



## Statement of Senator Feinstein On the President's Reversal on His Military Tribunal Policy

September 6, 2006

"The President's announcement today indicates that the Bush Administration has clearly decided to follow the Supreme Court decision of *Hamdan v. Rumsfeld*, acknowledging that it must provide a trial in accord with the Uniform Code of Military Justice or by another military court or commission authorized by Congress.

This is a major reversal from past Bush Administration policy, which held that no new law was needed. It is essentially a *mea culpa*, cloaked in rhetoric.

The previous policy essentially meant that suspected terrorists could be held indefinitely, with no access to counsel, and could be tried by military commissions that it unilaterally established, without provisions for due process.

It is now critical that the Administration work with Congress to ensure that this issue is resolved quickly and in a way that conforms with both the *Hamdan* decision and Article III of the Geneva Conventions.

The President also announced that he is transferring the 14 remaining detainees currently held in 'black sites' to Guantanamo, where they will be subject to prosecution, if Congress authorizes a military tribunal in a way that satisfies the Geneva Conventions and the *Hamdan* decision.

Putting terrorist detainees in one facility and under one set of guidelines will demonstrate to the world that the United States is committed to upholding the law and its international commitments.

Today's announcement is an acknowledgement that the Administration cannot simply assert authority for policies and programs – Congress must specifically authorize them. And Congress must fulfill its role as a check and balance to the executive branch.

Finally, this should also send a strong signal to the Administration that it needs Congressional authority for its domestic wiretapping program, which has up to this point, operated outside the law.

I hope that the Administration will follow this announcement by altering its stance on its wiretapping program and bring it under the law.”

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