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Specter May Seek Probe of Guantanamo

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WASHINGTON - Senate Judiciary Committee Chairman Arlen Specter said yesterday that he was considering pushing for the creation of a commission to investigate the administration's incarceration policies at the Guantanamo Bay prison camp.

"I'm giving serious thought to [a commission]. ... It's a strong measure," the Pennsylvania Republican said. "But the 9/11 commission found out a lot of things that the congressional committees couldn't find out."

The 9/11 commission was created through congressional legislation signed by President Bush.

After a mid-June congressional hearing on the prison, Specter said he had been working on a bill that would address the legal rights of the more than 500 captives at the U.S. military base in Cuba.

Specter said he wanted to have a hearing at Guantanamo itself and has tentatively set such a session for mid- to late August.

The Judiciary chairman's comments are sure to irk the White House. Vice President Cheney has said the administration would veto legislation that sets rules for the treatment and interrogation of terrorism suspects in U.S. custody.

White House spokesman Allen Abney said last night that the administration would not comment at this time.

The administration decided soon after the Sept. 11, 2001, attacks to hold hundreds of prisoners from Afghanistan and elsewhere as unlawful enemy combatants - suspects in the war on terror who the administration says do not deserve Geneva Convention protections.

Legal battles stemming from the executive branch's decisions have played out in the federal courts for three years without a resolution. Congress has never used its constitutional authority to set the rules for detentions and interrogations.

A main concern in setting up a commission, Specter said, is the amount of time it would take to issue a report. "We wouldn't have results for at least two years, and we would have a very different texture here," he said.

That view was echoed by Sen. Patrick J. Leahy of Vermont, the panel's senior Democrat.

"I want to talk to Arlen about it," he said, "but I'm also concerned" about the time issue.

Specter's and Leahy's comments came after a meeting the two had with the joint staff of the Judiciary Committee, which is preparing for hearings on the Supreme Court nomination of John G. Roberts Jr., tentatively set to begin after Labor Day.

One issue that has arisen between Democrats and Republicans is whether writings and memoradums produced by Roberts while working at the White House counsel's office in the

Reagan administration and in the Solicitor General's Office under President George H.W. Bush should be made available.

Leahy said Sunday on a television news show that there was "no lawyer-client privilege" that Roberts could assert about his work.

Specter noted yesterday that Leahy had not made a formal request on behalf of the Democrats for these memorandums.

"I think it's premature to decide the issue until we know what the request is and what is there," Specter said. "The administration has been adamant in its preliminary comments about not making the disclosures. The committee doesn't have that power to decide. ... It's a decision for the administration to make."

Leahy said such documents had been made available during the Reagan and Clinton administrations.

"I don't think there will be a fishing expedition, but I think some senators may have questions," Leahy said yesterday. "This is someone who, if confirmed, who will serve 30, 35 years. To take a few days more to make sure the American people know who he is and what he's about is important."

In another matter, Specter said he may seek to subpoena companies involved in proposed legislation to establish a \$140 billion trust fund to settle claims made by asbestos-contamination victims.

Specter said the thousands of companies involved had been reluctant to decide who was going to put up how much money.

"We have five weeks to negotiate with the companies," he said, "but it's nice to have a subpoena in your pocket when you have had as much trouble as we have getting this information."

Specter said he would ask the committee to authorize the issuance of a subpoena on Thursday but would not use the authority until necessary.

"Once we have the authority, we may not need to," Specter said.