



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

November 16, 2007  
(Senate)

## STATEMENT OF ADMINISTRATION POLICY

### **H.R. 4156 – Making Emergency Supplemental Appropriations for the Department of Defense for the Fiscal Year Ending September 30, 2008, and for other purposes**

(Rep. Obey (D) Wisconsin)

H.R. 4156 unwisely abandons the cause of freedom and stability in the Middle East, fails to recognize the importance of collecting intelligence to protect the American people, contravenes the Constitution, and fails to recognize and respect the achievements and sacrifices of the men and women who serve in our Armed Forces. If H.R. 4156 were presented to the President, he would veto the bill.

Instead of sending to the President, for purposes of political posturing, a bill they know will be vetoed, Congress should instead send him a clean troop funding bill. As Deputy Secretary of Defense Gordon England recently wrote to Congress, these funds are needed as soon as possible, and delaying them could have “a profoundly negative impact on the defense civilian workforce, depot maintenance, base operations, and training activities.”

The Administration strongly opposes any provision that sets an arbitrary date to begin withdrawing American troops without regard to conditions on the ground or the recommendations of commanders in the field. Precipitous withdrawal from Iraq is not a plan to bring peace to the region or to make our people safer here at home. Such a withdrawal could embolden our enemies and confirm their belief that America will not stand behind its commitments. In addition to infringing upon the President’s constitutional authority as Commander in Chief, the bill would mandate a precipitous withdrawal of troops that could increase the probability that American troops would have to one day return to Iraq – to confront an even more dangerous enemy.

On September 13, the President described in his address to the Nation plans for Iraq that focus on the principle of “return on success.” The Petraeus-Crocker Plan is working. U.S. Commanders report a consistent and steady trend of increased security over the last 4 months. Violence trends are down in virtually every category including: civilian casualties, coalition casualties, IED events, suicide attacks, and ethno-sectarian violence. As violence diminishes, we are seeing the Iraqis step up; Concerned Local Citizen (CLC) committees are growing in many provinces, including Al Anbar, Diyala, Babil, Wait, Baghdad, and many other locations; the Al Anbar Awakening has become a movement that is being replicated in other provinces; and economic progress follows the security gains – from electricity generation to new registered businesses to the cell phone industry. Based on progress on the ground, the past five months (June – November) we have begun to bring some U.S. troops out of Iraq without replacing them. This process will continue as we move from 20 combat brigades to 19 and then to 15 by July. H.R. 4156 would undermine the success of our military at a critically important time, when

irrefutable progress in the area of security is beginning to translate into progress in the area of civil society and reconciliation.

The Administration strongly opposes section 104 of H.R. 4156, which would restrict the President's ability to deploy troops unless he has certified in writing at least 15 days in advance that the unit is "fully mission capable." The Administration strongly opposes any provision that would dramatically limit the nation's ability to respond to other national security needs while remaining engaged in Iraq or Afghanistan. It is neither practical nor desirable for the President to have to rely on waivers to manage the global demands of the U.S. military forces, as this provision would require. Moreover, this provision would serve to advance the dangerous perception by regional adversaries that the U.S. is tied down and overextended.

The Administration strongly opposes section 102 of H.R. 4156, which would require the CIA to use only those interrogation techniques authorized by the United States Army Field Manual on Interrogations. This bill would jeopardize the safety of the American people by undermining the CIA's enhanced interrogation program, which has helped the United States capture senior al Qaeda leaders and disrupt multiple attacks against the homeland, thus saving American lives. Section 102 has no place in an emergency wartime appropriations bill that should be focused on ensuring that the men and women of our Armed Forces have the funding they need to complete their mission.

As the President has repeatedly explained, the CIA program has been a vital part of our Nation's success in preventing catastrophic terrorist attacks, such as those inflicted on our country on September 11, 2001. Over the past six years, the CIA program has garnered critical intelligence that has enabled us to stop planned al Qaeda attacks. Terrorists held in CIA custody have provided information that helped stop a planned strike on U.S. Marines at Camp Lemonier in Djibouti. The program helped stop a planned attack on the U.S. consulate in Karachi using car bombs and motorcycle bombs, and helped stop a plot to hijack passenger planes and fly them into Heathrow or the Canary Wharf in London. Without the intelligence collected by CIA professionals, any one of these planned attacks may have resulted in the loss of many innocent lives.

The CIA has gathered this intelligence through the use of an alternative set of interrogation procedures from those authorized by the United States Army Field Manual on Interrogations. These methods are designed to be safe and have been determined to be lawful. In the Military Commissions Act of 2006, Congress prescribed detailed standards, including criminal penalties, to ensure strict compliance with Common Article 3. The President since has issued Executive Order 13440, which subjects the CIA program to additional constraints to ensure full compliance with Common Article 3. No further legislation is needed to ensure that the United States complies with its treaty obligations or to provide for the protection of captured terrorists.

Section 102 makes a fundamental error by seeking to extend the protections of the Army Field Manual to captured terrorists in CIA custody. The Army Field Manual is designed primarily for traditional armed conflicts where enemy prisoners enjoy the heightened protections that the Geneva Conventions provide to prisoners of war. Indeed, all but one of the techniques authorized by the Army Field Manual is consistent with the privileges enjoyed by prisoners of war, including their right not to divulge anything other than "name, rank, and serial number." The Geneva Conventions are founded on the principle of reciprocity, and the privileges to which

American soldiers are entitled by virtue of their compliance with the law of war should not set the treatment standard for captured terrorists who openly flout that law. Nor would such privileges be consistent with the President's obligation to take all lawful measures to protect the citizens of the United States from future attacks.

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