January 31, 2002

Dear Mr. President,

My husband and I feel that the Afghan prisoners are just that—prisoners of war. Why not go with the expertise of Colin Powell and the one who told us that we are at war. We agree with the editorial from The San Francisco Chronicle. We deplore the present atmosphere of secrecy in this administration.

COURIERED

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: SHARON E. AHMAD
DATE/CASE ID: 30 DEC 2009 200900076

The law is the law

1/29/02

PRESIDENT BUSH seems confused about what to call the fighters captured in the Afghan conflict. In a press conference yesterday, he called them “prisoners” three times, before correcting himself and calling them “detainees.” Bush’s confusion is the result of an unprecedented public dispute between Secretary of State Colin Powell, who notes that the Geneva Conventions cover the Taliban and al Qaeda fighters, and Vice President Dick Cheney and other hard-liners, who pretend they don’t exist. International law couldn’t be clearer.

Government status. Both the United States and Afghanistan are signatories of the Geneva Conventions. Although Washington withheld diplomatic recognition from the Taliban, the conventions give POW status to all “members of regular armed forces who profess allegiance to a government or an authority not recognized by the detaining power.” A soldier is a soldier.

Interrogation. Nothing in the conventions precludes interrogating POWs. With or without POW status, it will be difficult to encourage hostile detainees to provide information. In the absence of torture, which is explicitly barred by the conventions and U.S. law, plea bargaining is likely to be the interrogators’ main tactic.

Prosecution. The conventions explain that POW status does not protect detainees from being charged with war crimes, crimes against humanity, or other violations of U.S. criminal law.

The United States cannot cherry-pick international law, obeying certain mandates while ignoring others. Bush should
TO: DOS  
DATE: 16 Aug 02  
CONTROL NUMBER: Please see attached

We are forwarding the enclosed constituent BULK mail for your review and direct response to the constituent. President Bush is requesting that all Federal agencies respond to constituent BULK mail within 30 days. Once you have responded to the constituent, please fax me (202-456-2992) a copy of that response letter. We no longer need your copy of the original correspondence returned to us.

If you have questions about these procedures or need to provide updated contact information, you may reach Meredith Anderson at (202) 456-7486; by fax at (202) 456-5502; or by email at Meredith_Anderson@who.eop.gov

President Bush appreciates your cooperation and assistance.

Sincerely,

Anne Crowther  
Director  
Agency Liaison  
Presidential Correspondence

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