

Military Commissions Act of 2006 / Compromise bill should be passed

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Position: Compromise bill should be passed

This position addresses the topic Military Commissions Act of 2006.

For this position

“ Critics of Bush administration policy are adamant about extending prisoner of war rights under the Third Geneva Convention to terrorist detainees. In doing so, they obscure a clear distinction in the Geneva Conventions between lawful and unlawful combatants.”

From Treat detainees humanely, but not like citizens of U.S., by Jonathan Gurwitz (*San Antonio Express-News*, September 30, 2006) (view)

“ Because al Qaeda and its ilk do not care how many innocent people die, our government needs to gain whatever information it can from terrorist suspects and, just as importantly, keep them out of circulation so that they can't carry out additional attacks.”

From Without Further Delay, by Bill Frist (*National Review*, September 29, 2006) (view)

“ Bush critics too often groan about alleged “torture” at Guantanamo and other American facilities where enemy combatants are locked away. It might help them to learn who these terror suspects are, how they look, what they have done, and how persuading one terrorist to talk often helps U.S. personnel catch other bomb-mongers before they blow innocent civilians into body parts.”

From Terrorist Rogues' Gallery, by Deroy Murdock (*National Review*, September 27, 2006) (view)

“ The Bush-McCain compromise makes the best of this legal hash. More importantly, it gives the president specific congressional authority for an interrogation program essential to defeating an international army of mass murderers bent on killing more Americans.”

From Bush, McCain and 'torture', by Robert J. Caldwell (*The San Diego Union-Tribune*, September 24, 2006) (view)

“ "The details of this week's compromise on detainee treatment between the White House and a small group of Senators led by John McCain are complicated. But the upshot of the agreement is simple and welcome: Aggressive CIA interrogations of such high-level al Qaeda prisoners as Khalid Sheikh Mohammed will be able to continue." ”

From *An Antiterror Victory*, by The Wall Street Journal editorial board (*The Wall Street Journal*, September 23, 2006) (view)

“ "Throughout this 200-year history--the above-quoted protests notwithstanding--the Supreme Court never held that habeas relief was available to alien military prisoners such as those at Guantanamo Bay. Quite the contrary: In its 1950 *Eisentrager* case, the Supreme Court held that the Constitution and Section 2241 did not extend habeas relief to alien military personnel held overseas." ”

From *The Constitution, Writ or Wrong*, by Adam J. White (*The Weekly Standard*, October 5, 2006) (view)

“ "We worked with the administration to achieve a fair system for the prosecution and conviction of suspected terrorists. The proposed legislation also reaffirms and underscores our nation's commitment to the Geneva Conventions, which we must uphold as a matter of principle and to protect our service members in this and future wars." ”

From *Look Past The Tortured Distortions*, by John Warner, John McCain, Lindsey Graham (*The Wall Street Journal*, October 2, 2006) (view)

“ "If you regard them as traditional wartime detainees -- rather than OJs in turbans -- the only "extraordinary" aspect of this is the kid gloves with which not just their Qurans but the jihadists themselves are handled. This is the only war in American history in which enemy detainees have been freed before the end of hostilities. Of those released, at least 22 are known to have returned to the battlefield in Afghanistan, Pakistan and elsewhere." ”

From *At Gitmo, detainees get La-Z-Boys, pastries*, by Mark Steyn (*Chicago Sun-Times*, October 1, 2006) (view)

Against this position

“ "They've empowered the most mendacious and destructive president in history to do exactly what the military juntas in Argentina and Brazil used to do. Note, too, that--as the italicized quote explains--he can do it, not just to Islamic evildoers, but to anythingdoers, anywhere in the country, at all." ”

From *So Long, It's Been Good to Know Ya*, by Ellis Weiner (*The Huffington Post*, September 29, 2006) (view)

“ "As I write, the Senate is today in the very midst of passing a bill which would repeal habeas corpus; allow the Bush regime to "continue the Program" (i.e., to torture); allow anyone to be scooped up at any time (without judicial review, of course) and be held, well, forever. I'm being neither partisan nor hyperbolic." ”

From *The Constitution has its Darkest Day While Harry Reid Sucks an Egg*, by Howard A. Rodman (*The Huffington Post*, September 28, 2006) (view)

“ “The problem with the legislation — even with the improvements forced on the White House by Sen. John McCain (R-Ariz.) — is that it would make it impossible for alleged enemy combatants to file what is known as a writ of habeas corpus, which allows them to challenge the legality of their imprisonment.” ”

From *Don't Suspend Habeas Corpus*, by Los Angeles Times editorial board (*Los Angeles Times*, September 28, 2006) (view)

“ “The new bill, if passed, would further entrench presidential power. At the very least, it would encourage the Supreme Court to draw an invidious distinction between citizens and legal residents. There are tens of millions of legal immigrants living among us, and the bill encourages the justices to uphold mass detentions without the semblance of judicial review.” ”

From *The White House Warden*, by Bruce Ackerman (*Los Angeles Times*, September 28, 2006) (view)

“ “Under the MCA, there is no accountability for torture. The MCA cuts off courts' power to hear claims of torture by aliens held as "unlawful enemy combatants." And it vests the President with power to interpret the relevant laws of war. So if he says that "cold cell" and sexual abuse are not "cruel and inhumane," that's the end of the matter.” ”

From *Junking Checks and Balances?*, by Aziz Huq (*The Huffington Post*, September 28, 2006) (view)

“ “What's important is that any legal system approved by Congress pass the tests set by Sen. John W. Warner (R-Va.) months ago: that the United States can be proud of it, that the world will see it as fair and humane, and that the Supreme Court can uphold it. The compromise legislation [...] doesn't pass those tests.” ”

From *Rush to Error*, by The Washington Post editorial board (*The Washington Post*, September 27, 2006) (view)

“ “There is not enough time to fix these bills, especially since the few Republicans who call themselves moderates have been whipped into line, and the Democratic leadership in the Senate seems to have misplaced its spine. If there was ever a moment for a filibuster, this was it.” ”

From *Rushing Off a Cliff*, by The New York Times editorial board (*The New York Times*, September 27, 2006) (view)

“ “The compromise bill strips the courts of any jurisdiction to hear cases -- including those cases already pending -- concerning detainee treatment. Unless this provision is changed, the administration will be free to ignore Mr. McCain's interpretation.” ”

From *A Case for Appeal*, by The Washington Post editorial board (*The Washington Post*, September 26, 2006) (view)

“ "We know to a moral certainty that many of the men held at Guantanamo are not terrorists, and indeed are guilty of nothing [...] We know these men have been tortured, and continued to be tortured. And we know they have been denied any chance to prove their innocence in our courts. Now we are about to give these extraordinarily immoral acts the explicit blessing of our laws." ”

From Torture is always wrong, by Paul Campos (*Rocky Mountain News*, September 26, 2006) (view)

“ "Whatever else this is, it is not a constitutional democracy. It is a thinly-veiled military dictatorship, subject to only one control: the will of the Great Decider. And the war that justifies this astonishing attack on American liberty is permanent, without end." ”

From Legalizing Tyranny, by Andrew Sullivan (*The Daily Dish*, September 26, 2006) (view)

“ "My soldiers and I learned the hard way that policy at the point of a gun cannot, by itself, create democracy. The success of America's fight against terrorism depends more on the strength of its moral integrity than on troop numbers in Iraq or the flexibility of interrogation options." ”

From Do Unto Your Enemy..., by Paul Rieckhoff (*The New York Times*, September 25, 2006) (view)

“ "But these senators allowed the suspension of habeas petitions for many detainees, including those who may be entirely innocent. And if the prohibitions on habeas rights become law -- the prisoners can be held for the rest of their lives on the secret evidence and the coerced interrogations that the three senators tried to remedy in their bill. " ”

From A government of laws, by Nat Hentoff (*The Washington Times*, September 25, 2006) (view)

“ "Yet, it's still a rotten bargain. The president preserves the option of deciding what "alternative methods to use based on legal advice from an ever-supportive Justice Department." ”

From A tortured policy, by San Francisco Chronicle editorial board (*San Francisco Chronicle*, September 24, 2006) (view)

“ "We know that one prisoner in Guantanamo Bay was forced to go without sleep for 48 of 55 consecutive days and nights. He was also manacled naked to a chair in a cell that was air-conditioned to around 50F and had cold water poured on him repeatedly, until hypothermia set in. [...] According to the president of the United States, this is not "severe mental or physical pain or suffering". This is an "alternative interrogation method". " ”

From Torture by any other name is just as vile, by Andrew Sullivan (*The Times*, September 24, 2006) (view)

“ "Mr. Bush wanted Congress to formally approve these practices and to declare them consistent with the Geneva Conventions. It will not. But it will not stop him either, if the legislation is passed in the form agreed on yesterday. Mr. Bush will go down in history for his embrace of torture and bear responsibility for the enormous damage that has caused." ”

From The Abuse Can Continue, by The Washington Post editorial board (*The Washington Post*, September 22, 2006) (view)

“ “About the only thing that Senators John Warner, John McCain and Lindsey Graham had to show for their defiance was Mr. Bush’s agreement to drop his insistence on allowing prosecutors of suspected terrorists to introduce classified evidence kept secret from the defendant.” ”

From A Bad Bargain, by The New York Times editorial board (*The New York Times*, September 22, 2006) (view)

“ “Current case law defines an enemy combatant as someone engaged in armed conflict with this country, but now it also includes anyone who "purposely and materially" supports hostilities against the United States. Such alleged enemies can be picked up by the Defense Department and held without charges indefinitely -- and without recourse to our courts.” ”

From Habeas corpus sellout, by Nat Hentoff (*The Washington Times*, October 9, 2006) (view)

“ “None of the men and women who voted for this bill has any right to speak in public about the rule of law anymore, or to take a high moral view of the Third Reich, or to wax poetic about the American Ideal.” ”

From Congress' shameful retreat from American values, by Garrison Keillor (*Chicago Tribune*, October 4, 2006) (view)

“ “Given the elastic definition of "unlawful enemy combatant," such mistakes could morph into detention of anyone seen, rightly or wrongly, as impeding the War on Terror. Whatever your assessment of George W. Bush's character, do you trust future presidents to exercise this open-ended power conscientiously and unerringly?” ”

From The Best for the Worst, by Jacob Sullum (*Reason*, October 4, 2006) (view)

“ “These.... people... crazy people... very, very scared people?... voted to dump the Magna Carta protections of being able to confront your accuser, and said it's okay to lock up "suspected terrorists" FOR LIFE without trial or anyway of protesting their innocence, you know sort of like in The Man in the Iron Mask.” ”

From Congress to Bush: Here are the Tools to Dictatorship, Go and Enjoy, by Christopher Durang (*The Huffington Post*, October 3, 2006) (view)

“ “With the Military Commissions Act, we can say goodbye to the last remnants of American moral authority. In fact, some repressive regimes, like those in Iran, Syria, China and Uzbekistan, could taunt the U.S. by using our Military Commissions Act as a model, and copying it word-for-word into their own bodies of law.” ”

From Bye, Bye Bill of Rights, by David Wallechinsky (*The Huffington Post*, October 2, 2006) (view)

“ “Yet Mr. Bush's pressure tactics worked again. He has the lamentable legislation he wanted -- which will bring discredit onto this country in any number of ways -- and Republicans are busily blasting Democrats as terrorist-coddlers anyway.” ”

From Profiles in Cowardice, by The Washington Post editorial board (*The Washington Post*, October 1, 2006) (view)

“ "Now, as then, this nation should never tailor its eternal principles to the conflict of the moment, because if we do, we will be walking in the footsteps of the enemies we despise. By abandoning the rule of law, as Congress did last week, we will lose much more than what we gain." ”

From What My Father Saw at Nuremberg, by Christopher Dodd (*Los Angeles Times*, October 1, 2006) (view)

“ "As Winston Churchill insisted throughout the war, treating PoWs well is wise, if only to increase the chances that your own men will be well treated if they too are captured. Even in the Second World War, there was in fact a high degree of reciprocity: the British treated Germans PoWs well and were well treated by the Germans in return; the Germans treated Russian PoWs abysmally and got their bloody deserts when the tables were turned." ”

From Don't flout Geneva - or the tables could easily be turned, by Niall Ferguson (*The Daily Telegraph*, October 1, 2006) (view)

Mixed on this position

“ "To keep everyone honest, I would add another layer of accountability: Every so often, the government would report to the public on how many people it roughed up over a given period, in what fashion, and why. Even with sensitive particulars redacted, a general description would force politicians to confront the public." ”

From Tortured Reasoning, by Jonathan Rauch (*Reason*, September 25, 2006) (view)

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