

Torture Permission to be Slipped into Law?

By Catherine Gordon

[November 3, 2005] The vice-president of the United States is publicly advocating giving a U.S. government agency the statutory authority to use torture. Supporters of the McCain anti-torture amendment to the military spending bill have no time to enjoy the amendment's overwhelming 90-9 bi-partisan passage in the Senate.

The amendment may be rendered meaningless by loopholes under consideration in conference committee. We must act now, telling Congress that no matter which government agency, no matter where, and no matter how the president characterizes the circumstances, United States forces do not ever have permission to torture or use cruel, inhuman, or degrading treatment or punishment.

Take Action:

Please contact your congressional delegation, including both of your senators and your representative. Tell them that the McCain amendment must not be altered during conference committee to lessen its provisions. Tell them that every member of Congress has the responsibility to make sure that U.S. moral values and sound military principles are upheld by preserving the McCain amendment to the 2006 military appropriations bill, intact for the president's signature.

Background:

President Bush has threatened to veto the 2006 military appropriations bill (H.R. 2863) because the Senate amended its version of the bill to require that:

- (1) treatment of all Department of Defense (DoD) detainees or detainees held in DoD facilities must follow the Army Field Manual for Intelligence Interrogation; and
- (2) the U.N. Convention Against Torture and Cruel, Inhuman and Degrading Treatment (to which the U.S. is a signatory) governs all U.S. detainees. Read the text of the amendment.

The president's congressional allies were initially rumored to have plans to strip the amendment from the bill. However, the lopsided, bi-partisan vote in the Senate signaled a powerful political incentive for the conference committee to retain the amendment in the bill. Instead of working to strip the amendment, the administration and its supporters have suggested revisions to the amendment that would water it down to the point of meaninglessness. Vice-President Cheney proposed his own "compromise" plan to Sen. McCain last week (week of Oct. 10). The Cheney Plan would exempt the CIA from the provisions of the anti-torture amendment. This plan is so shocking, it bears repeating: the vice-president of the United States is publically advocating giving a U.S. government agency statutory authority to use torture. This proposal is especially dangerous in light of the administration's support for moving all intelligence functions out of the Pentagon and the FBI and into the CIA's portfolio.

Other proponents of allowing brutal treatment under some circumstances have suggested other loopholes to the amendment, e.g., presidential waiver (the president could, using his own judgment, waive the prohibition in the interest of national security); geographic limitation (torture would be prohibited only in certain locations, such as on U.S. soil); or non-applicability of the amendment during "classified" interrogations.

The president argues that the McCain amendment ties the president's hands in his efforts to preserve national security in the post-September 11 world. He also claims that as commander-in-chief, he has the authority to determine the rules by which detainees in the "war against terror" are handled. Human rights supporters disagree, pointing to the U.S. Constitution, Art. I, sec. 8: "The Congress shall have Power ... To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water." (emphasis added)

Human rights advocates reiterate that torture -

- * is inhumane;
- * doesn't reflect our country's moral values;
- * undermines human rights standards worldwide;
- * creates legions of enemies of the U.S.;
- * brings danger of retaliation on U.S. troops and travelers abroad; and
- * does not work - it does not produce reliable intelligence information.

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Dear Representative

I was deeply ashamed to learn that my government has condoned and participated in torture. This conduct must be stopped.

I urge you to do all that you can to support and preserve Sen. McCain's amendment to the 2006 Department of Defense appropriations bill. The amendment provides that U.S. armed forces must observe the humanitarian standards in international, national and military law - the Geneva Conventions, the U.N. Convention Against Torture, our own U.S. Constitution, and our military's effective rules governing military interrogations.

The rule of law must be recognized as governing the behavior of our troops and agents. Torture by U.S. agents is morally wrong. Authorizing torture by the U.S. would put our soldiers overseas, as well as U.S. citizens traveling abroad, in danger of retaliation. Torture doesn't yield reliable intelligence information. This amendment will be effective in reestablishing the military command structure to prevent torture.

Please, make it clear by supporting the McCain amendment, without added loopholes. Please assure that the U.S. does not and will not condone the use of torture.

Dear Senator

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