

Congressional Closeup by Carl Osgood

Dodd, Leahy Challenge Detention Policies

Sen. Chris Dodd (D-Conn.) introduced legislation on Nov. 16, to overturn some of the more egregious provisions of the military Commissions Act that was passed just before Congress recessed on Sept. 29 for the elections. Dodd's bill would restore the writ of *habeas corpus* for individuals held in U.S. custody; it would block the use of evidence obtained through torture and coercion; it would authorize the U.S. Court of Appeals for the Armed Forces to review the decisions of military commissions; and it would narrowly restrict the designation of "unlawful enemy combatants" to those who have actually engaged in armed conflict against the United States.

During his remarks on the Senate floor, Dodd invoked the image of the 1946 Nuremberg War Crimes Tribunal, in which, he said, the United States "reaffirmed the ideal that this nation should never tailor its eternal principles to the conflict of the moment." The Military Commissions Act, he said, "steps away from" those principles and "has dishonored our nation's proud history."

In a related action, Sen. Patrick Leahy (D-Vt.), soon to be chairman of the Senate Judiciary Committee, wrote a letter, on Nov. 17, to Attorney General Alberto Gonzales, requesting documents relating to interrogation policy and abuse of detainees in U.S. custody. Leahy noted that "for more than two years, I have repeatedly sought answers from the Department of Justice, the FBI, the CIA, and the Department of Defense regarding reported and, in some instances, documented cases of the abuse of detainees in U.S. custody."

Leahy also noted that the Department of Justice recently acknowledged the existence of a second memo

by Jay Bybee, the DOJ official who authored the original 2002 memo that sanctioned "cruel, inhuman, or degrading" acts which "still do not produce pain and suffering of the requisite intensity" to fall within the law. In his letter, Leahy asks for the second Bybee memo, all documents relating to it, as well as other DOJ documents relating to CIA interrogation methods and detainee treatment, the scope of practices permitted under the Detainee Treatment Act and the Military Commissions Act, and DOJ reviews of abuse of detainees in U.S. custody.

GOP To Foist Unfinished Budget on the Democrats

When Congress adjourned on Sept. 29 to campaign for re-election, the annual budget process was left in limbo, with only two of the eleven spending bills, Defense and Homeland Security, completed and signed into law. The schedule called for the remaining nine bills to be completed during the lame duck session beginning Nov. 14. As Congressional sources had told *EIR* would likely happen, however, the GOP leadership has decided to put off the unfinished work until January, when the Democrats take control of the new Congress.

According to *Congressional Quarterly*, GOP appropriators were infuriated at the decision. A spokeswoman for Senate Appropriations Committee Chairman Thad Cochran (R-Miss.) told *CQ* on Nov. 21 that Cochran "thinks it's completely irresponsible that the responsibilities of this Congress have been abdicated for the year." Rep. Jerry Lewis (R-Calif.), Cochran's House counterpart, told the House on Nov. 15 that he was "fully committed" to passing individual bills and completing the process. He

warned against an omnibus package containing all of the unfinished bills, but said nothing about a stopgap measure to keep the government open until January.

The Senate acted on Nov. 15 to pass the Military Construction/ Veterans Affairs appropriations bill, but an agreement to immediately take up the Agriculture appropriations bill bogged down in a dispute over earmarks, and that bill is now scheduled for Dec. 4.

One of the issues in that dispute is an amendment sponsored by Sen. Kent Conrad (D-N.D.) to make available \$4.9 billion for agricultural disaster assistance, assistance that Conrad has been trying to get through the legislative process for more than one year. Before departing in September, the House and Senate acted to keep the government open by passing a continuing resolution that expired on Nov. 17. The House and Senate passed another one on Nov. 15 that expires on Dec. 8.

Collins: Keep Iraq Inspector General

On Nov. 14, the Senate passed, by voice vote, an amendment to the Military Construction/Veterans Affairs appropriations bill that would strip a provision from this year's National Defense Authorization Act that terminates the Special Inspector General for Iraq Reconstruction on Sept. 1, 2007. Sen. Susan Collins (R-Me.), the lead sponsor of the amendment, told the Senate that it would "ensure continuing vigorous oversight of American tax dollars in Iraq."

She noted that the Office of the Special Inspector General "has saved American taxpayers literally millions of dollars" through audits, investigations, and cost avoidances. "It makes

absolutely no sense at all for this office, which has been such an effective watchdog, to be brought to a premature end," she said.

The provision, which was slipped into the bill during conference between the House and the Senate, was supported by House Armed Services Committee Chairman Duncan Hunter (R-Calif.). According to news reports, Hunter did not comment on the Senate action, but had previously said that he agreed that the office was useful but that a termination date was needed. Setting the 2007 termination date, he said, "ensures that we have a smooth transition from the Special Inspector General to the inspectors general of State and Defense."

Levin, Kucinich Target Iraq Policy

Sen. Carl Levin (D-Mich.), the incoming chairman of the Senate Armed Services Committee, told reporters on Nov. 13 that his number one priority, when he takes the chairmanship of the committee in January, will be to "find a way forward to change the course in Iraq." He said that most Democrats "share the view that we should pressure the White House to commence the phased redeployment of U.S. troops from Iraq in four to six months . . . and thereby make it clear to the Iraqis that our presence is not open-ended and that they must take and make the necessary political compromises to preserve Iraq as a nation."

He added that, among other things, reconstruction efforts in Iraq and Afghanistan also merit close oversight. "There has been inadequate oversight in this Republican Congress," he said. They have too often been a rubber stamp for administration policies and too often been unwilling to probe the

inadequacies, the shortfalls, and the failures of administration practices and policies."

Rep. Dennis Kucinich (D-Ohio) advocated a much more radical approach to Iraq, during a Nov. 15 interview with the "Democracy Now" radio program. Kucinich is calling on Congress to use its power of the purse to cut off funds for maintaining troops in Iraq. He told host Amy Goodman, "We don't need to keep indulging in this debate about what to do, because as long as we keep temporizing, the situation gets worse in Iraq." He said that there is enough money in the pipeline for an orderly withdrawal, but cutting off the money is "the ultimate power of the Congress" and that that's the only way the war will be ended.

Panels Presented With Sober View of Iraq

In contrast to the incessant claims of "victory" and "we are winning" coming from the White House, military and intelligence officials presented a much more pessimistic view of the situation on the ground in Iraq (and also in Afghanistan) in back-to-back hearings in the Senate and House Armed Services Committees on Nov. 15.

The lead witnesses in both hearings were Central Command chief Gen. John Abizaid, and State Department advisor David Satterfield. Both seemed to be giving the appearance that the Administration is "tilting" toward the Sunnis, by cracking down hard on the Shia militias. They frequently referred to the "death squads," or "the Mahdi-armed death squads." Both said that the sectarian violence is the biggest problem now in Iraq, not al-Qaeda.

Both also emphasized that there is not much more that U.S. troops can do,

except in training Iraqi security and police forces, and that it is Prime Minister Nouri al-Maliki and the Iraqi government that must bring the increasing sectarian violence under control. Abizaid said that if such control is not exerted, "it can destroy our plans for a stable Iraq."

Lt. Gen. Michael Maples, the director of the Defense Intelligence Agency, also said that the conflict in Iraq is increasingly a sectarian struggle for power, and that "the perception of unchecked violence is creating an atmosphere of fear and hardening sectarianism, which is empowering militias and vigilante groups." He noted that "violence in Iraq continues to increase in scope, complexity and lethality," and he particularly cited the infiltration of the Ministry of the Interior and the police by Shia militias, saying that the militias operate under the protection of the police to attack suspected Sunni insurgents and civilians.

In the House hearing, Satterfield said there are discussions ongoing with Jordan, Saudi Arabia, and Kuwait, which are all concerned about the situation in Iraq and the danger from Iran.

However, the "Sunni tilt" was most blatantly expressed by Sen. Joe Lieberman (DLC-Conn.), who warned against talking to Iran—indicating that Iran would not want "a unified, democratic, presumably pro-American Iraq"—in contrast to talking to "the other Sunni Arab countries . . . the Saudis, the Egyptians, or Jordanians, or Gulf countries, because they have similar, and in fact anti-Iranian views."

At the end of the House hearing, Rep. Ike Skelton (D-Mo.) asked Satterfield: "Are we winning the hearts and minds of the Iraqi people?" Satterfield answered bluntly, "No, we are not."