in the war on terror will be held around the world, the legal issues are long-term and it's time for Congress to reassert its authority.

"The Constitution is explicit -- this is congressional responsibility," Specter said. "But so far, there has been no congressional oversight at all."

Specter is working on a plan that would give the Foreign Intelligence Surveillance Court, which reviews applications for wiretaps and physical searches, complete authority over all prisoner cases, removing them from regular federal courts and military tribunals.

Eleven federal judges serve on the special court on a rotating basis. The court works in a windowless room in the Department of Justice, with all proceedings and records kept secret.

Under one version of the plan, Chief Justice William Rehnquist would add 12 federal judges to the court to handle all current and future prisoner cases. Specter said those proceedings, for the most part, would be public.

"I'm not in favor of secret tribunals," he said.

The hearing Wednesday will include the Justice Department's inspector general, Glenn Fine, an official from the Defense Department and several legal experts, said Blain Rethmeier, a spokesman for Specter.

The hearing is designed to assess how prisoner cases have been handled in the courts and military commissions and review the detention of several hundred immigrants immediately after the Sept. 11 attacks.

Legal critics of the administration and lawyers who represent Guantánamo prisoners have been wary of Specter's initiative.

"Specter has clearly thought about this a long time, and it's a good thing that Congress is finally getting involved," said Elisa Massimino, Washington director of Human Rights First, a lawyers' group. "But the framework he is talking about is troubling."