THE CONSTITUTION PROJECT

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Safeguarding Liberty, Justice & the Rule of Law

'More Needs to Be Done' on Counterterrorism Policy, TCP Say

WASHINGTON, D.C. -- Virginia Sloan, president of The Constitution Project (TCP), a nonpartisan watchdog group, offered the following comments on President Obama's speech on counterterrorism policy at the National Defense University earlier this afternoon:

"We are pleased that President Obama reaffirmed his commitment to make America's counterterrorism policy more transparent, more accountable, and more consistent with the rule of law. But, while some of the policies announced today are steps in the right direction, more needs to be done.

"We are encouraged by his pledge to take concrete steps towards closing the prison at Guantanamo Bay. While it is true that Congress has imposed unnecessary roadblocks, the immediate steps needed to begin the process remain within the president's control -- and so far, he has not used them. We applaud the appointment of a senior envoy at the State and Defense Departments to facilitate detainee transfers and are pleased the President has lifted the self-imposed moratorium on transfers to Yemen. But actions speak louder than words. Some members of Congress are already pushing back. If the president is truly serious about fulfilling his promise, he needs to immediately use the authority he currently has to begin transferring cleared detainees out of Guantanamo.

"With regard to drones and targeted killing, it is critical that Congress have the information it needs to conduct careful oversight -- our constitutional system of checks and balances demands it. That system also demands that the public have the information it needs to engage in informed debate and effectively evaluate its political leaders and their actions. For too long, that has not been the case. The administration must provide to Congress *all* documents that set out the rules and standards under which our government operates its targeted killing program. That same information should also be disclosed to the American public, with redactions only where necessary to protect properly classified information. We will continue to push the Obama administration to be transparent in the implementation of this policy.

"Finally, the president's commitment to a more transparent and accountable counterterrorism policy cannot be fulfilled as long as the high level of secrecy surrounding the CIA's post-9/11 interrogation program continues. As TCP's Task Force on Detainee Treatment recently explained, national security no longer justifies this secrecy, and the

public deserves to understand fully what was done in its name, including the use of rendition and torture. Unless and until that happens, there is a danger of repeating the same mistakes and abuses in a future crisis.

"Many of the facts about the CIA program that the public needs to assess our government's actions can be found in the Senate Intelligence Committee's report on the CIA program, which awaits the administration's comments. Other agencies -- including the FBI, the Department of Defense, the Department of State, and the Office of the Director of National Intelligence -- should review the report, so that the executive branch response is not driven solely by individuals who might be implicated in the CIA's use of torture. Earlier this month, TCP joined a number of other leading civil liberties and human rights organizations in urging President Obama to take personal responsibility for the administration's response to the report. We renew our call for the designation of a senior White House official to coordinate the administration's response, and we urge the president to support a Senate Intelligence Committee vote to release the report."

Last month, The Constitution Project's independent, bipartisan, blue-ribbon Task Force on Detainee Treatment issued a comprehensive report examining the federal government's policies and actions related to the capture, detention and treatment of suspected terrorists during the Clinton, Bush and Obama administrations. Among its nearly two dozen recommendations, the panel urged the closure of the prison facility at Guantanamo, including several of the steps announced today, and release of the SSCI report.

Earlier in the year, TCP's Liberty and Security Committee issued a statement, "Lift the Veil of Secrecy on Targeted Killing," which calls for the public release of the Office of Legal Counsel opinions regarding the scope of the President's targeted killing authority, and any other operative rules and legal guidance for the targeted killing program, redacted only to the extent necessary to protect properly classified information, such as the facts of a particular case or intelligence sources and methods.

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