

Eshoo Votes Against Military Commissions Act

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Washington, D.C. -- Today, Rep. Anna Eshoo, D-Palo Alto, voted against H.R. 6116, the Military Commissions Act of 2006, and submitted the following statement for the record.

"Mr. Speaker, I rise in opposition to this legislation which threatens to overturn two centuries of legal precedent, and which undermines our nation's longstanding international obligations enshrined in the Geneva Conventions.

"As Members of Congress we have no higher priority than the security of the American people. It's our duty to see that anyone who murders Americans is properly tried and punished. This responsibility requires us to address the disastrous detainee policies put in place by the Bush Administration. Republicans and Democrats have sought to create a sustainable legal framework that gives our judiciary the tools to deliver justice to our enemies in swift, clear and fair terms. Above all, our methods must reflect the ideals of our Constitution and the highest standards in protecting human rights and due process under the law.

"The bill before us fails to meet these standards. Instead, it erodes the protections of the Geneva Conventions and reverses two centuries of American jurisprudence by denying habeas corpus protections for the accused. More dangerously, it fails to eliminate the use of torture, which has seriously undermined global support for our fight against terrorism.

"As a member of the House Intelligence Committee I'm very familiar with the challenges we face in the fight against terror, and nothing I have seen has convinced me that the measures in this bill will make us safer or provide an effective framework for bringing our enemies to justice.

"The Geneva Conventions exist not to embolden our enemies but to protect our own soldiers from harm should they be captured or detained. Our failure to embrace these standards of treatment opens the door to misconduct by our enemies, a reality that many current and former military experts have spoken out against. Former Secretary of State Colin Powell put it best by saying that redefining our obligations under the Geneva Conventions will encourage other countries to "doubt the moral basis of our fight against terrorism". Furthermore, it would put our own troops at risk. No one doubts the wisdom of Secretary Powell in these matters and it's reckless of this body to ignore his counsel.

"Habeas corpus rights, likewise, do not give comfort to the guilty, nor do they help to free terrorists in our custody. They

exist only to protect the innocent, and their proper application helps reduce the risk of detaining the wrong individuals. The failure to provide habeas corpus rights was a key issue in the Supreme Court's decision to declare the Administration's original tribunal system unconstitutional. Denying these rights again with this bill creates a serious threat to the constitutionality of the legislation, and makes it more than likely that we'll all be back here in a year, or five years from now, trying once again to create a system that will bring terrorist enemies to justice.

"Finally, this bill fails to set an appropriate standard for the treatment of prisoners and relaxes the restrictions on the use of torture embodied in Common Article 3 of the Geneva Conventions. The bill grants the sole authority for interpreting the Geneva Conventions, including Common Article 3, to the President, giving the Administration the option to relax or simply ignore these protections outright. The bill also specifies that the restrictions on the use of torture laid out in the Army Field Manual which apply uniformly to U.S. military personnel and facilities, do not apply to other U.S. agencies engaged in the fight against terror, including the CIA.

"Our security depends on effective and lawful interrogation practices that yield dependable, actionable intelligence. This legislation gives the Administration a blank check to define its own methods for interrogation and opens the door for abuses. We've already seen where permissive interrogation rules can lead...it's called Abu Ghraib. Certainly what we have lost in credibility in the eyes of the world community and the Iraqi people weighs heavily against any information that has been obtained. To ensure accountability Congress must have the ability to review and set standards for interrogation practices around the world. Doing so ensures not only their legality, but ultimately their effectiveness. This bill takes that responsibility out of our hands.

"Mr. Speaker, for all the stated reasons, this bill should not become the policy of our great nation and I urge my colleagues to oppose it."

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