

September 29, 2006 - Slaughter Says Military Detainment Legislation Designed to Shield Admin.

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Slaughter Says Military Detainment Legislation Designed to Shield Administration Officials from Prosecution Under War Crimes Act

Washington, DC - Rep. Louise M. Slaughter (D-Fairport), Ranking Member of the House Rules Committee, this morning urged her colleagues to vote down S. 3930, the Military Commissions Act, currently before the House.

"This bill will dramatically increase the President's right to detain men and women the world over, and to hold them indefinitely without charge," she said in her remarks. "What is more, it will serve as a backdoor legalization of all but the most brutal of interrogation methods, taking our nation down a path we have chastised so many other countries for following."

Rep. Slaughter argued that the legislation would undermine America's moral authority in the world and endanger our soldiers, making the nation less safe.

"A world based on the rule of law is more safe, not less safe, than a world based on power alone," she said. "A steadfast commitment to due process will both defend our most cherished freedoms and free the innocent from unwarranted punishment. It will protect our liberty and deprive our enemies of one of the main tools used to recruit new followers."

She also stated that the War Crimes Act of 1997 made illegal many of the detention and interrogation methods employed by Administration and other government officials in recent years. A particular provision in the bill changes the War Crimes Act to legalize such practices, which Rep. Slaughter said was an attempt by officials to shield themselves from being prosecuted for war crimes.

"To call this strategy cynical and self-serving is an understatement," she said. "When President Bush signs this bill, he will be signing away any responsibility for the potentially criminal policies he and those in his Administration have enacted during the past five years. When he signs this bill, he will be signing a pardon for himself and for all other architects of these disastrous, self-defeating, and immoral policies."

The complete text of Rep. Slaughter's remarks, as prepared, are included below:

M. Speaker,

These are not the circumstances under which we should be considering this legislation.

The bills before us deal with nothing less than the security of our homeland and the fundamental nature of our nation. Our citizens deserve better than to have their elected representatives rush to pass all of these bills in one day, bills that say a great deal about who we are as a society and where we are headed as a country.

The Homeland Security Appropriations Conference Report and the Military Commissions Act before us are manifestations of how this country has chosen to respond to the challenges confronting us, challenges to our safety and to our peace of mind.

Will we respond with flawed acts that undermine our economic vitality and sacrifice the very liberties we are theoretically fighting to protect? Or will we be measured in our response, and do what is necessary to preserve our liberty from both threats abroad and the consequences of fear and mistrust here at home?

M. Speaker, this Homeland Security legislation means a great deal to my constituents in Western New York and to the tens of millions of Americans who live in northern border communities throughout our country.

Our relationship with Canada is a truly unique one. Ours is the longest unguarded border in the world - a demonstration of the spirit of trust and openness shared by our two great nations. That spirit has produced and sustained a thriving cross-border tourism industry and hundreds of billions of dollars in trade between our countries every year.

Border economies on both sides of the divide depend on that trade and tourism. And so, it would be shortsighted and self-destructive to permit a flawed border security plan to cut off such a lifeline.

Unfortunately, the Western Hemisphere Travel Initiative put forth with so much fanfare by the Department of Homeland Security and the Department of State threatens to do just that. In the name of heightened security, this plan, if implemented in its current form, will mean that millions of tourists from both countries will stay home, and businesses will stop shipping their goods across the border.

In its current form, this plan is a disaster waiting to happen. And considering that Canada is our largest trading partner, we have no choice but to fix it before it is too late.

What we need first is an extension of the WHTI implementation deadline, which I'm relieved to see is still in this bill. Backing up implementation until June or at least January of 2009 will give us the time we need to fix this program where it is broken.

My friend from New York, Rep. McHugh, and I have fashioned a bi-partisan, common-sense bill that will correct the most egregious failings of WHTI and make it work for our constituents instead of against them. The Protecting American Commerce and Travel Act, or PACT Act, has gained the support of a wide range of representatives in this body. It will ensure border security while at the same time keeping it open to travel and trade.

I urge all of my colleagues to consider and pass the PACT Act in the months ahead. We don't have to choose between economic security and physical security. We can, and must, have both.

M. Speaker, the Western Hemisphere Travel Initiative was a flawed reaction to a perceived threat, and today threatens the liberty and prosperity of our country more than those it supposedly protects us from.

In the same way, the Military Commissions Act before us represents a shocking assault on the fundamental freedoms and liberties we have been told that we are fighting to defend.

This bill will dramatically increase the President's right to detain men and women the world over, and to hold them indefinitely without charge. What is more, it will serve as a backdoor legalization of all but the most brutal of interrogation methods, taking our nation down a path we have chastised so many other countries for following.

Yesterday in the Senate, my friend and New York Delegation colleague Hillary Clinton told a story about our country's first great military leader - a man who went on to become our first great political leader.

On Christmas Day in 1776, in the midst of the Revolutionary War, General George Washington launched a daring raid that culminated in the capture of numerous Hessein soldiers, foreign mercenaries known for their brutality and who were fighting for the British. Despite what they had done to American soldiers, he ordered his men to treat them humanely.

"Let them have not reason to complain of our copying the brutal example of the British army," he said.

George Washington, the man who so influenced our national consciousness and who was so deeply responsible for who we are as a people, wanted the world to know that the new American Army did not abuse its prisoners of war.

He also wanted to do whatever he could to win the hearts and minds of the Hesseins. If even one came to see the virtue of America and lay down his arms, that would be a victory in the fight for our nation's freedom and independence.

M. Speaker, I think we have heard some of the best arguments against this bill from General Washington's successors, the men and women who have held top positions of responsibility in our armed forces.

They have told us over and over again that if we ignore our country's long-standing commitment to the rules of war and to international treaties like the Geneva Convention, we will be putting our own soldiers and our own nation at risk.

Opening the door to detainee abuse and indefinite detention will make our soldiers more likely to be tortured and dehumanized should they fall into enemy hands. And that means our own country will be less safe.

A world based on the rule of law is more safe, not less safe, than a world based on power alone. To argue that those who oppose this detainee bill want to let terrorists roam free is both wrong and illogical. Suspected terrorists who have evidence against them will be convicted by courts of law - they will stay behind bars. At the same time, a steadfast commitment to due process will both defend our most cherished freedoms and free the innocent from unwarranted punishment. Doing so will protect our liberty and deprive our enemies of one of the main tools used to recruit new followers.

We will show the world that the United States practices what it preaches about freedom, democracy, and human dignity. We will bring others over to our side, and make them less likely to take up arms against us.

There is a reason why Colin Powell recently warned us that the world is beginning to doubt the moral basis of our fight on terrorism. He said it because it is true, and because such a reality is a dangerous one.

What is more, humane interrogation methods will prevent us from chasing after ghosts, from following the fleeting leads of false confessions borne not from knowledge, but from desperation.

General Washington saw the value of a world based on law and principal over two hundred years ago, and he saw it at a time when his fledgling nation was truly in a fight for its very survival.

For us to pass a bill today that abandons some of the most fundamental principals of the civilization we have sworn to defend, it would be an insult to all those who came before us, to all those who fought and struggled so that we could live free.

M. Speaker, it is such a respect for law and eternal principals that this Administration and far too many in this Republican Leadership lack.

The proof lies in a provision of this bill which has received little notice so far, but that is profoundly revealing about its true nature.

Ten years ago, Congress passed a law called the "War Crimes Act." Under that bill, violating the Geneva Convention is a crime in the United States. The Administration argued that the Convention doesn't apply to "enemy combatants," a term of its own invention. But the Supreme Court disagreed.

In other words, the Administration officials who have spent the last five years creating and directing our torture policy, as well as the government employees who have carried it out, could be liable for criminal prosecution for violating the War Crimes Act. And so, they have decided to go back in time to 1997 and re-write the War Crimes Act to make their actions legal. That is exactly what this bill does.

To call this strategy cynical and self-serving, M. Speaker, is an understatement.

When President Bush signs this bill, he will be signing away any responsibility for the potentially criminal policies he and those in his Administration have enacted during the past five years. When he signs this bill, he will be signing a pardon for himself and for all other architects of these disastrous, self-defeating, and immoral policies.

But we have a choice here today. We can take a principled stand on behalf of the principles that make us great. We can choose to reject a future in which America can no longer honestly claim that it respects human rights, a future in which our own short-sighted, selfish, and immoral retreat into fear and suspicion has left us less safe, and more isolated, than ever before. We can choose to embrace our true nature, and in so doing, take a great step toward the creation of a world led by law and free from fear.

It is our choice, M. Speaker.

I implore all of my friends in this body: please, let us today make the right one.

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