

JOHN McCAIN
ARIZONA

COMMITTEE ON INDIAN AFFAIRS
COMMITTEE ON ARMED SERVICES
COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

United States Senate

October 18, 2006

241 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-0303
(202) 224-2235

4703 S. LAKESHORE DRIVE
SUITE 1
TEMPE, AZ 85282
(480) 897-6289

5353 NORTH 16TH STREET
SUITE 105
PHOENIX, AZ 85016
(602) 952-2410

407 W. CONGRESS STREET
SUITE 103
TUCSON, AZ 85701
(520) 670-6334

TELEPHONE FOR HEARING IMPAIRED
(602) 952-0170

Dear Soren:

Thank you for sharing your concerns regarding the detention, interrogation, and prosecution of suspected terrorists held by the United States. I appreciate knowing your views on this issue.

In the Hamdan v. Rumsfeld decision, the U.S. Supreme Court ruled that the military procedures used to try Guantanamo Bay detainees fell short of the standards of the Uniform Code of Military Justice and the Geneva Conventions. Because of the Hamdan decision, it was incumbent on Congress to provide a legal structure for prosecuting foreign individuals suspected of committing war crimes against the United States. S. 3930, The Military Commissions Act of 2006, allows us to do that in a way that both protects our personnel fighting on the front lines and respects core American principles of justice.

My primary goal for this legislation was to make certain that our nation's obligations under the Geneva Conventions were not limited or otherwise modified in any way. This concern was shared by Senators Warner and Graham and more than 50 retired military flag officers, including five former Chairmen of the Joint Chiefs of Staff. Our deepest concerns were the legal protections of our fighting men and women who themselves rely on the protections of Conventions, and to ensure America's moral standing in the world, which we must maintain if we are to prevail in the war on terror.

Our legislation accomplishes this goal. It will ensure that we continue to uphold our obligations under Geneva and under the so-called "McCain Amendment" of the 2005 Detainee Treatment Act. It will also recognize the President's constitutional authority to interpret treaties, and will bring accountability and transparency to the process of interpretation by ensuring that the executive's interpretation is made public. The legislation will ensure proper checks and balances by stating that Congress and the judicial branch will retain their traditional roles of

oversight and review with respect to any Presidential interpretation. In addition, the bill provides clarity for government personnel about what activities constitute war crimes. For the first time, there will be a list of specific activities that constitute criminal violations of the Geneva Conventions. This clarity will ensure that war criminals are successfully prosecuted by our government.

Under S.3930, we will also allow the Central Intelligence Agency to conduct its interrogation program in a way that complies with the Geneva Conventions, the War Crimes Act, and the Detainee Treatment Act. Thus, for example, techniques such as waterboarding, extreme sleep deprivation, and stress positions that cause serious pain and suffering will not be acceptable forms of interrogation. In this way, we will continue to obtain crucial information from high value detainees within clear legal restrictions on abusive techniques.

Again, thank you for sharing your views. Please feel free to on this or other issues of importance to you.

Sincerely,

A handwritten signature in blue ink that reads "John McCain". The signature is stylized and cursive.

John McCain
United States Senator

JM/dch