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Morning Edition: Congress Discusses Guantanamo

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This is MORNING EDITION from NPR News. I'm Steve Inskeep.

RENEE MONTAGNE, host:

And I'm Renee Montagne.

Republicans and Democrats continue trading accusations over the war in Iraq. Capitol Hill has become a battleground as the Senate takes up a number of controversial amendments to a wide-ranging defense bill. Democrats want a provision requiring the Bush administration to report regularly on progress made in Iraq and to set a timetable for the withdrawal of US troops. Republicans want to further limit access to courts by detainees held at Guantanamo Bay, Cuba. NPR's Brian Naylor reports.

BRIAN NAYLOR reporting:

The war on terrorism and the war in Iraq have taken center stage as the Senate debates the Defense Authorization bill which sets defense policy. Last week, senators adopted an amendment sponsored by Republican Lindsey Graham of South Carolina that would deny court access to detainees picked up during the war on terrorism. Graham says attorneys for the detainees have been overwhelming courts with lawsuits, many of which he charges are frivolous.

Senator LINDSEY GRAHAM (Republican, South Carolina): They're swamping the system. Americans are losing their day in court because for--somehow we've allowed enemy combatants, people who've signed up to kill us all, to take us into federal court and sue us about everything! That is not part of the law of armed conflict. Our troops are not going to get that right if they're in the hands of someone else.

NAYLOR: Opponents charge Graham's amendment denies armed combatants basic rights, which the Supreme Court recently upheld. Democrat Jeff Bingaman of New Mexico yesterday offered his own amendment, watering down Graham's provision and allowing detainees the right to a court hearing.

Senator JEFF BINGAMAN (Democrat, New Mexico): With regard to these Guantanamo Bay prisoners, the administration has refused to apply the laws of war. Only a handful of the 500 prisoners held at Guantanamo have been charged. None have been tried as yet. And it is unreasonable to say that these prisoners are being granted more rights than our military personnel.

NAYLOR: Tom Wilner is an attorney who represents a group of Kuwaitis now detained in Guantanamo. He filed suit to give the men reading materials which they'd been denied. He says the Graham amendment would deny the detainees a fair hearing as to their status.

Mr. TOM WILNER (Attorney): There's no doubt that the United States has the ability to hold people caught on the battlefield. But our people weren't caught anywhere near a battlefield. As a matter of fact, they were turned in by Pakistani tribes people for bounties. Senator Graham has also said, `Look, let's not extend legal protections

to these terrorists.' But the question is not extending legal protections to terrorists, it's having a fair process such as habeas corpus to determine whether they are terrorists.

NAYLOR: Late yesterday, Graham announced he would seek to amend his own amendment and give detainees at Guantanamo a yearly review of their status at the circuit court of appeals in Washington. He would also allow them to appeal convictions by military commissions, such as the Pentagon has established at Guantanamo. Graham said it was a matter of showing the world what the US stands for.

Sen. GRAHAM: It's going further than we probably absolutely have to, but it's doing the American thing. It's putting American values on display.

NAYLOR: Still, Graham would stop short of giving detainees full access to courts.

Senators are also expected to vote on an amendment that calls on the Bush administration to report regularly on the status of the war with Iraq and provide a plan with estimated dates for the phased withdrawal of troops. Democratic leader, Harry Reid, says US troops deserve a strategy in Iraq worthy of their sacrifice.

Senator HARRY REID (Democrat, Nevada): With more than 2,050 Americans having been killed in Iraq, with the taxpayers footing a bill to this point of \$250 billion, about \$2 billion or more a week in Iraq, and no end in sight after three years of war, staying the course is no longer an option.

NAYLOR: Republicans plan to offer a similar proposal calling for reports on the war status but without a withdrawal timetable which the Bush administration has long opposed. Whichever version is ultimately approved, the measures send a signal to the White House that lawmakers are growing anxious over an increasingly unpopular war that has no clear end in sight. Brian Naylor, NPR News.