

I write today to update you on the efforts of the 110<sup>th</sup> Congress to protect and strengthen our civil liberties in the wake of President George W. Bush's extraordinary expansion of executive power. Since 9/11 this nation has struggled to find a balance between protecting national security and safeguarding civil liberties. In my view the current Administration has adhered to a reactionary understanding of Presidential power that has endangered our civil liberties. Rather than work with Congress and civil society to find a prudent balance between personal liberty and national security, President Bush and his allies have too often manipulated the politics of fear in pursuit of their own ideological agenda.

Despite these setbacks, Congress is now working to responsibly restore our civil liberties.

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### FISA

In February the House of Representatives defied President Bush and allowed the Protect America Act to expire. This law, passed by the House of Representatives last August, amended the framework for electronic surveillance, giving the government authority for six months to conduct electronic surveillance on potential terror suspects without court-approved warrants under the Foreign Intelligence Surveillance Act (FISA). I voted against the Protect America Act because it severely diminished the role of the intelligence court and left innocent American citizens open to a violation of their private interactions.

The government now relies upon the original FISA law, which requires our intelligence community to obtain warrants approved by a special intelligence court to eavesdrop on phone conversations, e-mail messages, and other electronic communications between U.S. citizens and people overseas. Contrary to the heated political rhetoric surrounding this issue, the expiration of the Protect America Act has neither endangered American lives nor impeded the efforts of our intelligence community. Both the House and Senate have passed legislation to reform FISA, and negotiations to reach a compromise are ongoing.

**The House-passed bill I supported did not extend retroactive immunity to telecommunications companies who cooperated with President's Bush's unauthorized Terrorist Surveillance Program.**

I will closely scrutinize any agreement to ensure it maintains strong protections for our civil liberties while granting the intelligence community the proper tools to target those planning attacks on American soil.

### TORTURE

The Administration maintains that the Central Intelligence Agency and other intelligence entities should not be limited in their use of harsh interrogation techniques. This past March President Bush vetoed an Intelligence Authorization bill which required all government agencies to abide by the U.S. Army Manual on Interrogation. The Army Manual outlines acceptable interrogation techniques while outlawing waterboarding (simulated drowning) and other unduly harsh forms of interrogation. While the veto override failed to garner the two-thirds majority required to override a veto, I joined over 150 of my colleagues in standing up to the President. The 110<sup>th</sup> Congress will continue to fight for an interrogation policy that outlaws torture.

## MILITARY COMMISSIONS

Nearly seven years after 9/11 we have yet to implement an effective justice system for detainees apprehended in Afghanistan, Iraq and elsewhere. By treating captives from the war on terror as enemy combatants rather than prisoners of war, the Bush Administration has denied individuals due process and often held them for months or years without charge or trial. Inhumane interrogation techniques have been consistently used at the U.S. detention center at Guantanamo in addition to other sites around the world. In June 2006, the Supreme Court rejected key aspects of the military tribunal system. The Republican-controlled Congress responded by passing the Military Commissions Act, which further restricted detainee access to federal courts. I voted against this legislation because it allows the submission of evidence gathered through coercive means, permits the President to selectively interpret the Geneva Convention and denies detainees the right of habeas corpus, a mainstay of western jurisprudence. As a result of these and other objections, I have cosponsored legislation to restore Habeas Corpus, reform the Military Commissions process, end the practice known as extraordinary rendition, and close the detention facility at Guantanamo Bay. It is imperative that the U.S. embrace a military tribunal system that does not demean but honors our founding principles.

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Regardless of political affiliation, we all recognize the importance of the rights and privileges granted to citizens of the United States. In recent years the debate surrounding the protection of our civil liberties has too often devolved into accusations of siding with the enemy or silencing domestic dissent. This is deeply unfortunately because when our rights are denigrated and when our civil liberties are curtailed, democracy suffers.

Over the coming months I will continue to defend and expand our civil liberties while seeking a proper balance between protecting national security and safeguarding our individual rights and freedoms.

As always, please feel free to contact me with any questions or concerns.

Sincerely,

John W. Olver  
Member of Congress