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White House Aims to Block Legislation on Detainees

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Washington Post
July 23, 2005

The Bush administration in recent days has been lobbying to block legislation supported by Republican senators that would bar the U.S. military from engaging in "cruel, inhuman or degrading treatment" of detainees, from hiding prisoners from the Red Cross, and from using interrogation methods not authorized by a new Army field manual.

Vice President Cheney met Thursday evening with three senior Republican members of the Senate Armed Services Committee to press the administration's case that legislation on these matters would usurp the president's authority and -- in the words of a White House official -- interfere with his ability "to protect Americans effectively from terrorist attack."

It was the second time that Cheney has met with Senate members to tamp down what the White House views as an incipient Republican rebellion. The lawmakers have publicly expressed frustration about what they consider to be the administration's failure to hold any senior military officials responsible for notorious detainee abuse in Iraq and the U.S. military prison at Guantanamo Bay, Cuba.

This week's session was attended by Armed Services Chairman John W. Warner (R-Va.) and committee members John McCain (R-Ariz.) and Lindsey O. Graham (R-S.C.). Warner and Graham last week chaired hearings that explored detainee abuse and interrogation tactics at Guantanamo Bay and the concerns of senior military lawyers that vague administration policies have left the door open to abuse.

Neither Cheney's office nor the lawmakers would say exactly what was discussed at the meeting, citing a routine pledge of confidentiality. But Cheney has long been the administration's chief defender of presidential prerogatives, and at the meeting he reiterated opposition to congressional intervention on the topic of detainee interrogations, according to a source privy to what happened.

The White House, in a further indication of its strong feelings, bluntly warned in a statement sent to Capitol Hill on Thursday that President Bush's advisers would urge him to veto the \$442 billion defense bill "if legislation is presented that would restrict the President's authority to protect Americans effectively from terrorist attack and bring terrorists to justice."

The threat was a veiled reference to legislation drafted by McCain and being circulated among at least 10 Republican senators, Senate aides said. No effort has been made by McCain to cultivate Democratic support, although his aides predict he could get it easily. John Ulyot, a Warner spokesman, said that the senator has been working with McCain and Graham on detainee legislation and that "the matter continues to be studied."

A spokeswoman for McCain, Andrea Jones, said yesterday that McCain plans to introduce the legislation next week. McCain, who was a prisoner of war in Vietnam, has criticized the way detainees have been treated by U.S. forces and is said by aides to want to cut off further abuse by requiring that the military adhere to its own interrogation rules in all cases.

One McCain amendment would set uniform standards for interrogating anyone detained by the Defense Department and would limit interrogation techniques to those listed in the Army field

manual on interrogation, now being revised. Any changes to procedures would require the defense secretary to appear before Congress.

It would further require that all foreign nationals in the custody or effective control of the U.S. military must be registered with the International Committee of the Red Cross -- a provision specifically meant to block the holding of "ghost detainees" in Iraq, in Afghanistan or elsewhere. The provision would not apply to detainees in CIA custody at nonmilitary facilities.

Military investigations into the abuse in 2003 of detainees at the Abu Ghraib prison near Baghdad disclosed that dozens were held without being registered at numerous prisons; the administration has said it needed to do so to conduct interrogations in isolation and to hide the identity of prisoners from other terrorists.

Another McCain amendment prohibits the "cruel, inhuman or degrading treatment or punishment" of anyone in the custody of the U.S. government. This provision, modeled after wording in the U.N. Convention Against Torture -- which the United States has already ratified -- is meant to overturn an administration position that the convention does not apply to foreigners outside the United States.

Graham, who has been outspoken on the need for Congress to get involved in the issue of detainee treatment, said in an interview that he intends to pursue additional amendments that would define the term "enemy combatant" for purposes of detention and regulate the military trials of detainees held at Guantanamo Bay.

Graham said he believes that his amendment would strengthen the president's ability to pursue the war on terror because it would give congressional support to the process of prosecuting detainees after they are transferred to Cuba, an issue that has been hotly contested in federal courts. "Every administration is reluctant to not have as much authority as possible," Graham said, adding that he has gotten mixed signals from the White House. "But we need congressional buy-in to Guantanamo."

The Republican effort is intended partly to cut off an effort by Senate Democrats to attach more stringent demands to the defense bill regarding detainees. One group, led by Sen. Carl M. Levin (D-Mich.), has proposed an amendment calling for an independent commission -- similar to the Sept. 11 commission -- to look into administration policies on interrogation and detainee abuse.