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## **Who We Are**

BOB HERBERT (Op-Ed)  
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You won't find many people willing to accuse John McCain, John Warner or Lindsey Graham of being soft on terrorism. But the three Republican senators are giving the White House fits with their attempt to get legislation approved that would expressly prohibit cruel, inhumane or degrading treatment of detainees in U.S. custody.

There was a dramatic encounter during the floor debate last week when Senator Jeff Sessions, a Republican from Alabama, spoke out against the legislation, saying there was no need for it because, as he put it, the detainees are not prisoners of war, "they are terrorists."

Senator McCain, of Arizona, argued that the debate "is not about who they are. It's about who we are." Americans, said Mr. McCain, "hold ourselves" to a higher standard.

The stakes in this confrontation are high. Senators McCain, Warner and Graham are all influential members of the Armed Services Committee (Senator Warner is the chairman), and they have introduced the legislation in the form of amendments to the nearly half-trillion-dollar Pentagon authorization bill for fiscal 2006.

That such an initiative would come from high-ranking, hawkish Republicans is extraordinary, and the White House is not happy about it. In addition to prohibiting cruel and degrading treatment, the legislation would restrict military interrogation techniques to those authorized in a new Army field manual.

The senators seemed clearly to have been moved by the dismay expressed by current and former members of the military over the lack of uniform standards for the treatment of detainees. Many have argued that the lack of standards and clear guidance from the highest levels of government have led inexorably to abuses.

Senator McCain has been the point person on the legislative amendments, and his office has released a letter from more than a dozen retired officers, including generals, admirals and former prisoners of war, offering support for his effort to establish standards designed to rein in the abusive treatment of prisoners.

The letter said, in part, "The abuse of prisoners hurts America's cause in the war on terror, endangers U.S. service members who might be captured by the enemy, and is anathema to the values Americans have held dear for generations."

Senator Graham, who is from South Carolina, successfully sought the declassification and release of memos from current high-ranking military lawyers who were critical of the legal interpretations by the Bush administration that led to the harsh interrogation policy at Guantánamo. One of the memos, from Maj. Gen. Jack Rives, deputy judge advocate general of the Air Force, said, "Several of the more extreme interrogation techniques, on their face, amount to violations of domestic criminal law" as well as military law.

The White House has fought intensely, but so far unsuccessfully, against this revolt in the usually steadfast Republican ranks. Vice President Dick Cheney, in a meeting with Senators Warner, McCain and Graham, said the legislation would interfere with President Bush's ability to fight terrorism. He was not able to change their minds.

Unable to fend off the amendments, the Senate majority leader, Bill Frist, put off further consideration of the defense bill until September. Senator McCain and his allies will try to build further support for the amendments during that period. The White House has threatened to veto the defense bill if the amendments are approved.

We should take a moment, however this debate turns out, to applaud the effort by three Republican senators to stand up to the White House and insist that the United States not just fight harder than its enemies, but also stand taller. No one should be surprised that these voices of reason are coming from men experienced in the ways of war. Senator McCain was a P.O.W. for five years in Vietnam. Senator Graham spent many years as an Air Force lawyer. And Senator Warner is a veteran of World War II and Korea.

A few days ago I spoke with John Hutson, a former admiral who is now president of the Franklin Pierce Law Center in Concord, N.H. He was one of the signers of the letter to Senator McCain. He stressed that this is a very big issue for the country. If the United States fails to get its act together with regard to the humane treatment of detainees, he said, we will "have changed the DNA of what it means to be an American."