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Support U.S. intelligence
Clarifying our treaty obligations would not harm nation's troops.

By John D. Negroponte

One critical way to help prevent terrorist attacks against Americans is interrogating key al-Qaeda leaders and operatives. The Bush administration has proposed a bill that would allow the CIA to conduct such interrogations — interrogations that have helped stop terrorist attacks — in a way that gives our personnel clear legal standards.

The simple question, therefore, is whether we will allow intelligence professionals on the front lines to keep using a tool that has saved American lives.

The current debate centers on legal questions concerning Common Article 3 of the Geneva Conventions. In June, the Supreme Court determined that Common Article 3 applies to al-Qaeda terrorists.

The administration is committed to complying with the law of the land, and we must ensure our laws provide clarity on the vague standards contained in Common Article 3, such as “outrages upon personal dignity.” Thus, the president has asked that Congress clarify our treaty obligations just as it has done on many other occasions. Absent such clarification, our intelligence professionals would be subject to unpredictable legal interpretations, including those of foreign courts. This vital program cannot go forward unless the law is clarified.

The administration's proposal would not redefine Common Article 3. It would provide clarity by mirroring language written by Sen. John McCain, R-Ariz., and passed by Congress less than a year ago as part of the Detainee Treatment Act.

Under this approach, our intelligence professionals would know what they can and can't do because the standard would be one that is well established in U.S. law as determined by U.S. courts.

Clarifying our laws would not jeopardize our troops. Lawful combatants such as U.S. soldiers would continue to be fully protected by all aspects of the Geneva Conventions. Nothing in the administration's proposal in any way would undercut these fundamental protections. The issue we are debating is the standard of treatment for unlawful combatants — those who hide among civilian populations and plot attacks on innocents.

The CIA needs to interrogate al-Qaeda operatives to gather intelligence where traditional questioning tactics do not work. The program has in the past helped us foil several publicly disclosed plots, including attacks on tall buildings in the USA, a U.S. Marine base in East Africa, the American consulate in Pakistan and Britain's Heathrow Airport.

Once intelligence has been obtained, terrorists can be brought to justice. The administration's proposal would provide for the trial of terrorists in a way that ensures that sensitive intelligence sources and methods — which must remain secret to be effective against other terrorists in the future — are not provided to the terrorists themselves.

As President Bush reminded the nation, it is “vital that our folks on the front line have the tools necessary to protect the American people.” We are prepared to work with Congress to ensure this remains the case.

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